

# 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  
23rd Legislative Day  
Friday, March 31, 2000

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

Prayer by the Reverend Susan B. Hoffman, United Methodist Church of Brunswick.

National Anthem by Edward Little High School Band, Auburn.  
Pledge of Allegiance.

Doctor of the day, Dr. Robert Sylvester, Auburn.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 1068)

**JOINT RESOLUTION MEMORIALIZING LOCAL WORKFORCE INVESTMENT BOARDS TO REPORT THEIR ACTIVITIES TO THE LEGISLATURE**

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the local workforce investment boards created under the federal Workplace Investment Act of 1998, as follows:

WHEREAS, the federal Workforce Investment Act of 1998, or the "Act," comprehensively reforms and restructures federal job training programs; and

WHEREAS, the Act assigns significant authority and responsibility to local workforce investment boards, or "local boards," to set policy for the workforce investment system in their local areas; and

WHEREAS, the duties of the local boards include developing a local strategic workforce investment plan, identifying and certifying providers of training services, developing budgets and employing staff, conducting oversight, establishing local performance measures and coordinating with economic development activities; and

WHEREAS, the local boards are selected by local officials and are composed of representatives of business, local educational entities, labor, community-based organizations, economic development agencies and many federally authorized training programs but do not include representatives of the Legislature; and

WHEREAS, these local boards are not required by federal law to report directly to the Legislature; and

WHEREAS, the Legislature has an interest in ensuring that funds are spent as efficiently and effectively as possible to train Maine citizens for the workforce and that job training programs in the State are coordinated and complementary; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the local workforce investment boards report their activities to the First Regular Session of the 120th Legislature not later than January 1, 2001 and that such boards continue to annually inform the Legislature of their efforts; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of the Department of Labor for distribution to the local workforce investment boards.

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 409)

**STATE OF MAINE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 30, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following Joint Study Order out "Ought Not to Pass":

H.P. 1773

Joint Study Order to Establish a Committee to Study the Need for Protection of Hunters and Anglers from Harassment and Terrorizing

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

Sincerely,

S/Sen. Marge L. Kilkelly

Senate Chair

S/Rep. Matthew Dunlap

House Chair

**READ** and **ORDERED PLACED ON FILE**.

---

The Following Communication: (H.C. 410)

**STATE OF MAINE**

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

March 30, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 2364

An Act to Restore Early Retirement Options for Teachers

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

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Pamela H. Hatch

House Chair

**READ** and **ORDERED PLACED ON FILE**.

---

The Following Communication: (H.C. 411)

**STATE OF MAINE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**COMMITTEE ON TAXATION**

March 23, 2000

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

Dear President Lawrence and Speaker Rowe:

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

L.D. 2122 An Act to Base the Rate of Tax Imposed on Married Couples Solely on Income Earned in this State

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

Sincerely,

S/Sen. Richard P. Ruhlin

Senate Chair

S/Rep. Kenneth T. Gagnon

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 412)

**STATE OF MAINE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

March 30, 2000

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

Dear President Lawrence and Speaker Rowe:

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

L.D. 2656 An Act to Provide Affordability in New Home Construction for Maine Families

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

Sincerely,

S/Sen. Richard J. Carey

Senate Chair

S/Rep. Thomas M. Davidson

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 413)

**STATE OF MAINE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

March 30, 2000

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

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following Joint Resolution out "Ought Not to Pass":

H.P. 1591 Joint Resolution Supporting the Efforts of the Department of Environmental Protection in Protecting the People and Resources of Maine from Oil Spills

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

Sincerely,

S/Sen. Sharon Anglin Treat

Senate Chair

S/Rep. John L. Martin

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 608)

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

March 16, 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 the Minority Ought Not To Pass Report from the Committee on Transportation on Bill "An Act to Clarify Repair and Inspection Standards for Punctured Tires," (H.P. 1732) (L.D. 2438), was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

On motion of Representative THOMPSON of Naples, the following Joint Order: (H.P. 1914)

ORDERED, the Senate concurring, that the Committee to Study the Further Decriminalization of the Criminal Laws of Maine is established as follows.

1. **Committee established.** The Committee to Study Further Decriminalization of the Criminal Laws of Maine, referred to in this order as the "committee," is established.

2. **Membership.** The committee consists of 5 members appointed as follows:

A. Two members of the Senate, appointed by the President of the Senate; and

B. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives.

3. **Appointments; chairs; convening of committee.** All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The first-named Senate member is the Senate chair and the first-named House member is the

House chair. When the appointment of all members is complete, the committee chairs shall call and convene the first meeting of the committee no later than May 1, 2000.

**4. Duties.** The committee shall study further decriminalization of the criminal laws of Maine. In determining whether to decriminalize criminal laws, the committee shall consider:

A. Whether it is appropriate to classify the specific prohibited conduct as criminal, especially as compared to other prohibited conduct;

B. Whether the penalties and punishments are proportioned to the offense as required under the Constitution of Maine; and

C. The consequences of decriminalizing specific crimes.

**5. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

**6. Reimbursement.** The committee members are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the committee.

**7. Report.** The committee shall submit its report with any accompanying legislation to the First Regular Session of the 120th Legislature by November 1, 2000. If the committee requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension.

**8. Committee budget.** The committee chairs, with assistance from the committee staff, shall administer the committee budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

**READ and PASSED.**

Sent for concurrence.

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On motion of Representative MACK of Standish, the following Joint Order: (H.P. 1915)

ORDERED, the Senate concurring, that the Joint Standing Committee on Labor report out, to the House, a bill amending the biweekly pay law to allow compensatory time agreements.

