

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

March 23, 2000 – May 12, 2000

Appendix
House Legislative Sentiments
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ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
19th Legislative Day
Monday, March 27, 2000

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

Prayer by Pastor Darwin Vail, Bible Believing Baptist Church, Gray.

National Anthem by Wescustago Youth Chorale, North Yarmouth & Cumberland.

Pledge of Allegiance.

Doctor of the day, Phil Tedrick, D.O., Readfield.

The Journal of Thursday, March 23, 2000 was read and approved.

L.D. 2051 An Act to Clarify the Immunity of Law Enforcement Officers in Enforcing Protective Orders

L.D. 2178 An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians

L.D. 2511 An Act to Preserve the Integrity of Court-ordered Child Support Obligations

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

Sincerely,
S/Sen. Susan W. Longley
Senate Chair
S/Rep. Richard H. Thompson
House Chair

READ and ORDERED PLACED ON FILE.

COMMUNICATIONS

The Following Communication: (H.C. 397)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 14, 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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2304 Resolve, to Evaluate Accountability of the Child Development Services Delivery System

L.D. 2538 An Act Requiring Professional Development for Administrators, Teachers and Educational Technicians

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

Sincerely,
S/Sen. Georgette B. Berube
Senate Chair
S/Rep. Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 398)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

March 21, 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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

The Following Communication: (H.C. 399)

STATE OF MAINE

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

March 21, 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 Legal and Veterans Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2329 An Act to Designate as Public Assistance Emergency Assistance for Dependents of Veterans

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

Sincerely,
S/Sen. Beverly C. Daggett
Senate Chair
S/Rep. John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 400)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

March 21, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2601 An Act to Implement the Transportation Recommendations of the Task Force Created

to Review Smart Growth Patterns of Development

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

Sincerely,
S/Sen. William B. O'Gara
Senate Chair
S/Rep. Joseph M. Jabar, Sr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 401)

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

March 21, 2000
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":
L.D. 105 An Act to Clarify Great Northern Paper, Inc.'s Status to Furnish Electricity

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.P. 1055)
119TH MAINE LEGISLATURE

March 22, 2000
Senator Carol A. Kontos
Representative Gary L. O'Neal
Chairpersons
Joint Standing Committee on Business and Economic Development
119th Legislature
Augusta, Maine 04333

Dear Senator Kontos and Representative O'Neal:
Please be advised that Governor Angus S. King, Jr. has nominated Michael L. Finnegan of Edgecomb for appointment as Executive Director of the Maine State Housing Authority; and Margaret S. Haynes of Freeport, James E. Cassidy of Turner and Elizabeth Horning of Richmond for appointment as members of the Maine State Housing Authority.
Pursuant to Title 30-A MRSA, §4723, these nominations will require review by the Joint Standing Committee on Business and Economic Development 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 **BUSINESS AND ECONOMIC DEVELOPMENT**.

READ and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

The Following Communication: (S.P. 1056)

119TH MAINE LEGISLATURE

March 22, 2000
Senator Sharon Anglin Treat
Representative John L. Martin
Chairpersons
Joint Standing Committee on Natural Resources
119th Legislature
Augusta, Maine 04333

Dear Senator Treat and Representative Martin:
Please be advised that Governor Angus S. King, Jr. has nominated Warren Balgooyen of Norridgewock and Dennis L. Higgins of Mattawamkeag for reappointment and Marcia McKeague of Medway for appointment as members of the Land for Maine's Future Board.

Pursuant to Title 5 MRSA §6204, these nominations will require review by the Joint Standing Committee on Natural Resources 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 **NATURAL RESOURCES**.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Create an Assessment Resource Center for Maine's Homeless and At-risk Youth" (EMERGENCY)
(H.P. 1908) (L.D. 2653)

Presented by Representative QUINT of Portland.
Cosponsored by Senator RAND of Cumberland and Representatives: BRENNAN of Portland, DAVIDSON of Brunswick, KANE of Saco, O'NEIL of Saco, THOMPSON of Naples, WILLIAMS of Orono, Senators: CATHCART of Penobscot, O'GARA of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-569)**

on Bill "An Act to Ensure that an Eligible Work Force is Promptly Certified for Trade Act Assistance and Has Full Access to Training and Education Services as Provided by Law"
(S.P. 677) (L.D. 1927)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
MUSE of South Portland
GOODWIN of Pembroke
MATTHEWS of Winslow
SAMSON of Jay

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

Signed:

Representatives:

DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-569).**

READ.

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

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. The problem with this bill, as I see it, first of all it extends the unemployment comp benefit by an additional 26 weeks. Right now displaced workers have available to them 26 weeks of comp benefits from the State of Maine plus 52 weeks from the federal government. This would extend it another 26 weeks from the state, giving a total of 104 weeks of unemployment comp benefits. What I see is a problem with this bill; it provides 2 years of training. Essentially it would allow a person to get an associate degree at a community college, which is a good thing, but it will be doing it at taxpayers expense and I'm not so sure that I think that's a good idea. The other problem with it, the fiscal note attached is \$500,000 from the general fund which is a departure from our normal unemployment comp, as we normally think of the unemployment comp as being a safety net for unemployed workers who loose their job at no fault of their own. I would urge you not to accept the Majority Ought to Pass Report and defeat this bill.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. Indeed this bill would give certain individuals an extra 26 weeks of benefits, but only those individuals who work for companies who had let them go from time to time and had eaten into their unemployment benefits to start with. We debated this bill at length in committee and we came to an understanding that through no fault of their own, these employees when they were offered work to go back to the employer had to do that. If they had not, their benefits would have been cut off in the beginning. We amended this bill to allow

the State of Maine General Fund to put in one time money of \$500,000 to start a fund for those individuals who are caught up in this. Most recently Carlton Woolen Mills were the ones that were doing this with their employees and to my knowledge today they're still doing the same thing, letting these workers go for up to two, to three, to four weeks and they're using up their unemployment benefits. Also they do not fit under the federal program unless they close down completely and if they do then they would only have those federally funded benefits to be able to get education on. I realize \$500,000 can go a long ways in a lot of different places in this state, but I'd ask that you at least vote for this bill and give us a chance at the Appropriations Table to see the light of day. I think it's an honest attempt to help people who otherwise wouldn't be able to attend college to get some more schooling to go on to find another job. There's nothing else in this bill that's derogatory, but it's sending a message to business that we want our people to be well skilled and well employed. I thank you for your time and I'd ask that you accept the Majority Ought to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. The other problem that I see with this bill is that the \$500,000 one-time appropriation to fund this program, there's no provision in the bill for this to be followed by additional appropriations in succeeding years. I can foresee that the unemployment comp fund would be the source of funds in future years and we've just finished fixing the solvency of the employment comp fund and I can visualize the \$500 drain down on that fund in each successive year from this year forward.

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

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

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Carmel, Representative Treadwell, brings up a very good point about the fact that this fund, while it will be started with one time money, has no mechanism that's clearly laid to either keep it levelly funded or to increase it as needs would come along. In affect, what it will do is create a new program. Taking it out of the unemployment fund arena and bringing it into the general fund. In terms of the displaced worker, the career centers, through the State Department of Labor, are one of the beacons of that department. By beacon, I mean a place that all citizens of Maine can tap into in terms of their job status, whether they are currently employed or unemployed, to come up with strategies to further partake of Maine's economy either through education, or training of some kind, or whatever the initiative may be, with people on staff to assist them in many, many ways. I would suggest to vote against the pending motion and allow the career centers to be a part of that piece for unemployed workers. Thank you.

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

ROLL CALL NO. 490

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Hatch, Jacobs, Kane, Lemoine, Mailhot, Martin, Mayo, McDonough, McGlocklin, McNeil, Mendros, Mitchell, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Powers, Richard, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Bumps, Cameron, Campbell, Carr, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, McAlevey, McKenney, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Povich, Richardson E, Sanborn, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bolduc, Buck, Cianchette, Dugay, Green, Jabar, LaVerdiere, Lemont, Mack, Madore, Marvin, Matthews, McKee, Muse, Norbert, Quint, Richardson J, Rines, Rosen, Savage C, Schneider, Watson, Wheeler GJ.

Yes, 69; No, 59; Absent, 23; Excused, 0.

69 having voted in the affirmative and 59 voted in the negative, with 23 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-569) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, March 28, 2000.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-552)** on Bill "An Act to Amend the Laws Governing Municipal Elections" (S.P. 878) (L.D. 2293)

Signed:

Senators:

CAREY of Kennebec
FERGUSON of Oxford

Representatives:

MAYO of Bath
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
MCKENNEY of Cumberland
GAGNE of Buckfield
FISHER of Brewer

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

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
PERKINS of Penobscot

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-552).

READ.

