

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
13th Legislative Day
Tuesday, March 14, 2000

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Robert Murchie, Searsport United Methodist Church.

National Anthem by Erskine Academy Band, South China.

Pledge of Allegiance.

Doctor of the day, Angus Badger, M.D., Rumford.

The Journal of Thursday, March 9, 2000 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 1032)

ORDERED, the House concurring, that the Joint Standing Committee on Taxation report out, to the Senate, a bill authorizing the reimbursement of sales tax overpayments to a Maine business.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 364)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333**

March 7, 2000

Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Mayo:

Pursuant to my authority under P.L. 1999, Chapter 496, I am pleased to appoint Thomas Pattenade to the Advisory Committee on Dental Education.

If you have any questions regarding this appointment, please contact my office.

Sincerely,

S/G. Steven Rowe

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 365)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 3, 2000

MEMO TO: The Honorable Mark W. Lawrence, President of the Senate

The Honorable G. Steven Rowe, Speaker of the House

FROM: S/Senator William B. O'Gara, Senate Chair

S/Representative Joseph M. Jabar, House Chair

RE: Government Evaluation Act review of the Department of Transportation

We are pleased to submit the report of the Joint Standing Committee on Transportation with respect to our review of the Department of Transportation pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, Chapter 35.

A copy of our report is attached. The committee has found that the Department is effectively carrying out its statutory mandate to plan and develop transportation facilities and services designed to contribute to the economic growth of the State and the well being of the people. We have, however, also found that new challenges are facing the Department and require increased resources as well as some structural changes. Those challenges are outlined in our report. We have also recommended that the Department establish a communication tool and strategy for Legislators and general public on proposed projects to emphasize 6-year plans and the progress being made on those projects.

Thank you.

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 366)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

March 7, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1000 An Act to Provide Insurance Parity for Substance Abuse Treatment

L.D. 1158 An Act to Ensure Equality in Mental Health Coverage for Children and Adults

L.D. 2408 Resolve, to Create a Blue Ribbon Commission to Study the Creation of a Public/Private

Purchasing Alliance to Ensure Access to Health Care for all Maine Citizens

L.D. 2424 An Act to Require Health Insurance Policies to Cover School-based Services

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Jane W. Saxl

House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 367)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 7, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2468 An Act to Establish the Watercraft Enforcement Fund

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Marge L. Kilkelly
Senate Chair
S/Rep. Matthew Dunlap
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 368)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 7, 2000
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2477 An Act to Amend the Definition of Oil Terminal Facilities

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Sharon Anglin Treat
Senate Chair
S/Rep. John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 369)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

March 9, 2000
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following out "Ought Not to Pass":

S.P. 709 Joint Order – Relative to Establishing the Task Force to Study the E-911 System

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
Sincerely,
S/Sen. Richard J. Carey
Senate Chair
S/Rep. Thomas M. Davidson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 370)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

February 25, 2000
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 553 An Act to Amend the Charter of the Kennebec Water District

L.D. 1810 An Act to Protect the Drinking Water Supply of the Portland Water District

L.D. 2282 An Act to Clarify the Treatment of Certain Small Consumer-owned Transmission and Distribution Utilities

L.D. 2409 An Act to Amend the Renewable Resources Requirement for Electricity Providers under the Electric Restructuring Laws

L.D. 2411 An Act to Allow Certain Public Utilities to Extend Their Service into Areas Served by Other Public Utilities

L.D. 2488 An Act to Support E-9-1-1 Database Development and Maintenance and to Lower Fees Charged to Users for Equipment Replacement Costs

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Richard J. Carey
Senate Chair
S/Rep. Thomas M. Davidson
House Chair

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolve were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$17,250,000 to Construct Water Pollution Control

Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Make Drinking Water System Improvements and to Construct New or Retrofit Existing Pollution Control Structures on Maine Farms to Protect the Environment"

(H.P. 1881) (L.D. 2616)

Presented by Representative MARTIN of Eagle Lake. (GOVERNOR'S BILL)

Cosponsored by Senator TREAT of Kennebec.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, Men and Women of the House. I wouldn't normally do this on a reference bill, but I feel very strongly about this issue. I am going to let you in on a secret right now. The state has a \$345 million surplus. How many of you didn't know that? Here we are about to put out a bond issue when we are awash in cash. This just doesn't make any sense to me. We can determine our priorities and we can fix these facilities and pay cash for it. There is no need to take on extra debt service to do this. I am going to ask for a roll call, Mr. Speaker, and I hope I can have support of many of the members of this body to send a message that this is not necessary. We do not lose any federal funding if we pay cash. What we do is avoid interest payments down the road. There is no need for the state to go further in debt. All we need to do is set our priorities and pay cash. I know that is a hard concept out there, but that is what I am proposing with a no vote on this issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House. I don't disagree with the Representative from Raymond in terms of how this should be funded. I support that the funding come from the unappropriated surplus, the additional projections have been made and projected revenues to come. However, I happen to be the sponsor of the legislation, not because I wanted to be the sponsor. This is a Governor's Bill. It is not my bill, nor is it my approach into how it should be done. I think it sets a very bad precedent for this Legislature to make the decision that Governor's Bills should not be referred to committee. If that is the decision you want to make, then I, if I should return, would be more than happy to use that if there should ever be a Republican Governor sitting on the second floor. I would have used it before, you can be rest assured. A former Governor and I didn't get along from time to time. The occupant of the second floor did not agree with me from time to time. It was not a surprise. I would give in to my fellow Republican members of the House who said that this is a bill that comes from the Chief Executive of our state. I would cave. Even though I agree with the Representative from Raymond that this is not the approach by which we ought to pay for these items, I cannot vote with him on the question of whether or not it should go to committee, not because of the issue, but because it sets a precedent that, which I believe, that members of both parties do not want to set here today. Once it is set, guess how many of us will want to use it. Those of you, who think I will return to the Legislature and you want to give me a precedent, give it to me now.

Representative BRUNO of Raymond REQUESTED a roll call on REFERENCE to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

More than one-fifth of the members present expressed a desire for a roll call, which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Reference to the Committee on Appropriations and Financial Affairs. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 457

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry RL, Bouffard, Bowles, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Honey, Jacobs, Joy, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Martin, Mayo, McDonough, McGlocklin, Mendros, Mitchell, Murphy E, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Pinkham, Povich, Powers, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Berry DP, Bruno, Buck, Bumps, Campbell, Cianchette, Clough, Collins, Cross, Davis, Duncan, Foster, Gerry, Glynn, Heidrich, Jodrey, Jones, Kasprzak, Kneeland, Labrecque, Lovett, MacDougall, McAlevey, McKenney, McNeil, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Plowman, Rosen, Savage C, Schneider, Sherman, Shields, Stedman, Tobin J, Treadwell, True, Waterhouse, Weston, Winsor.

ABSENT - Bolduc, Bragdon, Dudley, Jabar, Mack, Madore, Marvin, Matthews, McKee, Muse, Perkins, Quint, Richardson E, Stevens.

Yes, 94; No, 43; Absent, 14; Excused, 0.