**READ.**

On motion of Representative HATCH of Skowhegan, **TABLED** pending **PASSAGE** and later today assigned.

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On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 40)

ORDERED, that Representative John T. Buck of Yarmouth be excused Monday, March 27, 2000 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Arlan R. Jodrey of Bethel be excused Tuesday, March 21, 2000 and Wednesday March 22, 2000 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Benjamin L. Rines, Jr. of Wiscasset be excused Monday, March 27, 2000 for personal reasons.

**READ and PASSED.**

## SPECIAL SENTIMENT CALENDAR

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

### Recognizing:

the following members of the Mt. Blue "Cougars" Girls Basketball Team: Rachel Yates, Kim Drosdik, Kristy Kiernan, Kiley Maguire, Heather Ernest, Jolene Powers, Michel Vining, Amanda James, Avery Stevens, Andrea Tuttle, Amber Alexander, Brandy Sloan, Becky Corey, Margaret Blauvelt, Head Coach Chandler Woodcock, Assistant Coaches Stella McLean, Rachael Austin and Jon Berry and Managers Susan Hastings and Aleana Hooper, who won their second State Class A Girls Basketball Championship. We extend our congratulations to the team on this accomplishment;

(HLS 1145)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator BENOIT of Franklin, Representative LaVERDIERE of Wilton, Representative SAMSON of Jay, Representative JODREY of Bethel, Representative McGLOCKLIN of Embden.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

### READ.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. It certainly is a pleasure to stand here before you today to honor these young ladies, their coaches and managers. I am not sure what it takes to start a dynasty today, but I think is probably a start. Two gold balls is a beginning I would say. What a wonderful experience. It is not easy to go undefeated. Statewide school sports do much for our youths in winning games or losing games. It really doesn't matter. What does matter is to build solid citizens who believe in the ideals of our country and to contribute to improving our society. Winning gold balls brings much pride to a community and the Lady Cougars have done exactly that. Congratulations to you all. Congratulations to Chandler Woodcock as he winds up his coaching career. He is going to be a Republican Senate candidate for District 17. Congratulations on that. Congratulations to the assistant coaches and the managers and especially to Stella McLean who is having the time of her life, I think, because she has played a lot of basketball over the years at New Gloucester High School and coaching at UMF and has done a terrific job. Her career goes back a long ways. Congratulations to you. Congratulations to you all and thank you very much for a job well done.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. It gives me great pleasure to stand here today and ask all of you to look down at some of the finest athletes that you will ever see. You know we have had some tough times in Western Maine. We have had some plant closings and some difficult economic times, but we have something that no one else does and that is a state championship women's basketball team. They are absolutely outstanding. They brought great pride to the people of our area. If any of you could have watched as they took off for the final game and saw the people that lined the streets and lined the roads to wish them well as they went down to play that final game, you would know just how important they are to the people

of SAD 9. These are fine athletes. They are fine people and I am very, very proud that they are from SAD 9 and that they have represented the state so well. Congratulations to each and every one of you. It was a great tournament and a great season. We are all very proud of you. Thank you.

**PASSED** and sent for concurrence.

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**Recognizing:**

Heather Ernest, a senior at Mt. Blue High School, who has been named Miss Basketball by the Maine Association of Basketball Coaches. Heather has been a player to watch since she first stepped into the Cougars' lineup as a freshman. She is the school's all-time leading scorer and has been a KVAC All-Star 4 times, a *Sun Journal* All-State Pick 4 times and a KVAC Player of the Year twice. She was *Sun Journal* Class A Player of the Year last season and has been recognized this year as the Gatorade Maine Player of the Year and the *USA Today* Player of the Year. She was named the Eastern Class A Tournament's MVP. We extend our congratulations to Heather on a great season and wish her the best in her future endeavors at the University of Maine;

(HLS 1144)

Presented by Representative LaVERDIERE of Wilton.

Cosponsored by Representative GOOLEY of Farmington, Senator BENOIT of Franklin, Representative SAMSON of Jay, Representative JODREY of Bethel, Representative McGLOCKLIN of Embden.

On **OBJECTION** of Representative LaVERDIERE of Wilton, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. I rise again with regard to a particular member of this team that I wanted to make sure that all of you knew about. Heather Ernest is a student from Wilton who is in her senior year and as you can see from the sentiment in your calendar, she has garnered many, many awards and recognitions for her outstanding ability as a basketball player. I won't repeat what is in the sentiment, but I do want to tell you two stories that I think kind of epitomize Heather. If any of you had the pleasure of seeing the game, I was unable to attend because of a prior commitment, but many of us gathered around the television to watch that final game. When we were all cheering and really happy about the wonderful victory that Mt. Blue had that evening, a television reporter came up to Heather and began interviewing her. The interesting thing was, put yourself in the shoes of a high school senior who has just played her last high school ballgame. Their team has won the gold ball for the second time in a row. She is excited. She is happy. How many high school seniors would at that time have the same kind of poise and the same kind of reaction that Heather did? She thanked the members of her team. She was gracious in her win. She exemplified all of the important qualities that sports engender in students. It was a very moving moment for many of us to see the way in which she graciously accepted the win and graciously accepted what was going on around her. She was very poised and she did a great job.

The second story I want to tell you is last weekend I had the opportunity to go to a friend's house. My wife and I went for dinner one evening. As we were there we looked around and I

couldn't help but notice that on the mantle there were pictures of their family, children and others. In the middle was a picture of Heather. I couldn't help but mention to them. I said that you have Heather's picture right in the middle. They told me yes because Heather is that kind of kid. She is like family. She is like family to us and she is like family to all of the people that know her well. I am very proud today to stand up and to recognize Heather Ernest on her outstanding athletic accomplishments and on being a really nice person. Finally, I hope that you shine as well next year as a Black Bear. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. The rest of the Franklin County Delegation extends our sincere congratulations to Heather also. Thank you.

