

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
17th Legislative Day
Wednesday, March 22, 2000

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

Prayer by Father Frank Morin, St. Anne's Church, Princeton.
National Anthem by Vikettes and Viking Voices, Oxford Hills Comprehensive High School, South Paris.
Pledge of Allegiance.
Doctor of the day, Laurel M. Coleman, M.D., Manchester.
The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Restrict Passengers in the Vehicle of a Newly Licensed Driver"

(H.P. 1744) (L.D. 2450)

Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION** in the House on March 9, 2000.

Came from the Senate with the Report of the Committee on **TRANSPORTATION READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) in NON-CONCURRENCE.**

On motion of Representative BOUFFARD of Lewiston, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 390)

STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE

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 Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 903 An Act to Amend the Concealed Weapons Permit Laws

L.D. 2421 An Act to Combat Domestic Violence

L.D. 2531 An Act to Institute a System of Parole for Certain Maine Criminal Code Prisoners

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

Sincerely,

S/Sen. Robert E. Murray, Jr.

Senate Chair

S/Rep. Edward J. Povich

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 391)

STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE

March 16, 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 Criminal Justice has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1369 An Act to Transfer Responsibility for Youth Corrections from the Department of Corrections to the Department of Human Services

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

Sincerely,

S/Sen. Robert E. Murray, Jr.

Senate Chair

S/Rep. Edward J. Povich

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 392)

STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TAXATION

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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2527 Resolve, Authorizing Reimbursement to John Calley for Expenses Incurred as a Result of an Overassessment of Sales Tax

L.D. 2541 An Act to Provide Revenue Sharing to Relieve the Municipal Service Component of the Property Tax

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

Sincerely,

S/Sen. Richard P. Ruhlin

Senate Chair

S/Rep. Kenneth T. Gagnon

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 393)

STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

March 15, 2000
The Honorable Mark W. Lawrence
President of the Senate
The Honorable G. Steven Rowe
Speaker of the House of Representatives
119th Legislature
Augusta, ME 04333

Dear Mr. President and Mr. Speaker:
Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Marine Resources from the review and evaluation of the Maine Sardine Council under the State Government Evaluation Act.

A copy of our report is attached. In its review, the committee found that the Council is operating within its statutory authority. However, the committee found that the limited number of sardine packers in the State may make it impossible for the Council to have at least 3 members as required in statute and that pending changes in ownership of industry assets raise legitimate questions about the continuation of the Council as a public instrumentality of the State.

At the request of the Council, the Marine Resources Committee has submitted legislation (L.D. 2618) pursuant to its authority under the State Government Evaluation Act that would terminate the Maine Sardine Council effective March 31, 2000.

Sincerely,
S/Senator Jill M. Goldthwait
Senate Chair
S/Representative David M. Etnier
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 394)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 20, 2000
The Honorable Mark W. Lawrence
President of the Senate
The Honorable G. Steven Rowe
Speaker of the House of Representatives
119th Legislature
State House
Augusta, Maine 04333

Dear Mr. President and Mr. Speaker:
The Joint Standing Committee on Legal and Veterans Affairs has completed its review of the Bureau of Alcoholic Beverages and Lottery Operations under the State Government Evaluation Act pursuant to Title 3 Maine Revised Statutes, chapter 35. The committee found that the Commission is operating within its statutory authority.

Sincerely,
S/Senator Beverly Daggett
S/Representative John Tuttle, Jr.

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 395)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 20, 2000
The Honorable Mark W. Lawrence
President of the Senate
The Honorable G. Steven Rowe
Speaker of the House of Representatives
119th Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President and Mr. Speaker:
The Joint Standing Committee on Legal and Veterans' Affairs has completed its review of the Bureau of Liquor Enforcement under the State Government Evaluation Act pursuant to Title 3 Maine Revised Statutes, chapter 35. The committee found that the Commission is operating within its statutory authority.

Sincerely,
S/Senator Beverly Daggett
S/Representative John Tuttle, Jr.

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.P. 1051)

119TH MAINE LEGISLATURE

March 21, 2000
Senator John M. Nutting
Representative Wendy Pieh
Chairpersons
Joint Standing Committee on Agriculture, Conservation and Forestry
119th Legislature
Augusta, Maine 04333

Dear Senator Nutting and Representative Pieh:
Please be advised that Governor Angus S. King, Jr. has nominated Jacquelyn L. Webber of Stockholm for appointment as a member of the Land Use Regulation Commission. Pursuant to Title 12, M.R.S.A. §683, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/G. Steven Rowe
Speaker of the House

Came from the Senate, **READ and REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

READ and REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

The Following Communication: (S.C. 579)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 21, 2000
The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby it accepted the Majority ought not to pass report from the committee on State and Local Government on Resolve, to Study Outdated, Contradictory and Unenforced Laws (H.P. 612) (L.D. 852).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Honorable Howard A. Chick, the Representative from Lebanon, who has been named President of the Maine Association of Agricultural Fairs. We extend our congratulations to him on receiving this recognition;

(HLS 1101)

Presented by Representative DUNLAP of Old Town.

Cosponsored by Senator KILKELLY of Lincoln, Senator RUHLIN of Penobscot, Senator KIEFFER of Aroostook, Representative TRACY of Rome, Representative CLARK of Millinocket, Representative BRYANT of Dixfield, Representative COTE of Lewiston, Representative PERKINS of Penobscot, Representative TRUE of Fryeburg, Representative HONEY of Boothbay, Representative TRAHAN of Waldoboro, Senator NUTTING of Androscoggin, Representative PIEH of Bremen, Representative VOLENIK of Brooklin, Representative WATSON of Farmingdale, Representative COWGER of Hallowell, Representative GAGNE of Buckfield, Representative CROSS of Dover-Foxcroft, Representative GOOLEY of Farmington, Representative FOSTER of Gray, Representative CARR of Lincoln, Representative GILLIS of Danforth.

On **OBJECTION** of Representative DUNLAP of Old Town, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I sort of bamboozled my good friend from Lebanon. It's not exactly a tall tale, my wife was asking the health of my good friend and his situation and I explained to her that oh, by the way, he was elected President of the Fair Association. She said, what fair association? I couldn't quite remember, it occurred to me to ask exactly the title was of the fair association and the Maine Association of Agricultural Fairs and it occurred to me that this deserved a little bit more recognition than someone passing it on to my wife.

I got to thinking about how significant fairs are in Maine and we don't usually talk about them because a lot of times what we talk about in the chamber are items that need resolution, problems, bad things and the fairs are eminently a very good thing so they sometimes escape our notice.

I think back on when I was growing up on the farm, I was not a very good farm boy. I really wasn't much at horticulture and less at husbandry and more interested in lying around on the couch with my face buried in a book all day, but I did spend under a direst a lot of time tending our animals and picking rocks

out of the fields. A real highlight of the season was the end of the summer when the Blue Hill Fair would come along and everybody would get excited to go to the Blue Hill Fair to see what everybody else is growing and raising. Either you'd think that your sheep look a lot better than their sheep or your turnips look better than their turnips or somebody had a really good way to grow a pumpkin. You see that today when you see kids in my area now, around Old Town when the Bangor Fair is coming up, or kids in your own towns, they get excited at fair time. So you see that excitement reflected in the eyes of our youth rather or not they live in the country because it's a real time of gathering.

This isn't really about fairs, this is really about a profound friend of mine, Howard Chick, whom in my association with him has shown to have a kind heart, a gentle disposition, and in discussing farm matters with him, he certainly knows what a good cut of hay is. He knows a thing or two about horses and the people that they use. He knows the seasons well and what they're for and he certainly knows a thing or two about being a gentleman, so I certainly present this before the body with an expression that I believe deep in my heart that our agricultural fairs are well in hand with Representative Chick at the helm. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Union, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. If I had known this was coming forward, I certainly would have been a cosponsor on this sentiment because I'm very proud to say that Howard has been a friend of mine, my husband's. My husband is treasurer of Maine State Fair Association, so we've worked very closely with Representative Chick on fair issues. Now sometime ago I had to do some research and I don't know if all of you know that the fairs are organized through special laws of the State of Maine. We just didn't crop up and I had to do some research and I went back to the very beginning of fairs and found that it says in the record that they were organized to allow farmers to compete with one another with their produce and with their animals and that's many, many years ago. Well now, the other day we were in session with a committee talking about an issue that would involve fairs and Representative Chick was there and he told about the first fair, his first recollection of going to a fair. Now I don't think it was way back when those farmers were competing but he said it was quite some time ago and he's been attending fairs ever since. He's not only president of the Maine Association of Agricultural Fairs, but he's been an evaluator for the Department of Agriculture, as well as myself, and attended fairs all over the state. This just gives you an idea of the diligence and the support that he's given to fairs over the years. He has a racehorse; he has cattle, or has had cattle. He's an all around fair person and I offer my congratulations as well. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. I have known Representative Chick for many, many years and I'd like to speak just on something that perhaps some of you people don't know and that is that when I came to Legislature, Howard reminded me of our playing baseball and I won't tell you how long ago that was, down in Goodall Park, but he greeted me by saying, oh, you must be the little lefthander from Fryeburg, but what he didn't remember was I did pitch and so did he and only he could go through 18 panes of glass. My

pitch might break a pane of glass and I never knew where it was going, but that's what happens when you're a left-hander rather than a right-hander and I have enjoyed many discussions about the old leagues in Maine and where we played and I know he, as I do, and people that know me know that I really feel a great deal about things that have happened in Maine and are part of our heritage. I have also dealt with Representative Chick dealing with the fairs and just a phone call and he's there if you have a problem and is willing to help you in every way and I'm deeply honored that I had the opportunity to have my name shown on this particular sentiment and it is well deserved. Howard, good luck.