94 having voted in the affirmative and 43 voted in the negative, with 14 being absent, and accordingly the Bill was REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

TAXATION

Bill "An Act to Modify Adjustments in Property Valuation" (EMERGENCY)

(H.P. 1887) (L.D. 2626)

Presented by Representative DUPLESSIE of Westbrook. Cosponsored by Senator RUHLIN of Penobscot and Representatives: BERRY of Livermore, LEMONT of Kittery, USHER of Westbrook, Senators: MICHAUD of Penobscot, O'GARA of Cumberland. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

TRANSPORTATION

Resolve, to Direct the Department of Transportation to Review the Opportunities to Avoid the Need to Widen I-295 (EMERGENCY)

(H.P. 1882) (L.D. 2617)

Presented by Representative NORBERT of Portland. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act to Strengthen the Habitual Motor Vehicle Offender Law"

(H.P. 1886) (L.D. 2625)

Presented by Representative SAXL of Portland.
Cosponsored by Representatives: BOUFFARD of Lewiston, COLWELL of Gardiner, JABAR of Waterville.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

UTILITIES AND ENERGY

Bill "An Act to Amend the Farmington Falls Standard Water District"

(H.P. 1884) (L.D. 2620)

Presented by Representative GOOLEY of Farmington.
Cosponsored by Senator BENOIT of Franklin and Representatives: LaVERDIERE of Wilton, SAMSON of Jay.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act to Increase Choice in the Designation of Public Safety Answering Points in the E-9-1-1 System"

(H.P. 1885) (L.D. 2624)

Presented by Representative McKEE of Wayne.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Pursuant to Statute

Joint Standing Committee on Marine Resources

Representative ETNIER for the **Joint Standing Committee on Marine Resources** pursuant to Maine Revised Statutes, Title 3, section 955, subsection 4 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Marine Resources Relating to the Review of the Maine Sardine Council Under the State Government Evaluation Act" (EMERGENCY)

(H.P. 1883) (L.D. 2618)

Be **REFERRED** to the Committee on **MARINE RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

the Chess Team of the Holbrook School, in Holden, whose members were the State Champions in the Elementary Division. The skill, problem solving and logic demonstrated in this competition will serve them well throughout their lives. We extend our congratulations to the following members of the team: Nick Borelli, Colin Campbell, Conor Campbell, Frank Kessler, Joe Novak, Ray Solinger, Joe Lawlor, Stu Gramlich, Nat Hewett and coaches Robert Solinger and Stan Novak;

(HLS 1066)

Presented by Representative CAMPBELL of Holden.
Cosponsored by Senator RUHLIN of Penobscot.

On **OBJECTION** of Representative CAMPBELL of Holden, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. It is always a pleasure to acknowledge accomplished students and today I am particularly proud of the students of Holbrook Junior High, which is located in Holden, Maine. As you listen to the Sentiment, there are a couple of names that I recognize, the Campbell twins. I just wanted to tell you a little bit about the State Chess Elementary Division Competition in the last two years. It has always been competitive, but especially at the state level. Deer Isle-Stonington and Holbrook have been state champions for two years in a row. For those of you who play chess, if you win a game, you get one. If you lose, you get zero. If you come to a draw, it is a half a point. Two years in a row these teams have come to a point tally of the very same score. I thought it quite fitting that we bring both teams to the State House to acknowledge their accomplishments. I would hope today that you would join me in commending these students, both from the Holbrook Junior High School and Deer Isle/Stonington School for their accomplishments. Thank you.

PASSED and sent for concurrence.

Recognizing:

the following members of the Gardiner Girls 6th Grade Basketball Travel Team: Becky Dixon, Jessica Fish, Katie Frink, Jessica Laffin, Janelynn Lawrence, Danielle Pare, Katie Pelletier, Sarah Pelletier, Allyce Pepin, Lynsey Seymour, Liz Staples, Lindsay "LT" Thornton and Coaches Pete Seymour and Cliff Dixon, champions of the Central Maine League. The team's record for the season was 9-1. The team also took 1st place in the 2000 Waterville Parks and Recreation Tournament. We extend our congratulations to them on this accomplishment;

(HLS 1070)

Presented by Representative COLWELL of Gardiner.
Cosponsored by Representative COWGER of Hallowell, Representative WATSON of Farmingdale, Senator TREAT of Kennebec.

On **OBJECTION** of Representative COLWELL of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. It is with great pleasure that I rise to speak today about these young women and their tremendous basketball team. They may look familiar to the members of the body because they were here last year for the same award as fifth graders. They have won this championship two years in a row. Don't be surprised if we see them in the future, as they become young adults because they have learned the lessons of teamwork, setting a goal and how to play with honor and dignity from their fine coaches, Cliff Dixon and Pete Seymour. Don't be surprised if you see these young women as future State Representatives, State Senators, Congresswomen and even

maybe President of the United States. In my community we are very proud of these young women and we are absolutely certain that our pride will only grow as their achievements do in the future. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. As the Representative from Augusta, I would like to echo the sentiments and the congratulations of the Representative from Gardiner, Representative Colwell. Some of you in this body know what this means on your hand when you come away from a weekend and you get this mark on your hand. Some know what it means and some have been there and some of you will be there. That means that you have been to a basketball tournament all weekend and your whole weekend has been spent at a basketball tournament and you can't get it off until the next weekend and then it happens again. Such is the case this last weekend where my Augusta team played in the Gardiner tournament and as always the Augusta sixth grade team is good and it is quite a game between the Augusta team and the Gardiner team. They look forward to playing each other. They look forward to beating each other. If you look down, this team's record was 9 and 1. I think the one was the Augusta sixth grade team. I have to say that because my daughter Brittney plays. They are a wonderful team. I would reiterate what Representative Colwell said, this team and the Augusta team, you will see them in future years. Remember these names because it is amazing to watch these two teams play. It is amazing to watch the caliber of girl's basketball in sixth grade. Remember these names. Again, congratulations and we will see you this weekend.

PASSED and sent for concurrence.

Recognizing:

the Deer Isle-Stonington Chess Team, whose members were the State Champions in the Elementary Division. The skill, problem solving and logic demonstrated in this competition will serve them well throughout their lives. We extend our congratulations to the following members of the team: Daniel Robbins, James Kane, Patrick Shepard, Bryant Ciomei, Collin Ciomei, Shane Eaton, Max Becton, Garrett Steele, Paul Conte, Jon Eaton, Lydia Barrows, John Haven Cevasco, Brian Billings, Managers Kristy Faulkingham and Lori Billings, Coach Dick Powell and Chess Mentor George Gjelfriend;

(HLS 1071)

Presented by Representative VOLENIK of Brooklin.

Cosponsored by Senator GOLDTHWAIT of Hancock.

On **OBJECTION** of Representative VOLENIK of Brooklin, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House. As the good Representative from Holden mentioned earlier, this is the second time in two years that the Deer Isle-Stonington Mariners, Elementary Chess Team are state champs tying with Holbrook School. I would like to welcome the team and would like to commend all of the players, the managers, their mentor and their coach for a job well done. As a chess player, myself, I know that the knowledge and skill in chess will lead to

new skills and new accomplishments all through life. I wish them well. Thank you.

PASSED and sent for concurrence.

Representative SAXL of Portland assumed the Chair.

The House was called to order by the Speaker Pro Tem.

In Memory of:

Peter J. Feeney, of South Portland, Chair of the Cumberland County Board of Commissioners, owner and operator of Impact Communications and student at the Muskie School of Public Policy at the University of Southern Maine. Peter was one of the youngest Cumberland County Commissioners in history when he was elected at age 22. Born in Portland, Peter was a graduate of Cheverus High School and Catholic University in Washington, D.C. Peter was the weekend breakfast coordinator for the Preble Street Resource Center and counselor for Dirigo Boys State. He will be greatly missed by his many friends, family, colleagues and constituents of Cumberland County;

(HLS 1067)

Presented by Speaker ROWE of Portland.

