

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
Index

ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
22nd Legislative Day
Thursday, March 30, 2000

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

Prayer by Jon Dillinger, Minister, Church of Christ, Kittery.
National Anthem by Penobscot Valley High School Band, Howland.

Pledge of Allegiance.

Doctor of the day, Dr. Peter J. Mazzaglia, M.D., Portland.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

An Act to Provide Health Insurance Benefits to Dwight Parsons (EMERGENCY)

(S.P. 852) (L.D. 2251)

(C. "A" S-481)

PASSED TO BE ENACTED in the House on February 25, 2000.

Came from the Senate with the Bill and all accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act to Change Laws Pertaining to the Loring Development Authority of Maine"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924) in the House on March 28, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-924) AS AMENDED BY SENATE AMENDMENT "A" (S-604)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act Regarding Wrongful Death Actions"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-871) in the House on March 22, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-871) AND SENATE AMENDMENT "A" (S-606)** in **NON-CONCURRENCE**.

On motion of Representative SHIAH of Bowdoinham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (S.C. 603)

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

March 29, 2000

The Honorable G. Steven Rowe
Speaker of the House
119th Maine Legislature
2 State House Station
Augusta, Maine 04333

Dear Speaker Rowe:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife, the nominations of Dr. Harold H. Brown of Bangor and Kenneth E. Bailey of Camden for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 604)

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

March 29, 2000

The Honorable G. Steven Rowe
Speaker of the House
119th Maine Legislature
2 State House Station
Augusta, Maine 04333

Dear Speaker Rowe:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the nominations of the Honorable Courtland D. Perry of Augusta for appointment as an Active Retired Maine District Court Judge and Rick E. Lawrence of Portland, John McElwee of Caribou and Patricia Worth of Belfast for appointment as Maine District Court Judges.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 605)

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

March 29, 2000

The Honorable G. Steven Rowe
Speaker of the House
119th Maine Legislature
2 State House Station
Augusta, Maine 04333

Dear Speaker Rowe:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Natural Resources, the nominations of Melford J. Pelletier of Soldier Pond and Richard E. Wardwell of

Orono for appointment and Katharine C. Littlefield of Belfast for reappointment to the Board of Environmental Protection.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 606)

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

March 29, 2000

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby Report "B" Ought Not To Pass from the Committee on Labor on Bill "An Act to Promote Stability in Labor Management Relations in the Public Sector," (H.P. 960) (L.D. 1358), was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Kristen Jacques, of Lewiston, recipient of the 1999 8th Grade Citizenship Award sponsored by the Secretary of State. Kristen has demonstrated civic awareness and responsibility, scholastic achievement and dedication to community service. Kristen has truly set an example for all other students to follow. We extend our congratulations to Kristen on this accomplishment;

(HLS 1136)

Presented by Representative COTE of Lewiston.

Cosponsored by Senator BERUBE of Androscoggin, Representative MAILHOT of Lewiston, Representative BOUFFARD of Lewiston, Representative O'BRIEN of Lewiston, Representative MENDROS of Lewiston, Senator DOUGLASS of Androscoggin.

On **OBJECTION** of Representative BOUFFARD of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Cote.

Representative COTE: Mr. Speaker, Members of the House. I rise today in honor of Kristen Jacques. She has shown a lot of accomplishments in her young years as a 7th grader and 8th grader. It is an honor to present her this award for such accomplishments. She stands out as a role model for other students. All her friends look up to her and if they have a problem they ask for her advice and she gives it to them. She's already has her mind set on what she wants to do in life. This is

why she is so extraordinary. We are very, very proud of her, the whole Lewiston delegation and myself.

Was **PASSED** and sent for concurrence.

Recognizing:

Dwight L. "Pete" Tripp, Jr., for his 30 years of public service to the citizens of Minot as a selectman, tax assessor, overseer of the poor and as a member of the Minot School Building Committee. We extend our appreciation and send our greetings to Mr. Tripp;

(HLS 1137)

Presented by Representative SNOWE-MELLO of Poland.

Cosponsored by Senator NUTTING of Androscoggin.

On **OBJECTION** of Representative SNOWE-MELLO of Poland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Ladies and Gentlemen of the House. I stand here today to talk about my good friend Pete. I can't believe that 30 years have gone by and I'll bet he can't either. He has been a long established leader of the Minot community. With his dry wit, he has led the selectmen meetings with humor along with the proper decorum. I could always count on Pete for his wisdom and help in solving problems and concerns in which I would have with the Minot residents. I'm sure even in retirement that Pete will be there for me. I truly honor and respect Pete and thank him for the many years of dedicated service. Thanks Pete.

Was **PASSED** and sent for concurrence.

Recognizing:

the University of Southern Maine Women's Basketball Team on its successful season, including its participation in the NCAA Division III National Championship game for the 2nd time in the last 3 years, its win in the Little East Conference Championship Tournament for the 4th consecutive year and the 11th time in the 14-year history of the conference and the extension of its NCAA record for consecutive seasons winning 20 or more games. We send our congratulations to the following members of the team: Amanda Bourgoin, Kara Crockett, Danielle DeGraw, Niki Dominiczak, Ali Hathaway, Jess Hopkins, Amanda Kimball, Amy Lemieux, Jess Libby, Amy McLaughlin, Julie Plant, Trish Ripton, Erin Shaw, Becky Watkins, Jaime Zahm, Head Coach Gary Fifield, Assistant Coaches Tom Murphy and Jamie Hilton, Manager Jason Crowe, Scorekeeper Becky Kimball, Head Trainer Matt Gerken and Student Trainer Ron Hutchins;

(HLS 1142)

Presented by Representative BRENNAN of Portland.

Cosponsored by Representative BRUNO of Raymond, Representative BUCK of Yarmouth, Representative BULL of Freeport, Representative CIANCHETTE of South Portland, Representative CLOUGH of Scarborough, Representative DAVIDSON of Brunswick, Representative DAVIS of Falmouth, Representative DUDLEY of Portland, Representative DUPLESSIE of Westbrook, Representative ETNIER of Harpswell, Representative FOSTER of Gray, Representative GLYNN of South Portland, Representative LABRECQUE of Gorham, Representative LOVETT of Scarborough, Representative MACK of Standish, Representative MARVIN of

Cape Elizabeth, Representative McDONOUGH of Portland, Representative McKENNEY of Cumberland, Representative MUSE of South Portland, Representative NORBERT of Portland, Representative QUINT of Portland, Representative RICHARDSON of Brunswick, Speaker ROWE of Portland, Representative SAXL of Portland, Representative SCHNEIDER of Durham, Representative SNOWE-MELLO of Poland, Representative THOMPSON of Naples, Representative TOBIN of Windham, Representative TOWNSEND of Portland, Representative USHER of Westbrook, Representative WATERHOUSE of Bridgton, Senator ABROMSON of Cumberland, Senator AMERO of Cumberland, Senator BENNETT of Oxford, Senator HARRIMAN of Cumberland, Senator KONTOS of Cumberland, Senator O'GARA of Cumberland, Senator PENDLETON of Cumberland, Senator RAND of Cumberland, Senator SMALL of Sagadahoc.

On **OBJECTION** of Representative BRENNAN of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. Unfortunately, due to class conflicts and other athletic obligations, members of the team were not able to join us here today, but I did want to bring to the attention of the House the remarkable record of the women's basketball team at the University of Southern Maine. This year again they made it to the final four and played in the championship game and ultimately ended up as the number two team in the country. Even more remarkable is the fact that again this year they won 20 games. They have the longest record in the history of the NCAA in winning 20 consecutive games. There's no other school in the country at any level, division 1, division 2, or division 3 that has won 20 consecutive games in a year as the University of Southern Maine. I think that level of consistency is something that we should recognize and be proud of. Thank you.

Was **PASSED** and sent for concurrence.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-535)** on Bill "An Act to Encourage Responsible Employment Practices"

(S.P. 292) (L.D. 810)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
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
MUSE of South Portland
DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish

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-535).**

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 Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. This bill came to us in a very different form after it's amended you will find that all it is requesting is information from the Department of Labor that they store this information so that we will be able to better prepare any labor bills that we might have in the future and have some statistical information. It is also in their process of going around and auditing books for wage and hour and working with employers for safety reasons, we have also asked that anytime that they find violations of not paying unemployment or workers comp, that they just report those to the departments that have jurisdiction. It's a step in the right direction to get the needed information for you and I to be able to process any labor bills that might come forward in the next few years and they are capable of doing that now, they just haven't had the impetus to do it to this point. If you read through the amendment, which replaces the whole bill, you'll see that all we're doing is we're asking for information, for them to keep databases on whose employed, what their age groups are, which they do to some degree now, but it's a little more information than they previously kept. I ask for your support. It's a good report and I think one of the members that was on the Ought Not to Pass is going to step forward, he accidentally signed the wrong side of the report, but I thank you for your support on this and it is a good bill. Thank you very much.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

A vote of the House was taken. 60 voted in favor of the same and 46 against, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-535)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 31, 2000.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Fund the Local and State Share of Minor Collector Road Reconstruction"

(S.P. 970) (L.D. 2517)

Signed:

Senator:

O'GARA of Cumberland

Representatives:

COLLINS of Wells
CAMERON of Rumford
WHEELER of Eliot
LINDAHL of Northport
JABAR of Waterville

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

Signed:
Senator:
CASSIDY of Washington

Representatives:
FISHER of Brewer
SANBORN of Alton
SAVAGE of Union
WHEELER of Bridgewater

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

READ.

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

Majority Report of the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-599)** on Bill "An Act to Enhance Biomedical Research in Maine"

(S.P. 913) (L.D. 2365)

Signed:

Senators:

PENDLETON of Cumberland
KONTOS of Cumberland

Representatives:

TRIPP of Topsham
BELANGER of Caribou
TESSIER of Fairfield
COWGER of Hallowell
HONEY of Boothbay
WATSON of Farmingdale
TOBIN of Dexter

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

Signed:

Representative:

GOODWIN of Pembroke

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-599)**.

READ.

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

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

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-593)** on Bill "An Act to Improve the Regulation of Occupations and Professions"

(S.P. 996) (L.D. 2558)

Signed:

Senators:

MackINNON of York
KONTOS of Cumberland

Representatives:

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

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

Signed:

Representative:

MENDROS of Lewiston

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-593)**.

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" (S-593)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 31, 2000.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-531)** on Bill "An Act to Allow the Towns of Wells and Ogunquit to Withdraw from Their Community School District"

(S.P. 602) (L.D. 1725)

Signed:

Senators:

BERUBE of Androscoggin
MURRAY of Penobscot

Representatives:

RICHARD of Madison
WATSON of Farmingdale
DESMOND of Mapleton
BRENNAN of Portland
ANDREWS of York
BAKER of Bangor
BELANGER of Caribou
SKOGLUND of St. George

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

Signed:

Senator:

SMALL of Sagadahoc

Representatives:

STEDMAN of Hartland
WESTON of Montville

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-531)**.

READ.

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

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning to speak to you in reference to LD 1725 and Amendment A. First of all let me give you a brief history concerning LD 1725. Similar bills related to LD 1725 have been presented to different Legislatures for approximately the last 20 years. None, however, have met with any success. In 1979-1980 the Village of Ogunquit wanted to secede from the Town of Wells, prior to that date Ogunquit had been part of Wells.

At this time I would like to read to you the language that was on the ballot in 1979, when two towns decided whether or not to allow Ogunquit to secede and form a CSD, Consolidated Community School District. This is the wording. Shall the Village of Ogunquit Cooperation be separated from the Town of Wells as an Incorporated Town and shall the Town of Ogunquit join a Community School District in the Town of Wells for grades kindergarten to twelve, to be known as the Wells, Ogunquit Community School District. This is important now. To share 100 percent of the costs based upon each town's state evaluation. By the way that passed, both towns voted to let Ogunquit secede and also to form a CSD, the Community School District. The two towns would for the education of the children form the CSD, all under the watchful eye of the Maine Legislature, which gave permission to do so. Contracts were signed and agreed too, Ogunquit would pay based upon 100 percent of property evaluation, approximately one-third of the budget for the operation of the newly formed CSD. However, almost immediately after the two towns separated and formed the CSD, the Town of Ogunquit was not happy with what they had agreed too, they wanted the separation, but didn't want the CSD because they claimed their share of education was too high. But fiscal year 1999-2000 Wells and Ogunquit mil rate for education was \$8.14. This is based upon state evaluation for every \$1,000. Not exactly a hardship for either town, this is the formula used across Maine, thus the school tax burden is being fairly distributed, if all tax payers in the district are paying the same amount of school tax per \$1,000 of full property evaluation. This has been the case past and present throughout the Wells, Ogunquit CSD history. There are hundreds of towns in coastal Maine that are similar high valued sections of their communities, it's a fact of life and if you are fortunate enough to live near the ocean, your assessed value will be higher then if you lived in the western part of the same community, away from the ocean. The mil rate is the same, but the assessed value is different. If you changed the formula for Ogunquit you'd better stand ready to change the formula for other coastal communities in this great State of Maine. To summarize, don't make new laws just for one community. I urge the members of the Maine House of Representatives to vote no on LD 1725 and Amendment A. Thank you for your time and careful consideration.

Representative LaVERDIERE of Wilton assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Men and Women of the House. Finally after 4 years, the 4 years I've served up here, I get to stand in front of you and discuss an issue that has been very dear to my heart and on the front burning plate of

Ogunquit's heart, an issue that I've had many phone calls, attended many meetings about and really had to sit and think long and hard about what would be fair. This is a long-standing issue between the two towns. In each situation of non-negotiable cost formula fixed in statute makes a local solution difficult. The Education Committee referred the problem to mediation and then to fact finding for recommendation. The fact finders found that the gap between the per pupil cost has been growing wider since the starting point 20 years ago. The neutral fact finders recommended a 67-33 split between property valuation and student enrollment, similar to other CSDs. The fact finders also recommended after 5 years to write a voluntary withdrawal from the CSD, a provision not adopted by the committee as a way to encourage locally negotiated solutions. So as you can see the committee took the fact finders recommendations, worked between them and even compromised more to try to meet Well's needs. I looked up fairness, according to the Webster's Dictionary, and it's defined as just, and just is defined as reasonable. Ladies and gentlemen, the per pupil cost today is not reasonable for Ogunquit. It stands at \$52,300 per pupil for Ogunquit and I didn't get the decimals wrong, it's \$52,300 per pupil for Ogunquit. For Wells, it's \$5,683, so as you can see the fairness, or the just is not there. It's not accurate to say that a deal is a deal, the deal is no longer the same as 20 years ago, the difference between Ogunquit's cost per pupil compared to Wells is now as I said 10 times greater. Adding student population in the formula simply brings this CSD in line with the great majority, 9 of 13 of the CSDs throughout the state. Every other coastal CSD uses pupil enrollment alone or in combination with the property evaluations to set municipal shares. Examples, Mount Desert Island, Boothbay region, Camden area do this now, so without going on and on and repeating probably what will be said after I sit down, I just urge you to adhere to the committee's recommendations for these two towns to meet with a neutral mediator and this is a neutral person that came up with the solution and the compromise which was very tough and took a lot of meetings and worked a lot of disagreements through and to agree that the committee did finally set in stone a solution that will help end this problem and it won't be back in front of us next year. I urge you to support the Majority Ought to Pass, as Amended Report and put this issue to bed for both communities. Thank you.