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

Representative PIEH: Mr. Speaker, Men and Women of the House. I want to formerly thank Representative Chick on behalf of the Agriculture, Conservation and Forestry Committee for the support and advice he has given us on such items as what exactly should the rules be on pulling oxen and pulling horses at fairs and personally to thank him for seeing him at many fairs and for his advice on harness racing and what kinds of things we should do. He's a wonderful person, I got to go to the Big "E" and he was part of that group and I'm proud to have him as a peer in this body. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. It's a privilege to be able to respond to some of these remarks. I would say to my good friend from Fryeburg, if he had difficulty in where the placement of the ball would be, I can recall after some games, some of the opposition would say, you mixed them up well and that was not planned on, it just happened. I didn't know where they were going either. I would say that briefly, without taking up your time here this morning. This is really something that I appreciate and we have a board of directors and our long standing organization that take up the problems of Maine fairs, which I heard described one afternoon this week in one of the standing committees, as fairs on Maine and I would defend them with a passion, however if anyone has any questions or suggestions, feel free to bring them to my attention and I will do the best I can to maybe upgrade, always improve. I thank you a great deal for this.

Was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order (H.P. 1510)

Representative DUNLAP from the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, to Create the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft (EMERGENCY)

(H.P. 1901) (L.D. 2645)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1510).

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE** and **TOMORROW ASSIGNED FOR SECOND READING**.

Ought to Pass Pursuant to Joint Order (H.P. 1876)

Representative GAGNON from the Committee on **TAXATION** on Bill "An Act Relating to Eligibility for the Elderly Low-cost Drug Program"

(H.P. 1900) (L.D. 2644)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1876).

Report was **READ**.

On motion of Representative GAGNON of Waterville, the Bill and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** and sent for concurrence.

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-901)** on Bill "An Act to Provide Temporary Relief from the Excise Tax on Diesel Fuel" (EMERGENCY)

(H.P. 1832) (L.D. 2568)

Signed:

Senators:

MICHAUD of Penobscot
HARRIMAN of Cumberland
O'GARA of Cumberland
PARADIS of Aroostook
CASSIDY of Washington

Representatives:

KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton
BOUFFARD of Lewiston
FISHER of Brewer
WHEELER of Eliot
SANBORN of Alton
SAVAGE of Union
CAMERON of Rumford
WHEELER of Bridgewater
COLLINS of Wells

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

Signed:

Senator:

CATHCART of Penobscot

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
JABAR of Waterville
LINDAHL of Northport

READ.

Representative TOWNSEND of Portland moved that the House **ACCEPT** the **Minority Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the **Minority Ought Not to Pass** Report and specially assigned for Thursday, March 23, 2000.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-900)** on Bill "An Act to Enhance Teacher Development and Meet the Special Needs of Students at the Southern Maine Juvenile Facility" (H.P. 1863) (L.D. 2598)

Signed:
Senator:
CATHCART of Penobscot
Representatives:
TOWNSEND of Portland
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
STEVENS of Orono

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

Signed:
Senators:
MICHAUD of Penobscot
HARRIMAN of Cumberland
Representatives:
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton

READ.

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

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

Seven Members of the Committee on **LABOR** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-893)** on Bill "An Act to Limit Mandatory Overtime"

(H.P. 729) (L.D. 1019)

Signed:
Senators:
DOUGLASS of Androscoggin
LaFOUNTAIN of York
Representatives:
HATCH of Skowhegan
MUSE of South Portland
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay

Five Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:
Senator:
MILLS of Somerset
Representatives:
TREADWELL of Carmel
DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-894)** on same Bill

Signed:
Representative:
GOODWIN of Pembroke

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass** on Bill "An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service"

(H.P. 1496) (L.D. 2140)

Signed:
Senator:
KONTOS of Cumberland
Representatives:
DAVIDSON of Brunswick
BRYANT of Dixfield
LaVERDIERE of Wilton
COLWELL of Gardiner
McGLOCKLIN of Embden
SAVAGE of Buxton

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

Signed:
Senators:
CAREY of Kennebec
MITCHELL of Penobscot
Representatives:
ROSEN of Bucksport
DUNCAN of Presque Isle
BERRY of Belmont
TRUE of Fryeburg

READ.

Representative DAVIDSON of Brunswick moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. Currently in Maine, Maine's income eligible electric and telephone customers have the opportunity to participate in ratepayer supporter programs that offer discounts. In 1993, the Legislature enacted similar language that is in this bill for electric customers. Just to give you a sense of what this does, this bill does not set up the program, and it doesn't set up for the rules of the program. It doesn't set up for how this program will be administered and it doesn't set up at what rate it will be administered at. This bill simply allows the PUC, the Public Utilities Commission, to open up a rate case on this subject and simply gives them the same authority to consider low-income programs like they do for telephone and electricity customers. It has already approved and considered these rates. What's great about this bill is it's consistent with current state policy and I see no reason that we should discriminate against residential and natural gas utility customers and treat them the

same as we do for telephone and electric customers. What this bill has set up eventually is that liheap eligible customers would have a 15 % discount on their gas bills, roughly. The effect on other customers would be close to one half of one percent, just pennies per month for other customers. The argument that you hear on the other side, which is a legitimate argument, is that somewhere else on your calendar today is a bill that we have all voted for to basically take out of rates subsidies for low-income customers for electric rates.

Let me tell you why this is different. First of all, the reason the committee embraced that bill which is a great bill, 13 to nothing report, is that we had to transfer the sale of the generation assets for CMP, all their generation assets was roughly \$70 million windfall for the state. What was fantastic about that bill was that we initially wanted last year in our petitioning the Appropriations Committee, again to use that money to take care of low-income rates for electricity. What's different about that then in this bill is that there has been no transfer of assets. There has been no sale of assets, there has been no sale of natural gas pipelines in the state and that you basically don't have it's an apples and oranges type of case. The basic philosophy that we've applied to that does not apply here. So I encourage you to support this bill today, largely because to me it's a no-brainer. It's not setting up the program. It's not asking the Legislature to jump, it's just simply allowing the PUC the authority if they see that it's the right thing for consumers and ratepayers throughout the State of Maine to entertain this rate and to pass it and to set up a case on it and make it law. I think it's a good bill. I think there's no reason why we should treat one utility customer differently then we do other utility customers. I encourage you to support the Ought to Pass motion.

The SPEAKER: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House. As my good friend Representative Davidson has said, this is similar to legislation that already exists. That legislation also had the same type of birth. That birth being this body saying we need to put rates into low income. That development by the PUC has caused money to be raised repeatedly in a fashion that probably should have been supported by general fund. The other legislation that the Representative spoke of is legislation that was worked by our committee, by members of a large conglomerate of organizations and sponsored by many of us on both sides of the aisle. That bill would remove and place in trust funding for low-income assistance. These customers already do and will receive Liheap funds. Even though the bill itself only allows the PUC to start the process, the PUC once before also started a process. That process has led to an entire long list of additional taxes placed on the people of Maine through their electric bills. This is the same item. There are other considerations that have to be taken place here with respect to the actual costs of someone becoming a member of the natural gas system. Those costs entail everything from equipping your home with the adequate furnace to being able to use natural gas. Then, of course we faced the problem that natural gas and oil how do they compare in BTU output per cost of unit. That is an argument that we care none of us to get into, between those two industries. The number of eligible consumers and customers for this in the Auburn/Lewiston area would be approximately 174 customers. My question is also, how many of those customers receive that

energy at the present time? In Portland, less than 500 customers, the estimate is 468 at the present time. In figures given to us, the number of eligible customers this year would rise to 335 and 480 respectively in the two areas cited. I would point out to you the natural gas company of Southern Maine and the new one Central Maine Natural Gas, did not support this piece of legislation. I rise not supporting this piece of legislation.