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

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative LABRECQUE: Mr. Speaker, Ladies and Gentlemen of the House. I'd like to just offer a few words in consideration of this particular piece of legislation. As you can see I am on the opposite side of the issue and while generally I am in favor of local control, I do have some concerns with the way this bill is constructed and the possible financial burden it may place at the local level. This is an attempt to help municipalities resolve disputed election campaigns at the local level. It sets up an advisory panel, a three member independent panel who cannot be counselors or selectmen and I believe we further discussed that it cannot be an official of the town at all. As I said, if you read through this you will see this panel's decision is final, it is passed on to the superior court. I believe right now towns have the ability to create an ordinance or rule to address how they wish to take care of their disputed ballots when those come up. I'd appreciate it if you would vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Majority Ought to Pass as Amended Report. This bill that you have before you this morning arose as a result of the problems that were experienced recently in the City of Portland with some disputed ballots and I think those that followed that scenario in the newspaper understand that it was not a particularly pleasant situation. The Legal and Veteran Affairs Committee heard this particular bill; there were a number of proponents. No one spoke in opposition to this particular bill, however there were a couple of people who spoke neither for nor against. This bill does not mandate anything to the municipalities. It allows the municipalities, if they wish, and only if they wish, to establish a procedure for handling disputed ballots rather than having it done, as is currently the practice by the governing body of that particular municipality. That it was felt by a majority of the committee this was leading towards possible conflicts of interest, and certainly conflicts within friendships. This bill will allow municipalities, if they wish to do something else. It is enabling legislation only, it is not a mandate and I would urge your acceptance of the Majority Ought to Pass as Amended Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

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

The SPEAKER: The Representative may pose his question.

Representative JOY: Mr. Speaker, Men and Women of the House. To anyone on the Committee, did the question come up, if this is a problem in Portland, why do we need a law statewide to take care of it?

The SPEAKER: The Representative from Crystal, Representative Joy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. Yes, I posed that question myself. The reason why I

supported it was essentially a municipality has an option to pass this additional tool for municipal government. If a municipality doesn't wish to have that tool, it does not have to pass that, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. One more point, yes, this is an option, no I don't think we need to have the law because there is specific rules and guidelines in place now that if municipalities chose to follow them they would not have a problem. If they followed them in the manner in which they have been written. My biggest concern on this is if we allow each municipality to create a process, we are going to have the possibility of 500 different types of processes for handling disputed ballots at the local level and I'm not sure personally that I would like to see that. I would like one rule that pertains to all. Thank you.

Representative **TUTTLE** of Sanford **REQUESTED** a roll call on his motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

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

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

ROLL CALL NO. 491

YEA - Ahearne, Baker, Berry DP, Berry RL, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Chick, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Green, Hatch, Heidrich, Jacobs, Kane, LaVerdiere, Lindahl, Lovett, Mailhot, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKenney, Murphy T, Muse, Nass, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Plowman, Povich, Powers, Richard, Samson, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Sirois, Stanwood, Stevens, Sullivan, Tessier, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Usher, Waterhouse, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Bagley, Belanger, Bragdon, Bumps, Cameron, Campbell, Carr, Chizmar, Collins, Cross, Davis, Foster, Glynn, Gooley, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemoine, MacDougall, Martin, McAlevey, McNeil, Mendros, Mitchell, Murphy E, O'Brien JA, Perkins, Pieh, Pinkham, Richardson E, Rosen, Sanborn, Sherman, Shorey, Skoglund, Snowe-Mello, Stanley, Stedman, Thompson, Tobin D, Tobin J, Treadwell, True, Volenik.

ABSENT - Bolduc, Buck, Dugay, Jabar, Lemont, Mack, Madore, McKee, Norbert, Perry, Quint, Richardson J, Rines, Savage C, Watson, Wheeler GJ.

Yes, 86; No, 49; Absent, 16; Excused, 0.

86 having voted in the affirmative and 49 voted in the negative, with 16 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-552)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 28, 2000.

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

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-568)** on Bill "An Act to Provide for Safety in the Maine Conservation Corps" (S.P. 915) (L.D. 2367)

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
BRUNO of Raymond
NASS of Acton

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

Signed:

Senator:

HARRIMAN of Cumberland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-568)**.

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" (S-568)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 28, 2000.

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-924)** on Bill "An Act to Change Laws Pertaining to the Loring Development Authority of Maine"

(H.P. 1498) (L.D. 2142)

Signed:

Senators:

MacKINNON of York
KONTOS of Cumberland

Representatives:

MENDROS of Lewiston
CLOUGH of Scarborough
BOWLES of Sanford
MARVIN of Cape Elizabeth
O'NEAL of Limestone
SIROIS of Caribou
USHER of Westbrook
BOLDUC of Auburn
TRIPP of Topsham

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

Signed:

Representative:
SHOREY of Calais

READ.

On motion of Representative O'NEAL of Limestone, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-924)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 28, 2000.

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act to Penalize a Company that Does Not Submit the Report Required by Law Regarding State Assistance" (H.P. 1727) (L.D. 2433)

Signed:

Senators:

MackINNON of York
KONTOS of Cumberland

Representatives:

CLOUGH of Scarborough
BOWLES of Sanford
MARVIN of Cape Elizabeth
O'NEAL of Limestone
SIROIS of Caribou
USHER of Westbrook
TRIPP of Topsham
SHOREY of Calais

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-925)** on same Bill.

Signed:

Representative:

BOLDUC of Auburn

READ.

On motion of Representative O'NEAL of Limestone, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-922)** on Bill "An Act to Limit the Issuance of Concealed Firearms Permits" (H.P. 1771) (L.D. 2484)

Signed:

Senators:

MURRAY of Penobscot
O'GARA of Cumberland

Representatives:

FRECHETTE of Biddeford
CHIZMAR of Lisbon
MUSE of South Portland
SHERMAN of Hodgdon
QUINT of Portland

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

TOBIN of Dexter

McALEVEY of Waterboro
PEAVEY of Woolwich
POVICH of Ellsworth

READ.

Representative CHIZMAR of Lisbon 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.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Provide for Benefits to Surviving Dependents of Employees Who Die as a Result of Work Injuries" (H.P. 1381) (L.D. 1988)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-928)** on same Bill.

Signed:

Representatives:

HATCH of Skowhegan
SAMSON of Jay
MATTHEWS of Winslow
GOODWIN of Pembroke

READ.

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

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. LD 1988 seeks to correct an obvious and serious inequity in Maine's Workers' Compensation Law. Approximately 15 to 20 Maine workers are killed on the job each year. Approximately 10 to 15 or two-thirds of workers killed on the job leave surviving dependents. The Maine Workers' Compensation Law provides total immunity for employers, including negligent employers for the death of these workers and in exchange provides only an obviously inadequate wage replacement system for the surviving spouse. (Thirty nine A) 39A, MRSA, subsection 215 provides for death benefits of 80 percent of the employees after tax average weekly wage subject to the cap of 100 percent of Maine's average weekly wage. However, the surviving spouse benefits are arbitrarily restricted to 500 weeks. This absolute restriction on benefits on the surviving spouse of workers killed on the job means they receive lesser benefits than injured surviving workers who have permanent impairment which exceeds the statutorily defined threshold amount. Many between 30 to 40 percent of workers killed on the job are without statutory dependents. It is noteworthy here that the typical worker killed on the job is the younger male worker involved in heavy physical labor at moderate wages. In cases of death without dependency, in

addition to funeral bills and whatever pre-death medical bills may exist, the insurers are obligated to pay to the employment rehabilitation fund 100 weeks of compensation. Now they pay this to the workers' comp rehab fund, 100 weeks of compensation times the statutory average weekly wage in Maine, about \$490 per week or approximately \$49,000, but in many cases if they don't have dependents and there's no one out there, other than maybe a mother or father or maybe even someone they're going to be married to, the insurance company goes to those people and offers them \$10,000 to \$15,000 in death benefits and that's what they pay.

Maine's law limits surviving spouse benefits to an arbitrary limit of 500 weeks of compensation. Think about it, if you're hurt or injured on the job, you may have a lifetime of benefits, but if you are killed on the job, your spouse is cut off. All the other 5 New England states provide for the possibility and the majority provide for the certainty of continuing lifetime benefits for surviving spouses. Massachusetts which provides for 250 weeks, which is 250 weeks shorter than ours, also has a lifetime benefit if the spouse proves actual dependency, in other words, they can't go out and get a job, maybe they're for some reason unable to. They extend those to lifetime benefits. I am informed by those familiar with the Massachusetts workers compensation law that proof of actual dependency is not greatly contested in Massachusetts and is usually established at the end of the 250 weeks.

Death benefits have a very small impact on the overall workers' compensation cost and I want you to know folks that we did not hear directly from NCCI in regards to how much this would cost and there were a lot of figures that were thrown around, but figuring this out the unspoken assumption appears to be either the Workers' Compensation System can not afford it or two perhaps the surviving spouse should find another new spouse to take over their financial support. Either of these explanations is cruel and inhumane.