Cosponsored by President LAWRENCE of York, Senator AMERO of Cumberland, Representative BRENNAN of Portland, Representative BRUNO of Raymond, Representative BUCK of Yarmouth, Representative BULL of Freeport, Representative CIANCHETTE of South Portland, Representative CLOUGH of Scarborough, Representative DAVIDSON of Brunswick, Representative DAVIS of Falmouth, Representative DUDLEY of Portland, Representative DUPLESSIE of Westbrook, Representative ETNIER of Harpswell, Representative FOSTER of Gray, Representative GLYNN of South Portland, Representative LABRECQUE of Gorham, Representative LOVETT of Scarborough, Representative MACK of Standish, Representative MARVIN of Cape Elizabeth, Representative McDONOUGH of Portland, Representative MCKENNEY of Cumberland, Representative MUSE of South Portland, Representative NORBERT of Portland, Representative QUINT of Portland, Representative RICHARDSON of Brunswick, Representative SAXL of Portland, Representative SCHNEIDER of Durham, Representative SNOWE-MELLO of Poland, Representative THOMPSON of Naples, Representative TOBIN of Windham, Representative TOWNSEND of Portland, Representative USHER of Westbrook, Representative WATERHOUSE of Bridgton, Senator ABROMSON of Cumberland, Senator BENNETT of Oxford, Senator HARRIMAN of Cumberland, Senator KONTOS of Cumberland, Senator O'GARA of Cumberland, Senator PENDLETON of Cumberland, Senator RAND of Cumberland, Senator SMALL of Sagadahoc.

On **OBJECTION** of Speaker ROWE of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Mr. Speaker, Men and Women of the House. Like many of you in this room this morning, I consider myself fortunate to have known Peter Feeney. Although Peter's life on this Earth was short, it was an amazing life filled with many accomplishments. In fact, I think Peter packed more accomplishments into 25 years than most people do into a lifetime at least three times that long. Peter's life was a

testament to God and it was a testament to those he loved and the love he felt for others. Peter learned early in his life from his parents, Richard and Nancy, to give of his time and talents to help others and to help others he did. You just heard the Clerk read from the memoriam some of Peter's accomplishments. They are much broader than that. Peter literally helped to cloth and feed the homeless. I spoke recently with Mark Swan the Executive Director of the Preble Street Resource Center in Portland about Peter's work at that organization or with that organization. Peter was responsible for the food program on weekends, feeding over 240 people a day. He would organize the volunteers and he learned this from his mom and dad. They taught him volunteerism. Peter would organize the volunteers and then he would come and assist with the food preparation and the serving. "Importantly," Mark said, "Peter didn't just work in the kitchen, Peter went out and talked to the clients, the people who were receiving the meals." He made them feel important by talking with them and he spent time with them as he did with others.

Peter helped teach young people to work through their problems. He helped teach young people to become leaders. You heard through the sentiment about his work with the Boys State. He helped organizations. He especially thought public service was so important and he would help others to get involved as he did at such an early age. He was a very, very proud public servant who worked tirelessly as a Cumberland County Commissioner. He worked to change government and to make it more open, more responsible and to make it more accountable. He succeeded and he represented all the people in Cumberland County and that is why every member of this body who lives in Cumberland County and represents Cumberland County is included in this. He represented everyone. He worked tirelessly for the people.

Peter loved life and it showed in his work and the way he lived his life. His legacy will continue through the work of his father as a Cumberland County Commissioner. It will continue through the efforts of his other family members and his friends and through all of us. I know I attended the eulogy. I was moved by one thing that a good friend of Peter's said, Neil Pratt, in talking with his wife Lyriisa about their child and one thing Lyriisa said is that she would hope that their child would grow up with a little bit of Peter Feeney. I would hope that we all in here could live the rest of our lives with a little bit of Peter Feeney. If we do that, we will lead richer, better lives and the people who work with us will also lead better richer lives.

I am very saddened as we all are by the passing of Peter, but I know he did leave a legacy and we will work to continue that. Thank you Mr. Speaker.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I stand today before you with a heavy heart. Peter Feeney was a dear friend of mine as well as being a colleague who I admired very much. I am delighted that his family and friends are with us here today to celebrate who Peter was as a person and as a public servant.

I think often about Peter Feeney and a part of the Old Testament comes back to me. We should only do justice, love, mercy and walk humbly with God. Peter is somebody who embodied that to me. Whether it was in his volunteer activities helping those who have the very least in our society and reaching out to them, human to human, or whether it was with his family and his nephews playing video games or whether it was in his community volunteering on campaigns, helping causes he believed deeply in. There was nothing that Peter wouldn't do to help somebody else in need, to help a cause in which he believed. I think about Peter as a public servant as being a very brave individual, not only, of course, did he run at a very young age and assume a great mantle of responsibility, but he also reminds me of a lesson that we all need to remember. He questioned assumptions. He questioned what we take for granted every day. He ran for county commissioner to have a charter commission to see if it was necessary to see how it could be made better and to see what was right and true in government. That is a great paradox, but it is a great thing for us to remember here in this body. We should question what we do, make sure we have thought it through and to make sure that we understand its implications. At the end of the day we need to find peace, to reach out to the other side, to find a way to move forward to make a difference in a person's life every single day.

We have disagreements in this body from time to time, but it is the spirit of somebody like Peter Feeney, which reminds us to reach back to each other to find ways to agree and to find ways to make a difference. I stand before you today and I miss Peter Feeney very much here in this chamber. I also thank him for how much he gave to our community and how much he gave to me as a friend and how much he meant to each of us whose lives he touched. Thank you.

Subsequently, the Sentiment was **ADOPTED** and sent for concurrence.

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Resolution: (S.P. 1038)

JOINT RESOLUTION RECOGNIZING ROBERT E. HIRSHON OF PORTLAND FOR HIS ELECTION AS PRESIDENT OF THE AMERICAN BAR ASSOCIATION

WHEREAS, Portland attorney Robert E. Hirshon has been elected by his peers to the prestigious position of President of the American Bar Association; and

WHEREAS, Robert E. Hirshon has spent his legal career advocating for the legal needs and concerns of low-income citizens; and

WHEREAS, Robert E. Hirshon has dedicated his efforts as a member of the American Bar Association to making lawyers more effective in the services they provide and to make the court system more efficient in addressing the legal concerns of citizens; and

WHEREAS, Robert E. Hirshon's plans to promote pro bono assistance from members of the bar and programs to help low-income residents with their legal problems reflect the ethic of service to the community prevalent in the legal community of the State of Maine; and

WHEREAS, Robert E. Hirshon is an exemplar of the quality of service and the exceptional caliber of the legal community in

Maine, which practices mostly in smaller law firms in smaller communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the Second Regular Session, take this occasion to recognize Robert E. Hirshon for the fine example he sets for the legal community in the country, to congratulate Mr. Hirshon on his election to the position of President of the American Bar Association, and to extend to him our sincere hopes and best wishes for success in that position; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Robert E. Hirshon.

Came from the Senate, **READ** and **ADOPTED**.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. It is my pleasure to stand here to say a few words about Robert Hirshon. I have gotten to know Mr. Hirshon as Chair of the Judiciary Committee because of a number of appearances, which he has made before us in support of or to help us on particularly technical pieces of legislation, such as the proposed changes to Article 9 of the UCC. They are items, which this body thankfully won't have to debate. They are items, which hundreds and hundreds of hours of work go into by people like Mr. Hirshon who volunteer their time to assist the people putting these bills together and the legislative committees review these bills and do that not as paid lobbyists, but as pro bono work, in essence, assisting us in dealing with these complicated issues.