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

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House. You can see that I'm on the Ought Not to Pass on this bill. I think the one point that you should consider most seriously is what will happen if this bill is passed and this is allowed to change the formula that was agreed to by both towns when they separated. If you have a rich area in your community, it's the same as them saying well we don't want to do this so we're going to secede from your town. We don't want to have to pay such a large portion of the cost of education. This was agreed to and it was one of the conditions under which the two towns were formed in the first place. It was understood, when at that time, the cost of education was about 5 times as much between the two towns to take this settlement in order to be separated, so I would ask you not to overturn this current law and change the cost sharing formula. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Mr. Speaker, Ladies and Gentlemen of the House. There's been talk of cost to student and some pretty large figures given by my good colleague from Eliot, Representative Wheeler, however, using that formula, tax equity based on per pupil cost. The state average currently is around \$6,000 per year to educate our students, using this formula you could go down a street and say, well, this house has 2 children, the tax bill for education is going to be \$12,000. On the other side of the street there's no children to go to school out of that home, they would have no tax obligation towards education. Property tax is the most equitable method for paying of education in the State of Maine. Until we come up with a better formula, we've got to use this formula. You start tweaking it, you're going to end up with a situation much like our neighbor in New Hampshire, they've got a real mess down there right now. The formula for paying for education is property tax. The citizens of Ogunquit, the citizens of Wells pay approximately the same mil rate per \$1,000. My own personal tax bill, at home in Wells, two-thirds of my tax bill goes to education, much like most of the members of this body. The average home owner in Ogunquit who has children, they pay basically the same tax rate for education that I do, their assessed value may be higher or lower, depending on the location of the home. Property tax is the right way to go for funding education in Maine. I urge you to defeat this LD 1725 and accompanying Amendment A. Thank you.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. Speaking as the Representative from Kennebunk, for more than 20 years as a neighbor of these two communities, I've been a spectator to the going ons and I also as a very young teacher, back in 1979, thinking about running for the Legislature, came during a school vacation and spent two days here and because I was a teacher I went and sat in with the Education Committee. That happened to be precisely at the time that this deal was negotiated and what I saw there on the part of the Education Committee that day would have done the heart of a consumer advocate good. There was so much disclosure there that day and you've got to remember that this was one town with a village within it and what they were talking about was independence for that town and also with that separation what would be the agreement, what would be the contract that would allow that independence and I remember the committee, the entire committee, as this agreement came forward saying to the soon to be departing citizens of Wells, do you understand what this contract says. There was full disclosure. They even left the room, discussed it and came back, so there was no deception and Ogunquit knew what it had signed. As a spectator, as a neighbor, I had followed what had happened that day, had gone to the Education Committee from 80-84 as a member of that Committee, saw the issue began to reappear, as a neighbor year, after year, after year, once the independence was granted then there was an immediate effort to break the contract. I guess what you have to decide today, in the bill before you, is a contract a contract? If there wasn't full disclosure then it would be different and I think you also have to think about the Pandora's box that you may open here today. That if you have school unit that has any part of it that includes salt water, fresh water, a mill, or a commercial property then you're opening a Pandora's box that what can't be resolved on the local level, you'll come to the Maine Legislature and you'll break that contract. I thought it was important for you to hear the viewpoint

of a spectator who was there that day and saw the soon to be Town of Ogunquit say this contract is fine with us.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Men and Women of the House. I'd just like to remind you of a couple of points. This school district was created through the Legislature, and in order to change the formula at all they have to come back through the Legislature. They can't do this locally. What the Education Committee has done is ask for these two towns through mediation to come up with a compromise, which is a local control issue, but then come back to the committee, which they did do and the committee now lays in front of you the compromise, which isn't all for Ogunquit or all for Wells. It is a compromise. That's what issues are about, compromising. You can't lean one way or the other, if we vote down this pending motion, what you're doing is you're telling the Town of Ogunquit that, yes, we directed you to go through mediation and to go through the channels and to work hard on an issue which they didn't want to do, I talked to them. Let's go through the process, it works, it's fair, but if you vote down the pending motion you're sending the message that, I guess we really didn't mean it when we said go through mediation and come up with a compromise. I think it's very important to send the message, especially in a unique situation as Ogunquit where only two of the fourteen community school districts in Maine do not take in account per pupil cost, only two. Wells, Ogunquit CSD is the only one that does not permit voluntary withdrawal if local negotiations fail. That was pretty dear to Ogunquit, but they agreed through compromise that this wouldn't be part of the settlement. I just urge you to think before you vote and to think of local control and the process that has gone through for four years now and in the summer time I sat at these meetings and they were very hot and heavy at times, but finally they came out with a mediator's report that is a fair compromise to both communities no matter what you hear here today, so I urge you to support the Majority Ought to Pass Report. Thank you.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. I have a question about this particular bill that I would like anyone to answer that would like to. It pertains to the title. I am torn as to which way to vote after reading this, because I do not interpret it as, An Act for the Towns of Wells and Ogunquit to withdraw from the Community School District, because I feel strongly that if we start separating the school districts that it is going to emanate into something which we can not handle and would be unfair, but I can see the merits of getting together to compromise, as has been done. I believe, in many other districts and so if someone could answer, does this if we say yes mean that either one or the other, or both, or that's it's going to dissolve the district because there are only two towns in it.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House. The answer to the question from the Representative from Fryeburg is no. The CSD will remain in tact and neither Wells or Ogunquit could vote to remove themselves from the district.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I have a motion that I'm going to make as soon as we adopt the amendment to challenge the name of this bill for germaneness, so we're going to deal with that issue later when we get to that point. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. In 1980, I was sitting in the balcony and I well remember the Representative from Wells who sat right over here and how she agonized over this bill because it was not so much separating the two communities to make two towns, it was the educational system that they had the problem with. They worked and worked and worked, this took hours and hours and hours and days and it really has never worked satisfactorily, but unfortunately this was done by a Private and Special Act of the Legislature. These two communities cannot separate without the Legislature saying they can. This is the only one in the state that's like this. A Private and Special Act of the Legislature. One thing we had not discussed this morning and that is that Well's high school is classified as one of the best high schools in the state. We on the Education Committee tried to figure out what we could do that would not impair the education of the young people and that's why we went to a mediator. This bill has been before the Education Committee every year that I have been there on the Education Committee and the title is what it is because that was what was put in, because they cannot separate unless this Legislature gives them the authority to do that. The Education Committee sent this to a mediator and the mediator did not come back with a suggestion that we dissolve the school district. The mediator came back with a suggestion that we change the funding formula and if you look at your amendment it does say that after 3 years the two communities can vote themselves to dissolve the school district if they want to, if they have a majority vote, separate in each town, each town votes a majority to separate. What we have tried to do with this piece of legislation is to come up with something in a funding formula that would be different and it depends which side you're on whether or not you say it's more fair. In 3 years time it would give the two communities the opportunity to make a decision, which they can't make now, because of this state law. We worked on this quite awhile and as I said, I've seen this legislation before for at least 4 years. This seems to be the best thing that we have come up with in the 4 years and this was done by a mediator who worked with the two communities last summer. We thought it was the best way to go. Thank you.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. The reason that this is before us today is because this is a unique situation. As to unique situations created by the Legislature and as every other speaker has already mentioned, this CSD was created in 1980 by the Legislature. Every other school district across the state that may have a disagreement about how they fund their school has a number of different options to them to address that issue. They can withdraw from the school district. They can negotiate with other members of the school district to change the way they fund their school. There's no other situation in the state where they don't have the same tools available to them, the same process available to them to address that issue. As a result of that, as several other speakers have mentioned, that's why this bill is before us. That's

why the Legislature has to grapple with this, it's a unique situation and the decision that we make here today, which I hope is to pass the Majority Report, will not have, will not have a ripple effect or in any way impact any other school districts across the state and the reason for that is because no other school district across the state is similar to this. Again, as many other speakers have already pointed out, the Education Committee carried this bill over last session and then asked a mediator to come to us and recommend something that was fair. I want to read the last paragraph of the report from the mediator, from Plimpton and Espedido in regards to this issue. It said while arguable still unfair to Ogunquit, the recommended transition to a 66.7 percent valuation and 33.3 percent per pupil expenditure cost arrangement over 3 years combined with the opportunity for a new cost sharing arrangement at the end of 5 years limits, the duration of the arrangement weighted in Wells' favor while at the same time being not unduly burdensome to Wells. Men and Women of the House, that is the definition of a compromise. It is basically saying, we recognize that there are some inequities as a result of what the Legislature did in 1980 and those inequities have fallen to some degree to the Town of Ogunquit, but at the same time, this compromise is being purposed by the Majority Report of the Education Committee is not unduly burdensome to the Town of Wells. We think it's a prudent response. We think what the mediator came up with was a reasonable solution and I ask you to support the Majority Report. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Hartland, Representative Stedman. 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 **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I wish to make a correction in some of the earlier testimony. This was not a mediator's decision. Mediation was tried and failed so a fact finder was hired to come in and create a solution to the problem, so this is a decision that was made by a fact finder, not by a mediator. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

ROLL CALL NO. 503

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson J, Samson, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Tessier, Tobin D,

Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Berry DP, Bowles, Bumps, Cameron, Campbell, Carr, Chick, Clough, Collins, Cross, Dugay, Foster, Gerry, Gillis, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Labrecque, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, Peavey, Perkins, Pinkham, Richardson E, Rosen, Sanborn, Savage C, Shields, Shorey, Stanwood, Stedman, Sullivan, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Belanger, Madore, Matthews, Rines, Stevens, Thompson, Wheeler EM, Williams.

Yes, 89; No, 54; Absent, 8; Excused, 0.

89 having voted in the affirmative and 54 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" (S-531)** was **READ** by the Clerk.

Representative **STEDMAN** of Hartland asked the Chair to **RULE** if **Committee Amendment "A" (S-531)** was germane to the Bill title.

Subsequently, the Bill was **TABLED** by the Speaker Pro Tem pending a ruling of the Chair.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Provide Consistency for Certain Key Deadlines under the Election Laws" (EMERGENCY)

(S.P. 1009) (L.D. 2576)

Signed:

Senators:

FERGUSON of Oxford
CAREY of Kennebec
DAGGETT of Kennebec

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
MAYO of Bath
PERKINS of Penobscot
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
FISHER of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-600)** on same Bill.

Signed:

Representatives:

McKENNEY of Cumberland
GAGNE of Buckfield

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

READ.

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

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Create the Community Health Plan Demonstration Project"

(H.P. 1889) (L.D. 2627)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

SAXL of Bangor
JONES of Pittsfield
RICHARDSON of Brunswick
NUTTING of Oakland
DUDLEY of Portland
O'NEIL of Saco
SULLIVAN of Biddeford
PERRY of Bangor
MAYO of Bath

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

Signed:

Representative:

GLYNN of South Portland

READ.

Representative **SAXL** of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. This item came to the Committee on Banking and Insurance late in the session and we felt that there was merit in some of the ideas within the bill and, therefore we moved to include it within a study which we are doing later in the summer on collaborative insurance projects, so although we are asking to killing the bill, we are not going to lose all the concepts and ideas because we will be considering them later on if the task force is funded. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion and ask that the House move on and accept the Minority **Ought to Pass** Report, which was the bill as drafted by the sponsor. Before you, you have a critical issue dealing with health care today and that is the rising cost in health care and how are we as a state going to solve it. This bill was presented to the Joint Committee on Banking and Insurance by the Majority Leader, Mike Saxl from Portland and the issue is really trying to study in a test case scenario what is going to reduce the cost of health care in Maine. What spurred this idea on is the burdensome insurance mandates that we're operating under. The horrible, if you look at the code, the repressive requirements that we have and the inability by health care plans to totally manage care through these burdensome regulations. Right now in Maine, five out of six HMOs in Maine posted losses last year. Businesses are suffering under some of the largest increases that we have seen in the last decade averaging between 10 and 20 percent and I had one as high as 90 percent in my district, the out of pocket health care cost increases.

This bill, what it purposes to do is essentially set up a test case on Mount Desert Island to begin to control their own health

care situations with a community based effort. The concepts that are contained on this bill, if this bill is defeated won't be allowed to be tested. One of the major provisions of this bill is that in section 5, and what it deals with is the exemption and it exempts this health care plan project from all the provisions of Chapters title 22, 22A and title 36, which is basically the health insurance regulations of the state to allow a true test case scenario to take place. What they are trying to do is partnering, businesses partnering with the health care providers to be able to manage their care, free of these mandates and provide once and for all an answer to the question that's plagued the Legislature, which is are these insurance mandates really raising the cost of health care and, of course, the answer is yes through all of our mandate studies. If the committee does, in fact, look at considering this proposal as part of the Blue Ribbon Group on Purchasing Alliances as has been purposed by the Majority Report, we're not going to get this hard data. We're not going to see Mount Desert Island and the great people of Mount Desert Island to be able to prosper in an environment where they can get a hold of the health insurance costs. It is just staggering the increases that have been passed on and the complexity of the issue. Based on statewide averages, they're estimating between 250 and 1,000 people on the island currently don't even have health insurance and this plan will provide them with that insurance and I urge the House to move on to the Minority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Colleagues of the House. I agree with the Representative from South Portland, he made several sealant points which we in the committee have dealt with all session and last session, but the 12 to 1 Report is reflective of the sentiment of the committee in that we weren't really able to grapple with all of it. There were a couple of minor details too that were important. Several neat ideas in the bill, most of us embraced, all of us embraced the importance of pursuing those ideas. One would be the burdensome regulations that are on insurance carriers are a concern. They're worth talking about, but I don't think this would, if it were to go make it out of committee, having those exemptions apply. Second thing was, as it stands, we can't do this, the law doesn't allow us to do it. It would be illegal for us to do it. The good Representative from South Portland mentioned how convoluted and complex this is, I kind of likened it to somebody dumping a whole truckload of lumber in my driveway and saying, all right build me a house and do it quick. We just didn't feel like we were able to get to it, put our arms around it and do it in a fashion that would be meaningful. We do an awful lot sometimes that we can't tackle and the wisdom of the committee that we just shouldn't do it right now. We provided a vehicle in which we can pursue it and we'll do that providing it gets funded this year. Please go with the 12 to 1 report and accept the Majority Ought Not to Pass. Thank you.

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

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

The SPEAKER PRO TEM: The Representative may pose her question.

Representative ANDREWS: Mr. Speaker, Men and Women of the House. In looking over this bill, I'm a little confused. Under number five exemption, am I given to understand that this

would exempt this project from all mandates and any issues dealing with fraud?