I have some more testimony here in regards to how much it would cost and it's an assumption and it was given to me by the AFL-CIO and I'm not going to go through it. I just ask, think about it, if your spouse died in an accident at work and you were cut off after 500 weeks, would you be able to support yourself. I think this is absolutely the worse law that we've got on the books, is this workers' compensation law. I'd ask for your support on the Ought to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. As you can see there were only 4 members of the Labor Committee who voted in favor of the bill. The remainder of the Committee was opposed and we were opposed for some very good reasons, I think. First of all number one, the bill would be retroactive back to 1993 which gives a considerable built in expense into the bill. When I talk about workers' comp bills I feel uncomfortable talking about the dollar costs because we're talking about personal suffering, but I guess we have to step back and realize that the dollar cost is affecting all of the businesses in the State of Maine. We finally in 1993 turned things around in workers comp and we got a system in that was fair to the employees and to the employers. If we start tinkering with the system in a bill like this, which the good Representative mentioned that there were a lot of numbers thrown around and nobody seemed to know exactly what the cost was going to be, but the amendment to the bill says the cost

to the State of Maine, just to the State of Maine is going to be a million, three hundred thousand. NCCI, National Commission for Compensation Insurers, estimates that the ongoing costs are going to be about \$5 million a year for all of the other employers in the state, the private employers.

They also expect that the unfounded liability from retroactivity is going to be somewhere between \$20 and \$25 million. Now the 500 weeks that a widow would get from the comp system in the event of a death of the spouse, or widower, I should say in the event of the death of a spouse is not arbitrary. It's intended to be a readjustment income to provide that person to be able to provide for themselves during that 500-week period and remember that's almost 10 years that we're talking about. This bill would make that a lifetime pension unless that surviving spouse were to remarry. It also includes an annual inflation adjustment up to 5 percent or the state average weekly wage increase whichever is lower, so there are a lot of built in inflationary factors for the bill.

I don't think the workers' comp system as it is today; we're already experiencing an increase in costs. The premium is going to go up over 10 percent. I've heard 10.3, but you know it's going to be over 10 percent increase in comp premium this year and if we put this on top of all the other increases we're going to be back to where we were prior to 1993 and I don't think that we need that. I would urge you to vote against the pending motion and Mr. Speaker I request a roll call.

Representative TREADWELL of Carmel REQUESTED a roll call on the motion to ACCEPT the Minority Ought to Pass as Amended Report.

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

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. The whole issue of workers' compensation, as you know from the various bills that have come out to the floor, others and certainly myself, I use the word balance as a concept or an idea to keep in mind when you look at the system because you need to look at the system from a step or two back. You have to look at it at broad range. Looking at the cost to employers versus the benefits to injured workers and strategies to get injured workers back on the job site. The particular issue this morning, of course, doing a death benefit to a spouse, the benefit currently is 500 weeks or until a dependent is 18 years of age. In the first place if there were no dependent children, 500 weeks is almost 10 years. That is a long time for the grieving process and for ideas and trying to put into place a plan of what you're going to do in terms of earning income, developing a career, whether it involves education or training or what it might involve. That seems to me to be a very reasonable period of time in order to get your life turned around. In terms of it when you look at it, in terms of balance. If you have an 18 year old dependent you no longer have small children in the home and again small children in the home take away a lot of flexibility in terms of what you can do and can't do. It seems on whole to be a very good and reasonable benefit.

It's interesting to note that the 500-week benefit that we currently have is above average throughout the country, we're not at the low end, we're above average. Now the built in escalator with the increased cost to the system that Representative Treadwell referred to, in 1992 that cost of living mechanism was considered one of the largest cost drivers to the

system that almost drove it to virtual collapse. Now at the same time that our Maine companies are facing incredible increases, 10 percent in the workers' comp premiums, double digit increase, increase sometimes in the health benefits. At the same time I know where I work, we're not increasing the cost of our product, so it impacts businesses in a very, very big way and this bill, well perhaps well intentioned on whole I think hurts far more than it helps. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Millinocket, Representative Clark.

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

The **SPEAKER**: The Representative may pose his question.

Representative **CLARK**: Mr. Speaker, Men and Women of the House. To anyone who may answer on this green sheet that we received from the Representative from Carmel, Representative Treadwell, what does the 10 percent cover? Is it the out-care program that was put in a couple of years ago or is it for the insurance companies?

The **SPEAKER**: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. To answer the question from the good Representative from Millinocket, in regards that the insurance industry, although we have not changed the laws much recently, went in for a 10 percent on their own so this has nothing to do with anything we've done here in Augusta. It has to do with the insurance companies saying that they can't afford to pay what they're paying now.

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

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

The **SPEAKER**: The Representative may pose her question.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. If this goes to 500 weeks to an indefinite number of weeks, can someone tell me if it's going to cost the State of Maine, and second, don't we have social security survival benefits which apply to children under 18 as well as to children who are dependent for the same reasons as listed in this bill and are people not covered under their social security insurance for such an occurrence?

The **SPEAKER**: The Representative from Hampden, Representative Plowman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. In answering the question from the Representative from Hampden, yes, in fact the social security survivor benefits are in addition to what the workers' comp benefits that would be paid. As you know, a surviving widow at age 60 without dependent children is entitled to a benefit and until those children leave home, and I believe if they're in school at age 23 they continue to draw the social security survival benefit funds in addition to the workers' comp funds.

I wanted to respond to the 10 percent increase question that came from the other side of the aisle. The NCCI made a recommendation that the comp premiums go up this year because of costs to the system. They recommended over 13

percent, the state bureau of insurance cut that back to slightly over 10 percent. The good Representative from Skowhegan said that the Legislature had nothing to do with that and I would hastily respond to that that the Legislature did have something because we extended benefits from 260 weeks just last year, we extended those benefits by an additional 52 weeks and it looks like this year the comp board is going to extend those benefits again by another 52 weeks and those would be capped eventually at 520 weeks which is 10 years, so right now we're dealing with 312 weeks, possibly next year we'll have another 52 weeks added onto that, so every year the benefits are being extended. That's only one of the factors that caused that 10 percent increase, there are others, medical costs are going up, there were some others that I won't go into it would take too long right now and it's a very complicated cost adjustment for the 10 percent increase in cost, but I think the fact that the Legislature did have something to do with those cost increases is what I wanted to address. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. The increase that the good gentleman from Carmel, Representative Treadwell, mentioned I increased benefit period, the genesis of that came from the Workers' Compensation Board.

Ladies and Gentlemen, this bill really deals with the ultimate sacrifice of workers in the workplace, when you lose your life in that workplace. We had an example not too, too long ago of a CMP worker that died in the midst of trying to perform his job. It happens, it happens too often in Maine, and ladies and gentlemen, I guess this issue more than many that we have discussed today, really goes to the ultimate case of fairness and justice and says to that surviving spouse that we're going to provide you a benefit for that lose of that loved one, man or woman. They gave to that employer and to the state their very best and lost their life in the process and I guess the question of equity and fairness really does go to the heart of this issue. You believe that that benefit should stop after their ultimate sacrifice or that that spouse should get something.

Talking about social security benefits and that is a far cry from the issue at hand. We're talking about workers' compensation, a benefit to those that work in this state to provide them some kind of semblance of subsistence to the remainder of their lives and now we're talking about the spouse. Seems to me to be an issue of fairness and one which I hope that this Legislature will support. Thank you, Mr. Speaker.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. Talking about social security is not a stretch; social security is an insurance program that both laborers, workers, and company owners pay into for this purpose as well as retirement. We do provide that as another means and it is paid for in part by an employer. You cannot negate the fact that it is available.

Second, as a company that started up in the last 5 years I've had the distinct honor and pleasure of paying what is called the fresh start charge, which is a charge that was charged to me as a new business and to any other businesses that started since 1989 for the pleasure of starting a business in the State of Maine and paying for the bills that were accrued in a workers' comp system that went amuck in the years before. Something that

many new companies had absolutely nothing to do with, yet we had to bail out the system. The retroactivity clause of this 7 to 8 years, depending on when this begins means another fresh start charge. It means making up a new hole that will be created here. Now do you want to tell new businesses and current businesses that they have to pay a whole new fresh start charge to extend this benefit? This benefit to the state is currently \$70,000 of pay, which will increase to \$1.3 million, \$70,000 per claim will increase to \$1.3 million per claim. Now multiple that outside of this government and try to figure out what kind of hole we have to prepare for and then when your employers call you with their workers' comp bill and ask for this fresh start charge you will know what it is because I've just told you, if you have listened and if you don't know you'll be finding out fast, believe me because it's going to be a nice increase and that's not the increase that's been approved by workers' comp. That's an increase that will be added to the bottom of the bill, as a fresh start charge which we are still paying, by the way from the last time there was a hole. Yes, there has been a law. Yes, we've started a system to understand and to compensate for this loss. You've heard that we are not below average. You've heard that there are other things to go on, but I tell you if you want to knock a hole in the Maine economy right now, vote yes on this, because you'll be slinging a great big ball knocking down the middle of the economy of the State of Maine and you'll see people that won't be working. They won't even have a chance to go to work to get hurt. Thank you.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection the Representative may proceed.