One other point that I think needs to be made here. Even though the cost of the program is still small, and data we received, the CAP Agencies using the formula for CMP for the low-income assistance, which probably is the best formula, we have in Maine for this. The CAP Agencies charge \$20 per customer for each of their customers to be certified to enter this program. I find that interesting. Who pays the \$20.00, the other consumers pay the \$20 also in their rate. Thank you ladies and gentlemen.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Mr. Speaker, Men and Women of the House. To anybody who may answer, I'm very interested in the sale and transfer, I think it's equipment or whatever, when the utilities were required to sell off some of their assets. In the past that was done and there was a lump sum of money, so many millions of dollars. Can somebody tell me where that went, what it was used for, and why it wasn't used for this? Thank you.

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. Two points, one is the answer to the Representative from Bridgton's question. First of all, that money went into the general fund. I want to make sure that we're not clouding these issues because they really, I can't tell you enough, how apples and oranges they are. That deals with electric rates and that was the transfer of the generation assets of electricity of Central Maine Power, Bangor Hydro, and Maine Public Service. That has nothing to do with this bill and it's important to keep them. What it was spent on, your guess is as good as mine, whatever we spent and continue to spend on out of the general fund here, but what's important to remember is that doesn't affect this, because what we are talking about here is rates for natural gas customers and talk about my good friend from Belmont, the good Representative from Belmont, Central Maine Power, and CMP Natural Gas doesn't support this because they don't have a dog in the fight. They don't have residential customers, so they're not affected by this bill. Northern Utilities, however, does have residential customers and supports this bill and it will effect those customers.

The other point is there will be, I think it's important that the Legislature as a policy directive deal with this from the start, we just have, this is the advent of natural gas this year. We just turned on the pipes a couple months ago and if we set these types of policies early on so that we're not coming in after the fact and dealing with them.

The same Representative REQUESTED a roll call on his motion to ACCEPT the Majority Ought to Pass 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 Gardiner, Representative Colwell.

Representative COLWELL: Mr. Speaker, Men and Women of the House. I rise to speak in favor of the pending motion as well. Currently in Maine we do provide heating assistance to low-income people who heat with oil. We provide assistance for low-income people who heat with electricity. We provide assistance for low-income people who heat with wood. We do not supply that assistance to these customers of the natural gas companies. The good Representative from Brunswick just brought up a very interesting point, the major retail natural gas company in the State of Maine located in the Portland, and Lewiston/Auburn areas does support this and they support it for all the right reasons. In the State of Maine to be without heat and have no recourse in the middle of one of our winters is a very, very inhumane situation. They understand the fragile nature, living from paycheck to paycheck that does occur with many of our low-income folks. The cost of this measure has probably already been stated, but I will restate it. For the average consumer it's a \$1.82 a year, 15 cents a month for the piece of mind that this body would gain from being able to assure that these folks that are many of them living in apartments that have no fuel choice, other than natural gas in the metropolitan areas of Lewiston/Auburn and Portland. I think for that 15 cents a month, it would certainly be worth this body's affirmative vote to gain that piece of mind. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Rosen.

Representative ROSEN: Mr. Speaker, Ladies and Gentlemen of the House. The Representative from Brunswick, Representative Davidson, was absolutely correct when he described this bill's importance as that of a policy choice. If you read the bill on the surface, it is a relatively minor bill that affects very few people with an insignificant cost, that's true, but the policy implications of this bill are enormous and they present us a choice and it's an opportune choice at this time that we take. You have to consider the backdrop that exists now. The backdrop is that the retail gas distribution system is about to expand and be developed in the state. The question is not rather we do or we do not deliver assistance to low-income individuals that find themselves in need of assistance, the question is how do we pay for it. We have two methods of paying for this assistance today. One, as demonstrated through electric rates and telephone billing is to bill the customer, bill the ratepayer. When you receive your monthly electric bill, included in that bill are the costs of the programs that currently pay for low-income assistance and that also pay for other programs that this body has decided are important public policy initiatives, like demand site management, on your telephone bill. We assess ratepayers, customers, the cost of the E-911 program with that surcharge. Those of us on this committee have been trying, as referenced by the other bill mentioned, to remove the cost to the ratepayer for those social programs and policy initiatives and move them to the general fund where they belong, to try to deliver utility service at a cost that's close to the actual cost of operation, the cost of the service, the cost of the product and to assign cost for social programs from the general fund. The importance of this vote is that you have a choice to make, because the choice made today, in terms of the direction that we take in the gas retail distribution system will be; 1. Support the

majority report and assign the costs from here on in to the ratepayer or; 2. Reject the majority report and develop a policy that assigns those costs from the general fund. That's why this is an important vote. It's the first step in either direction and you only have one opportunity to take that first step. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative SAVAGE: Mr. Speaker, Men and Women of the House. I agree with the good Representative from Bucksport, Representative Rosen, this really isn't a question of whether or not we want to provide this service to low-income energy users. It's a question of how to pay for it. The problem that I see is that the cold hard reality of it is the determination of how to pay for it is going to determine whether or not we provide it, because I don't see it coming out of the general fund. I wish it would come out of the general fund, but I don't see it, so although the opponents of this bill have divided the question into do we want to provide the service and how do we pay for it, cold hard political reality of it is, the determination of how to pay for it is going to be the determination of whether to provide it, so I ask you to join all the people on the committee who think it's not a bad idea to provide the service and vote Ought to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. I hope that all of you are enjoying the fact that is very rare, that the Utilities Committee ever brings something to the floor of this body to actually have a debate. Most of the time the bills that come out of the Utilities Committee come to us with unanimous votes and I'm proud to be a member of the Utilities Committee that does that. We have a disagreement on this bill and the disagreement really focuses on fairness. The fairness is that whether we have done so in the past for our gas or not, we have always provided for low-income people through rates on the other forms of heat and the other forms of services. We have always made provisions. The one group that has never had provisions for are those people that are receiving natural gas and all this does is the same way we have always done it for everyone else, we're going to do it again for the people on natural gas. I think it's a responsible, reasonable thing to do and I would ask that you join in voting for the Majority Ought to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

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

The SPEAKER: The Representative may pose his question.

Representative PEAVEY: Mr. Speaker, Men and Women of the House. My question is, is there a low-income assistance program for people who use oil, other than Liheap?

The SPEAKER: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. Currently there is no program that's a state program. Maine State Housing Authority is the one who administers the Liheap program and I know that there are efforts underway to deal with some kind of expansion at the state level. We're certainly considering those in our committee right now based on the problems that we had this winter with the drastic

increases on that, but none dealt with at the Public Utilities Commission or other places.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. This really doesn't cut either way, but I would like to draw a distinction between regulated rates and unregulated rates. Oil rates are not regulated, that is a completely unregulated industry. However, electricity, phone, gas, those prices are in some way or another regulated at the PUC. Thank you.

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

ROLL CALL NO. 478

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

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

ABSENT - Jabar, Jodrey, Matthews, Pinkham, Powers, Rines, Stevens.

Yes, 77; No, 67; Absent, 7; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 7 being absent, and accordingly the Majority Ought to Pass Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, March 23, 2000.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell who wishes to address the House on the record.

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. Last year Representatives Loring and Soctomah started a wonderful tradition with their display of cultural and the heritage of Native American nations. As you may remember last year, we also had a display of the Underground Railroad, so this year we decided to combine efforts and bring what has been proclaimed, Maine Diversity Day, to the State House. I would like to read a proclamation of the State of Maine to you and read this on the record.

Whereas the State of Maine enjoys diverse communities within its borders and;

Whereas this occasion will promote awareness and understanding of the variety of racial and ethnic groups which contribute to Maine's unique culture and;

Whereas on March 22nd, 2000, various groups and organizations from all regions of the state will come together at the statehouse to share their history, traditions and experiences with Legislators and Maine citizens.

Now therefore, I, Angus S. King, Jr., Governor of the State of Maine, do hereby proclaim March 22nd, 2000, as Maine Diversity Day throughout the State of Maine and urge all citizens to mark this observance, in testimony thereof, I have caused the great seal of the state to be hereunto affixed, given under my hand at Augusta this 21st day of March in the year of our Lord, 2000. Angus S. King, Jr., Governor and also signed by Dan A. Gwadosky, Secretary of the State.