I have also come to know Mr. Hirshon because of his work on behalf of people in the State of Maine who are in need of access to the court system. Mr. Hirshon has worked for years to promote better legal services for people who cannot afford an attorney and to promote attorneys to provide their services on a pro bono basis to people who need access to the court system and need the assistance of an attorney in doing so. His efforts have not only been recognized in Maine, but are now being recognized on a national level. Mr. Hirshon has been elected as President-Elect of the American Bar Association from the State of Maine. It is something that he should be very proud of. He will begin a two-year term, first year as President-Elect of the Association and then the second year as the President of the American Bar Association.

In that position Mr. Hirshon is in a unique position to take the issues of rural people and small town lawyers and law firms and place those issues before the whole nation. He will give the American Bar Association input, not only from what we know of the larger law firms. Believe me, in relation to the rest of the country, Maine doesn't even have any large law firms. Some of the sizes of law firms in various cities across the country are huge. Mr. Hirshon will bring his unique perspective to the American Bar Association, which I believe will be good for the people in the entire country. Mr. Hirshon is a person who has brought great credit upon himself, the bar of the State of Maine and upon the people of the State of Maine. I want to congratulate him on his election to that position. Thank you.

ADOPTED in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-865)** on Resolve, to Establish the Maine Forest Policy Round Table Study Commission

(H.P. 1400) (L.D. 2005)

Signed:

Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln

Representatives:

CROSS of Dover-Foxcroft
GILLIS of Danforth
GAGNE of Buckfield
WATSON of Farmingdale
PIEH of Bremen
VOLENIK of Brooklin
GOOLEY of Farmington
CARR of Lincoln
COWGER of Hallowell

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Senator:

KIEFFER of Aroostook

Representative:

FOSTER of Gray

READ.

On motion of Representative PIEH of Bremen, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-865)** was **READ** by the Clerk.

The same Representative **PRESENTED** House Amendment **"A" (H-875)** to **Committee Amendment "A" (H-865)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-865) as Amended by House Amendment "A" (H-875) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Wednesday, March 15, 2000.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-858)** on Bill "An Act to Promote Maine's Dairy Industry"

(H.P. 1696) (L.D. 2402)

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:

TOWNSEND of Portland
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton
STEVENS of Orono

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

HARRIMAN of Cumberland

READ.

On motion of Representative TOWNSEND of Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-858)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 15, 2000.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-853)** on Resolve, to Increase the Reimbursement Amount for Occupational and Physical Therapy Services Under the Medicaid Program

(H.P. 1655) (L.D. 2324)

Signed:

Senators:

PARADIS of Aroostook

BERUBE of Androscoggin

Representatives:

KANE of Saco

BROOKS of Winterport

FULLER of Manchester

QUINT of Portland

DUGAY of Cherryfield

WILLIAMS of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-854)** on same Resolve.

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

LOVETT of Scarborough

BRAGDON of Bangor

SNOWE-MELLO of Poland

SHIELDS of Auburn

READ.

Representative KANE of Saco moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Resolve, to Study Outdated, Contradictory and Unenforced Laws

(H.P. 612) (L.D. 852)

Signed:

Senators:

GOLDTHWAIT of Hancock

DAVIS of Piscataquis

PENDLETON of Cumberland

Representatives:

BAGLEY of Machias

McDONOUGH of Portland

KASPRZAK of Newport

RICHARDSON of Greenville

TWOMEY of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-855)** on same Resolve.

Signed:

Representatives:

AHEARNE of Madawaska

RINES of Wiscasset

BUMPS of China

JODREY of Bethel

GERRY of Auburn

READ.

On motion of Representative AHEARNE of Madawaska, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-855)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Wednesday, March 15, 2000.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-862)** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in the Maine State Prison in Thomaston

(H.P. 1650) (L.D. 2319)

Signed:

Senators:

PENDLETON of Cumberland

GOLDTHWAIT of Hancock

DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska

BAGLEY of Machias

McDONOUGH of Portland

BUMPS of China

KASPRZAK of Newport

JODREY of Bethel

RICHARDSON of Greenville

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Representatives:

RINES of Wiscasset

TWOMEY of Biddeford

READ.

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The **SPEAKER**: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. This is another bill dealing with the Maine State Prison. This particular item is rather a procedural matter permitting the state to sell or lease the present Maine State Prison. Of course, the assumption is that the new prison is going to be built as planned in Warren. My feeling is on this that it would do no harm whatsoever to postpone giving permission to sell or lease the present State Prison. I want to remind the members of the House that the replacement costs of the Maine

State Prison is somewhere in the vicinity of \$70 million. This is not something that should be passed over without careful consideration.

The new prison in Warren is not far along in construction. I was up a couple of weeks ago and looked at it. Bulldozing has been done, but it is still not too late to stop the construction of the prison in South Warren. As I have said before, I think the solution to the crime situation is not building a new \$70 million prison. They have run into considerable difficulties there so far in the proposed new prison. There is a great deal of opposition because it either threatens to pollute the St. George River or to use up the capacity of the Warren Sewer Disposal Facility. It would preclude further building in Warren. There is already a cost overrun before we start on that new prison of something like \$17 million. You will remember that financing the new prison is that it will pay for itself by savings. It may appear to some members that we can pay for that \$17 million cost overrun in savings also. It is not true that the more we spend on that prison, the more we are going to save. I am going to hope to give you another opportunity to go on record, either for or against the new prison in Warren. Mr. Speaker, I request a roll call.

Representative SKOGLUND of St. George **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MC ALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I understand our colleague's concerns. I understand where he is coming from. I don't need to go into a whole lot of detail about why we need what we are doing. Let me just remind you of one fact, there are no more beds at the Inn. We have no more beds to place people who are being sentenced to prison. You want them sleeping in mats on the floor in the hallways? They are doing that in the reception area at the Men's Correctional Center. It is rated for a capacity of 60. There are approximately 100 to 120 people there now. There are no more beds. Regardless of what we do, we are going to have to find space to house these individuals and that is what is driving this whole process. There are no more beds. The prison is under consent decree because they cannot double bunk because of a murder that occurred there a few years ago. They don't want that to happen again, but there are just no more beds. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. As my good friend from St. George has mentioned, this is purely a procedural issue. The Legislature has to authorize any selling or leasing of any state property. This bill is standard language authorizing the Commissioner of Administrative and Financial Services to sell or lease the Maine State Prison in Thomaston. It was the majority of the committee who agreed with the department that they need to have the groundwork started in terms of trying to evaluate the cost and the potential use of this property. This is no different from the language we proposed when we had the selling or the leasing of the Maine Criminal Justice Committee or the Pineland Center. The whole issue of the prison itself is really a non-issue. This is an issue by standard means only.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. If we had a sufficient forensic unit at AMHI, we would have plenty of room at the prison. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 458

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Dudley, Duncan, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jodrey, Jones, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Desmond, Dunlap, Jacobs, Martin, Mendros, Perkins, Pieh, Rines, Skoglund, Tracy, Twomey, Volenik.

ABSENT - Bragdon, Brooks, Dugay, Jabar, Joy, Matthews, Richardson E, Shorey, Stevens.

Yes, 130; No, 12; Absent, 9; Excused, 0.