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I hope this will be the last time I'll have to speak on this subject, but I feel compelled to respond to Representative Matthews comment that this Legislature had nothing to do with the 52-week adjustment and comp benefits. When the Workers' Comp Reform Act of 1992 was enacted, it was done so by this body. Built into that Act was the automatic extension, under certain conditions where we had below the national average frequency of injuries the benefits would be extended by 52-week increments until they reached a total of 520 weeks. That provision of the law was enacted by this body. The Workers' Comp Board is only doing what they're told by the Legislature, so we really can't blame the Comp Board for doing this.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

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

The SPEAKER: The Representative may pose his question.

Representative DAIGLE: Mr. Speaker, Men and Women of the House. Earlier in the debate on this issue I heard that this lifetime benefit, should this bill pass, would be withdrawn if the surviving spouse were to remarry, what's the current status with the benefit of 520 weeks should the surviving spouse remarry?

The SPEAKER: The Representative from Arundel, Representative Daigle has posed a question through the Chair to anyone who may care to respond.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Minority Ought to

Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 492

YEA - Ahearne, Bagley, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gerry, Goodwin, Green, Hatch, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, O'Brien LL, O'Neal, Pery, Pieh, Powers, Quint, Richardson J, Samson, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Bolduc, Buck, Jabar, Norbert, Rines, Savage C, Stevens, Wheeler GJ.

Yes, 66; No, 77; Absent, 8; Excused, 0.

66 having voted in the affirmative and 77 voted in the negative, with 8 being absent, and accordingly the **Minority Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, the **Majority Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Resolve, to Create a Commission to Study the Regulation of Firearms in Maine

(H.P. 1780) (L.D. 2494)

Signed:

Senators:

MURRAY of Penobscot

DAVIS of Piscataquis

Representatives:

CHIZMAR of Lisbon

SHERMAN of Hodgdon

TOBIN of Dexter

McALEVEY of Waterboro

POVICH of Ellsworth

PEAVEY of Woolwich

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-923)** on same Bill.

Signed:

Senator:

O'GARA of Cumberland

Representatives:

QUINT of Portland

FRECHETTE of Biddeford

O'BRIEN of Augusta

MUSE of South Portland

READ.

Representative POVICH of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act to Require Motion Picture Distributors to Give Exhibitors an Equal Opportunity to Bid for the Right to Exhibit Motion Pictures"

(H.P. 1285) (L.D. 1846)

Signed:

Senators:

MackINNON of York
KONTOS of Cumberland

Representatives:

CLOUGH of Scarborough
BOWLES of Sanford
MARVIN of Cape Elizabeth
SIROIS of Caribou
USHER of Westbrook
BOLDUC of Auburn
TRIPP of Topsham

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

MENDROS of Lewiston
O'NEAL of Limestone

READ.

On motion of Representative SIROIS of Caribou, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-917) on Bill "An Act to Amend the Definition of Marital Property"

(H.P. 1620) (L.D. 2267)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec

Representatives:

THOMPSON of Naples
LaVERDIERE of Wilton
MITCHELL of Vassalboro
BULL of Freeport
JACOBS of Turner
SCHNEIDER of Durham
NORBERT of Portland

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

Signed:

Senator:

BENOIT of Franklin

Representatives:

PLOWMAN of Hampden
MADORE of Augusta

WATERHOUSE of Bridgton

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A"** (H-917) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 28, 2000.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-918) on Bill "An Act Raising the Minimum Wage"

(H.P. 253) (L.D. 357)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay

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

Signed:

Representatives:

TREADWELL of Carmel
DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 737) (L.D. 2087) Bill "An Act to Establish the Public Resources and Information for Maine Foundation" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A"** (S-570)

(S.P. 927) (L.D. 2377) Bill "An Act to Prevent Contamination from Home Heating Oil Tanks" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A"** (S-566)

(H.P. 1081) (L.D. 1528) Bill "An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy" **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-927)

(H.P. 1108) (L.D. 1567) Bill "An Act to Help Farmers to Protect the Quality of Milk" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-934)

(H.P. 1260) (L.D. 1814) Bill "An Act Establishing the Newborn Hearing Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-931)**

(H.P. 1490) (L.D. 2128) Bill "An Act to Amend the Laws Governing the Licensure of Dental Hygienists" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-930)**

(H.P. 1622) (L.D. 2269) Bill "An Act to Make Changes to the Cub Care Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-929)**

(H.P. 1788) (L.D. 2508) Bill "An Act Relating to Electric Industry Restructuring" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-935)**

(H.P. 1798) (L.D. 2525) Bill "An Act to Amend the Charter of the Small Point Water Company" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-936)**

(H.P. 1802) (L.D. 2529) Bill "An Act to Amend the Charter of the Moscow Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-937)**

(H.P. 1809) (L.D. 2535) Bill "An Act to Broaden Business Ownership in Maine" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-932)**

(H.P. 1825) (L.D. 2560) Bill "An Act to Amend the Acreage Requirements for a Cemetery to Contain a Columbarium" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-926)**

(H.P. 1848) (L.D. 2586) Bill "An Act to Create the Alfred Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-938)**

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. 113) (L.D. 310) Bill "An Act to Allow Children to Fish from the Banks of Rivers Designated as Quality Fishing Rivers" (EMERGENCY) (C. "A" S-551)

(S.P. 630) (L.D. 1795) Bill "An Act to Validate Pierringer Releases and Reform Procedures in Multiparty Lawsuits" (C. "A" S-558)

(S.P. 642) (L.D. 1824) Bill "An Act to Encourage Equity Equivalent Loans or Investments in Community Development Financial Institutions" (C. "A" S-553)

(S.P. 939) (L.D. 2389) Bill "An Act to Facilitate the Implementation of the E-9-1-1 System" (EMERGENCY) (C. "A" S-560)

(S.P. 956) (L.D. 2497) Resolve, to Ensure Adequate District Court Facilities for Western York County (C. "A" S-556)

(S.P. 983) (L.D. 2537) Bill "An Act to Promote Historic and Scenic Preservation" (C. "A" S-557)

(S.P. 1029) (L.D. 2609) Resolve, to Ensure Adequate Funding for the Lewiston District Court (C. "A" S-561)

(H.P. 1898) (L.D. 2639) Bill "An Act Relating to the Cleanup of the Wells Waste Oil Disposal Site" (EMERGENCY)

(H.P. 338) (L.D. 454) Bill "An Act to Establish the Crime of Rendering a Telephone Inoperable during a Domestic Violence Incident" (C. "A" H-921)

(H.P. 1629) (L.D. 2276) Bill "An Act to Revise the Spousal Support Statute" (C. "A" H-915)

(H.P. 1747) (L.D. 2453) Bill "An Act Regarding the Statute of Limitations for Sexual Misconduct with a Minor" (C. "A" H-914)

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.

(S.P. 681) (L.D. 1931) Bill "An Act to Amend the Franchise Law" (C. "A" S-554)

On motion of Representative O'NEAL of Limestone, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-554)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-554)** and later today assigned.

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

Bill "An Act to Amend Weight Requirement Inequalities Between Hauling Wood Products and Hauling Other Products"

(H.P. 845) (L.D. 1179)
(C. "A" H-911)

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

Bill "An Act to Ensure Access to Specialists for Injured Workers"

(H.P. 1827) (L.D. 2561)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

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

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

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 Thursday, March 23, 2000, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds for the Welfare-to-work Program" (EMERGENCY)

(S.P. 790) (L.D. 2203)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - March 21, 2000 (Till Later Today) by Representative TOWNSEND of Portland.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. You see before you LD 2203 about the Welfare to Work Program and you recall that I did move it Ought Not to Pass a few days ago. The fundamental issue here is level of funding and timing. The item before is funded at the level of \$3.9 million and as you can see it's an emergency measure. An identical item is contained within the Governor's budget and appropriates a lesser amount and would not be an emergency if the budget should not pass by 2/3 vote, which is a discussion I guess we'll have another day. That's the fundamental issue; the majority of us felt that the item could be addressed in the proposed budget. Thank you.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I don't plan to spend a lot of time on this, I am on the Minority Report and the reason for that is I thought it was important to have this available as a bill with the emergency language. That's why I'm on the Minority Report. I had hoped to have this with the emergency language to make the money available in this current year. Thank you.

The SPEAKER: The pending question before the House is to accept the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

A vote of the House was taken. 90 voted in favor of the same and 15 against, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-543)** - Minority (1) **Ought Not to Pass** - Committee on **MARINE RESOURCES** on Bill "An Act to Improve Elver Fishery Management"

(S.P. 304) (L.D. 906)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-543)**.

TABLED - March 21, 2000 by Representative ETNIER of Harpswell.

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" (S-543)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 28, 2000.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-900)** - Minority (6) **Ought Not to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** 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)

TABLED - March 22, 2000 (Till Later Today) by Representative TOWNSEND of Portland.