The SPEAKER PRO TEM: The Representative from York, Representative Andrews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House. The good Representative from York, I believe, is 100 percent correct in her assumption. I rise in addition to answering that particular question, to state that I would urge this body to support the 12 people on the Banking and Insurance Committee who feel that this bill, as currently written should not move forward as was stated by the Representative from Bangor, we have included this concept that was proposed by the good people of Mount Desert Island in the study which will be taking place this summer and in the fall. One of the issues that hasn't been mentioned is an appropriation of \$1.5 million, which is coming, as is written in the bill, from the Bureau of Insurance. The only way that the Bureau of Insurance obtains money is through levies on insurance companies. That is where their income derives from; they are not supported by the general fund. They are supported through fees, taxes on the entities that they control, so it could possibly do something if it was constitutional. It is turning right around and putting a tax on the insurance companies and for that reason and what other people have stated this morning, I would urge your acceptance of the Committee Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Standish, Representative Mack.

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative MACK: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, reading the bill I see section 5 exemption, there are many different titles listed as being exempt. My question is, if we were to pass a patients' bill of rights this year, including a right to sue or some sort of external review process, would this new health plan demonstration project be exempted from the patient's bill of rights that we pass? Thank you.

The SPEAKER PRO TEM: The Representative from Standish, Representative Mack has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Mr. Speaker, Men and Women of the House. In response to that question, the answer is yes.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I would ask you to support the Majority Ought Not to Pass, 12 people with a very diverse background have looked at this bill. As was stated previously, it came in late in the session, but there are two major things happening in the summer. One will be a Blue Ribbon Commission, which has been established and the other as referred to one to look at alliances. The ideas lost here are not going to be lost, but the questions raised here, good questions, need to be answered by groups of people that have the expertise. I would ask you to support 12 of your colleagues, it's a good idea, let's put it into a study and make sure we get good answers so we don't come

back or the 120th doesn't come back having to clean up some problems because we acted in too much haste. Thank you.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. To anyone who can answer, I heard the Representative from Bath mention that this money would be a tax, but I noticed in the bill it says the following funds are appropriated from the general fund to carry out the purposes of this Act and the bill, from what I can see, has no mention of a new surcharge, or increasing the present tax, so is the money already there and if it's not how is it going to be generated if there's no mention of an increase or a new surcharge to do so.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. This bill I thought was so important for me to bring out of committee to debate on the floor because it is so necessary. We're actually looking at a bill presented by our House Majority Leader, Representative Saxl, from Portland. This bill issue was so important it went in front of the Joint Legislative Council and was let in as an after deadline bill. It also was cosponsored by a number of committee leads, from Health and Human Services and from Banking and Insurance and the issues and the points in it are so much on point in that if we really are serious about getting a hold on the cost of health insurance, we need hard data and stepping up to the plate as a Legislature providing that data as has been testified in front of our committee, I think is so necessary. We've got such oppressive mandates here in the State of Maine, such costly mandates. That's why when this bill was drafted it exempted very consciously, it was a conscious effort put forward to exempt this case study from these mandates so that we can actually get down to the business of providing health care at an affordable price and I applaud the sponsors and the cosponsors for bringing forward this idea, because just going ahead and continuing to study this and not being able to have actual numbers, not being able to bring this prices down, we can't get the answers. The NFIV testified in front of our committee on a previous bill that, in fact, they could provide low cost health insurance to their membership by allowing them to be able to participate in a form or a cooperative without these impressive mandates on them. Blue Cross, Blue Shield testified through their lobbyist before the committee on another bill that they could see a rate decrease of 15 percent for catastrophic health insurance if, in fact, they did not have to apply or be mandated to provide some of the services that their members doesn't essentially need or want to have. What they're looking for is basic, low cost health insurance as an option and if we can't provide for an option on a wonderful little place like this island, what are we going to do in the State of Maine. Thank you.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I share many of the concerns, as the Representative from South Portland, Representative Glynn, and I share his enthusiasm for taking an innovative approach toward health care problems and health care costs faced by the state. I think it's

also important to point out that the 19 mandates that the state has enacted since 1975 account for between three and a third percent and seven and a quarter percent of the cost of premiums. To me that suggest strongly that the problem when it comes to the cost of health care really isn't with these mandates. Furthermore when questioned, Art Blanke of the Mount Desert Community health plan, when questioned about whether or not coverage under these mandates would be included under the health plan he is proposing, he assured the community that they would include coverage of these mandates despite the fact that they were not required. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Northwest Harbor, Representative Stanwood.

Representative **STANWOOD**: Mr. Speaker, Men and Women of the House. This bill was brought forward after the pilot community discussed this for a long time, got a lot of input, some expertise from outside and inside the state relative to this and it seems to me that if we're ever going to look at health care in its entirety we ought to have a living model to go along with it as an adjunct and I think this is a good plan to do this. It's a demonstration only as it works its way through the process and it will terminate in the year 2004. We'll know what works and doesn't work and I think it's just a good place to start and I would urge that this motion before us Ought Not to Pass fails and support the Minority. Thank you.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I hate to prolong this debate on a bill that has a 12 to 1 report, however, I want to assure you all again and reiterate what I said earlier that the concepts in this bill are not going to be killed. The concepts in this bill are going to be considered by a task force this summer that's proposed to be passed. The committee clearly found some merit and some interesting ideas within the bill and we, too, have a strong desire to look at the cost of health insurance, so bearing that in mind, it's just this particular vehicle that we think Ought Not to Pass and that we have found a different way in which to consider those ideas. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Davis.

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

The SPEAKER: The Representative may pose his question.

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. This bill exempts health plans from all state mandates to allow for cost savings. Is there evidence that state mandates raised the cost of insurance premiums to anybody who would like to answer?

The SPEAKER: The Representative from Falmouth, Representative Davis has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the good

Representative's from Falmouth question. Do state mandates cost money to health insurance premiums? The answer is absolutely yes; they do raise the cost of health insurance as with mandates that we have voted on this session. A mandate study is done when these mandates are purposed and they do carry a burdensome cost to those who seek health insurance.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I never knew I had so many friends across the aisle and I'm delighted to see that you're all with me here today. Unfortunately, I'm going to support the reference, if you will, of this matter to the study commission to look at access to affordable health care. I think that this does present an amazingly interesting concept of looking at community health programs. Just so you don't focus solely on the mandate issue, as to which, by the way for groups of 15 and under is about two percent of health care costs. In groups of 50 and larger, it's a much larger piece, it's about 7 percent of health care costs, so you don't focus on mandates. Let me tell you the things that this bill does and doesn't do and then let me ask you to think about whether today, with the amount of time that the committee has had a chance to consider this bill, whether you are ready to put \$1.5 million into the hands of this program and whether you are ready to look at the preventive health care issues that they have looked at for example, naturopathic, chiropractic, and acupuncture and whether you're ready to embrace those things as part of the preventive health plan that has been brought forward by my friends. I think those are great things and I'm hoping when the Banking and Insurance Committee has a chance to look at this as a statewide problem and look at those preventive health issues and look at the state reinsurance of private health programs, that you're going to come on board with me at that time. What I think is this is a very complex and complicated issue that the committee of jurisdiction has asked for some more time to look at it and that we ought to give them the opportunity to study this and the framework of all the suggestions that have come forward this year. I appreciate my Republican support across the aisle and I appreciate all your efforts today to look at this important issue and I hope that you will support the committee's desire. My friend the Representative from Pittsfield's desire, my friend the Representative from Bath's desire and my friend the Representative from Oakland's desire to give this matter some further study over the summer. Thank you.

Representative **TOBIN** of Windham **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought Not to Pass Report.

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

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Like the Representative from Southwest Harbor, I represent a portion of Mount Desert Island. I commend the authors of this legislation for their goal of increasing health care coverage for the people. Rather than passing this bill and exempting the proposed community health plan for many of the basic laws designed to protect the people, I would urge us to continue to study this issue and these concepts in the bill and include in our study the establishment of a single payer,

universal health care system for all of the people of Maine. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 504

YEA - Ahearne, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Martin, Marvin, Mayo, McDonough, McGlockin, McKee, McNeil, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shorey, Sirois, Skoglund, Stanley, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Belanger, Bowles, Buck, Davis, Foster, Gerry, Glynn, Heidrich, Kasprzak, Labrecque, Lovett, MacDougall, Mack, Madore, McAlevey, McKenney, Mendros, Murphy T, Nass, Pinkham, Plowman, Povich, Richardson E, Shields, Snowe-Mello, Stanwood, Waterhouse, Winsor.

ABSENT - Matthews, Rines, Stevens, Thompson, Williams.

Yes, 117; No, 29; Absent, 5; Excused, 0.

117 having voted in the affirmative and 29 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Emergency Measure

An Act Relating to the Cleanup of the Wells Waste Oil Disposal Site

(H.P. 1898) (L.D. 2639)

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

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

Representative **MARTIN**: Mr. Speaker, Members of the House. The reason for the emergency and the reason why we need to act today is because the expiration of the funds will expire tomorrow and in order to give citizens an opportunity to participate under the program, which we structured last year, we are moving the date from April 1 to July 1, so what we are hoping to do is that bill will get enacted in the other body and signed by the Executive before tomorrow night.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Develop a Department of Children"

(H.P. 283) (L.D. 391)

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
McDONOUGH of Portland
TWOMEY of Biddeford
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-966)** on same Bill.

Signed:

Representatives:

RINES of Wiscasset
BUMPS of China
GERRY of Auburn

READ.

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. First of all before I begin by thanking many people, especially the State and Local Government Committee for the time and interest and research that they have put into this bill. This is a carry over bill. This is a bill that I have been working on with several other individuals, people within and outside of these halls for the past two years. The bill has died, it has been resurrected, it's been amended, it's been really closely examined and I want to thank them very much for their time. I believe it shows the importance of this bill, the depth and the complication of it and it speaks to the issue. I would like to give you a little bit of history, tell you what the bill does and explain why I feel there is a definite need for this bill. Some of you who have been here in the past, or have been around in the past know that this is not a new concept. This issue has been brought up at least several times in the past 20 years. There was a study commission 20 years ago. There was another Blue Ribbon Study Commission 10 years ago, which was done by outside people, a very prestigious group of people who looked at this issue very, very closely and made the recommendation that there would be established a children's department, cabinet level, within a department of the State of Maine. That was the recommendation. It passed both Houses; it passed this and the other body and then was vetoed at the end because of an administrative snafu at the very end by then Executive Governor McKernan. This is not an idea that is just popping out of anywhere.

First of all, what does this bill do? I would like to emphasize that it is not creating a new bureaucracy. My intent of this bill is to consolidate and coordinate the services that we have in this state for children, youth and adolescents. I have looked through the departments, agencies, bureaus and such things and gone under and found those that have the word youth, children, adolescent in them. There are many, many, many of those. Some have the same mission. If you look at their missions and their budgets, you will see that there is a lot of duplication in the field. What I am purposing is that we have one department. We pull all these agencies together, these agencies would be under the Department of the Juvenile piece of the Department of Corrections, preschool education, mental health and substance abuse for children, the Department of Human Services that deals with children, and the public safety piece that has children, youth and adolescents in it. Under this, ultimately will save the state a lot of money. More importantly though, it will save the children. It is a crisis in this state. For those of you who are on the committees that deal with such issues, you will find there's a lot of lip service that there's collaboration, communication and coordination of services between such, I give an example as Department of Corrections, Department of Mental Health and Department of Education. I will tell you that it is mostly lip service. I do believe that there have been some efforts and I applaud those efforts. The children's cabinet, which was formed under the current Chief Executive has done a wonderful job. There are communities for children out there. They have done some good things, but with all due respect, they are cabinet level commissioners, they do not know what's going on on the front lines. When a child is in crisis, a child and his or her family is in crisis chances are that they're involved with not just DHS, the have had contact with DOC, or Department of Mental Health, the have mental health problems. They have special education problems or they have substance abuse problems. It is a rare time that you find a child that is only being served by one agency, but what's happening is these agencies are not talking with each other. They are not coordinating the services. My view of this, the perfect ideal solution is that the child is in the middle. You have the child and the funding and the services then follow. You have one case manager in one department for one child and then the services and the funding will follow. The way it is now, and commissioners and departments will tell you otherwise, but I beg to differ, again with due respect, it's the funding and the services and then the child. It is a maze out there. It is a maze for the families and the children and they can't get through it. I know you all have had constituent calls. It's a huge problem. I will tell you that as amended, this bill that now came out of committee as amended is suggesting that we adopt the recommendations of the Blue Ribbon Study Commission that was done in 1991. Those recommendations are that there will be a Department of Children. I want to get that straight. It started out as a study commission, but the amendment says Minority Report says, there will be a Department of Children.

Again, I've served on several of these task forces, I've served on some of these oversight committees that are suppose to be coordinating services and I'm going to tell you that I'm extremely frustrated. They're not doing it, it's not working to the extent that it needs to work. I have business people, I've had outside child advocacy groups, I've had people in education come to me. I've had many, many people come to me since I brought this up a year ago. It's telling me that they really support this. This is a

wonderful concept. I want to tell you again, this is not a whim, this is a very serious issue and I would ask that you consider it very, very seriously.

I guess I would conclude with this remarks, I hope I don't have to stand again, but I would conclude these remarks by saying that whether this bill does pass or not, I would ask you throughout the summer and the off legislative session, when you constituent calls, or when you face these problem, I want you to look at it very seriously and say, would a Department of Children help this. Would this have made a difference or am I going to have to call three or four different agencies and put yourself in the parent's place. Families are begging for this.

Representative O'BRIEN of Augusta **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought Not to Pass Report.

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

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I had an opportunity several months ago to attend a conference with Representative O'Brien and it was by far the best conference that I have attended as a member of this body. Certainly, not because I was there with Representative O'Brien, the content of that conference was nothing short of amazing. There were representatives there from 10 or 12 different states, and the majority of them, all but two, have gone ahead pushing this legislation through, because the key word that all of us were told and explained at this conference was collaboration.