**PASSED** and sent for concurrence.

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

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**Recognizing:**

the Vickery Building, on receiving the Communities of Excellence Award presented by Communities CAN! and the Federal Interagency Coordinating Council. This award was presented to only 5 communities in the nation. The Vickery Building contains a unique collection of public and private organizations whose focus is the well-being of children and their families. This riverfront building, which figures prominently in the history of the publishing industry in Maine's capital city, has been redesigned to house a wide variety of services and support to children and families, which include Southern Kennebec Child Development Services; Women, Infants and Children; Kennebec Pediatrics; Families First; Children's Health Collaborative; Edmund N. Ervin Pediatric Center; Literacy Volunteers of America; Children's Discovery Museum; and Vickery Cafe. The Vickery is a model of what can happen when a community and its service providers come together for the common good. We extend our congratulations to the Vickery Building on receiving this award;

(HLS 1146)

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Senator DAGGETT of Kennebec, Representative MADORE of Augusta, Representative MITCHELL of Vassalboro.

On **OBJECTION** of Representative O'BRIEN of Augusta, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. I know that several of you feel that I have spoken way too much in the past several days, but this one is a real important issue to me. I am very, very pleased and honored to be able to present this sentiment on behalf of the Vickery Building. I would like to give you a little bit of history on it because it is something that can be replicated throughout your communities and because of the award that, again, has been presented to only five in the nation, it is now being replicated throughout the nation. You have heard me speak of issues of

collaboration and coordination. This is a true grassroots example of what can happen when people are dedicated to children and families without public support. A little bit of history is after many, many years of vision and planning the Children's Discovery Museum opened in 1992 in a karate studio inside of a 100 year old building that was empty. We were the only tenants in the building. After two years, we found that we needed to expand and, at the same time, Kennebec Pediatrics, which was really the largest pediatric center in the area, decided they needed to move. We worked together to get them down in our building. At that time the building was full of pigeons. There were holes in the floor. You really had to have some vision to see what could happen in this place. One of the issues that brought them downtown was because we all wanted to form a resource center, which ultimately became the family room. This was a resource center where parents, grandparents, children and anyone who cared about children could go and find resources relating to their children. I think my child has a hearing problem, where can I take piano lessons or anything regarding children and parenting. This resource center, we imagined, would be able to answer those questions.

As a group of providers in the area got together to form this center, excitement just bubbled. It became very clear that everyone wanted to be involved in this building. Ultimately what has happened is four buildings have come together in the downtown area that were empty and that were really a mess, have been developed, restored and come together so that we are all connected. All of these that have been mentioned in the sentiment meet on a regular basis. We share ideas, staff, space and volunteers. We share so much. It is a wonderful, wonderful example of what can happen when people truly don't pay attention to turf and don't pay attention to other issues, but really focus on what the ultimate goal is. In this case, it was children and families. I am extremely proud of this building. I am extremely proud of this award. It is one of five in the nation. It is being replicated throughout the country now. Tenants of the building are being asked to speak throughout the country. This started as a simple little thing. I am extremely honored to be a part of this and to present this sentiment on behalf of the Vickery Building. Thank you.

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

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. Although the Vickery Building is located in Augusta and the Augusta Delegation were the cosponsors of this particular sentiment, I just have to speak out in support. I need to point out that this is not just an Augusta project. It has taken leadership from the broader community, including the towns in the suburbs of Augusta. Some of the most affective leaders in the development of the Vickery Building actually live in some of these suburban communities that I have the honor of representing in the Legislature. I just want you to know that it is Augusta and surrounding communities that participated in the development of this very wonderful resource in our community. Thank you.

**PASSED** and sent for concurrence.

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#### Recognizing:

Brigadier General Eugene L. Richardson on his retirement after many years with the Maine Army National Guard. He was a warrant officer, flew with the 112th Med Co and served as State

Aviation Safety Officer, Military Support to Civil Authority Officer, Director of Operations and Chief of Staff. Brigadier General Richardson received numerous military and civilian awards in recognition of his service to his State and Nation. He was very instrumental in organizing the first-ever Fayette Rescue Squad. He was a certified Emergency Medical Technician and CPR instructor. He was an active member of the volunteer Fire Department, served as a selectman, served for 2 years as Chairman of the Board of Selectmen and served as a local National Ski Patrolman. He is actively involved with the National Guard Association of Maine and the United States, the Maine Historical Society and the Civil Air Patrol. He is also a member of the American Legion Post #2, the National Rifle Association and the Sportsman's Alliance of Maine. We extend our congratulations and best wishes to him on his retirement;

(HLS 1148)

Presented by Representative McKEE of Wayne.

Cosponsored by Senator NUTTING of Androscoggin.