This is a tradition that we hope will continue after this term-limited Legislator leaves. It's grown in a very short time, just one year, to bringing in other cultural and historical perspectives from the diverse communities in our state. It's my pleasure to have been a small part in bringing it to the statehouse and I would thank all those who have participated in today's displays and encourage them to come back each year from now until forever. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring who wishes to address the House on the record.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I'd like to thank Representative Campbell for inviting the tribes to participate in the celebration of racial diversity. We look forward to greater participation and partnership with other groups and organizations of color within this state. It is our hope to share our history, traditions and experiences, resulting in a better understanding and acceptance of each other's differences, thereby making Maine a better place to live.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick who wishes to address the House on the record.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. Not to single out one person from the group that just received a standing ovation from us, but the Honorable Gerald Talbot is a person I have had the privilege of serving with at the Southern Maine Area Agency and I would be less than truthful with you if I didn't share how much he has helped people that never knew that he was helping them and I would say that it is a pleasure to me to always look up in the balcony and see the Honorable Gerald Talbot. Thank you.

CONSENT CALENDAR

First Day

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

(S.P. 585) (L.D. 1665) Resolve, to Promote Natural Resource-based Industries Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting Ought to Pass as Amended by Committee Amendment "A" (S-549)

(S.P. 882) (L.D. 2297) Bill "An Act to Appropriate Funds to Match a Federal Department of Energy Research and Development Award" **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-547)**

(S.P. 890) (L.D. 2309) Resolve, Authorizing the Commissioner of Administrative and Financial Services to Transfer or Acquire Property or Interests in Property at the Maine Criminal Justice Academy, Oak Grove Coburn School in Vassalboro and at Other State-owned Property **Committee on STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-550)**

(S.P. 921) (L.D. 2372) Bill "An Act to Regulate the Sea Cucumber Fishery" (EMERGENCY) **Committee on MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-542)**

(S.P. 982) (L.D. 2532) Bill "An Act to Implement the Recommendations of the Task Force to Study the Need for an Agricultural Vitality Zone Program" **Committee on AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-548)**

(H.P. 1816) (L.D. 2549) Bill "An Act to Implement Recommendations Concerning Protection of Indian Archaeological Sites" **Committee on EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1852) (L.D. 2590) Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor (EMERGENCY) **Committee on LABOR** reporting **Ought to Pass**

(H.P. 1879) (L.D. 2615) Resolve, Regarding Legislative Review of Chapter 119: Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) **Committee on NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1810) (L.D. 2536) Bill "An Act to Provide Funding for Mental Retardation Day Services and Residential Services for Nonclass Members" **Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-906)**

(H.P. 1817) (L.D. 2551) Bill "An Act to Implement the Recommendations of the Committee on Sawmill Biomass" **Committee on TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-899)**

(H.P. 1833) (L.D. 2569) Resolve, to Authorize the Waldo County Commissioners to Borrow not more than \$400,000 to Build a Waldo County Communications and 9-1-1 Center (EMERGENCY) **Committee on STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-909)**

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. 478) (L.D. 1438) Bill "An Act to Allow for Expedient Improvements to Commercial Tracks" (C. "A" S-541)

(S.P. 905) (L.D. 2357) Bill "An Act to Amend the Maine Seed Capital Tax Credit Program" (C. "A" S-539)

(S.P. 990) (L.D. 2545) Bill "An Act to Reduce the State Tax Valuation for the Town of Standish" (EMERGENCY) (C. "A" S-538)

(H.P. 1830) (L.D. 2566) Bill "An Act to Repeal the Fort Kent Utility District"

(H.P. 1837) (L.D. 2575) Bill "An Act to Restore the Chaplaincy in the Maine Correctional Center in South Windham" (EMERGENCY)

(H.P. 1856) (L.D. 2592) Bill "An Act to Amend the Charter of the Kennebunk Sewer District" (EMERGENCY)

(H.P. 219) (L.D. 297) Bill "An Act to Exempt Capital Gains from the Maine Income Tax" (C. "A" H-890)

(H.P. 471) (L.D. 678) Bill "An Act to Require Completion of an Ambulance Operator Course" (C. "A" H-888)

(H.P. 523) (L.D. 730) Bill "An Act to Allow Certain Disabled Persons to Fly-fish With Open-faced Reels" (C. "A" H-887)

(H.P. 868) (L.D. 1225) Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans With Disabilities Act (C. "A" H-886)

(H.P. 1069) (L.D. 1500) Bill "An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers" (C. "B" H-891)

(H.P. 1508) (L.D. 2153) Bill "An Act to Modify the Campaign Finance Laws with Regard to Running for Federal Office" (C. "B" H-892)

(H.P. 1704) (L.D. 2410) Bill "An Act to Amend Requirements for Maine Technical College System Employees Participating in a Defined Contribution Plan" (C. "A" H-895)

(H.P. 1741) (L.D. 2447) Bill "An Act to Amend the Maine Juvenile Code" (C. "A" H-885)

(H.P. 1752) (L.D. 2458) Bill "An Act to Reduce the State Rate for Tax on Telecommunications Personal Property" (EMERGENCY) (C. "A" H-897)

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** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

BILLS IN THE SECOND READING

Senate

Bill "An Act to Amend the Comprehensive Research and Development Evaluation"

(S.P. 1043) (L.D. 2631)

House

Bill "An Act to Amend the Program Evaluation Report Contents of the State Government Evaluation Act"

(H.P. 1899) (L.D. 2640)

House As Amended

Bill "An Act to Expand Eligibility for the Veterans' Property Tax Exemption"

(H.P. 1662) (L.D. 2331)

(C. "A" H-882)

Bill "An Act to Create Employment Opportunities by Clarifying Maine's Tax Laws Regarding Mutual Fund Companies"

(H.P. 1694) (L.D. 2400)

(C. "A" H-867)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED**

TO BE ENGROSSED in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

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.

ENACTORS

Emergency Measure

An Act to Create a Seamless Treatment Plan for the Juvenile Offender with Substance Abuse Problems

(H.P. 466) (L.D. 629)
(C. "A" H-851)

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. 130 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.

Emergency Measure

Resolve, to Establish the Task Force to Reduce the Burden of Home Heating Costs on Low-income Households

(H.P. 1677) (L.D. 2343)
(C. "A" H-841)

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

On motion of Representative SAXL of Portland, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles

(H.P. 1117) (L.D. 1576)
(C. "A" H-863)

An Act to Clarify the Workers' Compensation Laws Regarding the Agricultural Laborer Exemption

(H.P. 1390) (L.D. 1995)
(C. "A" H-857)

An Act to Update and Amend the Preferred Provider Arrangement Act

(H.P. 1422) (L.D. 2029)
(C. "A" H-860)

An Act to Amend the Animal Welfare Laws

(H.P. 1646) (L.D. 2306)
(C. "A" H-834)

An Act to Clarify the Laws Relating to Corporate and Other Entities

(H.P. 1664) (L.D. 2333)
(H. "A" H-826 and S. "A" S-533 to C. "A" H-818)

An Act to Designate a Poison Control Center and to Adequately Fund Poison Control Services

(H.P. 1693) (L.D. 2399)
(C. "A" H-849)

An Act to Support and Expand the Maine Writing Project

(H.P. 1708) (L.D. 2414)
(C. "A" H-859)

An Act to Improve Licensing Efficiency within the Department of Agriculture, Food and Rural Resources

(H.P. 1742) (L.D. 2448)
(C. "A" H-864)

An Act to Prevent Gray Market Cigarette Sales

(S.P. 897) (L.D. 2316)
(C. "A" S-524)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Resolve, to Require an Examination of Distributed Generation

(H.P. 1691) (L.D. 2397)
(C. "A" H-856)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Resolve, to Recognize Veterans of the Vietnam War in the State House Hall of Flags

(H.P. 1765) (L.D. 2471)
(C. "A" H-837; S. "A" S-540)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned.

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:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-828)** - Minority (1) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE** on Bill "An Act to Allow the State Police to Accept Funds from Private Entities for Services Provided"

(H.P. 1743) (L.D. 2449)

TABLED - March 7, 2000 (Till Later Today) by Representative POVICH of Ellsworth.

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

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. Remember the Phish Concert. Over 75,000 Phish Heads came to Maine to spend a weekend in the crown of Maine, glorious Aroostook County. They came, they spent, they went. The state police were required to commit many hours of resources to the concert. There were many incidences of drug violations and sadly there were some fatalities associated with the concert, not at the concert site, but away from the concert site and I am pleased that the state police, Maine's finest, were there to prevent further problems, but I wasn't glad that current Maine law required taxpayers to cover the cost of the details. The concert organizers had budgeted for this service. That's what they do wherever they go, they know they bring extra requirements for infrastructure services and they're willing to pay for them, but the concert organizers couldn't pay the state police directly for this service. They had to jump through a lot of hoops, through pass-throws and a gift through the Governor and only was that public safety detail paid in that way. It makes sense to allow the promoters to contract with the state police directly for the public safety detail.