130 having voted in the affirmative and 12 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-862)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 15, 2000.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 894) (L.D. 2313) Bill "An Act to Increase the Rate of Pay for Forest Fire Wardens" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-520)**

(S.P. 922) (L.D. 2373) Bill "An Act to Prevent Misuse of Mortuary Trust Funds" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-521)**

(S.P. 931) (L.D. 2381) Bill "An Act to Ensure Fuel Deliveries by Allowing Fuel Delivery Vehicles to Travel on Posted Roads" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-518)**

(H.P. 1782) (L.D. 2499) Bill "An Act Concerning the Date by Which Land Must be Acquired by the Penobscot Nation" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1834) (L.D. 2570) Bill "An Act to Enhance Competition Among Elevator Inspectors" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1709) (L.D. 2415) Bill "An Act to Remove Certain Barriers for Low-income Working Parents" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-868)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

**CONSENT CALENDAR
Second Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 529) (L.D. 1562) Bill "An Act to Establish the Environmental Leadership Program" (C. "A" S-516)

(S.P. 933) (L.D. 2383) Bill "An Act to Help Support the Medical Ride Volunteer Service" (C. "A" S-517)

(H.P. 466) (L.D. 629) Bill "An Act to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems" (EMERGENCY) (C. "A" H-851)

(H.P. 1117) (L.D. 1576) Bill "An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles" (C. "A" H-863)

(H.P. 1390) (L.D. 1995) Bill "An Act to Clarify the Workers' Compensation Laws Regarding the Agricultural Laborer Exemption" (C. "A" H-857)

(H.P. 1422) (L.D. 2029) Bill "An Act to Update and Amend the Preferred Provider Arrangement Act" (C. "A" H-860)

(H.P. 1691) (L.D. 2397) Bill "An Act to Expand the Opportunities for State Companies to Provide Distributed Electric Generation Services" (C. "A" H-856)

(H.P. 1708) (L.D. 2414) Bill "An Act to Support and Expand the Maine Writing Project" (C. "A" H-859)

(H.P. 1742) (L.D. 2448) Bill "An Act to Improve Licensing Efficiency within the Department of Agriculture, Food and Rural Resources" (C. "A" H-864)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

**BILLS IN THE SECOND READING
House As Amended**

Bill "An Act to Adequately Fund Poison Control Services" (H.P. 1693) (L.D. 2399) (C. "A" H-849)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

**ENACTORS
Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Provide for Assessment of Property Used for Commercial Fishing at Current Use

(H.P. 1716) (L.D. 2422) (C. "A" H-820)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide Standard-offer Service to Certain Customers

(H.P. 1638) (L.D. 2289)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Amend the Installment Payment Order Capability of the Disclosure Court

(H.P. 243) (L.D. 347) (C. "A" H-816)

An Act to Eliminate Regulation of Public Heating Utilities

(H.P. 1637) (L.D. 2288)

An Act to Clarify the Law Relating to the Renewal of Liquor Licenses

(S.P. 883) (L.D. 2298) (C. "A" S-509)

An Act to Amend the Department of Corrections Statutes

(S.P. 896) (L.D. 2315) (C. "A" S-512)

An Act to Create a Purple Heart Motorcycle License Plate

(H.P. 1653) (L.D. 2322) (C. "B" H-790)

An Act to Add Emergency Medical Services to the Municipal Fire Department Authority

(H.P. 1676) (L.D. 2342) (C. "A" H-822)

An Act to Make Certain Public Utility Commission Rules Routine Technical Rules

(H.P. 1722) (L.D. 2428)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Provide for a Limited Waiver of Immunity

(H.P. 916) (L.D. 1294) (C. "A" H-815)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative PLOWMAN of Hampden, was **SET ASIDE**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED House Amendment "A" (H-840)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. As you may recall, LD 1294, is a bill from the Judiciary Committee, which recommended that we away the immunity that has been enjoyed by volunteer drivers over the past years. It was an immunity that was given by the Legislature to encourage volunteerism in the State of Maine. You heard what was obviously overwhelming testimony here to encourage that that immunity be taken away. What I am offering today is a way to say that if there is going to be a need for insurance that the person suing must choose who they are going to sue. The idea of the bill in the first place is to provide the leaf where there were none. Now, in some cases, this will provide two pockets or two insurance companies that may be sued. One, which would insure the charitable organization and the other, which would insure the driver.

This amendment says that we agree that there must be relief, but the person who is seeking relief must pick one insurance policy or the other, one party or the other, but may not have a chance at both. I think this is a very reasonable effort. It matches the reasonableness that you were told about that says we can only sue up to the amount of the policy if you are the driver. What I am saying is you must choose whether you are going to sue to driver or the charitable organization. I hope you will see this as a way to make sure there is relief, but not as a way to continue to punish volunteers and the organizations that they work for. I would ask you to please move to vote with me to adopt House Amendment "A". Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House. Thank you for your support of this Committee Report up to this time. We have had two roll call votes of 90 or more on each vote. I would ask that you join with me in defeating this amendment.

We are faced here with a type of a solution to a problem and I guess we are trying to cut it in half or something and say you can only have half of the baby. It doesn't reflect what the real world is like, because what this bill will do in one level is, it will encourage lawsuits because when you get involved in an auto accident and there are two potential people to make a claim against, you don't know how much insurance anybody has. They don't have any obligation to tell you and they don't tell you. They negotiate with you and try to resolve the suit and well over 95 percent of these cases are settled. When there are two insurance companies involved, the two insurance companies if there is liability, they work it out and the case gets settled. In less than 5 percent of the cases, you have to file a lawsuit. You are asking people to choose whom to sue. What will happen is people will sue both people and then whom does the court dismiss it against? Who in the court is going to say you have sued two people and if you sue one, you can't sue the other, but it doesn't tell me which one goes first or anything like that. What is the court supposed to do? I don't know. I say to you the

people settling these cases, the insurance adjusters, the people defending or prosecuting these cases, the lawyers on either side or the judge won't have a clue what to do either if this amendment is added onto the bill. It is not a reasonable solution. It would only add confusion to the situation. I hope, therefore, that you will join with me in voting against this amendment. Thank you.

Representative PLOWMAN of Hampden **REQUESTED** a roll call on her motion to **ADOPT House Amendment "A" (H-840)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-840). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 459

YEA - Andrews, Berry DP, Bowles, Buck, Bumps, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gerry, Glynn, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Mendros, Murphy T, Nass, O'Brien JA, Pinkham, Plowman, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Winsor.

NAY - Ahearne, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Ethier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Honey, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Lovett, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Weston, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Bragdon, Campbell, Jabar, Labrecque, Lindahl, Matthews, Richardson E, Stevens, Watson.

Yes, 49; No, 93; Absent, 9; Excused, 0.

49 having voted in the affirmative and 93 voted in the negative, with 9 being absent, the motion to **ADOPT House Amendment "A" (H-840) FAILED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-815)**.

The Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, March 9, 2000, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-835) - Minority (6) Ought Not to Pass - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Require the State Sealer to Conduct Spot Checks at Timber Mills"

(H.P. 1751) (L.D. 2457)

TABLED - March 7, 2000 (Till Later Today) by Representative PIEH of Bremen.

PENDING - Motion of same Representative to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report.