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

#### READ.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I rise today to honor a great Maine citizen, Brigadier General Eugene L. Richardson. He has distinguished himself in his service to our country, to our state and to our community. He will be retiring tomorrow, April 1, 2000, after a long and rewarding career. He has just returned, in fact, and is in the gallery this morning with his son, who has followed in his footsteps. He has returned from Bangor where he welcomed the 112<sup>th</sup> Medical Company Unit from Bosnia this morning at 5:30. It seems very fitting that he should be with us today on such a momentous occasion. Brigadier General Eugene "Rich" Richardson is a Maine native. He was born in Lewiston. He graduated from Norway High School and also from Gorham State Teacher's College and he has a master's degree from the University of Maine. He was first appointed as a Warrant Officer in 1962 and I think you will find it quite interesting that he is a Warrant Officer today too. My son who is also in the National Guard said, "Mom, you must mention the fact that this man once served as the Deputy Adjutant General of the State of Maine and the Deputy to the Commissioner of the Department of Defense, Veterans and Emergency Management and when he stepped down from that roll because of his great love for flying, he chose to accept the rank of Warrant Officer so that he could continue to fly. He has done that for the past five years. You can see where his love is and where his devotion is. I think that speaks very highly of this great man.

He also was a schoolteacher at Oxford Hills High School. He became a full-time civil service technician as a rotary wing flight instructor for the Maine Army National Guard at Bangor, Maine. In April 1963, Rich flew with the 112<sup>th</sup> Medical Company serving as the commander from 1972 to 1974. That is a post that he currently holds today. He was transferred to the headquarter detachment here in Augusta where he served then as the State Aviation Safety Officer, Military Support to the Civil Authority Officer, the Director of Operations and Chief of Staff.

I also would like to point out two very heroic things that this great man did. Some of you may remember back in 1974 the rescue of two climbers on Mt. Katahdin. It was a two-day ordeal in sub-zero temperatures, blizzards and it was Rich Richardson

who flew in and assisted and rescued those hikers, who without him would surely not be alive. In April 1963, he received the Army Aviation Association of America Award for graduating number one in aviation flight training. In 1975, he received the US Army Broken Wing Award for successfully landing a helicopter after a total engine failure in such a manner that no danger was sustained. In 1975, he became the first Army National Guard aviator to be named the Army Aviator of the Year by Quad A. This recognition resulted in the distinction of being placed in the Army Aviation Hall of Fame at Fort Rucker, Alabama.

He also participated in a very heroic rescue just north of Greenville. That was in 1980. He was flying about 35 miles north of Greenville when he spotted smoke coming from the forest. As he moved closer to the site he saw three people waving frantically to him. He was able to land and to not only treat those people immediately who had been burned severely by a gas explosion, but he was able then to transport them quickly to receive the medical assistance that they needed.

He is a Master Army Navigator with over 7,000 hours as a pilot of both fixed and rotary wing aircraft. He has over 36 years of military service, 25 of which have been in full-time capacity. Has won the Meritorious Service Medal, the Air Medal, the Army Commendation Medal, the Army Achievement Medal, the Humanitarian Service Medal, the Master Army Aviator Wings and Expert Field Medical Badge. What a career.

I know, too, that it can be said of great men and women that they are also great individuals in their own community. That is how we, in District 79, know him. He is a resident of Fayette. He has served as a Selectman. He established the first Fayette Rescue Squad. He has been on the volunteer fire department and he has served as Chairman of the Selectman's Board. Interestingly enough, he has also been a local nation ski patrolman. He is still actively involved with the National Guard Association, the Maine Historical Society and the Civil Air Patrol. He is a member of American Legion Post 2, the National Rifle Association and the Sportsman's Alliance of Maine.

You can see that this man has had a long, distinguished career here in the State of Maine and I am so proud to have him in our midst today. He was promoted to his present rank on July 1, 1994 and became the Commander of the Maine Army National Guard on August 6, 1994. He is here today in the gallery, not only with General Adams, but also with his son who has followed in his footsteps. I ask that you join me in honoring him on the day before his retirement. Thank you Mr. Speaker.

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

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House. I was much impressed by the good Representative McKee's comments and the extensive research she has done into General Richardson's career. General Richardson and I were classmates at Gorham when he was "Geno" and I was "Skoggie." I have not seen him since graduation until I looked up and saw him in the balcony. It is indeed good to see Eugene again.

The good Representative McKee's research was not quite complete. There are things in Mr. Richardson's career at Gorham, which were equally remarkable and interesting, but probably not quite so commendable. We worked our way through Gorham by working in the kitchen. For quite some time, we washed pots together in the sink. I am always amazed and interested to see how after many years paths cross again and

we have so many pleasant associations here in the State of Maine and pleasant surprises. My best wishes go out to General Richardson. I look forward to shaking his hand after the ceremony. Thank you.

**PASSED** and sent for concurrence.

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**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Statute**

Representative BRENNAN from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement Recommendations of the Joint Standing Committee on Education and Cultural Affairs Relating to the Review of the State Cultural and Other Agencies under the State Government Evaluation Act"

(H.P. 1916) (L.D. 2661)

Reporting **Ought to Pass** pursuant to Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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**Ought to Pass Pursuant to Joint Order (S.P. 1032)**

Report of the Committee on **TAXATION** on Resolve, Authorizing the Refund of Sales Tax Overpayments to a Maine Business

(S.P. 1067) (L.D. 2660)

Reporting **Ought to Pass** pursuant to Joint Order (S.P. 1032).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Resolve **READ ONCE**.