Today I became aware of a traffic problem on the coast, the morning traffic was backed up for several miles due to bridge construction. Road rage ruled the morning and there were no traffic advisories posted, there were no uniformed police on duty, it was a poor and potentially problematic and dangerous situation. The contractor, in my opinion, handled the situation poorly; uniformed police should have been there. This is what this bill will do. This bill allows the state police to provide services to private entities and persons and charge for providing those services. The revenue collected for payment of the services must be allocated for the purpose of funding the cost of providing the services. Current law allows the state police to provide services to and seek reimbursement for those services on the Maine turnpike, federal agencies, and municipalities that lack in organized police department and there are important public safety reasons for uniformed police to be present at these details. People view the police as more authoritative than flag people. It's easier to control the stopping and diverting of traffic. As far as compliance; marked, well-lit police vehicles offer more safety for both the officer and the construction scene. In addition if a law enforcement action is needed, on-duty troopers can quickly summon help. The state police support the bill. The Trooper Association supports the bill. It allows them to offer services for public safety purposes, public safety purposes. This is not for dances or the Blue Hill Fair or anything like that, for serious public safety purposes, like the Trek Across Maine and escorts of over dimension loads required by Maine law. It is permissive. In other words, the Colonel will not accept any project that just comes down the line that conflicts with the current detail, or competes with other entities, or would degrade the mission, or over tax the troopers. All other states in New England permit it and their examples of interstate cooperation that are compelling, as an example of a past situation, work being performed on the high level bridge between Maine and New Hampshire was hampered because our state police could not provide a detail to link up with the New Hampshire state police in the middle of the bridge at the state line. So they had to jump through a whole lot of hoops, delayed the detail for several hours until they could figure out a way to fund this detail. In addition, it allows our troopers to earn some extra money on their

days off or vacation days. The compensation we pay our troopers right now is sorely lacking, you may know, rating lower 40's among other states. We just got a handout, which was for another bill, which describes where our troopers are and what their needs are. I hate to think that our state troopers are resorting to WIC vouchers or subsidized hot lunches, but that's what's happening these days and I don't like that.

There are numerous safeguards. The state police would be required to report annually to the Criminal Justice Committee. Safeguards as to somehow an uneasiness that there is out there about this bill. This 11 to 1 report out of the Criminal Justice Committee. The bill will be repealed on July 30th, 2002. The majority felt these were reasonable limiters, so I urge you to support the pending motion, 11 to 1 from the Criminal Justice Committee.

Representative **POVICH** of Ellsworth **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.

Representative **QUINT** of Portland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. I want to start off by saying that I do support the Maine State Troopers and what they do and do recognize that they are a part N-40th being lowest paid in the country. I just want to talk a little bit about Representative Povich and what he mentioned and what I've discovered. It is true that all the New England states do in fact allow their state troopers to have private duty detail, but what all the other states do have is very detailed policies and procedures that are in statute that allow state troopers to do those sorts of details. The bill that is in front of you does not define what public safety means. It does not define a variety of things, all it does is it gives the authority to the Colonel, total discretion to the Colonel as to who we're going to provide services to and who we're not. Some of the questions this bill doesn't address are, what is the process for private businesses to request private duty detail from the state police. What the bill does not say is what type of activities will actually be provided for and what we'll know and what we'll not.

What is the basis to perform private detail? Is it to be bargained as part of the troopers contract or is there going to be a policy developed in statute so that everybody will know who selected and who's not. What are the hours to be worked for in a private detail and are those factored into the trooper's retirement? Are officers available for detail, for example, are all officers available for detail like Captains and above, because some statutes in other states do not allow Captains or above ranks to participate in this process. Is an extra detail only limited to a trooper's day off? In many states that's outlined in statutes. Can a trooper travel to and from an extra duty on regular scheduled duty time? That's not addressed in this bill. What protections will be placed to monitor and ensure that private duty, extra details are not so physical taxing or to diminish the trooper's ability to in fact perform his regular assigned schedules.

My final question, which is addressed in many of the statutes is, will regular scheduled work hours be changed or altered for the purpose of extra detail? Now we can all say that none of this stuff will happen, but the reality of it is we don't know, because it's not clearly defined in state statute as to how this program will

be administered, who we administer services to and who we don't, so its clearly giving the responsibility to the Colonel to decide who and who he won't do.

The other issue, is in fact if we do have a public safety issue, is it the responsibility of the private sector to pay for that truly public safety issue, or is it the state's responsibility to do that? Currently the state troopers don't have an overtime budget, so there is not a way for them to provide extra duty for legitimate public safety concerns. I would argue that if truly there is a public safety concern, is that the responsibility of the private sector to pay for that or is it the state's responsibility? I think it's the state's responsibility. The example Representative Povich used on the cost. Do we notify all road construction contractors that the state police are now available to provide highway and traffic security and how do we say no and whom do we say no to when that happens? I would encourage you based on all of these questions, that if we are to answer in statute to provide a certain amount of accountability and who would get these services and who would not, that would be a different story.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Muse.

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

The SPEAKER: The Representative may pose his question.

Representative MUSE: Mr. Speaker, Men and Women of the House. In regards to what hours and if it will be limited to Captains and above and will they be covered to and from while they're on duty. I would ask if the previous speaker has, in fact, looked at the current contract that the state police have as well as their code of conduct which in every police department that I'm aware of specifies how outside details are worked, how they're performed, who will perform them, contractually it specifies who can and who cannot perform different jobs and I'm just wondering if that has been looked at.

The SPEAKER: The Representative from South Portland, Representative Muse has posed a question through the Chair to the Representative from Portland, Representative Quint. The Chair recognizes that Representative.

Representative QUINT: Mr. Speaker, Men and Women of the House. Like all contracts that state troopers have in all those other states, those things are clearly defined, however, when the state makes a sweeping policy to say that, in fact, state troopers will be allowed for private detail and we put that into statute, I think it's our responsibility if we say that that's okay for us to clearly define that in statute, because that's a policy decision that we have made. Obviously the other states that have contracts with the state troopers and all those things that are standard in law enforcement contracts, those states found that it was necessary in order to do this to insure that all those things were done as they are done in the other states.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Muse.

Representative MUSE: Mr. Speaker, Men and Women of the House. I'm still not sure if anyone has looked at the contract, which specifies how these things will be done, because the fact of the matter is our troopers are doing these jobs now. They are currently doing this. This bill will change the way that the pay is structured. It will change the fact that the pay will come into the state police. It will allow the state police to schedule overtime to schedule for these positions. Our state police are still working outside details, are still working outside jobs in order to make ends meet. This bill comes with a sunset on it. I agree with the

good Representative from Portland who has said, if we're going to do this and provide state services, we should pay for it. We should budget for overtime and I agree with that, but we don't. That's the fact of the matter. We don't. This is a way that will address that and it comes with a sunset on it, so that next year some member who is back in this body can introduce a bill that would put overtime into the state police budget. This bill will go away. It's a very simple matter. 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. I'm sorry to prolong this debate, it was an 11 to 1 report, but I feel I need to answer some of the questions that were raised, address some of the comments that were made by a previous speaker.

In regards to which events will be allowed unto this, clearly states public safety major events and traffic direction and control reasons. They are only upon request and approval of the state police chief. It does not take the troopers away from their regular duties. It is strictly on their days off. It is strictly voluntary. They spoke in favor of it because they want the overtime, it again does not take away from their regular duties. Troopers will only be offered the off duty details after details are approved by the state police chief and after all union contract guidelines are followed, in response to a question.

All revenues for actual costs will be charged, that includes the salary, the retirement, the use of the vehicle, etc. Again this was an 11 to 1 report. We worked this, I would say, quite diligently and I would ask that you oppose the pending motion of indefinite postponement.

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

Representative MCALEVEY: Mr. Speaker, Ladies and Gentlemen of the House. I'm on the prevailing side of this bill and I have done this since I have been here in 6 years, but I'm not going to support this proposition. I think the good Representative from Portland, Representative Quint, brings up some good points, let's see the rules and regs first. Yes, there is contract language that governs how they handle this. It's bittersweet for me to stand up and speak against this, because troopers rely on their overtime just to make ends meet. Not to buy the extras in life, but just to make ends meet. There are too many unanswered questions. I had some unanswered questions a couple of weeks ago, I wasn't satisfied with the answers I got from the commissioner, nor the Colonel of the state police. In fact it took about 5 phone calls before they would even talk to me about it. There are too many unanswered questions right now. I think this is a good bill, but it's a bill before its time and I recommend that we see some rules and regs put in place before we decide to do this. The one thing that was impressed upon us that they can't do now is they can't go out and solicit outside details, but this would then allow them to. There's more than enough work out there for outside details, I want to see it in writing to see how they are going to do it. I want to see specifically the rules and regulations. The department has a very stringent set of SOPs or SOGs, or whatever you wish to call them. You can't fill your vehicle up with gas without following an SOP; let's see the SOP on this first. I wonder why they are in such a rush to push this through. What is it that they know that we don't know?