I thought while I was listening to all of this repeatedly of an incident that I had with a constituent of mine, whose son had gotten in trouble, parents had gone through an ugly divorce, little boy got in trouble with the police, little boy, he's going into high school, young man, his grades went from A's and B's to C's and D's and F's and he was in that spiral getting sucked into the system. I got involved and I became so frustrated when the Department of Probation, Parole, said well it's sort of our problem, but it's not really our problem, it's really the Department of Education and the Department of Education said, well it sort of is our problem, but it's really the Department of Human Services. This little kid was getting bumped around like a pinball in a game. It was a horrible situation. I firmly believe coming back from that conference this is a good thing. It's something that we should follow through with and I would strongly encourage you to follow Representative O'Brien's light on this issue.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I agree with much of what the Representative from Augusta talked about discussion about this bill. Clearly all of us want the Departments of Education, Mental Health, Corrections and Human Services to do a better job of coordination and to make services available for children and families on an as is basis and to make those very accessible. In fact, because I share many of those concerns and it those concerns were shared by members of the Education Committee, we just recently passed out a unanimous report as a result of recommendations made in a task force report on violent, disruptive students and that task force was chaired by the good Representative from Madison, Representative Richard, and that task force recommended that we put into statute that we institutionalize the children's cabinet and as many of you know

the children's cabinet has been operating for the last 3 or 4 years and it's comprised of all the commissioners of those departments for the very purpose of increasing coordination and increasing collaboration among those departments so there's a better coordinated response for services for children and families. In addition to putting that into statute, we also created a council on children and families and that's comprised of the Executive Branch, the commissioners, legislators, and for the first time the Judiciary and in all these discussions that we have about coordinating services for children and families one of the key pieces that has been left out in the past has been involving the Judicial Department and our court system. For the first time we will have in place the mechanism where legislators, the Executive Branch and Judiciary will be able to sit down and coordinate services for children and families. That's a major step forward and I think that step forward goes a long way to addressing many of the issues that were raised by the good Representative from Augusta. So while I am sympathetic to this bill, I want to assure all the members of this body that we have taken very clear steps in this regard and very shortly this body will have before it a bill that will address many of those concerns. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. Just a few concluding remarks. I would just say that I appreciate what the Education Committee has done in regards to the other; I think it's a good bill, although it doesn't go far enough. The advisory council is meeting, as I understand it, three times throughout the year, it's lip service I feel, although having the children's cabinet in statute is an important step. I want to also just go a little bit further on what Representative Muse said a few minutes ago. At this conference, this juvenile justice conference, the very, very clear message we came out with was collaboration. That was the topic. That if agencies are not together then the kid is going to end up dead or in jail. No question, no question in their mind. We had speaker upon speaker, professional upon professional say that, legislator upon legislator say that. While we were there we were asked to do a strategic plan before we left. There were 10 states, I believe, that attended. We recently got back from them a report from seven of the states. Seven of those ten states are now in the process of developing either a Department of Children, Department of Youth and Family Services or some piece of what we're talking about. It just goes to show that this is an issue that's being discussed nationwide and I think we can't dismiss it. Although we have taken some steps, the Children's Cabinet is a step, as I said, it's a high level. It's not down in the trenches. I appreciate everyone who has done other things. There's another bill out, an ombudsman bill, which is a wonderful thing, there are being steps, but I think we need to just take the leap. Again I appreciate your indulgence. Thank you.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. There has been a concern expressed that either the Children's Cabinet or the Council on Children and Families may not be down in the trenches. In fact what the bill does is call for the creation or the continuation of regional children's cabinets that have been in existence for the last 2 or 3 years. Those very cabinets were created on a regional, county basis and they do nothing other than coordinate the services at a local level and

they also trouble shoot any particularly difficult family cases. So if there is a case of a family or child that needs services and it has been difficult for one department to deal with it. There's an opportunity for that family to go directly to the Children's Cabinet at the regional level and get a coordinated response and a coordinated plan to address that need.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Ladies and Gentlemen of the House. The impetus in the early 90's for the development of a Department on Children was at a time when there was virtually no collaboration, communication or coordination between the child servicing agencies. Since then it's very, very different. Two years ago the Department of Mental Health, Mental Retardation, Substance Abuse Services, as a result of legislative action, established a children's mental health oversight committee upon which the Representative from Augusta serves. As part of that committee's charge, statutory charge, there is membership on that committee, which meets monthly, to oversee representation from all four of the departments that serve children. Each of those departments have developed, with the Department of Mental Health, a memorandum of understanding and that is education, human services and corrections to insure that mental health services as an example is provided in collaboration and coordination with these other departments. Some of the major initiatives that have taken place recently would be damaged by such a drastic and significant step as is being purposed in this bill. I urge your support for the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Bragdon.

Representative **BRAGDON**: Mr. Speaker, Ladies and Gentlemen of the House. I feel I must rise briefly and speak in support of this legislation and the Department of Children. As a member of the Health and Human Services Committee, we work constantly with several different departments that have jurisdiction over children's issues, and although I can express the same amount of pleasure as Representative Kane that they have come a long way in collaboration, my concern would be that the administration will be changing in two years and we can not be assured of future collaboration nor can be assured that children will receive the same amount of priority by future departments as they have by these departments. For those of us who have been actively involved in children's legislation, I can not begin to express the disconnected system that we have and how difficult it is for children, parents and providers to try to navigate through the system whether it's special ed, mental health, substance abuse, human services, family services, the list goes on and on. Ladies and gentlemen, I really believe a Department of Children would result in a coordinated effort solely focused on a very important population would be the way to go and I urge you to vote against the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien. 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 **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I promise this will be the last time, I don't think I have ever spoken three times on an issue. I just have to respond to the good Representative, Representative Kane, who chairs the committee on Mental Health Oversight

Committee of which he alluded to, of which I am a member. We had a meeting last week and I'm sorry that Representative Kane wasn't there because it was a very volatile meeting and some of these issues came to a complete head. There were three members of the public that testified that said, two have said I have been here before, nothing has changed. We come to you, we come to you nothing has changed and the committee as a whole has decided now that we need to reorganize and look together and do a strategic plan because the three years that we've been meeting, with all due respect to members of the committee, to the chairs, including myself, nothing really has changed. That's why I'm so frustrated. Last time I'll speak.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. As was alluded to earlier, I did co-chair the committee that studied violent, disruptive students and we spent all summer, lengthy meetings, discussing many different issues which have been put forth today. This is not the time for me to talk about that particular committee, but I would like to reiterate everything that the chairman of the Education Committee has said and I would like also to respond to the fact that the administration will change in two years. That was taken into consideration that was our concern because the administration will change in two years, a lot of positions will change in two years and we felt that something had to be put into statute. I agree with everything that has been said regarding the necessity for this. When that bill comes forward, I will discuss it. I'm not sure I should be discussing it now, but I do think we have something that will cover the concerns that have been expressed this morning that will be coming forth later. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 505

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Bruno, Bryant, Buck, Bull, Cameron, Campbell, Carr, Chick, Clark, Clough, Colwell, Cote, Cowger, Daigle, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Marvin, Mayo, McDonough, McGlocklin, Norbert, O'Brien LL, O'Neal, Peavey, Perry, Pieh, Plowman, Povich, Powers, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Sirois, Stanley, Stedman, Stevens, Sullivan, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Bragdon, Brooks, Bumps, Chizmar, Cianchette, Collins, Cross, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Heidrich, Jones, Labrecque, Lovett, MacDougall, Mack, Madore, Martin, McAlevey, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Neil, Perkins, Pinkham, Quint, Savage C, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Weston.

ABSENT - Davidson, Gagnon, Matthews, Rines, Skoglund, Thompson, Williams.

Yes, 95; No, 49; Absent, 7; Excused, 0.

95 having voted in the affirmative and 49 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-957)** on Joint Study Order to Establish a Committee on Gasoline and Fuel Prices

(H.P. 1774)

Signed:

Senator:

PARADIS of Aroostook

Representatives:

FISHER of Brewer

SANBORN of Alton

WHEELER of Eliot

JABAR of Waterville

BOUFFARD of Lewiston

WHEELER of Bridgewater

Minority Report of the same Committee reporting **Ought Not to Pass** on same Joint Study Order.

Signed:

Senators:

O'GARA of Cumberland

CASSIDY of Washington

Representatives:

COLLINS of Wells

CAMERON of Rumford

LINDAHL of Northport

SAVAGE of Union

READ.

Representative JABAR of Waterville 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. 1040) (L.D. 2622) Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife to Allow a Well and Waterline Easement (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 1764) (L.D. 2470) Bill "An Act to Credit Certain Penalties Levied by the Department of Environmental Protection to the Lakes Heritage Trust Fund" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-972)**

(H.P. 1785) (L.D. 2506) Bill "An Act to Establish the Applied Technology Center System" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-962)**

(H.P. 1843) (L.D. 2581) Bill "An Act to Prohibit the Importation of Milfoil into State Waters" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-970)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(H.P. 1748) (L.D. 2454) Resolve, to Provide Medicaid Reimbursement for Hospice Care Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-971)**

On motion of Representative QUINT of Portland, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ.**

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

(H.P. 1884) (L.D. 2620) Bill "An Act to Amend the Farmington Falls Standard Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-959)**

On motion of Representative GOOLEY of Farmington, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ.**

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and specially assigned for Friday, March 31, 2000.

CONSENT CALENDAR

Second Day

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

(S.P. 1041) (L.D. 2623) Bill "An Act to Clarify Terms of Appointment to the Advisory Committee on Family Development Accounts"

(S.P. 215) (L.D. 637) Bill "An Act to Amend the Law Enforcement Officer Certification Standards" (C. "A" S-578)

(S.P. 503) (L.D. 1504) Bill "An Act to Amend the Lobbyist Registration Fee Provisions" (C. "B" S-582)

(S.P. 588) (L.D. 1668) Bill "An Act to Create the Drive ME Wheels-to-work Program" (C. "A" S-595)

(S.P. 910) (L.D. 2362) Bill "An Act to Establish State Death Benefits for State Police Officers Killed in the Line of Duty" (C. "A" S-579)

(S.P. 916) (L.D. 2368) Bill "An Act to Promote Bone Marrow Donation" (C. "A" S-596)

(S.P. 923) (L.D. 2374) Bill "An Act to Establish an Office of Women's Health" (C. "A" S-585)

(S.P. 963) (L.D. 2505) Bill "An Act to Support Child Care Education and Services" (EMERGENCY) (C. "A" S-580)

(S.P. 964) (L.D. 2513) Bill "An Act to Adopt Recommendations of the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Joint Advisory Committee on Select Services for the Elderly Related to the Mental Health Service Needs of the Elderly" (C. "A" S-586)

(S.P. 1007) (L.D. 2574) Bill "An Act to Harmonize State Financial Services Laws with Federal Law" (C. "A" S-589)

(S.P. 1012) (L.D. 2580) Bill "An Act to Provide Legal Access to Marijuana for Medical Use" (C. "A" S-597)

(S.P. 1017) (L.D. 2585) Bill "An Act to Provide Education Benefits For Maine National Guard Members" (EMERGENCY) (C. "A" S-583)

(H.P. 1886) (L.D. 2625) Bill "An Act to Strengthen the Habitual Motor Vehicle Offender Law"

(H.P. 1639) (L.D. 2290) Bill "An Act to Improve Business Entity Filings and Authorize Mergers, Consolidations and Conversions of Various Business Entities" (C. "A" H-965)

(H.P. 1872) (L.D. 2608) Bill "An Act to Improve Educational Programming at Juvenile Correctional Facilities" (C. "A" H-956)

(H.P. 1883) (L.D. 2618) Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Marine Resources Relating to the Review of the Maine Sardine Council Under the State Government Evaluation Act" (EMERGENCY) (C. "A" H-963)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **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. 302) (L.D. 873) Bill "An Act to Clarify Municipal Responsibility for the Maintenance of Veterans' Gravesites" (C. "A" S-581)

On motion of Representative TUTTLE of Sanford, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

BILLS IN THE SECOND READING

Senate

Bill "An Act to Amend the Laws Regarding the Board of Licensure of Water Treatment Plant Operators"

(S.P. 1060) (L.D. 2654)

Senate As Amended

Bill "An Act to Increase Access to High-quality Jobs Through the Federal Workforce Investment Act" (EMERGENCY)

(S.P. 957) (L.D. 2498)

(C. "A" S-577)

House As Amended

Bill "An Act to Limit Mandatory Overtime"

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

(C. "A" H-893)

Bill "An Act to Amend the Qualifications of Weighmasters"

(H.P. 848) (L.D. 1182)

(C. "A" H-952)

Bill "An Act to Limit Lobster Management Zones to State Coastal Waters"

(H.P. 1675) (L.D. 2341)

(C. "A" H-949)

Bill "An Act to Alter Eligibility for Lobster and Crab Fishing Licenses for Persons Who are 65 Years of Age or Older"

(H.P. 1839) (L.D. 2577)

(C. "A" H-950)

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

ENACTORS

Emergency Measure

An Act to Improve Elver Fishery Management

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

(C. "A" S-543)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide for Safety in the Maine Conservation Corps

(S.P. 915) (L.D. 2367)

(C. "A" S-568)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Facilitate the Implementation of the E-9-1-1 System

(S.P. 939) (L.D. 2389)

(C. "A" S-560)

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

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

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor

(H.P. 1852) (L.D. 2590)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 119: Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1879) (L.D. 2615)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

(H.P. 1743) (L.D. 2449)
(C. "A" H-828)

An Act Regarding the Statute of Limitations for Sexual Misconduct with a Minor

(H.P. 1747) (L.D. 2453)
(C. "A" H-914)

An Act to Implement Recommendations Concerning Protection of Indian Archaeological Sites

(H.P. 1816) (L.D. 2549)

An Act to Implement the Recommendations of the Committee on Sawmill Biomass

(H.P. 1817) (L.D. 2551)
(C. "A" H-899)

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

Emergency Measure

Resolve, to Create the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

Resolve, to Authorize the Waldo County Commissioners to Borrow not more than \$600,000 to Build a Waldo County Communications and 9-1-1 Center

(H.P. 1833) (L.D. 2569)
(C. "A" H-909)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 4 against, and accordingly the Mandate was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act to Prevent Contamination from Home Heating Oil Tanks

(S.P. 927) (L.D. 2377)
(C. "A" S-566)

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

On motion of Representative WATERHOUSE of Bridgton, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 506

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

NAY - NONE.

ABSENT - Brennan, Goodwin, Matthews, Mayo, O'Neal, Rines, Sirois, Thompson, Usher, Williams.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Bill was

Acts

An Act to Expand the Warrantless Arrest Law and to Establish the Crime of Obstructing the Report of a Crime or Injury

(H.P. 338) (L.D. 454)
(C. "A" H-921)

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)
(C. "A" S-569)

An Act to Establish the Public Resources and Information for Maine Foundation

(S.P. 737) (L.D. 2087)
(C. "A" S-570)

An Act to Revise the Spousal Support Statute

(H.P. 1629) (L.D. 2276)
(C. "A" H-915)

An Act to Rid Maine's Waters of Ocean Vessel Sewage

(S.P. 924) (L.D. 2375)
(C. "A" S-567)

An Act to Amend the Maine Juvenile Code

(H.P. 1741) (L.D. 2447)
(S. "A" S-591 to C. "A" H-885)

An Act to Allow the State Police to Accept Funds from Private Entities for Services Provided

PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

An Act to Provide Funding for Mental Retardation Day Services and Residential Services for Nonclass Members

(H.P. 1810) (L.D. 2536)

(C. "A" H-906)

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

On motion of Representative BERRY of Livermore, was **SET ASIDE**.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I asked that LD 2536 be set aside so I could express my appreciation to my committee especially, and to the Health and Human Services Committee for their unanimous support of LD 2536 in our efforts to address the waiting list. It's a good example of good committee work. Too often we're highlighted on our areas of disagreement and I think this bill shows leadership by this Legislature to make progress to address mental retardation waiting lists. LD 2536 as amended directs and would find efforts by the department to do all that is reasonably possible and reduce waiting lists by 50 percent. Every year approximately 125 students graduate from high school. Without this legislation many will have no support or opportunity. With unemployment rates so low in many parts of the state there should now be an opportunity to bring people with mental retardation into our communities rather than essentially restrict them to their homes and the television set. Your support of LD 2536 will be greatly appreciated by our citizens with mental retardation and their families. Again this Legislature has shown great leadership on this issue and I hope you will continue your good work. The *Lewiston Sun Journal* editorial today strongly supports this effort.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 507

YEA - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens,

Sullivan, Tessier, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Daigle, Goodwin, Matthews, O'Neal, Perkins, Rines, Shorey, Sirois, Thompson, True, Williams.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, to Establish the Round Table to Study Economic & Labor Issues Relating to the Forest Products Industry

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

(H. "A" H-875 to C. "A" H-865)

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

On motion of Representative CAMERON of Rumford, was **SET ASIDE**.