Under suspension of the rules the Resolve was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

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**Divided Report**

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-608)** on Bill "An Act to Clarify the Rule-making Authority of the Commissioner of Human Services in Relation to Health Maintenance Organizations and Other Health Plans" (EMERGENCY)

(S.P. 881) (L.D. 2296)

Signed:

Representatives:

SAXL of Bangor  
 JONES of Pittsfield  
 RICHARDSON of Brunswick  
 NUTTING of Oakland  
 SULLIVAN of Biddeford  
 PERRY of Bangor  
 GLYNN of South Portland  
 MAYO of Bath



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

Signed:

Senators:

LaFOUNTAIN of York  
DOUGLASS of Androscoggin  
ABROMSON of Cumberland

Representatives:

DUDLEY of Portland  
O'NEIL of Saco

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-608)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Friday, March 31, 2000.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-587)** on Resolve, to Provide Adequate Reimbursement for Speech and Language Pathologists

(S.P. 889) (L.D. 2308)

Signed:

Senators:

PARADIS of Aroostook  
BERUBE of Androscoggin

Representatives:

KANE of Saco  
BROOKS of Winterport  
FULLER of Manchester  
QUINT of Portland  
DUGAY of Cherryfield  
WILLIAMS of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-588)** on same Resolve.

Signed:

Senator:

MITCHELL of Penobscot

Representatives:

LOVETT of Scarborough  
BRAGDON of Bangor  
SNOWE-MELLO of Poland  
SHIELDS of Auburn

Came from the Senate with the Reports **READ** and the Resolve and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

**READ.**

On motion of Representative KANE of Saco, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-969)** on Bill "An Act to Ensure that Maine Citizens Injured While Working in Foreign Countries are Provided with Workers' Compensation Benefits"

Signed:

Senators:

DOUGLASS of Androscoggin  
MILLS of Somerset

Representatives:

HATCH of Skowhegan  
MUSE of South Portland  
GOODWIN of Pembroke  
MATTHEWS of Winslow  
SAMSON of Jay  
DAVIS of Falmouth  
MacDOUGALL of North Berwick  
TREADWELL of Carmel

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

Signed:

Representative:

MACK of Standish

**READ.**

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

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

#### CONSENT CALENDAR

##### First Day

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

(S.P. 965) (L.D. 2514) Bill "An Act to Establish the Maine Coordinate System of 2000" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 726) (L.D. 2046) Bill "An Act to Amend the Powers of Hospital Administrative District No. 1" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-607)**

(H.P. 101) (L.D. 114) Bill "An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Human Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-978)**

(H.P. 1135) (L.D. 1620) Resolve, to Extend the Statute of Limitations for Victims of Abuse at the Governor Baxter School for the Deaf Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-979)**

(H.P. 1534) (L.D. 2187) Resolve, to Implement the Study and Report on the Problems of Homeless Youth Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-975)**

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

There being no objection, 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.

**BILLS IN THE SECOND READING**

**Senate As Amended**

Bill "An Act to Encourage Responsible Employment Practices"

(S.P. 292) (L.D. 810)  
(C. "A" S-535)

Bill "An Act to Improve the Regulation of Occupations and Professions"

(S.P. 996) (L.D. 2558)  
(C. "A" S-593)

**House As Amended**

Bill "An Act to Allow Police Assistance in Emergency Situations"

(H.P. 1767) (L.D. 2480)  
(C. "A" H-908)

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

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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)  
(C. "A" H-933)

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

On motion of Representative JABAR of Waterville, was **SET ASIDE**.

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

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**ENACTORS**

**Emergency Measure**

An Act to Clarify Underinsured Motor Vehicle Coverage

(S.P. 723) (L.D. 2043)  
(C. "B" S-572)

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. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Make Changes to the Cub Care Program

(H.P. 1622) (L.D. 2269)  
(C. "A" H-929)

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. 119 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Establish a Commemorative Day Recognizing Major-General Henry Knox

(H.P. 1787) (L.D. 2507)

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. 121 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act Relating to Electric Industry Restructuring

(H.P. 1788) (L.D. 2508)  
(C. "A" H-935)

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. 116 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Amend the Charter of the Small Point Water Company

(H.P. 1798) (L.D. 2525)  
(C. "A" H-936)

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. 116 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act to Amend the Charter of the Moscow Water District

(H.P. 1802) (L.D. 2529)  
(H. "A" H-955 to C. "A" H-937)

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. 113 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.

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**Emergency Measure**

An Act to Create the Alfred Water District

(H.P. 1848) (L.D. 2586)  
(C. "A" H-938)

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

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**Emergency Measure**

Resolve, Relating to Protection from Blood borne Pathogens for Maine Workers

(H.P. 1532) (L.D. 2185)  
(C. "A" H-948)

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

On motion of Representative HATCH of Skowhegan, **TABLED** pending **FINAL PASSAGE** and later today assigned.

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**Acts**

An Act to Help Farmers to Protect the Quality of Milk

(H.P. 1108) (L.D. 1567)  
(C. "A" H-934)

An Act Establishing the Newborn Hearing Program

(H.P. 1260) (L.D. 1814)  
(C. "A" H-931)

An Act to Preserve the State's Farm Economy and Heritage

(S.P. 736) (L.D. 2086)  
(C. "A" S-574)

An Act to Enhance the Economic Security of Low-income Households with Respect to Utility Service

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

An Act to Amend the Definition of Marital Property

(H.P. 1620) (L.D. 2267)  
(C. "A" H-917)

An Act to Ensure that Reports Commissioned by the State are Submitted in Writing or Other Reproducible Format

(H.P. 1621) (L.D. 2268)  
(C. "A" H-953)

An Act to Increase the Pay for Jury Duty

(S.P. 902) (L.D. 2354)  
(C. "A" S-576)

An Act to Allow Deer Hunting with Local Approval in Certain Areas Previously Permanently Closed to Deer Hunting

(S.P. 936) (L.D. 2386)  
(C. "A" S-575)

An Act to Create a Patent Program in Maine

(H.P. 1690) (L.D. 2396)  
(C. "A" H-939)

An Act to Establish a Memorial Dedicated to the Civilian Conservation Corps

(H.P. 1797) (L.D. 2522)  
(C. "A" H-940)

An Act to Amend the Acreage Requirements for a Cemetery to Contain a Columbarium

(H.P. 1825) (L.D. 2560)  
(C. "A" H-926)

An Act to Clarify Application of the Employment Leave Law for Victims of Violence

(H.P. 1877) (L.D. 2613)

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.