The **SPEAKER**: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Mr. Speaker, Men and Women of the House. I just want to quickly explain this bill to you and enlist your support in passing it. This bill provides funds to the Department of Agriculture to increase their spot checks on weights and measurements and on timber theft. As I am sure all of you know, weight measurement is a complicated and challenging thing to do. We can't bring props into the House, but if I could bring one, you would see a stick covered with all kinds of numbers and figures on it. Logs vary in their width at either end. They vary in their quality. They vary in how many knots they have got. They vary in how straight or crooked the grain is and how straight or crooked the log is. It is an old tried and true method of judging how much wood is on the truck or in a pile when you get paid for it, if you are a logger or a small woodlot owner. Most people use good judgment and it is a matter of judgment. There are those that exercise bad judgment. They do not pay a fair rate for the amount of timber, the amount of wood, that is being loaded onto a trailer or taken to a sawmill or delivered to a sawmill.

This bill would allow the Department of Agriculture to increase the amount of people that they can use to measure the amount. It would allow them the equivalent of a fulltime position although it may not be a position that they would choose to do. I will mention timber theft that we talked about many, many, many times in our last session. It is a big problem in Maine. Just recently someone who had two piles of wood piled near his land that he was clearing, it disappeared on him and if someone had pulled them over, they might not have known whose wood it was, but they might have known whose wood it wasn't. Another person who was cutting on land abutting mine, I was having a conversation with him and I said that guy was doing a bad job cutting your land. He asked me what guy is cutting my land? We need more people out there checking on wood measurement and theft.

As you probably know, the Department of Agriculture leads the list in the alphabet and when they did the productivity task force, the department was severely cut back. Their funding has been level or negative most of the time. They have a total of one person to inspect wood measurement in the whole state. They are trying to help that with cross training other staff. They all have other full-time jobs. It is not going to increase the amount. This bill would simply give the department the equivalent, as I said, of one person to enable them to enforce existing laws. It adds no laws. It would just give them a little more ammunition to help on those cases of wood measurement and timber theft. Please join me in supporting this Majority Ought to Pass Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House. "An Act to Require the State Sealer to Conduct Spot Checks at Timber Mills". What is this for? Is this an attempt to further harass the timber industry, the paper mills because of unreliable scales when they weigh in? At that point, a log tree length they take advantage of whether it has rocks or whatever, is all figured in the scales, the spot check, weight or measurement. What they are saying is the scales that are used by these companies isn't right. The state's judgment or somebody else's judgment is better than this sealer or weigher. I don't believe it. I think this is an attempt to gain, further harass the paper industry, the mill owner, you name it. This isn't needed. When judgment calls are made on wood and you are making a judgment on whether it is crooked or whether it has rot in it or whatever, nobody is going to agree totally with that. I can't see that this is going to do a thing for the industry. All it is going to do is cost the Agriculture Committee or the General Fund another \$50,000 a year. I urge you to defeat this bill because it is something that I believe we don't need. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Foster.

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Dover-Foxcroft has already stated he doesn't think this bill is going to do much. I have to agree with him. The real problem is timber theft. This bill will in no way stop timber theft. Most of the wood that is bought from paper mills and pulp mills is bought on weight. Unless they are doing some crazy things with the scales, there is somebody in the Agriculture Department who already takes care of that. It is against the law to mess around with scales. The chances of poor scales when you are selling pulpwood are slim to zero. That leaves saw logs. I want to explain to you, if I may, the real problem with scaling saw logs. As the good Representative from Dover-Foxcroft has already said, are deductions for rot, crooked and so forth. That is a judgment call. That really isn't where the problem lies. The problem lies, for the most part, where the person sells the timber. Does he have a contract for the timber? Does he have a contract that is presented to him by the buyer only with no input from the seller? Most of the loss and money from the sale of wood occurs when somebody has made a poor deal, really. The other part of this scenario is there are many brokers in the State of Maine who buy wood and then resell it. If you are selling wood to a broker, you ought to know the broker and you ought to know where that wood finally winds up. The broker is going to scale those logs when they come in to his advantage. In other words, he is not going to scale them to take a loss when he resells those logs. There are about three grades of venire logs hardwood. There are about six grades of hardwood or saw logs. Unless you know what you are selling and the person who is doing the grading makes a difference in whether you are getting a one, two or a three, there is a lot of money involved.

Venire logs, for example, a number three log brings about \$600 delivered. The best log brings about \$1,500. If the broker scales your log as a number two, and you get \$1,000 when you should have \$1,500, you have lost some money, but it has nothing to do with the scale of the wood. That is, essentially, timber theft. Unless you know what you are selling in the first place and where it is going, then you are taking a chance every time, particularly if you don't have a contract. One of the first red flags that go up is if you sell wood to somebody who is traveling over 50 miles to cut it, you have to wonder why. That is the first

question you ought to ask yourself. This bill is going to do absolutely nothing for that. There are 10,000 sales going on in the course of a year in Maine. It is impossible for the Department of Agriculture to get their hands on all of those sales. My suggestion is education. Make yourself aware of where the logs are going and whom you are selling to. Hire a forester. Thank you.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative McGlocklin.

Representative **MCGLOCKLIN**: Mr. Speaker, Men and Women of the House. This bill comes before you solely for the purpose of providing additional funding to the Department of Agriculture so that they can better enforce our timber weights and measures laws.

As a sponsor of this bill, I will briefly explain. Upon being elected and before, I have heard from many diverse individuals and groups who believe that they are often the victims of underpayment in regard to the timber they sell. I have listened to many assorted concerns, but the common theme has continually been underpayment and a sense of frustration surrounding the fact that the sellers feel trapped into acceptance of their circumstances. I began my quest to find them by first trying to determine if these complaints were valid or just isolated disputes between the buyers and sellers. After checking with the Weights and Measures Division of the Department of Agriculture it became clear to me that there really was a problem in this area. In fact, violations of our weights and measures laws were found in 99 percent of cases that this department had been asked to investigate. These violations did usually result in non or underpayment.

The Department of Agriculture's Weights and Measures Division has the authority and ability to catch those who are not complying with the law, just not the funding. Although the \$6 billion timber industry is a large industry in this state, only \$20,000 annually is dedicated to the enforcement of laws governing it. During this bill's work session, everyone present appeared to agree that the problem does exist and is vast in scope. In fact, one of the opponents of this bill suggests that it doesn't go far enough to address the issue. I would agree with that. However, I view it as a good start. The modest fiscal note that this bill carries will more than double the resources by adding another position to the one that we currently have. Furthermore, I believe it would be a mistake to do nothing regardless of whether what we do is enough.

I know that most of the buyers are conducting their business legally and fairly, but there are far too many who do not. In addition, because the current state of affairs within the timber industry points to a buyers market, sellers are forced to deal with everyone. They cannot simply take their wood elsewhere because there is nowhere else to take it. Furthermore, why should the honest buyers be forced to compete with the dishonest? Better enforcement will help them too. There is much money to be made in the timber industry. Indeed some people seem to be making a lot of it while loggers and truckers have resorted to protest. Let's level the playing field for the sake of all who conduct their business legally and not concern ourselves with opposition from those who do not. Better enforcement of our timber laws can only mean a welcome relief for all of our law-abiding citizens. Please support the pending motion. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative McGLOCKLIN of Embden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. I believe the original bill had the terminology random checks in it and it was changed to spot checks. Could I have an explanation of the reason for that change?

The SPEAKER: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Men and Women of the House. In response to the good Representative's question, yes, the language was changed to do just spot checks so that the department could do a spot check where they felt the problem was and they could move around. As was pointed by people on the committee, a spot check is a spot check. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **MARTIN**: Mr. Speaker, Members of the House. One of the important things to determine whether or not checks are going to be made at all is to know how many people are going to be able to do it. I pose a question to anybody who may choose to answer, how many people presently, right now, in the department in the Division of Weights and Measures actually do checking at all?