The same Representative moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative **CAMERON**: Mr. Speaker, Ladies and Gentlemen of the House. How many times does it take to get it right? We have studied this issue over and over and over and over, year after year, year after year, year after year. Those of us who work in the industry can tell you what's wrong, because you don't get the answer that you want, why do we have to keep studying it over again to get the same answers. We all know what's wrong. Foreign competition, regulations, some appropriate, some inappropriate, transportation costs, forestry regulations, a tax from all corners of the world it seems like. You can't cut this, you can't drive there, you can't use this, you can't, you can't, you can't. We know the answers and again I ask you how many times do we have to keep studying a problem just because we don't get the answers that we want. It makes no sense to me to spend the taxpayers money, albeit only \$10,000, it's not a lot of money, to give somebody some extra money this summer to come back with this same answers, over and over and over. I don't want to belabor this issue and I don't want to start another long debate like we've had over issues the last couple of days, but please follow my light.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

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

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I certainly didn't want to reopen this debate either, but let's start from the beginning. The idea for a roundtable commission, and I'm prepared, the idea for a roundtable commission to look at economic and labor issues in the forest products industry came from the recommendations of the Governor's Council on Sustainable Forest Management in 1996. The issue came to a head last year following logger blockades at

the Canadian Border over bonded Canadian labor and equipment, imports, contract labor status, wages and piece work rates, log exports, workers' comp issues, cutting methods, logger training, lack of benefits, Canadian labor subsidies and health care and exchange rates and other issues. Meetings between loggers and US and Maine Labor Departments led to a 250-page study by the Maine Labor Department which revealed some of the problems, although concentrating on the bonded Canadian labor issue. Here are some of the conclusions from that study. That information gaps exist, including the numbers of US and Canadian loggers working in Maine and their economic situations. That cost pressures concentrated land ownership and imperfect markets allow for a double squeezing of the profits of logging contractors, while also exerting significant downward pressure on the real wages of loggers. That from 1973 to 1997 worker productivity has increased 74 percent but wages have declined by 31 percent. That Canadian loggers work for less than Maine loggers, depressing Maine loggers' real incomes. That in the 1980s and 90s, the pattern of heavy log exports to Canadian mills cut and hauled by Canadian crews was well established and that's a quote. The total hardwood harvest in Maine tripled from 1960 to 1997, even as softwood harvest also increased, while over the same period total wages in logging fell from \$78 million to \$62 million. The study predicts that barring changes, logger wages will continue to decline as, and here I quote, the monopoly power of landowners will be used to transfer additional profits in their direction, unquote. The study concludes, and I quote again, we find that there is evidence of a net negative effect from the H2 program, that's Canadian bonded labor, on the Maine economy, including lost wages of \$13 million per year, unemployment paid to recipients in Quebec, which exceed industry contributions and reduced employment levels of Maine loggers. Finally the study provided quotes from many interviews with loggers and contractors. I'd like to read you one quote. When X purchased Y, we didn't have any negotiations. We were offered a 30 percent decrease from what we'd made with Y for the past 20 years. There wasn't a second offer, it was basically take it or leave it. We believe this was done so they could hire Canadian labor, we had a perfect record for 35 years, we never fell short of filling our contracts, now we're forced to travel two hours and 40 minutes and stay at camps all week. Previous to the buy out, we only traveled 20 to 30 minutes. Canadians are subsidized when they buy equipment and because of the exchange rate and health care situation, they're cheaper to hire. Irving has taken over. They set the low prices and the competition will follow. The State of Maine needs to protect its people. Logging will never be the same, unquote.

This bill has been amended from its original draft. Recommendations by both the Forest Service and the Forest Products Council have been incorporated. In fact, consensus was reached between the Forest Products Industry and proponents of the roundtable. By bringing all stakeholders to the table, we can reasonably expect to see recommendations that will move us toward improved job opportunities. Increased local value, added processing of wood products, increased stability of the resource base and improved economy in the region and an improvement in the income and status of Maine's logging professionals. I thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I'll be quick, I won't touch on the facts that the

previous identified as reasons to support this bill, but I would ask you to vote against the pending motion, the indefinite postponement of this bill and papers because I believe for at least the small loggers and the people that I work with and I know, this is probably one of the most important bills that I've seen as far as forestry this year. Up until this roundtable discussion many of the people have felt like they have no voice in the forestry debate and now this is an opportunity to bring those facts to the table. There's no legislation that's going to be guaranteed out of this study, all that we're going to do is talk about the problems that are out there. The logging business is evolving in ways that, in my opinion are good and bad, but we need to discuss those things and this is the way to do that and I urge you to oppose the indefinite postponement of this bill. It is very important for a lot of people in the industry.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative **CAMERON**: Mr. Speaker, Men and Women of the House. I wanted to thank the good gentlemen from Brooklin for proving my point. He has all the statistics on all the studies that we've done. We have the information; we don't need to study it any more. Thank you very much.

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. The previous speaker spoke of all the facts being out there, well I read that NDOL Report from cover to cover and I took my highlighter pen and I highlighted the sections of that bill that I had a question with, well I wore out my highlighter pen before I got to the end of the report. There's a lot of those things in that report that need debate and this is the perfect way to do that. If this fails here today, be guaranteed that many of us will be back. This is not a dead issue, all the facts are not out there, at least in some people's minds and we need to debate them. Let's do it at this roundtable instead of bringing all this legislation to this body to debate it individually. I ask that you oppose the indefinite postponement. Thank you.

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

ROLL CALL NO. 508

YEA - Belanger, Berry DP, Bruno, Buck, Cameron, Campbell, Cianchette, Davis, Duncan, Foster, Heidrich, Honey, Jodrey, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, Marvin, Mayo, McAlevey, McKenney, McNeil, Murphy E, Perry, Pinkham, Plowman, Richardson E, Rosen, Schneider, Shorey, Stedman, Tobin J, Treadwell, Waterhouse, Weston, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bryant, Bull, Bumps, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Jacobs, Jones, Kane, LaVerdiere, Lemoine, MacDougall, Mack, Madore, Mailhot, Martin, McDonough, McGlocklin, McKee, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Shields, Snowe-Mello, Stanley, Stanwood, Stevens, Sullivan, Tessier, Tobin D, Townsend, Tracy, Trahan, Tripp,

Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

ABSENT - Jabar, Matthews, Rines, Sirois, Skoglund, Thompson, True, Williams.

Yes, 39; No, 104; Absent, 8; Excused, 0.

39 having voted in the affirmative and 104 voted in the negative, with 8 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers **FAILED**.

Subsequently, the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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

UNFINISHED BUSINESS

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

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

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

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

PENDING - **FINAL PASSAGE**.

On motion of Representative TOWNSEND of Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-841) was ADOPTED**.

The same Representative presented **House Amendment "A" (H-977) to Committee Amendment "A" (H-841) which was READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-841) as Amended by House Amendment "A" (H-977) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-841) as Amended by House Amendment "A" (H-977) thereto in NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-908) - Minority (4) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Allow Police Assistance in Emergency Situations"

(H.P. 1767) (L.D. 2480)

TABLED - March 23, 2000 (Till Later Today) by Representative AHEARNE of Madawaska.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-908)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 31, 2000.

JOINT ORDER - Relative to an investigation by the Joint Standing Committee on Health and Human Services into the operation of the Bangor Mental Health Institute and the Department of Mental Health, Mental Retardation and Substance Abuse Services

(H.P. 1903)

TABLED - March 23, 2000 by Representative AHEARNE of Madawaska.

PENDING - **PASSAGE**.

Representative AHEARNE of Madawaska moved that the Joint Order and all accompanying papers be **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative KANE.

Representative **KANE**: Mr. Speaker, Men and Women of the House. Since this proposed Order came to my attention, my Senate co-chair and I met twice on this matter with Representative Ahearne, his constituent, the Commissioner of the Department of Mental Health and members of the Bangor Delegation, including two members of the Health and Human Services Committee from both sides of the aisle. There's no question but that a tragic death occurred last summer at BMHI and I appreciate the Representative's advocacy in behalf of his constituent. The question, however, is whether the Department of Mental Health response to the accident was clinically and administratively appropriate in following standardized policies and procedures. Our conclusion is that BMHI took every appropriate step to investigate this accident, including both external and internal interviews. It's my understanding that none of the reviews found a cause or relationship between the care that this man received at the institute and his death. I have no reason to believe that the Health and Human Services Committee would find anything different. The reviews included an in-depth review by BMHI accrediting organization, the Joint Commission on Health Care Organizations, which accredits all hospitals in the United States, an independent psychiatric review of the clinical judgments made and an independent physical plant safety review.

This Joint Order would give the Health and Human Services Committee subpoena power to interview staff and others regarding this incident. While I believe that the Committee has a role to play in insuring that the department always follows standards of practice, I believe that review of clinical issues should be left to clinicians who can evaluate the situations. In this case the independent psychiatric reviewer performed that function. This situation does not meet the threshold for a very expensive quasi-judicial investigation on the part of the Health and Human Services Committee. This case would be more appropriately pursued through the court system and I understand that a lawsuit against the state is pending. To involve our committee at this point would put its members in jeopardy of

becoming involved in potential difficult legal situation. Again, we are all sorry for this man's loss, nothing could be more difficult than the loss of a child, but giving a legislative committee the power to subpoena and review confidential medical records is an extraordinary circumstance and one that should be used only in the most critical of times. I believe that all appropriate steps have been taken to review this case and that our committee would not add to this information.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Bragdon.

Representative BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House. I rise, too, in opposition to this Joint Order and I will be voting against the referral to the Health and Human Services Committee. As a member of the Health and Human Services Committee and a member of the Bangor delegation, which I am proud to say host the Bangor Mental Health Institute, I was very concerned last summer when I heard the news of this young man's death. There has been, as Representative Kane mentioned, two independent investigations. An external psychiatrist, as well as the external Joint Commission on Accreditation of Health Care Organizations, looked into the matter and in both cases they found that there was nothing that the hospital did that was at fault. Although I am not a parent, I can not imagine anything more tragic than the death of my child and, unfortunately, there is nothing that I can do as a legislator, or nothing that any of us can do as a body to reverse that action and to bring back the life of this young man, who had it snuffed out so early. However, I feel that this joint order even being referred to committee and having a public hearing will open up a matter, which first of all, I don't believe there's been sufficient evidence to show that there's a question of the clinical judgment by the staff at BMHI and secondly, that there is a pending lawsuit and really will put us, as a committee, as well as the participants in the lawsuit in a very difficult position. For those two reasons, I hope you will be voting with me against the referral of this joint order to committee.

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

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House. This by no means is an easy issue. I have introduced this Joint Order on behalf of a constituent. I had hoped that it would not be necessary to proceed to this point, but I feel I have no other choice. I believe that this Legislature has every right to review this tragic event. It is the circumstances that led up to this young man's death that I believe deserve a formal investigation by the committee of jurisdiction. This young man was only 19 years old, and his name was Matthew. It was shortly after Matthew's death at the Bangor Mental Health Institute, July 1999, last year that his father called me. As with any tragic event involving the death of a loved one, question is always raised those being how and why. These questions were asked and to a certain extent they were answered, but there are however, questions that have yet to be answered and need to be addressed. To briefly go over what happened, I'll start from when it all began.

Matthew was blue papered to BMHI in May of 1999, during the two and a half months that Matthew was at BMHI, he had three escapes and according to his files made numerous other attempts to escape but was largely unsuccessful. Matthew also refused to take his medication, eat or take care of himself. It was on the third escape, June 16th, that his father found out and immediately went down from Madawaska to Bangor to see his

son. His father was informed that he was refusing medication and refusing all food, resulting in severe weight loss. Records also indicate that Matthew spent all of his time in his room and did not even participate in any activities. It is at this point his father requested guardianship. It was upon the insistence of his father that emergency medication was administered. After two weeks of receiving his medication, Matthew began eating and accepting med's on his own. According to records, Matthew still had a physiological impairment, was depressed and a danger to himself. On July 12th and 14th, meetings were conducted with Matthew with two different doctors for the purpose of the guardianship, which the father had requested. At the conclusion of these two meetings both doctors found Matthew to be severely depressed with auditory hallucinations and psychomotor retardations. The capacity to give informed consent was called into question and the basis of this question was his psychotic depression. On July 15th guardianship paper was worked and filled out. That weekend on the 17th and 18th the father visited his son and he was shocked to see the condition he was in. Matthew was refusing to change or bath himself or take care of himself. He's very secluded, and refused to make any type of eye contact during the visit with his father. It was on the 18th, Sunday, of that weekend that the father insisted to the staff to proceed with the guardianship paperwork with all deliberate speed. The very next day, according to records, the guardianship papers are mailed to DHS, on the same day information on the guardianship and the meetings and documents outlining what the guardianship is were mailed out to Matthew's father and mother. Again on the same day, the subject of Matthew's receiving an unsupervised pass to discuss with him, according to the records, he is still considered to be suffering from a psychological impairment, depression, and is a danger to himself. On July 20th, Matthew is granted a 15 minute unsupervised pass, which results in a 45 elopement, the same day the father receives the guardianship information that was mailed on the 19th and immediately called BMHI. At no time during this conversation was he told that Matthew had been granted an unsupervised pass or that he eloped. The very next day on the 21st, a meeting takes place where Matthew's elopement is discussed and whether or not he should continue to have unsupervised passes. It was decided that Matthew should continue to receive them and the passes doubled from 15 minutes to 30 minutes. The same day a rolling treatment plan takes place. During this meeting, Matthew indicates that his last suicidal intentions occur the day before, that day of his first unsupervised pass that resulted in the 45 minute elopement. Supervised living in the Penobscot County is also discussed and the father had received a message on his answering machine that Matthew wanted to speak with him. The attempt by his father to reach anyone was unsuccessful. According to BMHI records Matthew is still suffering from a psycho impairment, is withdrawn, depressed, appears to be distracted during sessions and is a danger to himself. This information is from records dated the 19th, 20th, and the 21st of July and it is on July 21st that Matthew falls or jumps to his eventual death while out on a 30 minute unsupervised pass. The questions that arise, and the questions that my constituent brought to my attention, I think, are correct and proper. Why wasn't the father informed of this 45-minute elopement, or the discussion of unsupervised passes? Staff at the BMHI knew that the father was seeking guardianship and that the paperwork had been approved and mailed to the father and if that father would have received notification of this,

he would never have allowed his son to have an unsupervised pass and he made it a very striking point to me, he would have driven down that very day. Also during the two unsupervised passes, the first pass being a 15-minute, which he did elope for 30 minutes, no one had looked for him after those 15 minutes. On the second pass that went from 15 minutes to 30 minutes, again, no one looked for him, once that 30 minutes was up. Why? I don't think it is normal procedure, or is it, we don't know, not to look for a patient on an unsupervised pass when they fail to return at that moment. These are just a few questions that I think are reason enough that requires the committee of jurisdiction to have a hearing on. It is critical that the full committee hear from all those affected by this incident, so that the committee can thoroughly review the information and report out if investigation is needed or not. I cannot emphasize the importance that the committee is directly and receive the information of all those involved. As a concern that this may evolve into some type of witch-hunt, I can assure you that it will not. I have every full faith and confidence that the Health and Human Services Committee will handle this issue, both professionally and with the up most care. I ask you to support the pending motion.