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I discussed this issue yesterday at the Democratic caucus; my fears had been somewhat relieved to some degree, but not completely. I look back at what the Legislature did in 1991 when we decided to give law enforcement authority to the forest rangers and the Legislature failed at that time to put in rules and regulations under which they would proceed and how it would work and now we're embroiled in that issue. I get a little scared about what the potential impact of this particular legislation could be, but I do want to raise this, and some of you may not be aware of this, number one group of state employees who have the highest cost of workers compensation are the Maine State Police. I repeat, that is the highest cost of any group. Now I'm not sure you're aware, nor am I, of what that is, but what happens if that state trooper is injured doing one of the details while not "technically" a employee of the Maine State Police? Let me tell you how the worker's compensation law works, that it is entirely possible for us to be also allocated that cost, because we will be the ones with "deep pockets." That's one of my fears.

The second one is what happens to liability? Have we figured out what the cost of that is and is that going to be billed back to the persons or person hiring that trooper? I'm not sure I have the answer. I'm just fearful of the state's exposure in this issue and I think that we are somewhat looking for trouble. Maybe there's a way to draft some regulations to put that into law, but right now I have a real fear that we are doing something premature without knowing the long-term impact.

The **SPEAKER**: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I'll try to be brief and I certainly do not have the answers to all the questions that have been proposed this morning, but I do have some knowledge. I've sat on the Criminal Justice Committee for the last 4 years and have become deeply involved with the Maine State Police and its agency. Recently, we had a double homicide in my hometown in Dexter, where 2 people were murdered, a 20-year-old girl and 21-month-old child. Yellow ribbons were placed around the home, a couple of days went by, 3 days went by, 4 days went by, road block, finally after the 4th day I went down and I said, could I speak to the state trooper in charge of the investigation. He came out on the sidewalk, I introduced myself, I said I'm Representative Tobin, I'm here to offer any assistance that I possibly can in regards to manpower, overtime, what do you need? He looked me right in the eye and I won't mention his name, ladies and gentlemen, because all the state police are the same. He said, Representative Tobin thank you very much for your offering of assistance, but he said to me in cases like these we "pull out all stops," he assured me that they would do everything in their power to examine that crime scene, to find evidence, to hopefully bring about a conviction. Ladies and gentlemen, what did that tell me? That told me that the State of Maine has an agency which is professional, which is courteous, which extends itself to the public, to the people of the State of Maine not worried about whether they were going to get paid or not. I ask you to vote against the pending motion. We've got a stable of horses here in Augusta, we've got taxation, we've got education, we've got human services and we've got the Maine State Police, whom I believe is one of our best bred. If we want to win a horse race, ladies and gentlemen there's two ways you can do it. You can hold on to the reins tightly and whip that horse at the withers, or

you can let go of those reins, give the horse it's head and let it win the race. I believe we need to empower our state agencies, such as the Maine State Police. This is an offering of empowerment to do their job, which is warranted and well deserved.

Representative **POVICH** of Ellsworth **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. This bill really troubles me and has ever since I saw it come forth. Whenever I'm on the turnpike at night and I see a state trooper pulling somebody over and sticking his face in the window, I think these people should get twice the pay they do. I can't imagine doing the job they do. It's fraught with danger. In the service, those of us that flew got extra pay for the danger of flying. These people should get way more pay than they do, but this is a terrible way to enhance their pay by allowing them to work for private entities. The bill is written so loosely, as I see it, with all due respect to the hard work of the committee, I know that it's well meaning and they did a tremendous amount of work on this. To allow private entities to hire these police is the wrong direction. It says for public safety and our good Representative from Ellsworth, the Chair, said this isn't just for things like the Blue Hill Fair, I take exception to that, it's serious public safety problems. The word serious isn't in there, he added the word and we're leaving it up to the colonel to decide what's serious. That's just one of the problems I have with it. I just don't like the concept of a wealthy group of people, for example a wealthy neighborhood, in a wealthy town, like I have a couple or so in my district, out of maybe seven. A wealthy neighborhood, say in Castine, wonderful little town, but why should they be able to, because they have more money, hire the services perhaps in the name of public safety, a public safety organization. It just doesn't make sense. They could hire a uniformed private police person for the presence, the uniform, the badge and the radio. I think this is the wrong direction to go and I seriously hope that you'll defeat this by passing the pending motion. As Representative McAlevey said, let's wait until we get some rules written out with more specificity here, so we'll know what we're voting on. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative McDonough.

Representative **MCDONOUGH**: Mr. Speaker, Men and Women of the House. I'm persuaded by the discussion that has taken place this morning that we ought to stand behind our troopers all the way. Their Representatives have said they want this, I've talked to a number of troopers in my part of the state and they want this. They want to be able to be treated just like any other law enforcement agency. Troopers work for us; they are our people. They're a premier organization in law enforcement in the State of Maine. If there was a problem with it, I'm sure it would be ironed out, the committee has come forward with a majority report that this ought to pass, I respect their wishes. We all sit on committees and sometimes we are a little bit perplexed when the majority committee's wishes aren't adhered to by the overall body. I think in this case we need to support it. The troopers want it, it helps them and their families and I have a lot of faith in the leadership in that organization that

we are talking about, the Maine State Police, to do the right thing. They are not going to allow the Chief, Colonel, whatever you want to call him, is not going to allow that body to be diminished in the eyes of the public or anything else. So I ask the body to defeat the pending motion and let's get on with the vote.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. There have been a number of incidences not only today, but in the past, about what it is we do in committees and how perhaps if the committee report is unanimous or perhaps if it's major one way or the other, I want everyone to know that I'm a member of a committee and I will never, ever have any problem if you question the wisdom of what I do as a member of the committee or what the unanimous report of a committee from Natural Resources happens to be, because we all make mistakes and we don't always see the other side of the story and I would ask any member of this body to question any report that comes from Natural Resources Committee and question whether or not it's the right thing and if I'm wrong I hope I'll be wise enough to admit that I am wrong. I want to say this, that the other thing to be concerned about here is not whether or not we support the Maine State Police or not. I support the Maine State Police, I believe they are the finest police force in this state and I hold them in that regard. I want to keep them where they are. That's not the issue here today. The issue is, and I guess no one, and I will pose this question to any member of the Criminal Justice Committee and I hope they have an answer for me, so maybe I can vote with the wisdom of what the majority of the committee chooses to do and recommend to us and it is this, what happens to the costs allocated to liability and worker's compensation? Has that been figured into the program and who will be responsible for the payment of it?

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 Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. To answer the Representative from Eagle Lake, Representative Martin's question, all costs are to be covered through the detail.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Laverdiere.

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. I am also troubled by this bill. This is not about whether we support the Maine State Police. We do, of course we do. They are a fine example of what we would hope to see in law enforcement agencies throughout the country, some of the finest people you would ever meet are Maine State Troopers. But this isn't about how good they are and how much I hold them in respect. This is about us contracting with private companies to have state police officers in uniform and in their cruisers working for a private company. Now I pose a question to all of you and that question is simply this. If you have a Maine State Trooper that is working the detail that Representative Povich mentioned, the traffic detail, and he has his cruiser nearby and he sees somebody going down the highway at an extremely high rate of speed, endangering people, does he leave the job that he is paid to do with the contractor and go after that person, or does he not and if he doesn't, aren't we in the same kind of situation we were in with the turnpike situation a few

years ago, where someone died. Someone said a moment ago, well we stand behind our troopers, well yes, don't ever forget that, from a liability standpoint, we stand behind our troopers and if there is something that happens in terms of liability, who is going to defend the Maine State Troopers, we are. Who is going to incur the legal expenses, we are. Who is going to ultimately have to pay any liability, we are.

When you talk about the costs being allocated, maybe the cost of the premium of worker's comp will be paid, but the liability is ours. The cost of defense is ours and from a pure liability standpoint, ladies and gentlemen, I think we need to take a long and hard look at this bill before we do it. Now I'm not necessarily saying that we shouldn't at some point in time allow the Maine State Police to enter into some contract, I just don't think that this bill has the specificity that satisfies me with regard to the issue of liability, and with the issue of how this is going to work. I urge you to vote in favor of the motion to indefinitely postpone. Thank you.

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

Representative **MCALEVEE**: Mr. Speaker, Ladies and Gentlemen of the House. I'll try to answer the two questions that have been posed earlier. It is my recollection when we discussed the cost of this that that would be born by the contractor, but the very specifics of liability and workman's comp was not discussed in any detail.

Secondly, it's my recollection that if a trooper needed backup or if a police officer needed backup, if there was a serious law enforcement situation, those extra troopers out there could be called, could be called to leave that detail to go to the rescue of someone else. Try to remember that their prime role is to manage the laws of the State of Maine. Many friends of the state troopers, and my comments earlier are not meant to any way diminish my support for them, but it's bittersweet that I have to speak against something that might help put money in their pocket when they are so poorly paid.