The SPEAKER: The Representative from Eagle Lake, Representative Martin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Men and Women of the House. The answer is one.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Members of the House. I don't think anything more has to be said. The last time I checked from Kittery to Fort Kent is about 350 miles assuming you can find a straight road. If you start to take a look at the number of bills in this state, I would venture that that one person is rarely going to be there. I don't know how many of you really know what has happened to the woods industry in the last 20 years, especially in my area and I suspect in the rest of the state. It used to be that you have individual contractors who hired people who then would take the wood and sell it to wherever they wanted to. In the last number of years, the landowners from every one of them that I know, have basically stopped that practice. The middle group has been eliminated, in effect, and now what you have are two or three people working together, working for the major landowner now owns the wood all the way to the end of the process and sells it to wherever they want to. That is one group. They are doing fine for those who own the land because they control it all now, not so fine for the person

doing the cutting and the person doing the hauling. Separate that group from the small woodland owner.

You have on your desk today a memo from the Small Woodland Owners Association of Maine that represent a couple thousand members. These are not the paper mills. These are not the contractors as we used to know. These are the people who have to sell directly to the mill. If you want to issue a complaint, I have had some come from my area, you send it to the department, the Bureau of Weights and Measures and you can wait a long time before they can even come up and check the scales. In that middle time and I have had it happen, I won't mention the company, because it might be inappropriate at this point, but there actually was a 5 percent differential when, in fact, it finally got checked. Do you think about how long it had been? We don't know. Did they get reimbursed over any length of time? The answer is no. The scales were adjusted. Scales are imperfect and they need to be checked more than they are.

I don't know how many of you remember in the days when the Department of Agriculture had weights and measures people that actually had a number of them to go around. I remember working in a grocery store through my college years and they would come in and actually put five pounds on the scale and it had better be five pounds. Just remember that if you are off one-sixteenth of a pound and you are selling a product and you are selling a lot of it, every sixteen times you are gaining a pound. Just think about that. When you have a question of what happens to the small landowner who has to bring his or her wood to that mill, which is the only one there is, whatever price is agreed to, I understand that. If I made a bad deal for selling my stumpage, I am stuck with it. I have had it happen to me. When you make the deal, you at least know what price you think you are going to get. Low and behold, the scale is off. There is one person to check that in this state. Do you think that is fair? I don't think it is. Frankly, I think this bill really ought to be more than one. That is all the committee came up with and I am willing to support it, but I think it is a step, which I think we badly need.

For those of us who constantly talk in this body about helping the poor cutter who owns his own land, this is a bill that you need to pass. This is not for the large paper companies. This is actually for the small cutter, woodland owner, who has no choice, but to take it to the paper company ownership of that land or that mill. That is it. If you believe in small business, this is it. If you don't, then you will be voting the other way.

The SPEAKER: The Chair recognizes the Representative from Danforth, Representative Gillis.

Representative GILLIS: Mr. Speaker, Men and Women of the House. Representative McGlocklin, I really apologize because I told you I wouldn't get up to speak on this, but after what I heard this morning, I really have to say something. In our committee there were 47 complaints from the department on scales, but the complaints, three, were at sawmills. It was they didn't get the paperwork or whatever. It had nothing to do with the scale as far as being cheated or whatnot. The other 44 complaints were from contractors who were cutting onto people's land. That is where the real problems lie. It wasn't within the timber mills. It was with the contractors, not getting the scale or somebody thought they had 100 cord of wood on their property and it ended up that they got 40 cords. That is what I heard from weights and measures.

To take and try to put one person out there when there are 10,000 permits going on at any given time in the State of Maine

and you have 250 sawmills, it is like giving somebody a bucket and telling them to bail out the Titanic. It is not going to happen. It is going to be ineffective. It is \$50,000 for an individual to do this. As far as sawmills go, timber mills, there is already a law in place and it kind of amazes me that there were only three complaints where it seems to be such a great problem. You are hearing here this morning that these people are not getting the proper scale. There were three complaints last year. Again, it wasn't about the scale. It was about the paperwork, not getting it in a timely fashion.

There is a law on the books and any saw mill owner knows it that if somebody brings in a load of wood and you are at odds and the individual does not like your scale, you have to leave that load there and you call the state. That is probably why there is only one person out there doing it because there aren't any complaints and there isn't a problem at the timber mills. You call the state and they send out the scaler. The scaler will scale that load if you are indifferent.

I just want to let you know how I operate my sawmill. A lot of times this time of the year, especially, you have individuals who are trying to get the wood out of the woods and they need 24-hour access. In my mill, my operation, I let people haul in at 1 or 2 o'clock in the morning and I take their scale, whatever that might be. That is the type of relationship that I have in my business. I would also probably indicate that of the 250 sawmills around the state, most of them have that reputation and they work with the cutters. The problem is not at the sawmills. That is why I really don't agree with this bill. According to the department most of the complaints, out of 47, 44 were from contractors cutting off somebody else's land. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. I also did not want to speak on this bill, but when I hear the debate and I feel all the eyes on me being the only logger in the Legislature, I feel like I must stand. I feel like today we are trying to solve a problem. I commend the people that are trying to solve the problem, but we are only half fixing it. I will try to explain to you what I mean by that. You can have as many spot checks as you would like at a sawmill. The problem lies in the fact that modern technology has outpaced the Weights and Measures Division, meaning as technology has come forward and sawmills have been able to get more out of the log, I think people out in the industry feel cheated because a sawmill will buy, let's say, a truckload of logs and a wheeler will hold about 10 cord of wood. When the sawmill gets done sawing the lumber, they gained sometimes between 20 and 30 percent because of modern technology. Meaning they can get more out of a log, less waste than they used to. There is this general feeling among loggers that we are being cheated because these mills are gaining on the wood. At least in my opinion, if you are going to try to solve this problem that is out there, then you have to review all of the laws around buying wood. You have to review the way it is scaled. You have to review the way there are deductions on the log. If a log has rot in it, every scaler can deduct a different amount. Even if you do a spot check, there is no way of proving that that person did that intentionally if they deduct 20 feet. The next one may deduct 10 feet. How do you prove that anyone did that intentionally? That is where the problem lies. You can do the spot checks, but how do you prove that they did it intentionally? It is my opinion that this body

should appoint some type of committee to review weights and measures laws and see if there is some way we can clear up all of the confusion that is out there now. In that, I think that the federal government would have to be involved. I will use the international rule, for instance, the international rule versus the Bangor rule and versus other rules. I use nationwide. In order to do anything in this area, it has to be a federal issue as well. If you just think we are going to put one more person into the department and all of a sudden the problem is going to be gone, it is not going to happen. I think we need to review the entire policy on purchasing wood. Then we might really solve the problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I did plan on getting up on this issue. I am opposed to this bill and its amendment. There is no need for this legislation. The Department of Agriculture already is charged with this responsibility. As a consulting forester, I haven't had any complaints from loggers on this particular forestry issue. I would like to say that the free enterprise system is capable of leveling the playing field. I think that is important to note. Loggers quickly know when the scale is on the short side. They also know when it is on the high side because that mill may get their quota of logs. It is kind of seeking its own level. This bill does add one position at a cost of \$50,000. Checking weights is one thing, scaling logs is something else. Scaling logs can be as simple or complex as you want to make it. Loggers know how to scale. They do know when they are being short changed.