The same Representative **REQUESTED** a roll call on his motion to **COMMIT** the Joint Order and all accompanying papers to the Committee on **HEALTH AND HUMAN SERVICES**.

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 Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. This is an issue that troubles me deeply, that has been a very, very unfortunate circumstance that occurred at a hospital that I have become very familiar with for lots of lots of reasons that I won't go into here, because of the confidentiality surrounding some of the people that I am closest to. What is being asked here is that the Health and Human Services Committee be given investigatory powers to look at an incident that occurred back in July. I hope, with all the hope that I can hold and process is that you will follow the chair of my committee, Health and Human Services, and my light not to support committing this Resolve to Committee, but instead defeat this motion so that we can go to another motion of indefinite postponement. What Representative Ahearne, my friend from Madawaska, has said, from what I understand of this situation, and I have been briefed on it more than once, is that all of what he said is pretty accurate. That what he told to you did happen in July. But what I think is missing in his points is that this has been investigated and that there have been four different groups of people or individuals who have been brought into this, to look at this incident to determine precisely what this Order will ask, with the help of the Human Services Committee. Did the hospital, did the Department through the hospital, meet the standards that were in place for a secure hospital? From what I understand, from the hearings and the briefings that I've been involved in, that is exactly what has happened. It is that JCAHCO, that's the accreditation organization did bring the superintendent of the hospital and the clinical director to Chicago where they presented verbal and written testimony and then following that accreditation was given to the hospital and they were found to have no fault in this. The Bangor Police Department looked at this incident and found no fault at the hospital. Why would we want to put this Legislature and the

Health and Human Services Committee through the process of dealing with this as a fifth entity? Why would we want to drag the name of a family and the name of the victim through not just this legislative process but through the media? If there are unanswered questions about whether the hospital met the standards that were not only their own standards but approved by the accrediting authorities then I would say let's go ahead with this. But I don't have any doubts at this point that the hospital did meet its standards. This is a very, very unfortunate circumstance and any of you who want to know some of the history, perhaps you can meet with Representative Ahearne or others who are involved to find out that this incident has been checked into with great thoroughness, so I frankly don't want to see this proceed and do not want to see this continue. I think that we have done all that we can do. I don't want to see, me as a member of the Health and Human Services Committee, put in a position where more information is going to be asked for then needs to be, that will put this family through continued trauma in the memory of this young man through continued public relations and media relations. If you will please follow my light, let's not commit this to the Committee, particularly at this late date. Let's defeat the motion so we can indefinitely postpone the Order and please when you're voting remember that there are other recourses as has been admitted by not just my chair, Representative Kane, but I believe by Representative Ahearne that there has been litigation filed. This can proceed in the courts. There's information that the court can get and perhaps that's where the standards need to be questioned, but think about it in those terms, not that we need to change the standards, but did the hospital meet all of its standards that were in place at the time? I'm convinced they did, if the standards need to be changed then let's let the clinical people who are trained to look at those standards make those recommended changes, not the Health and Human Services Committee.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. Over the years there have been a number of cases that have come before this Legislature dealing with some of the same issues that are being raised in this case. I remember some of them going back to AMHI and BMHI as well. The one thing the Legislature has always done and that is not to be involved when there is going to be legal litigation. I met with the father of this particular individual on two occasions. I made a point that I informed him, I did not want to see the evidence that he had, because that was a matter for the courts, because legal action has been filed and has been started. The state is being sued, BMHI is being sued, and the people at BMHI, state employees, are being sued in this process. The matter is where it belongs at this point. I also indicated to the individual that once litigation is over and if it is clear that there was in fact illegal acts or improper acts, then at that point in time, it would become proper for the Legislature, in its oversight capacity, to take action to see that those things did not happen again. Today, unfortunately, is not the time to deal with this issue, because it is right now pending in a court of law or will be shortly, even though I feel much sympathy for the family, I can not express my sympathy in passing this Order.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I rise to ask you also to join with Chairman Kane and

with the others who have spoken to defeat this Order. I've been asked as senior member of the Bangor Delegation to summarize what's been said here and though it's been said very clearly, I want to just reemphasize the fact that there have been independent investigations made of this matter and that the matter is currently pending in court so it is really very inappropriate for a Legislative Committee to take this matter up at this time. I ask you to vote against this Order.

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. Please bear with me. I ask for your indulgence and patience. Truly I am at a lost for words. This young man was under the care and supervision of the state and when he died he was under the care and supervision of the state. What we are being asked to do, without oral or written testimony, without receiving or reviewing any records or any reports, not even one piece of paper, is to accept on blind faith that this bureaucracy has followed proper procedure and protocol. I have a serious problem with that. I ask members of this body, just for one moment, imagine that this is your son or daughter; I seriously doubt that you would do anything different than what this father is doing. It is only common sense that the committee hear all and any testimony, request, receive, and review all documentations and proceed through the normal committee process and evaluate all this information and then finally make a recommendation to this body either to proceed with an investigation or not. That, ladies and gentlemen, is a proper procedure and protocol. I ask you to submit the pending motion.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to also support the chairman of the Committee on Health and Human Services. I truly regret the death of this young man, who I understand suffered from severe depression, which is a difficult issue to deal with. I would also remind this body that for years the rights of the mentally ill has been a big issue and the big issue being do you keep them behind closed doors, do you force medication on them, do you do this, and do you do that, to the extent where I think clinical staff, the psychiatrists, the nurses, the people who are responsible for the plans and care for these people are caught in a dilemma of trying to weight the clinical decision about do they keep them locked up, do they give them a pass, do they give medication, what kind of a treatment plan do they mandate, because the rights of the mentally ill have become more and more an issue of how do you treat these people that are in our state institutions. I have to defend the integrity of the Joint Commission on the Accreditation of Health Care Organizations. It is a national prestigious organization that uses professionals in their visits to facilities as they review them. The issue of whether of not this young man should have been given privileges was a clinical decision made by physicians and with the input from the nurses, I'm sure and they made the decision that they felt was the right decision at the time. We may not necessarily agree with them, obviously the father doesn't agree with them, but it is their responsibility to make those decisions. I will also point out that the Committee on Health and Human Services is really not a clinically competent group of people to review clinical decisions. I am the only nurse on the committee, there's one physician on the committee, some social workers, but we're talking about

really complex clinical issues and I don't think we have the expertise to make those kinds of decisions and recommendations. The issue is in the court system that is where it appropriately belongs right now since it's gone forward in that vein and I would ask that you support the vote of the Chairman of Health and Human Services Committee and my light.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. I am definitely going to support the Chairman of our Committee, but I am upset that the Department of Mental Health has never furnished the members of this committee who has the jurisdiction of that with a complete report on what the finds were. I'm saddened for the family, by the death, but since it is a court case, as I said, I hope you follow my light as well.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Commit this Joint Order to the Committee on Health and Human Services. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 509

YEA - Ahearne, Andrews, Bagley, Belanger, Bryant, Buck, Carr, Clark, Collins, Davis, Dugay, Duncan, Duplessie, Foster, Gagne, Gerry, Gillis, Goodwin, Hatch, Honey, Kasprzak, Kneeland, McDonough, Murphy E, O'Neal, Rines, Sanborn, Sherman, Shorey, Sirois, Stanley, Stanwood, Sullivan, Tobin J, Tracy, Treadwell, Twomey, Waterhouse, Wheeler EM.

NAY - Baker, Berry DP, Berry RL, Bolduc, Bowles, Bragdon, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dunlap, Etnier, Fisher, Frechette, Fuller, Gagnon, Glynn, Gooley, Green, Heidrich, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Snowe-Mello, Stedman, Stevens, Thompson, Tobin D, Townsend, Trahan, Tripp, True, Volenik, Weston, Winsor, Mr. Speaker.

ABSENT - Bouffard, Brennan, Matthews, Skoglund, Tessier, Tuttle, Usher, Watson, Wheeler GJ, Williams.

Yes, 39; No, 102; Absent, 10; Excused, 0.

39 having voted in the affirmative and 102 voted in the negative, with 10 being absent, and accordingly the motion to **COMMIT** the Joint Order and all accompanying papers to the Committee on **HEALTH AND HUMAN SERVICES FAILED**.

On motion of Representative KANE of Saco, the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED**.

Representative THOMPSON of Naples assumed the Chair.
The House was called to order by the Speaker Pro Tem.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass**
- Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-923)** - Committee on **CRIMINAL JUSTICE**

on Resolve, to Create a Commission to Study the Regulation of Firearms in Maine

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

TABLED - March 27, 2000 (Till Later Today) by Representative POVICH of Ellsworth.

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

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. LD 2494 is a Resolve to Create a Commission to Study the Regulation of Firearms in Maine and this comes to this body with an 8 to 5 Ought Not to Pass Report. This Resolve as amended by House Amendment 923, would create a 15 member study commission to review existing federal and state laws regarding the manufacture, sale, possession, and use of hand guns. The public hearing was boisterous, there was fear and there was alarm and I'm not kidding, people were really upset about this and we were quite nervous at the public hearing. What was the purpose of the commission, would it just be a forum for special interests accomplishing little of value and the majority agreed that it would be a waste of time and taxpayers money. The commission would do little except review current studies; some felt the bill had a predetermined outcome. I thought with the composition of the commission membership, the commission would be set up to fail, examining the commission makeup does not prescribe efficiency or resolution. I thought it might be a circus, but if in the sponsor's belief an emergency exists, legislation can at any time, and I mean at any time up to the 11th hour be introduced, in fact it has been introduced with after deadline requests. There's nothing that cannot come to this body and does. So the legislative public hearing process allows the stakeholders to pitch in their position, the public process is conserved with decorum and proper comportment. The public's business is being done. The commission contemplation in this LD will not do the job. It's likely to be more like a Jerry Springer show than a long boring legislative hearing process in which we do very well. The goals are laudable of the commission. These goals can be accomplished rather easily by filing legislation on any area of question in the First Regular Session of the 120th Legislature. The Commission is unnecessary. Please support the current motion, Ought Not to Pass. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Colleagues of the House. This has been for the four sessions that I have been here, this has been the most difficult for me. The reason being is these gun bills, the first of three that we will see. This has been an extremely contentious session. It's been very divisive. It's been very mean at times. It's been very ugly at times. I notice today that I have many more gray hairs than I had a couple of months ago. Most of you have noticed that on your desk there's a petition to impeach cosponsors of this legislation. It was being passed out as people were walking into the public hearing, before they had a chance to hear what the bill was all about. I am a cosponsor of this bill and I want to tell you as the bill was first presented it really did look like, it honestly did look like, that it was the product of a special interest group. The membership, it looks like we the Legislature, was handing money, time, staff to a special interest group to further their agenda. There is no way that I would approve of that for any special interest group. This bill has been amended, I feel, very, very reasonably. Of all of the

gun bills, this is the only one that I will support. The reason I have said that publicly and I will stick to that is because I want to see the results of this study commission. The study commission has been amended to include what I call both sides of the issue, NRA, SAM, handgun safety, objective people, such as law enforcement and educators, physicians and members of the Legislature. There are others but they slip my mind at the time. What I expect to see out of this, we know there is a problem. There's a problem with domestic abuse, there's a problem with children and guns. I do not believe for one minute that we don't have enough gun laws on the books. My personal belief is that they are not being enforced. I would like to see this Commission and it's one of their duties, I would like to see this commission look at the enforcement issue. There is a problem throughout this country. There's a problem here in Maine. This is a very unique state and I firmly believe this, Maine is very, very unique in its outdoor heritage. I have never held a gun, I have been afraid of guns, but throughout this whole process, I have committed to taking a handgun safety course in an outdoor sportsman course, because I want to learn more about it. I will tell you I feel very strongly that this Commission is not an anti-gun Commission, despite what the opponents may say. It is an objective opinion, if we can get the dialogue going between the two sides, it will be a huge accomplishment. There are people very, very passionate on both sides. It has been eluded to that it may be a circus, well it may be a circus, sometimes this chamber is a circus, but we do indeed get some things done and I want to hear statistics, we have heard statistics and data from both sides, what do we believe? I want to hear objective data, objective statistics, objective information and then I will be able to make some real reasonable, intelligent decisions on any other gun bills that come before me. I thank you for your time.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I think it can be very accurately said that this could be an objective process and that it would not necessarily involve one particular side of the issue or another, either those that would cloak themselves under the auspices of the second amendment or those who might seek in some way to prohibit the ownership of firearms, but I think when we look at studying firearms law, I think back on something that I voted on as a citizen of this state some years ago and it was a Constitutional Amendment and its very short, Article 1, section 16, to keep and bear arms. Every citizen has a right to keep and bear arms and this right shall never be questioned. Now for most of us in the voting public, that should settle the matter and I guess what I feel compelled to ask is, what's the question? It's in the Constitution. What the results of such a commission would be would invariably call into question, gun ownership, gun laws, enforcement thereof, and I'm not certain that it could really be a productive end no matter how you direct it. I am supporting the pending motion and failing that I'd certainly be prepared to offer a stronger motion to dispense with this matter. I don't believe that we will get anywhere with such a commission that would have the confidence of the people who have concerns on this issue.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. As number one on the hit parade of the impeachment process, I am pleased to stand before you and present this bill. Let me say from the beginning that I have introduced this bill with

absolute zero intentions of taking away anybody's guns. I am not carrying water for this sneaky, well funded, well greased out of state organization who crept into Maine like a thief in the night, Citizens Against Handgun Violence. That is how they have been referred to. They have spent so much money here in the State of Maine to further their cause. It was funny though I couldn't get anybody to tell me how much money the NRA has dumped into the State of Maine. This organization who has created this slippery slope that we are about to go down, I put it before you today, the slippery slope that we have, is one that we have to climb because the slope has been well greased by the NRA and all of the money that they have put into the State of Maine over the years.

I don't want this to turn into a mud slinging, fighting back and forth, this side versus that side because, ladies and gentlemen of the House, I don't watch the Jerry Springer Show and I would never run for office to participate in the Jerry Springer Show and I resent the idea that somebody says this committee will turn into the Jerry Springer Show. I guess I give all of us a whole lot more credit than that. When I first introduced this bill I put it forward and members came to me and said there were problems with the bill. Talk to me. Tell me what they are. We talked and we amended the bill.