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

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. I urge your support for LD 2598. By now you are well familiar with the problems at the Southern Maine Juvenile Facility, also know to most of us as the Maine Youth Center. The problems there are so serious that last year an independent well-regarded consultant issued a report stating that very often students who emerge from that facility do so in worse condition than they entered. Much progress has been made since that time but there are continued challenges and I want to add that we look forward to seeing that consultants' report which is due any day now. Among the challenges that face the Maine Youth Center is the fact that it has been one of two schools in the state which have not met with school approval from the Department of Education and let me hasten to add that school approval is not a target of which we should all aim, it's a mere threshold. It's a mere minimum standard to which all students in Maine should be entitled. You might be interested to know that the other school which does not yet have school approval, is the other state owned facility, the Governor Baxter School for the Deaf.

In December the Commissioner of Education issued conditional approval to the school at the Maine Youth Center, the Gould School. Two of the conditions on which he based his approval were that the school should continue to work to provide students with a minimum of 5 hours a day of instructional time and should continue to assure that it was in compliance with state and federal laws regarding special education. Let's stop right there and think about what that means. Things must be pretty bad off if the Department of Education had to tell the folks at the school that they needed to have children in instructional time for 5 hours a day and that they needed to meet state and federal laws. I think that we could all agree that those are bare minimum standards that should be met.

Nevertheless the folks at the Youth Center have made it clear that meeting these standards continues to be a struggle and while some assistance is provided to them in the Governor's proposed budget, it is not sufficient. LD 2598 assists the Youth Center in coming into compliance with those two conditions laid out by the Commissioner of Education by providing funds for the following: It provides \$100,000 worth of professional development in special education and alternative education for the teachers there. One of the issues is that by far the majority of the students in the Youth Center are special education students. It provides funds for an additional special education teacher position and it provides a mere \$75,000 for tutors and

short term substitute teachers to be used as needed when the facility is at capacity. The issue of not having enough substitutes has been one that has been a theme through the time that we have looked at the problems there.

Should the House accept this report, I intend to present an amendment which will address another issue, which is to prevent the potential layoff of two and a half positions from the center, should the budget not pass by emergency. I, of course, hope that we will reach a 2/3 budget, but I want to make sure that we have done everything that we can to prevent the Youth Center from backsliding no matter what actions we take here. I thank you for listening and I encourage your support of LD 2598.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I totally concur with the good Representative from Portland that we have a problem at the Youth Center. It's a well-known problem that there are not educational needs being met, but those needs are addressed in the current budget submitted by the Governor. When the Superintendent of the Youth Center came in front of us, I asked him do you have enough money in the Governor's Budget to address those needs and his reply was yes and then I said, well do you need this money. He said, well yes, I could always use more money. Now there isn't one department in state government that would come in front of you and say we don't need more money, we have plenty. This problem that we have at the Youth Center will not be solved by just giving more money to the place. It has to be dealt with in the budget and it has to be a commitment by this Legislature to go forward. While we try to address some of the shortfalls in hiring teachers down there, the bigger problem we have is finding teachers. We not only have problems trying to find teachers at the Youth Center, we also have problems trying to find teachers and administrators in our public schools, so while this is a feel good bill to give more money to the Youth Center and think we're trying to solve a big problem, I don't think it addresses the basic needs. If it is a bigger problem let's address it in the budget, we do not need another bill asking for another \$220,000 to try to address the problems we have. I ask you to vote for the Minority Report. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I testified in favor of this bill before the Appropriations Committee. I served on the Speaker's Council that studied the problems at the Maine Youth Center this last fall and it's very apparent that the real needs are there. To solve this problem through changes in the administration of the program and the provision for an understanding of special education needs at that facility, where over 52 percent of the students have identified special ed needs. Whether this money comes through the budget or through this bill, I think we need to do something to make that facility a better place to send students for corrective action. Whether we support this bill or not, I do feel we really do need some extra money spent on that program. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **SHERMAN**: Mr. Speaker, Men and Women of the House. What's the average cost per student at the Youth

Center now or inmate if you will? How much money did we add to the Youth Center in the first session?

The SPEAKER: The Representative from Hodgdon, Representative Sherman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Brennan.

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I can answer the first question. The average cost for one student per year runs between \$40,000 to \$50,000 a year. I'm not able to answer the second question in terms of how much we added to the budget for the Youth Center last session.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I think an issue here that we must consider is whether the children we render to the Southern Maine Juvenile Facility and don't forget the Northern Maine Juvenile Facility, because there will be two, is whether these children will return to their communities better off than when they were admitted and if they don't return better off than when they were admitted, wouldn't the communities support passage of this bill and I think they would and I will support this bill. Thank you very much.

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.

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

Representative **MCALLEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. The problem with juvenile crime in this state is that we're slowly getting around to doing something about it through treatment. Unfortunately for a variety of reason, which I won't list here, our public schools are not providing or not reaching the kids through special education that end up in the Youth Center. Now I am a firm believer that they're responsible for their actions and they should be held accountable, but we're also responsible to treat from a purely pragmatic point of view, it cost about \$50,000 a year to educate, house and incarcerate, which they are, a juvenile in the Youth Center. If they stay in the system that goes up to about \$68,000 to \$73,000 a year when they go to Windham or Thomaston, four and a half times more. We're not going to reach every one of them. Unfortunately some of the juveniles that head to the Youth Center are so damaged that they are beyond repair in my limited opinion and I know that's not shared by many of the criminal justice professionals that think they are. That doesn't mean that we shouldn't try. You couple that with the fact that they learning disabled, special education and these kids are really up against it. You want to do something about crime, now is the time to do it. You treat them. You provide the resources through education. You're indirectly through negligence contributing to their neglect and their neglect comes back to haunt us as adult offenders which we can't afford to have. If you want to break that circle for some of those kids who are reachable, here's our opportunity to do that. If you don't want to and you just want to shove them off and pay for them later as an adult offender than don't support this legislation because that's what will really happen. The issue is this, some of those children are still reachable. They can be turned around. They can become productive people in this society. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative NASS: Mr. Speaker, Men and Women of the House. To answer a prior question about the current level of funding at the Youth Center, the document that I have is for operations of the Youth Center showed that we increased from the last fiscal year to the current fiscal year. The increase was 7.6 percent and from this fiscal year to the next the percentage increase was 13.2 percent. The level of spending indicated here for next year will be almost \$15 million for the Youth Center. The debate as I remember it in committee, or the concern was less one of the need for resources at the Youth Center, rather it was more one of timing. There's no doubt we're going to have to put substantially more resources into the Youth Center. Putting them in at the wrong time really doesn't necessarily help the people who are there, including the staff and the students who are there. There's construction going on, there's creation of a new center up north at Charleston, so our concern here is not the need for resources, but do we do it now or not. My conclusion is that we don't need to do this right now, the resources, while I would hate to say they are wasted, they certainly wouldn't be well utilized, this needs to happen in the next biennial budget or in the next supplemental budget when the 120th intervenes. I would urge you to vote against the pending motion. Thank you.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. It has been interesting listening to the former speakers here on this particular subject but there's something that I think is paramount and that is would someone please tell me what is now considered to be school approval. Being out of the loop for 10 years, I can remember when it was only one page and it was a self-analysis of the person in charge of the school, if that's all it is now then I certainly would not vote for this. I think that we've got to go a step further for some sort of accreditation and fund it properly. Now whether it's now, I would like to think that perhaps we could help it out a little bit now and certainly pay for it whatever the cost is. They are human beings. They have been left sort of on an island for some time and it's about time that we did something, but I would like to have someone answer the question please.

The SPEAKER: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Brennan.

Representative BRENNAN: Mr. Speaker, Men and Women of the House. In response to the question by Representative True, he's absolutely right. School approval is a check list and it's a one page check list that asks school districts across the state whether or not they have a basic educational program, meaning that they have a math department, a guidance department, an English department, science and other basic educational programs. As of last May, the Maine Youth Center did not even meet that basic school approval and there is currently a bill that was before the Education Committee that would provide for a task force to look into appropriate accreditation for the Maine Youth Center.

I want to ask each and every one of you one question. I want you to answer this question for yourself before you vote on this bill. One of the aspects of basic school approval is that every child receive 5 hours of instruction each day. The second part, another aspect of school approval, is that every child who qualifies for special education, that the terms of their individual

education program, their IEP, be met by that local school district. Every one of you that represent a school, the children in that school have to receive 5 hours of instructional time and their IEP has to be met. I believe that everybody here in this chamber, if you had a school in your district that was not meeting that basic school approval that you would be before this Legislature, you would be before the Department of Education, and you'd be before the Education Committee to mandate the necessary resources in order for your school to meet basic, and I want to reemphasis again, basic school approval. The bill before you today, what it does is allow the Maine Youth Center to reach and to continue with basic school approval. A letter from the Commissioner of Education dated December 1999, three months ago, said there are two areas that appear to be persistent challenges for the Maine Youth Center education program. These areas are also concerns to the Department of Education. Specifically, I am concerned about the Maine Youth Center's ability to provide all students with a minimum of 5 hours of instruction per day and the challenge of offering both direct and consulting services to students receiving special education through individual education plans. This bill is a modest attempt. It provides one special education teacher, it provides for funding professional development, and it allows for funding to allow the Maine Youth Center to continue to provide that 5 hours of instructional time and for the individual education program. Modest proposals. Are they necessary now? Absolutely. Why are they necessary now, because they have to meet the 5 hours of instructional time and the IEP. I ask all of you and I think all of you would want that for your district, all that this bill does is ask for that same basic educational program for children at the Maine Youth Center.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Men and Women of the House. Most of the things that I had planned to say have already been said, but I did serve on that committee that reviewed the educational program at the Youth Center this summer and one of the things that I as a teacher was able to observe is that many of those teachers do not have the background to do some of the teaching that they are trying to do. They need some professional development in working especially with special ed students and more than 50 percent of the students there are special ed students. We can take two attitudes here, we can say it doesn't make any difference what kind of an education these children get, or we can say that these are children of the State of Maine and when they go back to their own schools they should be able to fit in where they left off and the only way that they can do that is to get the proper education while they are at the Youth Center. Is the time now? Yes. The time is now, because if you don't do this now, some of those students who are there are going to be left behind and if they are left behind we'll be paying to support them later on in some other institution. Thank you.