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**Resolves**

Resolve, Regarding Public Health Supervision of Dental Hygienists

(H.P. 1490) (L.D. 2128)  
(C. "A" H-930)

Resolve, to Establish the Commission to Study Ownership Patterns in Maine

(H.P. 1809) (L.D. 2535)  
(C. "A" H-932)

Resolve, Regarding Legislative Review of Chapter 6: Certification of Law Enforcement Officers, a Major Substantive Rule of the Maine Criminal Justice Academy

(H.P. 1888) (L.D. 2628)  
(C. "A" H-943)

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

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An Act to Amend the Laws Governing Municipal Elections

(S.P. 878) (L.D. 2293)  
(C. "A" S-552)

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

On motion of Representative SHIAH of Bowdoinham, was **SET ASIDE**.

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

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**MATTER PENDING RULING**

Bill "An Act to Allow the Towns of Wells and Ogunquit to Withdraw from Their Community School District"

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

**TABLED** - March 30, 2000 by Speaker Pro Tem LaVERDIERE of Wilton.

**PENDING - RULING OF THE CHAIR.**

Representative STEDMAN of Hartland **WITHDREW** his request for a Ruling.

Subsequently, **Committee Amendment "A" (S-531)** was **ADOPTED**

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills** in the **Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-531)** in concurrence.

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

**UNFINISHED BUSINESS**

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

Bill "An Act Regarding Wrongful Death Actions"

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

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

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

**TABLED** - March 30, 2000 (Till Later Today) by Representative SHIAH of Bowdoinham.

**PENDING - FURTHER CONSIDERATION.**

On motion of Representative THOMPSON of Naples, the House voted to **RECEDE AND CONCUR**.

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

**TABLED AND TODAY ASSIGNED**

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-959)** - Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Farmington Falls Standard Water District"

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

**TABLED** - March 30, 2000 by Representative GOOLEY of Farmington.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-959)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-959)** and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-969)** - Minority (1) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Ensure that Maine Citizens Injured While Working in Foreign Countries are Provided with Workers' Compensation Benefits"

(H.P. 1907) (L.D. 2652)

Which was **TABLED** by Representative SAMSON of Jay pending his motion 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-969)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-969)** and sent for concurrence.

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Under suspension of the rules, members were allowed to remove their jackets.

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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.

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-555)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Retainage on Major State and School Construction Projects"

(S.P. 173) (L.D. 529)

- In Senate, Minority **OUGHT TO PASS AS AMENDED Report READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-555)**.

**TABLED** - March 28, 2000 (Till Later Today) by Representative AHEARNE of Madawaska.

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

The **SPEAKER**: The Chair recognizes the Representative from China, Representative Bumps.

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. I will be brief and to the point. I think that most of you by now are either completely familiar or completely tired of hearing about retainage. What I will try and do is do my very best to define for you what retainage is and I am going to close by asking that you then vote against the pending motion so that we can go to accept the Minority Ought to Pass Report.

About four years ago when this bill or this concept first came before the Legislature the attempt was to simply prohibit the retainage of funds all together. Let me tell you what retainage is. It is the amount of money if we were to renovate a state office building and we were to put out contracts for that renovation, we would write into the contract that we will retain 5 percent of the total cost of that project until the very last day, until the project is satisfactorily completed and we are entirely happy with everything that has been done and then we will pay out that remaining 5 percent to the people who are owed it. In theory, it works marvelously. In practice it works horribly at least as long as the state is the agency paying out the last 5 percent. I will give you some examples. There are school projects and there are court projects across the state where students have been in the classrooms, judges, defendants and plaintiffs have been in the courtrooms for years, two years, three years, four years or more where that 5 percent retainage is still being withheld on those projects. The general contractors who did the work, the subcontractors who did their work, the money that they are owed, is being withheld all because there may be one thing wrong with the carpet, the paint or the lights. The fact of the matter is the guy who did the groundwork, the guy who did the foundation, the guy who did the landscaping, those folks are having their 5 percent withheld as well. If you are a small business owner, if you are a small subcontractor, how long do you think you could go without receiving the 5 percent of a large construction project that you are owed? It would probably not be very long, certainly not two, three or four years.

The folks who follow me will say that this bill eliminates retainage. It does away with it all together. I know that you have been lobbied heavily by superintendents, in particular, who will tell you that this defeats their ability to manage effectively school construction projects. I would contend just the opposite. This bill forces responsible management of construction projects. It requires that when you go and certify payment for a portion of the work that is being done, that you are satisfied that the work has been done completely and satisfactorily. There are

protections built into this bill that will enable these last minute things to be taken care. You will hear people say there isn't going to be any money left on the table at the end of the day to pay out for the items on the punch list. I don't want to get too technical because there are lots of technical terms. The money will be there. There are appropriate safeguards written into this bill. The amended version of the bill is very different than the original bill. It limits the scope and it limits the focus. It simply aims to make sure that general contractors and especially subcontractors who have done their work sometimes very early in the project are paid in a timely fashion.

I will conclude by saying that this issue isn't going to go away. If we vote the bill down, the amendment down, it is not going to go away. The other body has passed this bill under the hammer. We can debate it all day. If it doesn't pass this year, it is going to back next year. If it doesn't pass next year, it is going to be back the year after because there are general contractors and there are subcontractors all across this state and beyond that are owed large sums of money and they haven't been paid.