This commission will just look at three things. The most important thing that this bill will look at is education. This is what the NRA tells us is the most important piece that we all need. It is education. People have said it is a north south issue. I thought it was until I received a copy of a letter that had been sent to Representative Sirois. I want to read it. "I am writing in follow up to a phone call conversation we had today. As we discussed, this started back in February. For all the information I have received is confusing and contradictive from agency to agency. I am required to have a handgun safety course, an application and a rulebook for the laws relating to the permit to carry a concealed firearm. I called the following agencies: the Town of Van Buren Police Department, the Sheriff's Department, the State Police, the Maine Chiefs of Police, the Maine Chiefs Association, the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Sportsmen's Alliance of Maine. Here is the response that I received from each agency. The Van Buren Chief of Police didn't know who gives the course. It is not his responsibility. The Sheriff's Department's they have or had someone to teach the course, but they were not sure. Call them back in two or three weeks and they might know something at that time. If at all possible, a class might be offered in June or July depending when and if they could get a class together. They wouldn't do it for two or three people. The State Police had an idea who taught the class, but said the hunter safety course should be valid. The Chief in Van Buren would not accept that as the safety course. The Maine State Chiefs of Police Association couldn't find anyone in Aroostook County who taught the class and suggested I should call the Department of Public Safety and the Sportsmen's Alliance of Maine. The Department of Public Safety stated the course would be given in Brewer, as far as they knew. They knew of no other place. It wasn't their responsibility to offer the class or to give a listing. She was very sorry at this time that she couldn't be more helpful. Try contacting a local representative. The Sportsmen's Alliance of Maine, they were sorry, but there was nothing they could do at the time and would look into the matter further. Department of Inland Fisheries and Wildlife, they offered the hunter safety

course, but it is no longer accepted for a concealed weapons permit."

This study commission will look at safety. It will look at education programs. That is the biggest part of this. It will look at education programs and how to find a sustainable source of income to present these safety courses to the public. This is not a north south issue. This is not a pro-gun or anti-gun. This is not hide your gun in the closet because they are coming to take it away. This is a study. I would urge you to reject the motion and follow my light on this issue. Thank you Mr. Speaker.

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

Representative **MCALVEY**: Mr. Speaker, Ladies and Gentlemen of the House. It is my belief sitting through the hearings that this is a solution that has been determined in search of a cause. I respect their fervor and their belief in their desire to control handguns just as much as I respect the other side's issue of our right to bear arms. It is my opinion that they are looking for a nice box called a study commission that they can put a pretty blue bow on and sell to the people of the State of Maine as a finding that a commission has now lent its authority, a State of Maine commission has now lent its authority to our findings.

I am glad the previous Representative brought up the Constitution. Unlike the US Constitution our Section 16 is really short and sweet. "Every citizen has the right to keep and bear arms and that right shall never be questioned." Thanks to the Legislative Law Library, they do a tremendous job. They have always done a good job getting data. I asked them to pull out the floor debates back in 1987 concerning, then, Speaker Martin's bill to amend the Constitution and change the language concerning our rights to bear arms. In both the House and Senate there was no floor debate, but there were two pieces of legislative intent that were similar that were read into the record. The roll call in the House was 4 absent, 123 for and 20 against. What was read into the record in the House and in the Senate was this. I will start with what was read in by the Senate. It was the same document. It was then read into the record for legislative intent by then Senator Tuttle, our very own House Representative. Basically what was said and I am not going to read the whole thing in its entirety because it is quite a long statement. What happened was the amendment went to the people to change the language striking out militia because there had been a law court decision in the State of Maine dealing with that. What was basically read into the record was we want this Legislature and future Legislatures to understand the right to bear arms by every citizen in this state will never be questioned. If it is to be questioned in the future, it is to be questioned by the people coming back and changing the Constitution. Not even the Legislature can change it. Only the people can.

That is a pretty profound and solid statement. Who would have thought a dozen or so years later on that we would have to go back to look at the Legislative Record to see if there was any intent read into it to find out what the purpose was of amending the Constitution. The sole purpose of this bill and I am quoting Representative Lacroix from Oakland. "Is to protect against any absolute prohibition by this or any future Legislature, municipality or for that matter any absolute prohibition on owning or bearing guns." The vote was actually 136 for, 3 against and 10 being absent and 2 being vacant. That is a pretty profound statement. Why do we read legislative intent? Someday a future Legislature is going to question what was done and this is the only official

record to tell us what that intent was of this chamber back then. It goes right back to the Constitution. "It shall never be questioned."

I don't have a problem with us discussing this. I am not questioning that right. A good solid debate and discussion is always healthy, but I believe the intent of the proponents of the legislation who came forward to their legislators is to question that right. I wish they had read the Constitution first. Thank you.

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

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. I'll try to be brief because it looks like as I look around most everyone has made up their mind on this issue. Maine has a rich heritage in firearms, hunting, target shooting, trap shooting. In my district guns are prolific. As far as gun ownership, Maine is second in the United States of America. The only state that owns more guns per person is the State of Alaska. Maine is also second in the United States in firearm safety. The only other state that has a safer record than the State of Maine is Hawaii. This commission is like the first shot fired around the State of Maine. There was no question, it was loaded with anti-gun advocates and it really rose the ire of the second amendment people in the State of Maine. At the hearing the testimony was between 12, 15 to 1 against the commission. My e-mail at home ran about 30, 35 to 1 against the commission.

Representative TOBIN of Dexter REQUESTED a roll call on the motion to ACCEPT the Majority Ought Not to Pass Report.

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

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

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. I really was not going to stand up again, but I have to defend my intentions. My intentions have been mentioned several times, the intent of the cosponsors of the bill, the intent of the proponents of the bill. I would like to explain my intentions. My intentions are absolutely, please hear this, absolutely not to take guns away from law-abiding citizens. We know there are problems out there. This is not a knee jerk reaction to Columbine. It is not a knee jerk reaction to the six-year-old little boy that was killed and the poor little girl that was killed and the poor little boy that killed her. This is not a knee jerk reaction. There were gun laws broken, it was not because guns were in the hands of law abiding citizens and I am not proposing, I have no intention of taking guns away from law abiding citizens, but something is broken there. You can say well that's Columbine, that's in New York, that's in Los Angeles, that's somewhere else, well I want to tell you something, the conference that we've eluded to several times in the last few days that we attended in Santa Fe regarding juvenile justice, one of the representatives there was representing the high school of Columbine and she said she would no more have suspected that. Again, it's something I feel something's going to happen here and I need to stand and defend my intentions, mine is the enforcement issue. Are the DA's not doing their job? Is law enforcement not doing their job? Are parents not doing their job? What is the problem? It is not my intention to take away guns from any law-abiding citizen. Thank you.

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

Representative QUINT: Madam Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative QUINT: Mr. Speaker, Men and Women of the House. We're hearing a lot of reference to the Constitution. Is there any statute currently in place that prohibits gun ownership for Maine citizens?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative McAlevy.

Representative MCALEVEY: Mr. Speaker, Men and Women of the House. I will answer the question. There are rules and regulations dealing with the issuance of firearm permits. They prohibit three categories of people from possessing permits and they are mentally ill, felons and people who are convicted of domestic violence. The other law that deals with this is statewide is that if you are a convicted felon, you are not allowed to possess firearms. May I continue?

I appreciate the concern that it is on the horizon and it could be coming here. What we heard was that Maine has the largest per capita gun ownership of any state in the nation and the lowest per capita incident of gun accidents, accidental shootings and crimes committed with firearms of any state in the nation. We kept hearing about from away as tragically as these events are away we are missing a point. People committed those atrocities. People committed those crimes, not firearms. Unfortunately firearms were used. It was the people. We asked, where is the data? As the good Representative from Ellsworth always says, "Show me the proof." There were no incidences that could be brought up in Maine to show that it is here.

One of the speakers who testified said that if we want to prevent school violence, which is a little bit different than this, then let's lower the tax rate. Let's let a mom or a dad stay home and raise the children the way we used to be raised. Teach the children some values and respect. Raise the security and the safety of our schools. I respect the opinion of both sides on this issue because it is a really tough issue. In my six years on the Criminal Justice Committee, I have never seen such an issue cause every member on that committee so much heartache in trying to resolve this. It is tough questions. Tough questions deserve tough answers, but there were no answers from my perspective as to the need for this.

The good House chair made a point. If people wish to have legislation concerning guns or gun control, let them bring each piece forward individually to this committee or to this Legislature and we will decide on the merits of each piece. Thank you Mr. Speaker.

Representative MARTIN of Eagle Lake inquired if a quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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

Representative MARTIN: Mr. Speaker, Members of the House. Let me just make a couple of comments. I was basically trying to rise after the Representative from Augusta spoke on the question of enforcement. I want everyone in this room to clearly understand present Maine law. The present law says very clearly if you have been convicted of a felon, you may be arrested for possession of firearms. That's clear. Now let me tell you how sometimes that's used by law enforcement officers because I've had it happen to a couple constituents of mine. This is the process. If a law enforcement officer decides that that

person having committed a felony that they really want to put him away, they simply hold the person until they notify the federal officials and the federal marshal picks that person up and that person is prosecuted under federal law. Now if you think that that isn't a strong way to deal with a question of felony, men and women of the House, help one of your constituents through that process. Under Maine law, a person who is brought in for having a firearm after having committed that felony, the judge might give him a couple of weeks or a suspended sentence, under the guidelines of the federal court, the federal judge even though it's a mere felony, which by the way is an OUI, that's all it can be, the minimum sentence under which the judge can put someone in jail and has done it, I have seen it, is a minimum of a year and more. So if you want to know whether or not there is sufficient penalties for someone who commits a felony and then has a firearm under existing law in this state, using the federal process. It can be used in every community by every police officer and every DA in this state, if they want to use it and they feel it's justified. Let's make that clear. The question of whether or not the penalty process is there, it is used, I've seen it happen in my legislative district. Whether or not people want to use it becomes a question of a judgment, that is a call by the district attorney, by the federal marshals, by the United States Attorney. That's not my call.

I raise to the question of this commission, I would encourage you if you believe in having another study, because you see I was one that created a commission to study this very question when the Police Chief of the City of Portland raised the issue. I think probably the police chief has just forgotten his role as a member of that commission and what was the outcome of that commission. It's available downstairs in the library, it went through every issue that has been discussed in the last 6 months that I've seen. This commission studied the issue for better than a year and made a report in which resulted in substantial law changes in this state, with the approval of an awful lot of people, including the Police Chief of the City of Portland. What I find now, it's one of those things where, maybe it's caused by term-limits, or the fact that people haven't been here as long as I have, or the history is not there, or people want to start the process over again, I don't know, but I think we've got to go back to the beginning and take a look at what was studied and what took place. Another commission isn't going to prove a thing. Certainly not the way this one is structured, because the one that we had structured had everyone from every element in society. It covered everyone from the sports person all the way to those who want to abolish guns and we had someone who represented every single element of our society in this state and when it was done we ended up with unanimous recommendations on what action we ought to take. I don't believe that now is the time to try to do this again, certainly not the way that this is structured.

Representative MARTIN of Eagle Lake moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I would just like to make a couple of brief comments.

I would never question anybody's motive for bringing anything to this chamber. I'm troubled by the timing of the request for a study given that as you have on your desk this graph showing that, for example, teen suicides have been trending down for the last decade in Maine, school violence is down nationwide in spite of the headline catching tragedies across the country, the few, and they are tragic and terrible. I'm not saying one of them could not happen in the State of Maine, but I'm saying that it's not time for a study when in Maine as you've heard two or three times here, it's worth hearing again. We have such a high incidence of gun ownership, such a low problem with firearms. Those of us that grew up in Maine, we had guns around all the time, nobody went down and shot anybody at school. Nobody even thought about shooting anybody at school. Something has changed, but I'm saying that school violence is down, teen suicide is down, gun violence is down in general. This is not a time for a study. Thank you.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. A lot of interesting points have been brought up and presented to the body here today. As my friend Representative McAlevey said in his six years this was the hardest issue that was debated in the Criminal Justice Committee. There were tough questions and tough answers. I would suggest to this body that for that very reason we need this. It is very simple. We have tough questions and we have tough answers. We heard a great deal about the Constitution. Heaven forbid we tamper with that and violate it. Everybody has a right to own a gun. Everyone should have one in their nightstand. Heaven forbid, we go anywhere near taking that right away. Yet, there are reasons. There are people who can't possess guns in the State of Maine. This bill does not say we are going to take guns away, yet everyone wants to focus that argument and point that finger at this bill. That is not what this bill is about. It is a study commission, education. As the good Representative from Eagle Lake said, perhaps there is a lacking in institutional memory here. I didn't put this bill forward because I wasn't here when they built the building. This is not a knee-jerk reaction, as Representative O'Brien stated.

I would like to point this out. I think there are probably members in this body who many years ago when they saw the first British invasion, and I am talking about the Beatles, said my son will never have his hair that long. Low and behold, probably within a year or so he did. There was a time not quite as long ago when we said we will never have heroin here in the State of Maine, not here in our state, not in our backyard and we do. There was a time when we said that is only for people who put needles in their arms. Thank goodness they can't snort it because everybody was snorting everything at that time, but they do now. Now we have 12 year olds who are in methadone clinics and rehab clinics, because that has crept into our state.

I did not run for office to come here and be reactive to problems. I ran for office and came here to try to be proactive to problems that are creeping up here in the State of Maine. We have been so very fortunate here in Maine that we haven't had a Columbine or so many other places. I hate to even say the word Columbine because it lends itself to that argument. Bomb threats have become a daily event at our schools. You go into the Old Port in Portland and you don't know if you have to duck when you hear a loud noise. This problem is on our doorstep. The time to address it is now. I will say it again, ladies and

gentlemen, a study commission. It is not something to be afraid of. It is something that we can embrace. It is something that we can control. The most important aspect of it is education. Thank you Mr. Speaker.

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

Representative CARR: Mr. Speaker, Men and Women of the House. I've been here the whole time and listened to everything and much of the conversation that I've heard and the statements that I've heard would lead you to believe that we have a pretty violent society out there. I started paying attention to statistics in 1967 and in 1967 there were about 30 homicides in the State of Maine. I'm not on the Criminal Justice Committee so I don't know how many there were this year, but I believe there was around 30 this year. So over the 30 odd years there's still about the same number of homicides, even one is too many, I understand that. I believe if you check further with the statistics you'll find that many of those were not done with a handgun. The ones that you hear about and read about, the high profile ones, you hear not just for the time it happens, you hear when the people go to jail, you hear when the people go to court, you hear the anniversary of the murder and so on and so forth. I really don't think that society in the State of Maine is that violent.

Some of the things that I have to say are redundant and that's one of the problems that you have when you wait for the end to stand and speak. Maine is consistently among the most crime free states in our nation. In addition to that it has one of the highest ownership of handguns and guns in general in the nation. There are amazingly few injuries and deaths from gun uses considering the number of weapons in this state. Mainer's do own a lot of guns and we know how to handle them safely. More persons are injured and killed skiing than from the misuse of handguns. More persons are drowned in Maine each year than are killed by gun misuse. More people are killed and injured riding snowmobiles than from the misuse of guns. Rather than this state forming a study committee to look at gun violence and its use, other states should look at the State of Maine and have a study committee to see what we do to keep our gun violence down and still maintain a high number of guns in society.