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

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. A little different perspective. Yes, the Youth Center is a school, but it is also a correctional facility. The students are there for a particular reason, they have offended the civil, criminal laws of the State of Maine. No one in this House wants to deny them an education. I've been there 3 times in the last 4 years, I'll never forget my last visit when I sat down with a

young man, 15, who was clad in orange pants, orange shirt, no stockings, no sneakers, he was barefoot. I was in the maximum-security part of the facility, sat down and had lunch with him. He was convicted of murder, 15. His emotional stability was unbelievable. I don't think \$500,000 would have made him ready, readiness to learn. Yes, there is a school there, but these students, some of them are there 30 days, some of them are there 45 days, some of them are there for a number of years. It is much different than our average public school and I do not want to deny them an education. According to my figures we're paying about \$55,000 a year down there, our average student in high school, I think, is like \$6,500 a year. I wish we could raise the level of finances that we spend on our average student. We have been told by the chief administrator of the facility that he doesn't need the money. Two years ago we started a plan to improve the state facilities, prison facilities, juvenile facilities in the State of Maine to about \$160 million. If I remember correctly we were going to take the \$55 million that we're spending now at the Youth Center and bring it up to a total of \$85 million over the next 3 to 4 years. The Appropriations Committee right now, in my mind, has really got a plate full and here we have the superintendent of the facility telling the Appropriations Committee he doesn't need the money right now. I'm under the impression that they are hiring special need teachers down there and they are making a real sincere effort to bring that facility up to the state of the art.

Ladies and gentlemen based on those reasons, and I know everyone's intentions here are very honorable, but based on those reasons, I ask you to vote against the Ought to Pass motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Weston.

Representative WESTON: Mr. Speaker, Ladies and Gentlemen of the House. I, too, had the pleasure to be on the Speaker's Council, first time in my life I spent any time down at the Maine Youth Center. The most productive time for me was in conversations with the students who were there. We may be producing a state of the art facility, but in education the key point is the very teacher that is instructing the student. It's that person who invests time and energy and can reach in and connect with that person. That is the only way an education is going to really prove successful. The one important point that I haven't heard yet this morning is a comment from several of the students and that was, you know before I came here I really seldom attended school and when I did I was on drugs and so I couldn't even think and for the first time in years I'm drug free, I'm alcohol free and suddenly I want to learn, but many of them told us they had to sit for weeks without any kind of educational program. It's those students who for the first time want to learn. That we have to give that opportunity to learn. Each point of this bill, its funding deals with teachers. It deals with training them for special education. It deals with bringing in already trained special education teachers. That's what's missing and that's what we need to supply. Thank you.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. For the last couple of years, as you've been told, the Criminal Justice Committee has been working on rebuilding the entire correctional system for the State of Maine. The Maine Youth Center is a very key component in that rebuilding process, perhaps the most key component in it. The educational program

at the Youth Center is the most important aspect of the Maine Youth Center. People who are educated do not recidivate anywhere near the amount of people who do not go on and receive education while they are incarcerated. The statistics are staggering. People who while they are incarcerated go on to receive their high school diploma, or in some cases college diplomas, simply don't return to jail at anywhere near the rate that people who don't. For that reason alone, for that reason alone we should be racing to pass this bill to improve the educational programming at the Youth Center that they so desperately need. A couple of years ago it became just the vogue thing to do, let's put money in the Youth Center. Let's throw money at the Youth Center. It's a mess, it's rotten, it's falling down, it's terrible, well something else that was falling down were the programs. Actually they didn't have to fall down, they were already down. They didn't exist. This is such a key, key piece of that, to stop that cycle of people returning to our correctional facilities, of the Youth Center being nothing more than a JV team for our adult prison. I would strongly urge everybody to support this bill. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Mr. Speaker, Men and Women of the House. I've been listening for some time this morning on this issue and I am concerned that we seem to be wandering away from the very point. Just to give you a little bit of focus, in FY 98 we appropriated \$10.8 million for the Youth Center if we pass the Governor's budget as submitted in FY 01, we will appropriate \$14.9 million. That's a significant increase in money, but more important than that, what we have finally out of the administration is a firm commitment to develop not only a facility that meets the Maine standards of housing people, which in my opinion the Youth Center does not and did not. It's a commitment to retrain the people there so they become modern counselors of these young people. I think there's a recognition that they are not there just to guard people who misbehave, but the entire staff has to be focused on the program of reintegrating these children into society, to give them the tools they need to interact with all of us in a way that we would be proud.

Many of these children, I think it's been said several times here, are simply broken. I think it's the purpose and goal of the Youth Center and the current administration down there to make sure that everything is done to help those young people succeed. The bill that we are talking about today does as you've heard several things. It appropriates \$100,000 for professional development of the staff at the school. It authorizes one slot, one position, for \$39,000 a special ed teacher and it appropriates \$75,000 to provide substitute teaching needed when the facility is at full capacity. The problem really is that the current superintendent came before our committee and said gee great to have the money, but you know we've got a really full plate. We've got every single member of the staff that has got to be trained in the new facility they're going to have. They've got to be integrated in the program. We're working everyday with the Department of Education to really define and establish the program that everybody here has talked about and until we do that I don't know if this is exactly what I need. He's asked for money for substitutes and I believe it's in the budget that we're considering. For those reasons, I don't feel a compelling need to vote for this and I'm not going to. I do think that all of us, each and every one of us have no reason to apologize for the recognition of this Legislature and the importance and the

failures of that system over there. Since '98 to today, we've raised the appropriation for that facility by almost \$5 million, by a third. That says something to me. Frankly it's sad because it had to come out of here and not out of the leadership of the administration. I am absolutely convinced in listening to the superintendent down there and to the people who have been visiting the facility, that they are heading in the right direction and I think we should support them. I'm not sure that imposing this extra money on them is going to do anything. It'll be there but we can't force them to hire the people to do the things that everybody is talking about. I just don't think it's going to accomplish what the advocates for this proposal want to do at this time. I, frankly, would like to continue the plan that the administration has put before us and I would hope that the next Legislature will continue the commitment that the 118th and the 119th have already made to the Youth Center and certainly I don't think we have any reason to apologize. Thank you, Mr. Speaker.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. I had hoped not to speak again, but I do need to clarify having heard 3 times now that the superintendent told us that he did not need the money. My notes from the bill indicate that Mr. Olson said that this bill supplements his budget request and compliments it. He said that he does not know that his supplemental budget request is sufficient to meet the 5-hour minimum requirement in order to come into compliance with school approval. I urge you to support the Majority Ought to Pass Report.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. This bill affects each and every one of us in our districts. I have been the recipient of children who have spent time at the correctional facility. They come back into a classroom and try to adjust to class for everyday kids and if they haven't been taught they're already behind and I believe that failure again, and again and again continues to send a very strong message to those children. You're not worth the money. You're a failure again. We know that children and adults need to be successful. I'm a firm believer that no one in our society should be guaranteed success, but I'm also a firm believer that everybody should be given an equal opportunity to attain success. Many of these children have already come behind the 8 ball before they even come back into my classroom. They come from an environment that I dare say none of us have come from. Families that have not cared, there's been no supervision, maybe parents that are illiterate themselves. It's difficult. Maybe they started early without money to put food on the table and they got used to stealing. We need to give these children a fair chance. If indeed we send them to a correctional facility to try to rehabilitate, then we must educate. One of my favorite bumper stickers is if you think education is expensive, try ignorance. We must be sure that we give every Maine student a fair chance. 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 really torn on this one. As everyone has stated, Criminal Justice Committee has put the Youth Center in the past several years, the 4 years that I have

served here, top of the list. We have increased funding for mental health services, substance abuse services and for the school, an issue very important to the committee and to me personally. However, the part that is nagging me is that I have heard several times, I have heard that the superintendent has said, well you can give me the money. We have faced this issue with the Department of Corrections in the past. Well if you want to give us more probation officers, but we really don't know what we're going to do with them. We are pushing something on them and I ask this question, if I may through the Chair, not rhetorically, but I ask this question is there some way we can hold the feet to the fire knowing that if we give them this money for this specific purpose that that is what it's going to be used for? Could I ask that question through the Chair?