It was also mentioned here that timber theft is a problem. It is a problem in the State of Maine. There is no getting around that, but it is now covered under the notification process, which comes through the Maine Forest Service. Just this past session we added several forester positions to take care of forestry issues out in the field. I guess the Department of Agriculture is charged with this responsibility and I think, as I understand it, they did do 37 spot checks last year. I just feel that we don't need this. That is why I voted against it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House. I just want to address a few issues. In reference to the number of complaints that was mentioned earlier, the loggers have told us that they are afraid to complain about any scaling problems because of fear that they will be shut out of a mill. In fact, Fred Huntress, who is a consulting forester, told us in his testimony, I quote, "I have discussed log scaling with several loggers recently and all agree that there is a problem. They are reluctant to testify on this bill as they feel intimidated by the sawmills that they have to sell their logs to."

This bill addresses two issues, timber theft and inaccurate weighing of truckloads of wood. The bill won't correct all of the problems, but it will help. Just knowing that we will be doing spot checks will give a positive message to the loggers, the landowners and to the mills that we are not going to tolerate either error or theft when it involves the income of the people of all of the sectors of our woods industry. The Small Woodlot Owners of Maine support this bill. The Maine Forest Products Council had some objections to the bill. They objected to the word random. We took that out in the amendment. They objected to the reference to timber mills, specifically. We took that out of section three. We have addressed their concerns.

Contrary to what we have heard from the opposition, accuracy isn't a bad thing. This bill will simply encourage that accuracy. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative COWGER: Mr. Speaker, Colleagues of the House. I happen to be a member of the Small Woodlot Owners Association of Maine. I represent a lot of other woodlot owners in my district and I think you do too in your districts. I am proud to be a woodlot owner and I ask you to join those of us in supporting the Majority Ought to Pass Report. I think it is a little disappointing that a couple of other members of the same organization that are on the other side of the aisle are also members and have spoken out against this bill. I would ask you again to support the small woodlot owner and support the Ought to Pass motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Mr. Speaker, Men and Women of the House. This bill has provided us a forum to ascertain if we have a problem in the scaling of logs. I believe with the statistics that we have heard today and some of them don't really jive with the tally sheet that I have here that we really do not have a problem in this particular area. As I look down through the complaints as they were logged by the Department of Agriculture, there were 24 complaints from landowners in reference to the contractor, but many of those were non-receipt of tally slips. They were not for scales. Complaints from the cutter about the contractor, there were 17. Again, many of those were non-receipt of tally slips. This was also testified to by the Department of Agriculture. As we go down through there and I can actually only see where there are five complaints for the total year of 1999 that was actually dealing with scales. We also had testimony that said that during 1999 the division responded to 47 complaints, 47 total complaints. They conducted 38 routine inspections and they performed 139 spot inspections at timber mills and asked how many citations they issued and they didn't have any citations that they had issued. I think that most of all the biggest reason why I do not support this bill is that the department has already begun cross training five additional people to conduct these spot checks. It only seems sensible to me that these five people will be able to go in different directions and do more than adding one position at a cost of \$50,000 for the first year and we know how these things grow. I certainly support SWO. I am not a member, but I do have a woodlot of my own. I also have a little experience in some of the questions that have come from some of these woodlot owners because on my 12th birthday my father gave me a birthday present and it was a Clinton Chainsaw. He also showed me how to use that. Dating back to those years there were complaints about scale back then. There have been complaints about scales along the way. There is always going to be some complaints about scales. The fact is in the total number of trips that is made each day of trucks loaded with logs and pulpwood and the number of cords that have been shifted during 1999, if we only have three complaints on the scale of wood, which is what I come up with for a tally, then I hardly believe that we have a problem. However, I do respect the other side and their opinions and I certainly am a big supporter of SWO. I support most of their issues. It is just that I think this is an unnecessary addition to our state coffers down here. I think it is money that could be better spent on the roof of our schools to make sure that they don't leak or add to the education and some

of the other things. I really don't think that this is a necessary thing. I would ask that you defeat the pending motion. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 460

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stanwood, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bragdon, Brooks, Bumps, Goodwin, Jabar, Labrecque, Madore, Matthews, Murphy E, Richardson E, Stevens.

Yes, 77; No, 63; Absent, 11; Excused, 0.

77 having voted in the affirmative and 63 voted in the negative, with 11 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-835)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 15, 2000.

The Chair laid before the House the following item which was **TABLED** and today assigned:

TABLED AND TODAY ASSIGNED

Bill "An Act to Appropriate Matching Funds for the Study of Nondefense Uses of the United States Naval Shipyard in Kittery, Maine"

(S.P. 1031) (L.D. 2611)

- In Senate, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

TABLED - March 9, 2000 by Representative O'NEAL of Limestone.

PENDING - REFERENCE IN CONCURRENCE.

On motion of Representative O'NEAL of Limestone, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Fund the Construction of Court Facilities in Maine"

(S.P. 1034) (L.D. 2619)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act to Clarify Terms of Appointment to the Advisory Committee on Family Development Accounts"

(S.P. 1041) (L.D. 2623)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife to Allow a Well and Waterline Easement (EMERGENCY)

(S.P. 1040) (L.D. 2622)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks"

(S.P. 1039) (L.D. 2621)

Came from the Senate, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **NATURAL RESOURCES** in concurrence.

The following Joint Order: (S.P. 1033)

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services report out, to the Senate, a bill regarding water treatment plant operator certification.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

The following Joint Order: (S.P. 1036)

ORDERED, the House concurring, that Bill, "An Act to Clarify the Laws Relating to Corporate and Other Entities," H.P. 1664, L.D. 2333, and all its accompanying papers, be recalled from the Engrossing Division to the Senate.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-522)** on Bill "An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies" (S.P. 687) (L.D. 1933)

Signed:

Senators:

MURRAY of Penobscot
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

QUINT of Portland
TOBIN of Dexter
McALEVEY of Waterboro
POVICH of Ellsworth
O'BRIEN of Augusta
MUSE of South Portland
CHIZMAR of Lisbon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-523)** on same Bill.

Signed:

Representatives:

SHERMAN of Hodgdon
PEAVEY of Woolwich

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-522)**.

READ.

On motion of Representative POVICH of Ellsworth, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-522)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 15, 2000.

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Provide Equity for Unemployment Compensation"

(S.P. 745) (L.D. 2104)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

MUSE of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-537)** on same Bill.

Signed:

Representative:

GOODWIN of Pembroke

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

On motion of Representative HATCH of Skowhegan, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 869) (L.D. 2279) Bill "An Act to Amend the Charter of the Maine Science and Technology Foundation" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-526)**

(S.P. 879) (L.D. 2294) Bill "An Act to Promote Competition in the Natural Gas Industry" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-528)**

(S.P. 897) (L.D. 2316) Bill "An Act to Prevent Gray Market Cigarette Sales" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-524)**

(S.P. 903) (L.D. 2355) Bill "An Act to Repeal Certain Archaic and Unenforced Laws Related to the Duties of the Secretary of State" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-529)**

(S.P. 907) (L.D. 2359) Bill "An Act to Clarify the Authority of the Maine Board of Optometry" (EMERGENCY) Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-527)**

(S.P. 943) (L.D. 2473) Bill "An Act to Promote the Use of an Advocate Staff" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-530)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Speaker ROWE of Portland, the House adjourned at 12:03 p.m., until 9:00 a.m., Wednesday, March 15, 2000 in honor and lasting tribute to Peter J. Feeney, of South Portland.