Earlier I heard the comment that something is broken and I agree something is broken. The social family fabric is broken and if you want a study committee, let's study that. That is what is broken. To answer the letter that was written to the Representative in Aroostook County, if the first call had been made to the NRA he probably could have found an instructor right away. I'm a certified instructor for the NRA, I teach handgun courses and I know of many others that are. Thank you, Mr. Speaker.

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

Representative GILLIS: Mr. Speaker, Men and Women of the House. Representative Muse really kind of inspired me there for a moment when he talked about the Beetles, because I was one of those young fellows who said I would never grow my hair out and I did, and I say to you that this create a commission to study the regulation of firearms, I wonder where that will lead to. He says it won't, I think it will. Thank you.

Representative TRAHAN of Waldoboro REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. I'll be very brief. As we would say in the hinder land, if it isn't broke, don't fix it and I would suggest that we go with the pending motion, indefinite postpone this bill and all its accompanying papers and put it permanently to rest. Thank you.

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

ROLL CALL NO. 510

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davis, Dugay, Duncan, Dunlap, Duplessie, Fisher, Foster, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien LL, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Richard, Richardson E, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Sullivan, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Baker, Brennan, Bryant, Bull, Davidson, Desmond, Dudley, Etnier, Frechette, Fuller, Gagnon, Green, Jabar, Kane, McKee, Mitchell, Muse, Norbert, O'Brien JA, O'Neil, Pieh, Powers, Quint, Richardson J, Saxl JW, Saxl MV, Shiah, Sirois, Stanwood, Tessier, Thompson, Townsend, Tripp, Twomey, Volenik, Watson, Mr. Speaker.

ABSENT - Matthews, O'Neal, Tuttle, Usher, Wheeler GJ, Williams.

Yes, 108; No, 37; Absent, 6; Excused, 0.

108 having voted in the affirmative and 37 voted in the negative, with 6 being absent, and accordingly the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Bill "An Act to Amend the Motor Vehicle Laws"

(S.P. 893) (L.D. 2312)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) AS AMENDED BY HOUSE AMENDMENT "B" (H-905)** thereto on March 23, 2000.

- In Senate, Senate **ADHERED** to its previous action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485)** in **NON-CONCURRENCE**.

TABLED - March 28, 2000 (Till Later Today) by Representative JABAR of Waterville.

PENDING - Motion of same Representative to **RECEDE AND CONCUR**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgewater, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Men and Women of the House. I am standing today to ask your support in

defeating the pending motion and go on to Adhere to our former action, which was to pass the bill with an amendment that would allow law enforcement officers to inspect toll receipts, but not to use them in a court of law and the reason for that by the Turnpike Authority's own admission, these toll receipts sometimes are stamped ahead and I would suspect because of the number of cars and trucks that are coming through the toll booth. This is all about right and wrong, truth and justice, America, the United States. We do not in the United States, as a rule, use inaccurate documents to punish somebody or charge them. I would ask that you do the right thing and vote to Adhere to our former action, put this back in the other body and let them take it up from there. Thank you.

Representative WHEELER of Bridgewater REQUESTED a roll call on the motion to REcede AND Concur.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative JABAR: Mr. Speaker, Ladies and Gentlemen of the House. I think it's important at least to indicate to this body the purpose for this rule. As you know in the last few years one of the issues that we have been dealing with is tired truckers. There's a very strong constituency out there, because of some recent deaths and accidents that there's been a very strong push on enforcement by looking at law books to prevent tired truckers from being on the road. What you have here is a tool which the state police have been asking for to enforce the provisions whereby truckers are only suppose to be on the road a certain number of hours. The toll ticket is one piece of evidence that they can use. It may be inaccurate, it may not be inaccurate, this toll ticket is not conclusive evidence of innocence or guilt, but it is something a police officer can look at in comparing it with the logbook and the testimony of the truck driver on how long he was on the road. I don't believe by giving the police the authority to look at a toll ticket and eventually use it if he has too, if he wants to, is going to be unfair to truckers. When they go through the tollbooth, if they're concerned about the ticket, they can look at it and demand a receipt that's properly stamped with the time. That can take 10 seconds, this is not a big issue. So this is a tool that the state police are asking for and by taking it away, you're really tying their hands in enforcing this area of law having to do with tired truckers. I ask you to support the Recede and Concur so we can agree with the Senate and hopefully pass this as good law.

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

Representative SHERMAN: Mr. Speaker, Ladies and Gentlemen of the House. I rise to comment on the last statement about the tickets. If I am truck driver going across the George Washington Bridge and they have 50 to 60 of those tickets already stamped with time on them or I'm going through the toll booth down at the turnpike, I would be interested to hear what the toll taker would say to a trucker, who said gee by the way give me a receipt, it'll only 10 seconds and I've got 50 cars behind me. The other issue on this if I have something stamped at 8:00 and I don't get that in my truck cab until 9:00 and I'm driving and I get stopped and they say, "You've been driving 9 hours," and I say, "no, I've been driving 8 hours." They look at that stamped time and you can waffle all you want on the idea they're not going to use it, as a matter of fact, they do. The simple thing of that not agreeing with the logbook is called

falsifying the logbook, a simple number in a toll ticket. Thank you.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House. This amendment conflicts with the federal motor carrier safety regulation, which Maine has adopted. These regulations say that you have the right to examine toll receipts among other documents required to be kept by the motor carrier, so this isn't new, nor is it confined only to Maine. The ability to examine the toll receipts is governed by the court through the same constitutional laws of search and seizure as any other evidence. Saying you can't look at these toll receipts is like saying you can't look at footprints at the scene of a crime, because they're not conclusive that they belong to the perpetrator. Of course, they're not conclusive that they perpetrator, but the police officers examine this and they give it the weight of any other evidence. You've got to look at the totality of these things. They have something called a PC Miler that the state police look at. If you pick up a load in Alexandria, Virginia, the time you pick that load up will be on the paperwork, you leave there, you drive up through New York City, the Maine Turnpike, wherever and you pick up some toll receipts. The state police when they're checking for logbook violations, look at all of these things and they run this PC Miler through to see if you could possibly have traveled from Alexandria, Virginia to where you are now without taking that 8 hour rest stop, if that's what your logbook says. They look at all of this stuff. It isn't just one thing. Nobody get summons to court just because their toll receipt is off. The police use this toll receipt to question the driver. You say it's 8:00, your toll receipt says you came through at 4:00 in the morning or whatever and the driver can rebut that, no, I came through at another time. This isn't conclusive evidence. It's circumstantial evidence that is very admissible in court, but you can't convict somebody on just circumstantial evidence unless you have a real preponderance of evidence. This is just one piece that the courts say you can use, please don't restrict us, recede and concur. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgewater, Representative Wheeler.

Representative WHEELER: Mr. Speaker, Men and Women of the House. The former speaker is correct, the amendment allows the police to look at the toll receipts, the only thing they can't do is use it in a court of law. I would ask you to defeat the pending motion and to adhere to what we have already done. Why should an individual have to go prove their innocence when the police, in fact know that this piece of evidence could be wrong? I'm a former police officer myself. I would never use a piece of evidence against somebody that I thought may be tainted.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 511

YEA - Andrews, Baker, Berry RL, Bouffard, Brennan, Bryant, Bull, Colwell, Cote, Cowger, Daigle, Davidson, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Gagnon, Green, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Lindahl, Mailhot, Marvin, McDonough, McKee, McKenney, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Samson, Saxl JW, Saxl MV, Shiah,

Stanwood, Stevens, Tessier, Thompson, Tobin J, Townsend, Tripp, Volenik, Watson, Mr. Speaker.

NAY - Ahearne, Bagley, Belanger, Berry DP, Bolduc, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cross, Davis, Desmond, Dugay, Duncan, Foster, Fuller, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lovett, MacDougall, Mack, Madore, Martin, Mayo, McAlevey, McGlocklin, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rines, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tobin D, Tracy, Trahan, Treadwell, True, Twomey, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Brooks, Lemont, Matthews, O'Neal, Tuttle, Usher, Wheeler GJ, Williams.

Yes, 58; No, 85; Absent, 8; Excused, 0.

58 having voted in the affirmative and 85 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative WHEELER of Bridgewater, the House voted to **ADHERE**.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Promote Equity in Funding of Ferry Services"

(H.P. 1894) (L.D. 2635)

TABLED - March 28, 2000 (Till Later Today) by Representative TOWNSEND of Portland.

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

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

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-933)** - Minority (5) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act to Promote Safe Mobility for Maine's Aging Population through Education and Community-based, Economically Sustainable Alternative Transportation"

(H.P. 1796) (L.D. 2521)

TABLED - March 28, 2000 (Till Later Today) by Representative JABAR of Waterville.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative **CAMERON**: Mr. Speaker, Ladies and Gentlemen of the House. I would ask you to reject the Ought to Pass motion and at the risk of appearing insensitive to the elderly in Maine, that's not what this is about. Our concern, those of us that were on the opposing side of this bill, was this will create a dual transportation system in rural Maine because

it's based on one that's going in Portland. It's working very well in Portland and I commend the people that run it in Portland. I have some deep concerns about taking that plan and putting it into rural Maine. Most all of you have an elderly transportation system in the rural areas where you already live and I would bet that everyone of you would tell me that they need more money in order to serve their constituents as they need to be served. This system will create another one for those that can afford to pay and still not help the system that exists. We had a long, long debate about the issue, good people can disagree. There are no villains in this issue. I would much prefer to see more money spent on the existing infrastructure that we have. We have a system that is unable to meet the needs of our people. This one will not help, in my view, because the people who are not being accessed now still won't be able to, because they won't be able to pay for this system. The ideal system in my mind would be to take the good points of this one, and it has some wonderful points, and merge them with the systems that we have in place in rural Maine now and improve both of them. We heard testimony from some of the people that run the systems now who were very concerned about this, first this bill would force the rural carriers to buy the computer system that they use in Portland and that met with such a high level of resistance they finally said, well okay, we'll give it to you. That made me uncomfortable to begin with, but they did agree to give the computer system, but the problem again is that this system and the system that the people presently have can't talk to one another, so in my mind this will just confuse the issue. I would ask you to reject the pending motion and I can't do it because, due to the good people's State of Maine law of term-limits, I would ask that someone take the good points of this one and the good points of the existing system in the next Legislature and create a system that benefits all of our elderly regardless of their ability to pay. Thank you very much.

Representative JABAR of Waterville **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 PRO TEM**: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. When we had a public hearing, there's some opposition to this bill by some of these organizations that already were in existence, one that comes to mind in my area is KVCAP. Between the public hearing and the work session these groups which were in conflict got together and came back at the work session and said they were in agreement with the amendment which is H-933, which is now before you.

The purpose of this bill was really two-fold, was number one to try to get to the people, and it's an unfortunate situation when people reach an age where they shouldn't be driving, and to many elderly people that's their freedom to go to the grocery store, to go to the doctors, just to run errands. In an attempt to get these people off the road by giving them an alternative, this bill provides a provision for education, to get some of the elderly off the road when they shouldn't be driving for their own safety and the safety of others and secondly to come up with an alternative for them. Listen, we understand you're not going to be able to drive anymore, and provide alternatives for them by providing transportation to doctor's visits, to the grocery store, to get their prescriptions and whatever. This bill has a fiscal note

close to \$400,000, it's going to have to go on the table even if it passes and fight with all of the other good bills that are going to be on the table, but it does have a good purpose. It does serve a way of having the elderly, in the rural areas, where there is no provision. If you're living in the Portland area there's all kinds of mass transit, if you're living out in the rural areas there's nothing there for you to use to get to the store if you lose your license. This bill is the first step in attempting to provide these people access to transportation, which they don't have now. I urge you to support this bill in the hope that it will pass and we will get the funding in the end for the elderly. Thank you.

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

ROLL CALL NO. 512

YEA - Ahearne, Baker, Berry RL, Bouffard, Brennan, Brooks, Bryant, Bull, Bumps, Chick, Chizmar, Clark, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Madore, Mailhot, Martin, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, O'Brien JA, O'Brien LL, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Tessier, Thompson, Townsend, Tracy, Tripp, Twomey, Volenik, Watson, Wheeler EM, Mr. Speaker.

NAY - Andrews, Bagley, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Cameron, Campbell, Carr, Cianchette, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Marvin, McKenney, McNeil, Mendros, Nass, Nutting, Peavey, Pinkham, Plowman, Richardson E, Rosen, Sanborn, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Winsor.

ABSENT - Bolduc, Colwell, Green, Matthews, Murphy E, Norbert, O'Neal, O'Neil, Tuttle, Usher, Wheeler GJ, Williams.

Yes, 73; No, 66; Absent, 12; Excused, 0.

73 having voted in the affirmative and 66 voted in the negative, with 12 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-933)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 31, 2000.

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

(H.P. 845) (L.D. 1179)

- In House, Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-911)** on March 27, 2000.

- In Senate, Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - March 29, 2000 (Till Later Today) by Representative THOMPSON of Naples.

PENDING - Motion of same Representative to **RECEDE AND CONCUR**.

Representative RINES of Wiscasset **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 513

YEA - Berry RL, Bouffard, Brennan, Bryant, Bull, Cote, Cowger, Davidson, Desmond, Dudley, Duplessie, Etnier, Fisher, Frechette, Gagnon, Goodwin, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Lindahl, Mailhot, McDonough, Mitchell, Muse, Norbert, O'Brien LL, Perry, Pieh, Povich, Powers, Quint, Richardson J, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Dunlap, Foster, Fuller, Gagne, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Mayo, McAlevey, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richard, Richardson E, Rines, Rosen, Sanborn, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bolduc, Brooks, Colwell, Green, Matthews, Murphy E, O'Neal, O'Neil, Tuttle, Usher, Wheeler GJ, Williams.

Yes, 53; No, 86; Absent, 12; Excused, 0.

53 having voted in the affirmative and 86 voted in the negative, with 12 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative RINES of Wiscasset, the House voted to **ADHERE**.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin who wishes to address the House on the record.

Representative **MARTIN**: Mr. Speaker, Members of the House. Maine Department of Environment Protection today has been notified by the New Brunswick Department of the Environment that they plan to do an upgrade to the Edmunston Waste Water Treatment Plant that will result in all waste being untreated for 7 weeks or more in the Madawaska River, which in the confluence just above the St. John. Luckily this year they have notified us, which obviously they didn't do last summer. We have two major concerns that I just need to tell you about. One is that they do not treat their affluent with chlorine in New

Brunswick because they are concerned about its impact on fish, second they are not going to be building any lagoons of any kind to hold any of the waste, which we normally would do in this country. It will be released directly through an open pipe without any kind of treatment whatsoever into the Madawaska River, it's probably about a half mile into the St. John. I tell you that because the State will be issuing this afternoon, if they have not already done so, an advisory against swimming, against boating, canoeing, etc. in the lower stretch of the St. John River before it ends into Canada above Grand Falls. It's something of which we have absolutely no control, but it is obvious as once more that very often we are mistreated by our neighbors to the North.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I was absent from the Chamber this morning when we voted on LD 1725, which was item 6-5 on our calendar, had I been present I would have voted Yea.

On motion of Representative SULLIVAN of Biddeford, the House adjourned at 5:27 p.m., until 9:00 a.m., Friday, March 31, 2000.