The SPEAKER: The Representative from Augusta, Representative O'Brien has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. Yes, we can insure that the money goes where it is appropriated for and that they will use it. I do need to point out that Mr. Olson indicated to us also at the public hearing that he had been instructed by the Commissioner of the Department of Corrections to testify neither for nor against. Thank you.

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

ROLL CALL NO. 493

YEA - Andrews, Bagley, Baker, Berry RL, Bouffard, Bragdon, Brennan, Bryant, Bull, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bruno, Bumps, Cameron, Campbell, Carr, Cianchette, Clough, Davis, Foster, Glynn, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Murphy T, Nass, Nutting, Pinkham, Plowman, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Ahearne, Bolduc, Brooks, Buck, Lemont, Rines, Stevens, Wheeler GJ.

Yes, 103; No, 40; Absent, 8; Excused, 0.

103 having voted in the affirmative and 40 voted in the negative, with 8 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-900) was **READ** by the Clerk.

Representative TOWNSEND of Portland **PRESENTED House Amendment "A" (H-919) to Committee Amendment "A" (H-900)**, which was **READ** by the Clerk.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. This amendment does as I mentioned earlier, adds two part-time teacher positions and one teacher-aide position who would otherwise have to be laid off due to a loss of federal funds. They are contained in the Governor's Supplemental Budget but I think we would all agree that we don't want to risk any lay off, any backslide of this program and I would urge your support.

House Amendment "A" was **ADOPTED**.

Committee Amendment "A" (H-900) as Amended by House Amendment "A" (H-919) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, March 28, 2000.

HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-913) - Minority (2) Ought Not to Pass - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Preserve Live Harness Racing in the State"

(H.P. 1214) (L.D. 1743)

TABLED - March 23, 2000 (Till Later Today) by Representative SAXL of Portland.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I spoke on this bill Friday before it was tabled to urge that we reject this bill and I do so again today. Thinking about this over the weekend, I learned more information and it makes me more secure that this is a bad policy for the State and I'd like to share those ideas with you.

First, as we learned Friday afternoon this does allow credit card wagering through the telephone and at the racetracks. I don't know about you, but I receive many, many unsolicited credit card applications in my mailbox and so do we all and I think we can see the danger there when people see those credit cards and a hot tip at the racetrack conducted only by a phone call is an opportunity for a person to get themselves deeply, deeply in debt. Those credit card accounts do not come free. They have extremely high interest rates and unfortunately they are given out far too easily, but it is particularly attractive to people who would be inclined to wager this way, to be able to do so with the anonymity of being at home on a telephone or at a business on a telephone wagering at the racetrack.

I understand the concern of the industry as they are losing a great deal of work through intrastate betting via the internet, and while that troubles me somewhat, I don't see that as a wrong we can correct with the authority we have in this body. To simply say that something is going on out there that I think is unfavorable, therefore we should allow something less favorable

to happen closer to home to me, is not a solution. I do not think we want to be the kind of state where we allow this activity, because where do we stop once we do.

We've rejected casinos in this state several times, isn't that the same thing. We don't want to become Nevada. When people have to go to a betting facility to place their bets they're making a conscience overt act to do that and I think that in itself helps to control the activity somewhat. With telephone solicitations, I believe it will be heavily promoted by the racetracks. We'll see it on our cable TV, our radios, our newspapers and so forth and I'm sure that it will coordinated quite well with solicitation of credit card accounts. I urge you to consider this and ask ourselves what do we want to be here.

There is already a pending referendum this November about racetracks and allowing use of additional gambling on them. Isn't it more prudent to wait until the people in the State of Maine via that public referendum process get a chance to speak on how they want to handle gambling at the racetracks. In closing I would just like you to consider the history we've had resisting this type of activity and to consider why it is imprudent again to do this, especially with the November referendum coming upon us. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Ladies and Gentlemen of the House. There's probably no one on Legal and Veterans Affairs Committee anymore adverse to gambling than I am. I was initially opposed to this bill and remained so through most of the hearings for many of the same reasons that the Representative from Arundel has articulated here today. After hearing the evidence and weighing the testimony, I'm convinced that this does not expand gambling. This legislation, this bill, is about business and the loss of it to out of state gambling interests. Whether or not we want to acknowledge it, horse racing and its attendant gambling is business, businesses that pay taxes and businesses that create jobs. This bill was introduced to try to stem the flow of that revenue across our state lines by gambling that is conducted by satellite or by the internet. This flow of dollars across our state borders is a loss of revenue to the whole industry. When money is bet on horses, it goes into a pool called the handle. This pool is divided among all participants in the industry. The people who own racetracks and OTBS of course share in this, but also the people who raise horses and breed horses and the agricultural fairs all share in this revenue. You'll be pleased to know that some of it even ends up in our own state coffers as tax revenue. If any of you have ever served on Legal and Veterans Affairs, you will realize it is a rare occasion when all the factions of this industry get together. This is one of those rare times, but that's happened. The track owners, the horse people and the fairs are all in agreement that this is necessary for their industry.

Gambling is a fact of life, folks, we're not going to change it. What we need to do is control it and keep the dollars spent in Maine. I urge you to support this legislation.

The **SPEAKER**: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Mr. Speaker, May I pose a series of questions through the Chair?

The **SPEAKER**: The Representative may pose his questions.

Representative **BULL**: Mr. Speaker, Men and Women of the House. To any members of the Standing Committee on Legal

and Veterans Affairs who care to answer, the first question is, is there an age limit to gambling here in Maine and if so, what in this committee amendment bill would prevent under aged people from placing bets on horse races? Thank you.

The SPEAKER: The Representative from Freeport, Representative Bull has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. This bill in no way changes anything in the present law, I believe it is 18 years old and it's clearly stated in the law that there will be enforcement aspects to regulate that at facilities and it's presently covered under Maine State Law.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative TESSIER: Mr. Speaker, Men and Women of the House. I'd like to also answer that question. You must have a pre-established account and that's where the enforcement insuring that you are eligible to place that bet.

On your desk this morning, you should have seen a copy of an article that ran in the *Bangor Daily News* back in January and it clearly describes the issue that brought about this bill. Simply put, entities outside the state are siphoning away money that would have been generated from wagering on harness racing here in Maine and they do this by providing satellite dishes to individuals who can then watch racing in the comfort of their living room and can place wagers by telephone or by the internet to these out-of-state companies. The bottom line is the states in which these wagers are placed by phone or internet get to keep the funds generated. Maine gets nothing. As we are now aware, the harness racing wagers also help subsidize our agricultural fairs, when wagers are placed out-of-state once again our fairs are denied this critical funding. Harness racing in Maine is on a downward spiral. Each year the handle of money diminishes and horse owners take their best horses to other more profitable states. The advent of internet wagering and out-of-state telephone wagering only adds to this problem. If we want to save this industry, we must provide it with the means to defend itself from this new unfair competition. I, too, believe that this bill does not provide for an expansion of gambling in Maine. It only provides a harness racing industry with a tool to compete with this new internet competition. The bill has strong bipartisan support from committee members. It has safeguards built in so that the state police can verify telephone-wagering accounts. It's also been successful in other states, New York State being one of them.

Harness racing is more than what one sees at the racetrack. It is an industry that provides over a 1000 jobs to Mainers such as trainers, breeders, veterinarians, groomers, jockeys, paddock employees, wagering employees, farmers who grow the feed and hay, farmers who board the horses, commercial racetrack employees and so forth. In 1998 harness racing pumped over \$70 million into the Maine economy from horse racing wagering. Harness racing has been a Maine tradition for over 150 years in Maine. I would like to ask for your support in passing this bill to support that industry. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative CHIZMAR: Mr. Speaker, Men and Women of the House. I'd like to point a clarification please. The fiscal note that is attached to this is for one position at the Department of Agriculture, the Harness Racing Commission to keep track of all

of the telephone wagering. I will tell you that the Department of Agriculture did oppose this bill and the second point, to my knowledge, there isn't any enforcement provision in LD 1743. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative DAIGLE: Mr. Speaker, Men and Women of the House. I apologize for rising twice on this issue. I want to state that I'm not personally opposed to the sport of harness racing, I visited the track several times myself and I'm sympathetic to the loss of revenue, but not entirely sympathetic because I believe there are options available to the track owners that they have not taken. I remember many years ago I was a fan of minor league baseball and they saw their attendance drop off rapidly. They were losing their market and they were complaining, but they didn't ask for something special like this. They decided to clean up their facilities. Minor league baseball stadiums back then had sticky floors from spilled beer on the concrete and you'd wade through an ankle deep pile of litter as you walk around the place and families stopped coming. My last trip to a racetrack was something similar to that. I understand it's a place that I wouldn't bring a family and racetracks have that option. When they lose market share to people who want to stay home and bet on the internet they can start making those places a little bit hospitable to a family environment, perhaps then their attendance will pick up. When they have met the business communities, the public, by coming this far then perhaps they won't need to expand the way gambling is conducted in Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. Briefly, there were some other questions on this issue. The total handle on Para mutual betting in this state in 98 was \$70,368,305 the state's share, general fund transfer was \$1,084,114, the total handle for 99 was in excess of \$69 million, the state's share in general fund transfer was \$1,063,000, in essence the aid to fairs generated was \$535,000 in 1998 and in 1999 it was \$531,000 and I think that answers some of the questions.