For those of my generation who grew up watching Spanky's Gang, let's put on a play then we'll make up the script later. It's a good idea, but let's see some rules and regulations in place first. Let's make sure that we know exactly what we are going to do, because this is a major substantive step forward. 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. From time to time in this state we have strikes at some of our paper mills, one of them in my area. Would this bill allow the mill owners to hire the Maine State Police and use them in that security and what message would that give to the workers and to this state.

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 South Portland, Representative Muse.

Representative **MUSE**: Mr. Speaker, Men and Women of the House. We're leveling the playing field and in the same way that the owners of that mill would be allowed to contact their sheriff's department, their municipal police department, they would have the option of contacting and contracting with the state police. The Colonel would also have the option of turning that down. In

regards to questions that were made earlier, what if that officer is working the detail and sees somebody speeding down the road, that officer would do exactly what that officer would do were he or she working that same detail today, which they are doing, he or she would use the good sound judgment that they have, that they were trained to use. If the person is going down the road like a pinball machine, bouncing off of cars, by all means they're going to leave the detail and do their job. If they see someone speeding down the road, perhaps in excess of 100 mph say, 85, 90 mph, and they have a portable radio, they may get on the radio and contact a trooper who is down the road with a plate number, the same way that they would do today. The same way that municipal, or sheriff department's officers who are working outside details would deal with the situation like that. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising for the second time, but I'll be very brief. All these questions were excellent, they were all asked during the committee meetings. Who better to have at a construction site, with a radio, with a police car, with emergency medical supplies, talk about liability, we have liability to the citizens of the State of Maine, who better be there, the state police or some flagger. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. We're not plowing new ground here, virtually every police agency in the state, whether it's city or county, currently allow their officers to have these details and get paid overtime. The state police aren't being hired by these agencies to enforce that agency's laws. They'll be hired to enforce the laws of the State of Maine. The laws that we have passed and I don't believe we have to have it in title, in statute, every possibility that you want covered. I think we can rely upon the chief of the state police to use his good judgment and do what is right, be selective about these details and I don't think the liability is a new question that is just going to arise with the state police. These have all been answered. I urge you to defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I'm kind of torn on this bill. I recognize the problem of recouping the expenses of using state troopers for private enterprise, such as the Phish Concert, but on the other hand I still have that same gut reaction that I had when I first heard about the bill and that is this. I've heard a lot today about leveling the field, but I'm not sure we want to level the fields. I hold state troopers to be a cut above, when we start leveling the field, what we're really doing is bringing them down to the field and the field that I'm talking about is the field of, I hate to use this term, I've never heard it in a non-prejudice sense, the rent-a-cop. If you've ever heard it in a non-prejudice sense than I think we ought to vote for this bill, but I've never heard it in a non-prejudice sense. I'm not sure we want to go down that road. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I think it's a sad day when we publicly

infer that we do not trust the Department of Public Safety or the Colonel, the Commissioner of Public Safety, or the rank and file members of that organization to adopt what our technical rules, I think of procedure. I agree with the good Representative from Buxton, they are in many respects a cut above, it's sad, however, that we pay them less than their municipal counterparts. It's sad that they're less educated, it's sad that they're less well trained. That's a fact. What we're doing today if we vote to indefinitely postpone this bill is to simply deny the state the opportunity to seek a refund of the moneies, which would be due to them for the details that are already being preformed by the state police. I can think back to the colonels that I had to deal with personally, Colonel Weeks, Demers, Skofield and Dow and I have tremendous respect for all those men and tremendous respect and confidence that those men could write the technical rules of procedure which would define what is appropriate when determining what special detail will be filled. Regarding the worker's comp and liability costs, they may well in fact be the highest among state workers. The costs however are factored in to the rate of compensation that is paid by the vendors to the state police organization. I'm puzzled frankly that we give more discretion to DHS and technical rulemaking than we would give to the Colonel of the state police. I find it disturbing; I don't know a good answer as to why. I do know it exists, that we give wide rulemaking authority to all departments in state government and however, for some strange reason, this seems to be the stumbling block here.

Remember a state trooper is on duty at all times, whether they are on a special detail, whether they are in a mall, they're there and they respond. This is simply just a free ride, a free ride for the vendors. Tomorrow if you indefinitely postpone this, the state police will still do these special details. They just simply won't be paid for it. Is that wise or prudent, I'll leave that up to you, but I will not vote to indefinitely postpone this, because I do trust the Colonel and the Commissioner of the Department of Public Safety to make the right technical decisions, regarding when these people go out and work these jobs. Thank you.

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

Representative **QUINT**: Mr. Speaker, Men and Women of the House. This is not about trust. The reason I put this forward, and it is true, many commissioners do promulgate rules, that some of them are major and substantive and some are technical and I don't know why we see the fact that some of us want to require rules in front of us before we support this. I never said I didn't support it, all I've said is that I think it's responsible to provide some guidance to the colonel and the department to insure that we do all the things that we say we're going to do. All those protections are in place, for troopers and those we know what we're going to say yes to and what we're going to say no to. The fact of the matter is, we can get reimbursed for trooper services. The difference is with this bill is that it goes directly to the Department of Public Safety and not to the general fund. So just be assured that if we don't pass this bill we can still bill private entities for the services that they provide, but it will go to the general fund and not directly to the Department of Public Safety. If we had an overtime budget, which is what we should probably have, the need for that to go directly to the Department of Public Safety would, in fact, not be an issue. So just to let everybody know, we can currently bill private businesses for those services provided, it just goes to the general fund and not directly to the Department of Public Safety.

The SPEAKER: The Chair recognizes the Representative from York, Representative Andrews.

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. As a former member of the state police family, I rise in support of this bill and I perhaps would like to take issue with a couple remarks that were made here earlier. I do not see the state police being the least trained, I see them as being the best trained, but the most poorly paid law enforcement agency of the state. I happen to have a state trooper in York County who is on the WIC Program, who is on fuel assistance. Is that what we want for the eyes of the State of Maine to have to apply for WIC, fuel assistance, subsidized meals for their children. If we're not going to pay them an adequate wage, we should at least allow them the opportunity to supplement their income. I would also reinforce the fact that these state police are on call 24 hours a day, 7 days a week. When my former husband, Trooper Black was killed in the line of duty, he was killed on his day off, so I feel we need to do much to upgrade how we treat our state police and how we pay them.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Like everyone else who gets up at the last hour here, I apologize for prolonging this. This bill I don't recognize it from the days of old. It seems to be an orphan. It seems to have grown beyond its simple dictates.

What I read in this, and what we tried to do in committee was this was going to be upon request of a federal agency or other person, they may provide, may provide, not must, may provide assistance for public safety purposes only. That public safety purposes, in a sense, is defined in the enabling legislation of the state police. It says they have specific powers and duties as the state police, shall patrol the state highways and other important ways. Now if you want to do some chewing on this, you might decide what is meant by other important ways. I have no idea, but I think the state troopers have lived with that for a long time and seem to have done well. It says especially outside the compact portions of cities and towns for the purpose of enforcing the law and all laws relating to motor driven and horse driven vehicles. Now I don't know how many horse driven vehicles are picked up for speeding lately, but perhaps you should write some laws and regs around that, arresting all violators and prosecuting all offenders against the same. Now when I think of public safety purposes of the state police, that's what I think of, if you also read the enabling legislation, it says the state police may provide patrol services of the Maine Turnpike, no rules and regs, just says you may provide it. Are you asking for specificity, that I don't see in the enabling statute itself. It says the chief of the state police may charge, it doesn't say he has to, it says he may, charge the Maine Turnpike Authority for these services, revenue received or allocated for the purposes of funding the cost of patrolling the Maine Turnpike.

Now last session, it seems like 10 years ago, last session we approved a law in this body that says the chief of the state police may assign a state police officer to provide police services to a municipality and you agreed to do that, specificities with that, it talks about the cost of compensation, wages and fringe benefits and I would say you may want to look at every one of those municipal agreements, because they may have some duties in there that you're worrying about and I haven't heard any of you cry about that.