The way to solve the problem, I would contend, is to defeat the pending motion and go on to pass the Ought to Pass. We can fix the problem by passing this bill. If you are concerned that it won't work out and if your superintendent comes back to you a year from now and says that this has ruined the process, we will have a chance to fix it. We have worked on this for four years. I don't think there are too many things left to fix. Let me just suggest to you in closing that when these school construction and renovation contracts that we are putting out go up for bid within the next year or two, the cost as long as retainage is still in the formula, it is going to be necessarily increased. General contractors and subcontractors are simply going to write that 5 percent into their bids. It is going to have the net affect of driving the cost of school construction and renovation up at least 5 percent if not more because the general contractors and subcontractors bidding on these projects know full well that they are not going to see their payment until one, two or three years after their work is complete. If you are happy with driving up the cost and happy with the problems that exist in the system, then go ahead and vote for the pending motion. If you want those problems fixed, the process to be improved, then I suggest we defeat the pending motion so we can go on to approve the Minority Ought to Pass Report. Thank you.

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

Representative AHEARNE: Mr. Speaker, Men and Women of the House. Before this debate is over, the last thing you will ever want to hear is the word retainage. This by no means is a simple issue. Some will argue that the problem could easily be resolved with a change to the procedure by which retainage is used for school construction projects. Others will argue that we need the current law in retainage to ensure the completion of school construction projects. You will hear discussion of general contractors, subcontractors, punch lists, owners, prompt payment, clerk of the works, architects and so on. The issue of retainage is complex and there is no one simple solution.

Is there a problem with current law? It all depends who you ask. Subcontractors say yes. The school administrators say no. Yes, it is true that some subcontractors have not received the 5 percent of their retainage withheld when they have completed or fulfilled their obligation of their contracted work. On the other hand, there have been numerous school construction projects

completed and all parties are paid upon completion of the work without delay.

There are just a few questions you must ask yourself. Is this problem far reaching throughout the State of Maine? Are there numerous complaints from contractors and subcontractors? If we do nothing, will we experience the catastrophic problems of biblical proportions, which will result in the downfall of western civilization, as we know it? In my opinion, the answer is no. I firmly believe that this problem is affecting only a small number of subcontractors. To my knowledge, there continues to be plenty of contractors willing to continue to place bids on school construction projects. This clearly indicates to me that there is no catastrophic problem that requires us to change current law on retainage. If we really want to zero in on the point of contention, it is between the contractor and subcontractor. It is the working relationship between these two principled players that needs to be addressed. It is the general contractor that ultimately pays the subcontractor upon completion of his work.

There is, however, one overwriting reason why I do not support this measure and that is the taxpayer's money. What happens with this money when it falls into hands of a third person? It is what I like to call the beltway virus. Somehow when we see the financial figures, the amount of dollars the government collects, we develop instant amnesia. We forget from whom we collect the resources. It is not the local school board's money. It is not the town or city's money. It is not the county's money. It is not the state's money or even the federal government's money. It is the taxpayer's money, period. The citizens of Maine have entrusted us to collect and spend their money wisely. When we discuss retainage, remember it is the taxpayer's money that we are discussing. If there is a problem with the contracted work, whether it is by the general contractor or the subcontractor, there must be assurances that the problem will be resolved and, if necessary, the work be redone.

Under the proposed legislation before this body, I firmly believe that it does not offer the guarantee that the contracted work can and will be completed to a school district's satisfaction. If there is a problem with no recourse for correction, the ultimate cost will fall on the local school district and ultimately the taxpayer. The risks are too great to allow taxpayer's money to be spent without needed insurances that it will be invested wisely. If it means there are minor inconveniences to protect the taxpayer, then so be it. I ask you to support the Majority Report of Ought Not to Pass. Mr. Speaker, I request the yeas and nays.

Representative AHEARNE of Madawaska 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 Caribou, Representative Belanger.

Representative BELANGER: Mr. Speaker, Men and Women of the House. Reference was made by the good Representative, Representative Bumps, regarding this passing under the hammer in the other body. One of the questions I would have is why are only the schools left in this bill when it comes to us from the other body? Further, we should reject the notion that let's pass legislation now and if it doesn't work, we will fix it later. The Education Committee has legislation in a proposal that will come before you that has an impact on school construction. It will require the owners to have a representative. It also changes the manner in which projects may be developed and approved. I

would ask you to support the pending motion and allow this legislation to come forward. I think it will deal with some of these problems. I think the real problem was addressed by the good Representative from Madawaska. The only problems that I am aware of are generally between the subcontractors and the general contractor. This legislation will do nothing to fix that. I urge your support of the pending motion.

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. I, too, would urge you to support the Majority Ought Not to Pass Report. The Education Committee spends a lot of time talking about school construction. This bill did not come before the Education Committee because it dealt with major state and school construction projects. As the previous speaker mentioned, the other state projects have been taken out of the bill. It now refers only to school construction. I don't think that there is anybody in this House who doesn't know that a lot is being done regarding school construction right now. We have at least 22 schools on the list to be done. We have a large number of schools that will receive renovation or repairs. Now is not the time to start tinkering with the way we pay for these. We have a 5 percent retainage. That has been referred to. It is important that we leave this as it is. As the previous speaker mentioned in the legislation that will be coming before you, there will be a project representative for any construction that is over \$1 million. This will make a big difference.