I would hope that we would pass this bill. As I have always mentioned before, I think it's better to regulate these industries then to prohibit them. Presently Maine is losing about \$2 million a year in revenue that would stay in this state. It's fun line gambling exists and is growing, the bill in my opinion, will help deal with the revenue loss due to the so called internet betting. The industry is not only losing money on wagers but also other revenues, food, beverage. The industry, as many of us are aware, families have been involved in harness racing over the last decade have been suffering and struggling to survive. This industry does not ask for a tax break, just for an opportunity to continue the state's tradition of harness racing. In my opinion, we might as well regulate this issue. Mainers' are placing bets on out-of-state primarily in Pennsylvania and I believe New Hampshire. Maine businesses are losing out. You received a copy of the memo from Representative Tessier from the Bangor paper editorial, as well as a letter from Peter Martin of Waterville, who runs a facility in state. As I said before, presently Maine's harness racing industry is suffering, I think that anything we can do to assist the harness racing we should do. I think in conclusion, are we going to continue to lose \$2 million a year in revenue to out-of-state facilities or are we going to allow in-state

facilities to get that revenue and stay in business to preserve Maine's harness racing industry. I would ask that you support the Majority Ought to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I would suggest that there are many, many people in the State of Maine who are opposed to gambling, as I am. I note the fiscal note on this bill for this year is \$96,000 and in future years it's going to be estimated at \$35.5. This means that people are being asked to contribute tax dollars to fund a gambling program. Also the accounts that may be initiated under this are all restricted to the people in the State of Maine, that's in the summary, again no provision in here for enforcement, just a statement that it may cost \$83,036 to keep somebody in jail a day. Mr. Speaker may I pose a question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative JOY: I note that in the summary it says that they can conduct telephone wagering on races, does this mean that we're going to have another telemarketing thing that's going to annoy us right at supper time so that somebody will try to find out whether we want to place a bet on these races or whether we want to open an account?

The SPEAKER: The Representative from Crystal, Representative Joy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. In reference to telemarketers, I would hope not, I usually hang up on them and if I would get one I would do the same.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Mr. Speaker, Men and Women of the House. I've listened closely and I appreciate the good chairman coming back with those figures, they're certainly considerably less than I had remembered from my earlier days on the Agriculture, Conservation and Forestry Committee. I think it's important that we note that the Department of Agriculture did oppose this bill. Certainly this industry started out with noble intentions, my own father, farmer, horse trainer took great pride in the horses he had on the farm, lamented when horses left and my own barn was filled with implements that he once knew how to use and he tried one day to remember all that he knew about horses, a fast horse, a strong horse, a good horse is extremely important and he loved to watch them race.

I think we're trying to prop up an industry, we're not talking about gambling here, we are talking about expansion and as an English teacher I would have to draw your attention to a litotes, one person said this does not encourage gambling, well I would say neither does it discourage it, so the sentence would be, it does not discourage gambling. Well if it does not discourage gambling, then I would assume that it encourages gambling. I believe that it does. I also believe that it's time that we examine our role in this. There was at one time that strong link between agriculture and horse racing. I do not believe that that continues to exist. It's time to examine a tradition. A famous Greek philosopher once said that an unexamined life is not worth living, well I would say that an unexamined tradition is not worth having. I would encourage you to defeat the motion and to try to discourage our participation in this dying industry.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. I rise to urge you today to support the Majority Ought to Pass Report, which was an 11 to 2 Report of the Committee on Legal and Veterans Affairs. There are currently in this state a group of people who like to wager on harness racing. They have been in this state for a while and they will continue to be here. The problem that this particular piece of legislation attempts to address is that segment of that population in this state who currently are wagering over the phone to out-of-state entities. As the result of that, and it's very easy to wager over the phone without a state entities and it's very easy to use the Internet for this. The intent with this bill is to bring some of that money that is currently being wagered now back into the State of Maine where we can have some control over it and we can receive some income in the general fund from this. Currently those funds are being used by the general fund of other states in this nation and not the State of Maine. I urge you to support the Majority Ought to Pass Report.

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

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

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: Mr. Speaker, Men and Women of the House. Could someone explain to me how this is going to help the agricultural fairs if we allow the gambling to take place off site? It's been purposed that this is going to help the fairs with their revenue and so on, but if you allow them to be off site and do their gambling and not be present to observe the racing, I don't understand how that's going to help the fairs.

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

Representative TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House. That's a very good question, just briefly from all the money that essentially goes into the Parimutual handle, as I mentioned before a .7 percent of that goes directly to the fairs.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Duncan.

Representative DUNCAN: Mr. Speaker, Ladies and Gentlemen of the House. In my opinion we should support this bill, because I feel that it does not increase betting, it just funnels it towards the off track betting facilities. Currently you can have a dish and bet out-of-state. The dish runs from \$15 to \$24 a month and you will receive the same race tracks that the off track betting parlors receive, so you could make a bet with your dish at home. On a \$2 bet you could, say your horse came in and you won and you won \$20 and in the off track betting parlor, you bet on the same track, same horse and you receive \$20. Well the difference is on the outside track, outside on the dish and betting out of state, the state would not receive any money. If you were at the OTB and made the same wager, the state would receive about 18 percent of that and of course, this money goes into a pool and the promotion board benefits from it, the commercial track stipends benefit by it and also the fair stipends, so I don't think it's increasing the bet, it's funneling into the off track betting facilities to keep them in business. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

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

The SPEAKER: The Representative may pose his question.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. Is there a maximum wager or bet that is allowed, like credit card?

The SPEAKER: The Representative from Newport, Representative Kasprzak has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I believe that in most cases most off track betting facilities do have a maximum and I believe certain credit card companies do also.

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

ROLL CALL NO. 494

YEA - Belanger, Berry RL, Bouffard, Bragdon, Brennan, Brooks, Bryant, Bumps, Cameron, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Davidson, Desmond, Dugay, Duncan, Dunlap, Duplessie, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Hatch, Heidrich, Jabar, Jacobs, Jones, Kane, Labrecque, Lemont, Lovett, Mack, Madore, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKenney, Mendros, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Perry, Pinkham, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Stanley, Sullivan, Tessier, True, Tuttle, Twomey, Usher, Waterhouse, Watson, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Andrews, Bagley, Baker, Berry DP, Bowles, Bruno, Bull, Campbell, Carr, Chick, Chizmar, Daigle, Davis, Dudley, Etnier, Goodwin, Green, Honey, Jodrey, Joy, Kasprzak, LaVerdiere, Lemoine, Lindahl, MacDougall, Martin, McKee, McNeil, Murphy T, Nass, O'Brien JA, Peavey, Perkins, Pieh, Plowman, Povich, Powers, Skoglund, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Volenik, Weston, Wheeler EM.

ABSENT - Bolduc, Buck, Collins, Kneeland, Rines, Sirois, Stevens, Thompson, Wheeler GJ.

Yes, 90; No, 52; Absent, 9; Excused, 0.

90 having voted in the affirmative and 52 voted in the negative, with 9 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-913)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 28, 2000.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act to Ensure Access to Specialists for Injured Workers"

(H.P. 1827) (L.D. 2561)

Which was **TABLED** by Representative SAXL of Portland pending **PASSAGE TO BE ENGROSSED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 924) (L.D. 2375) Bill "An Act to Rid Maine's Waters of Ocean Vessel Sewage" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-567)**

(H.P. 1690) (L.D. 2396) Bill "An Act to Create a Patent Program in Maine" **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-939)**

(H.P. 1797) (L.D. 2522) Bill "An Act to Establish a Memorial Dedicated to the Civilian Conservation Corps" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-940)**

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

SENATE PAPERS

Bill "An Act to Clarify the Enforcement Authority of the Manufactured Housing Board"

(S.P. 1059) (L.D. 2650)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

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

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move **RECONSIDERATION**, the Clerk was authorized for the remainder of the session to send to the Senate, thirty minutes after the House recessed, all matters **PASSED TO BE ENGROSSED** in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to **RECONSIDER** would be allowed.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Having been absent from the chamber when LD 1927 was voted on, I wish to be recorded as Yea.

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

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. Had I been present in the chamber for the vote on LD 1927, I would have voted No.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. If I had been in the House when we voted on LD 1988, I would have voted Nay.

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

Representative **ROSEN**: Mr. Speaker, Men and Women of the House. If I had been present this morning when the vote was cast on LD 1927, I would have voted No.

On motion of Representative ROSEN of Bucksport, the House adjourned at 11:59 a.m., until 9:00 a.m., Tuesday, March 28, 2000.