I was one of the 11, I'm in support of this. I think it says may provide assistance for public safety purposes only. It says the revenues received from these agencies and other persons must be allocated for purpose of funding the cost of providing the services, someone is going to pay for it and what you throw in there I guess, is what you negotiate and in addition to that, I thought we put a nice safety device on, for those of you that are here next session, the state police shall report to the standing committee of the Legislature having jurisdiction no later than January 15th, and I read that to be 2001, concerning the assistance not only for the federal agencies and other persons during the previous calendar year. The report must contain information about the types of service provided, the number of services and the fees charged by the chief of the state police, so it seems to me that the bill allows him a little discretion in those services, but again I would emphasize this is for public safety purposes only. Thank you, Mr. Speaker.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. I've heard a lot of discussion here today about the policies and procedures and also contracts, having been a member of the state police for nearly 29 years, I worked within those guidelines that were set down by policy and procedure for many years and also was charged to enforce those as a supervisor. I can assure you that the manner in which the state police are structured, para-military structure through sergeant, lieutenant, captain and so forth, each level of supervision is very well trained and they know what the charge of the state police is. They know how to do their job and the chief that we presently have has come up through the same structure that all the other ones have before him.

I think I should take just a moment to kind of explain to you how this is set out. Presently the state police do escorts, you'll see these oversized vehicles that come down the road, the state police do that and many of those troopers are on a day off. I don't see how this would be done any differently than what already is. How that comes about is a person makes an inquiry based upon a permit that they get from the Secretary of State's Office that requires troopers to escort. It's up to the person requesting the permit to contact the nearest state police barracks and make arrangements for the troopers, in turn, the sergeant, or lieutenant whoever happens to be in charge that particular day will make the arrangements generally with an off duty trooper to do that escort. When the trooper does that he does not get paid for the travel time between his home and to the escort and he does not get paid after the escort back home. He only gets paid for the time he's actually doing the escort. The trooper will, in turn, fill out what they call an overtime slip and submit that to his supervisor. It's reviewed by the supervisor to be sure that the work was actually done and so forth, and is turned over to the lieutenant, from the sergeant to the lieutenant and the lieutenant again goes over this and it's submitted to Augusta and its added into the troopers paycheck for the next week. It's not like a person requesting to have a trooper, calls a trooper up and says I'd like to hire you for the day, it doesn't work that way. There are already many policies in place to govern this. I don't see where the major problem is in this at all. There are things in place already that already govern this and one thing that I haven't heard is that presently there are many duties that are done, projects along the interstate, you'll see bridgework, many times a trooper has to go while he is on duty and do these jobs.

What you're doing is taking a trooper off from doing an investigation or something he's already working because he's presently on duty and if you have an opportunity to allow those people to pay for it and use a trooper that's off duty, you get a lot more bang for your buck. I will be voting against indefinite postponement and I would ask you to join me in that vote as well.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Before you vote I'd like to have you ask yourselves these two questions: 1. If private industry is paying for police activities, will that private industry have any conscious or unconscious influence over police policy or actions; 2. Is this the beginning of, and do we want to encourage privatization and a movement toward corporate control of our law enforcement structure and activities. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote for the pending motion. I think we have a purpose in government. We might disagree on a lot of the purposes, what we're suppose to do, what we should be doing, what we shouldn't, but I think we pretty much all agree protecting our citizens is a big priority. I think we all pretty much agree providing adequate transportation, roads, is a good priority. I think we all pretty much agree that education is a priority. Well certainly protecting citizens, I'd say, if we had to rate, those would be the first. That was the original in our constitution. That's why governments formed to begin with, to keep citizens safe, so we can argue about privatizing a lot of items. Privatizing things out, government's too big, let's farm things out; let's have them be paid for by the private sector. When we start privatizing our police force, what kind of road are we going to go down? Are we going to start renting out our national guard to make a little extra money on the side? I have to agree with what was said by Representative Volenik, the concepts of privatizing out of our police force and turning away from our purpose of protecting citizens.

Are our troopers under paid, yes they are and I believe we have another bill coming before us to fix that problem and I think we should fix that problem, but that's the vehicle to solve the problem of our under paid state troopers, not this.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: I'd like to answer the good Representative's questions. The answer is no and no unless it can be done by January 15th of the year 2001.

The SPEAKER: A roll call has been ordered. The pending question before the House is motion to Indefinitely Postpone the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 479

YEA - Berry RL, Brennan, Bull, Dudley, Dunlap, Gerry, Kasprzak, Labrecque, LaVerdiere, Martin, Matthews, McAlevy, Mendros, Perkins, Powers, Quint, Rines, Savage W, Skoglund, Stanley, Townsend, Twomey, Volenik.

NAY - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dugay, Duncan, Duplessie,

Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jones, Joy, Kane, Kneeland, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, 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, Pieh, Plowman, Povich, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Jabar, Jodrey, Pinkham, Stevens.

Yes, 23; No, 124; Absent, 4; Excused, 0.

23 having voted in the affirmative and 124 voted in the negative, with 4 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

The SPEAKER: A roll call having been previously 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. 480

YEA - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bryant, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Dugay, Duncan, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jones, Joy, Kane, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevy, 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, Pieh, Plowman, Povich, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Berry RL, Brennan, Bull, Desmond, Dudley, Dunlap, Foster, Gerry, Goodwin, Kasprzak, LaVerdiere, Matthews, Mendros, Perkins, Powers, Quint, Rines, Savage W, Skoglund, Townsend, Twomey, Volenik.

ABSENT - Bruno, Jabar, Jodrey, Pinkham, Stevens.

Yes, 124; No, 22; Absent, 5; Excused, 0.

124 having voted in the affirmative and 22 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-828)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 23, 2000.

An Act to Prevent Misuse of Mortuary Trust Funds (EMERGENCY)

(S.P. 922) (L.D. 2373)
(C. "A" S-521)

TABLED - March 21, 2000 (Till Later Today) by Representative WATERHOUSE of Bridgton.

PENDING - **PASSAGE TO BE ENACTED.**

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House. I do have answers now to the questions I had posed on the floor. They came from the Commissioner, Commissioner Longley, and my concerns were that there are three parties in these trust funds, the mortuary, the consumer and the financial institution and the committee has done a very good job and checks and balances in here to protect the mortuary, especially the consumer and the financial institution. Thank you.

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. 126 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.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were **TABLED** and today assigned:

Bill "An Act to Improve the Absentee Voting Process"

(S.P. 631) (L.D. 1796)

TABLED - March 21, 2000 by Representative TUTTLE of Sanford.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-515).**

Subsequently, **Committee Amendment "A" (S-515)** was **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 23, 2000.

Bill "An Act Regarding Wrongful Death Actions"

(H.P. 480) (L.D. 687)

(C. "A" H-871)

TABLED - March 21, 2000 by Representative WATERHOUSE of Bridgton.

PENDING - **PASSAGE TO BE ENGROSSED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-871)** and sent for concurrence.

BILL HELD

Bill "An Act to Clarify the Process for a County Bond Referendum Election"

(H.P. 1706) (L.D. 2412)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-805).**

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-805) AS AMENDED BY HOUSE AMENDMENT "A" (H-889)** thereto in **NON-CONCURRENCE.**

HELD at the Request of Representative GLYNN of South Portland.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-805) as Amended by House Amendment "A" (H-889)** thereto was **ADOPTED.**

On further motion of the same Representative, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-805) as Amended by House Amendment "A" (H-889)** thereto and specially assigned for Thursday, March 23, 2000.

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

REPORTS OF COMMITTEE

Ought to Pass in New Draft under New Title

Report of the Committee on **TAXATION** on Bill "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax"

(S.P. 661) (L.D. 1883)

Reporting **Ought to Pass in New Draft under New Title** Bill "An Act Ensuring that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax"

(S.P. 1053) (L.D. 2643)

Came from the Senate with the Report **READ** and **ACCEPTED** and the **NEW DRAFT** under **NEW TITLE REFERRED** to the Committee on **TAXATION.**

Report was **READ** and **ACCEPTED** and the **NEW DRAFT** under **NEW TITLE** was **REFERRED** to the Committee on **TAXATION** in concurrence.

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 yesterday, 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-870)** - Minority (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Create a Commission to Study and Establish Moral Policies on Investments and Purchasing by the State

(H.P. 1755) (L.D. 2461)

TABLED - March 15, 2000 (Till Later Today) by Representative AHEARNE of Madawaska.

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

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-870)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, March 23, 2000.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as**

Amended by Committee Amendment "A" (H-907) on Bill "An Act to Appropriate Funds to the Forum Francophone" (H.P. 1750) (L.D. 2456)

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:

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

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-907)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, March 23, 2000.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap who wishes to address the House on the Record.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I wanted to bring to the attention of the body an item that came across my desk the other day on March 4th marked the passing of a former citizen of this state, a woman named Rosamon Allen who died at her home in Florida at the age of 101. She was a noted member of the Brunswick community and she has no descendants, so there is no one to do a memorial sentiment for, what marks it as an even greater loss to the State of Maine was that she was the last living descendant of the former retired Major General and Governor of this State, Joshua Lawrence Chamberlain.

On motion of Representative KNEELAND of Easton, the House adjourned at 12:05 p.m., until 9:00 a.m., Thursday, March 23, 2000.