Some of you may know of a school in your area that was built and then there were lawsuits afterwards because this wasn't done correctly or that wasn't done correctly. Hopefully having the particular project representative who has to be somebody who is knowledgeable about construction will prevent that kind of happening. We have addressed this issue not even knowing that this other bill was out there. We think that it will be covered in the legislation that will be coming before you shortly. If the legislation that is coming before you shortly does not address it, then measures can be taken. Now, with all of the construction that is going to be going on is not the time to start doing something that is totally different that could cost more money.

Lastly, I would like to say you have some time or other in the last few days received on your desk a piece of paper from the Maine School Management Association that came under my name. The most important part of that is Maine School Management and Maine Municipal Association both agree to this. That is an important statement. Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative BUMPS: Mr. Speaker, Men and Women of the House. I entered this debate knowing that I was going to be out lobbied and it appears that in large part that has happened. The reason I have been out lobbied is because the folks who are lobbying on the other side of this issue and I believe that even though the committee chair is on the opposite side of this from me would agree that we have had an extremely difficult time pulling all of the parties to the table for the sake of working this bill for the last four years. Some of the most non-participatory people are some of the ones who object most strenuously today to the passage of this bill.

The Representative from Caribou posed a question, which I will answer. He asked why are school construction projects the only ones left in the bill? The answer is quite simple. School construction projects are the only ones where retainage isn't

being paid out. State construction projects, capital improvement projects that are conducted on behalf of the state are being managed in a way that when the state takes ownership of the property, it is satisfied with the work that has been done and it is paying its bills in a timely manner. The general contractors and the subcontractors are getting their money. The places where the money isn't being paid out is in school construction projects. This bill has been limited to school construction projects.

The Representative from Madawaska posed a question in his debate on the floor this afternoon and he asked if the problems would be resolved? The bill that is before you allows for retainage to be withheld. If I am the owner's representative and I go to check the work that is being billed, I walk in, I look at the work and I say that this electrical work hasn't been done to my satisfaction. The concrete work hasn't been done the way was asked to be done. The carpet isn't the right color. The paint doesn't look right. You know what, at that very moment I begin to withhold retainage. At any moment in the project, the owner's representative can step in and instantly institute retainage on that line item. The bill doesn't do away with retainage, it in fact retains retainage.

Is it far reaching? The problem, is the problem far reaching? Sure it is. You are hearing from the folks who have lobbyists in the hall every day, but you are not hearing from the general contractors and the subcontractors who are out there doing the work and trying to get their bills paid, but are having a tough time of it because they have school construction projects that haven't been paid for four or five years. Are their complaints? Absolutely there are complaints. I could probably give you names and telephone numbers of contractors and subcontractors either in your district or very near to it that you could speak with directly, this afternoon, who will tell you that this is a problem. Is it a catastrophic problem? Will the world as we know it come to an end? Probably not. Will retainage be back in the 120<sup>th</sup>? Absolutely. General Contractors and subcontractors can only go so long without getting their money.

The Representative from Madison raised a point, which I would like to address just briefly. She said that the Education Committee wasn't aware that the retainage bill existed. I won't ask for a show of hands, because it would probably be against some rule, but I doubt there are very few members of this body that didn't know the retainage bill existed. I understand the bill coming from the Education Committee adds authority for a project representative, owner's representative, that can only help in this process. If there is an owner's representative who is out checking the work that is being done, that owner's representative, if trained properly and if they know what they are looking for, is going to be able to certify the work has been done satisfactorily. The money can be paid and everyone is happy. The education bill, I would contend compliments this legislation and doesn't negate its purpose.

I will close with this. In Maine there is a finite number of subcontractors and general contractors who can do the kind of work we are talking about. There aren't hundreds of these companies out there. There is a very limited number of people who can do the kind of work that we are talking about on school construction projects, in particular. If you think by issuing a contract for an increased number of school construction projects is going to be easy and cheap with a small number of general contractors and subcontractors who are going years without getting their money, I just contend that you are wrong. There aren't firms in this state that can absorb the cost of sitting on 5

percent of their project for years at a time. We have to solve the problem. This bill is a good bill. It has been worked and worked and worked and reworked for four years. I ask you to reject the pending motion so that we can go to accept the Ought to Pass.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I also rise to urge your support of the pending motion. Two years ago I voted for the retainage bill because I like simple things and maybe I am a bit of a simple person, I don't know, but it seemed like a simple enough idea that people should be paid for the work that they do. It is a very simple concept. It is a very easy vote for me to make.

In the meantime, some of you may know that I am very fortunate to be married to a woman who is much smarter than I am. She, in that capacity, has good employment and earns what we all would consider to be fairly good compensation for her skills. Because of that, we were able to buy a nice home, which required a bit of work. I finally had experience with contractors. I have to say it has been an education beyond my wildest dreams. Imagine renovating a bathroom, as I have done, spending an unbelievable sum of money in my little world to have a nice bathroom. In this old house there is a chimney, which was struck by lightning sometime before we bought the place. We knew that we had to have it recapped. After a horrid search, we finally found a contractor who would recap the chimney. It is a slate roof so it requires an awful lot of skill. You don't just walk up there with spiked boots and tromp the whole thing up. The fella said he would do it for \$2,100. I thought that was a pretty fair price. The first prices we got were \$3,000 or \$4,000. I hired him. He calls me up a week later and says I can't do it, but I have a guy who will do it for me for the same price. I won't go into the whole story, but it is quite a tale. Anyway, by the time he got done, the guys who came to fix the roof said he did a beautiful job, but it cost me another \$500 to protect the \$5,000 investment in the bathroom underneath the broken roof, because he had lost a big chunk of the chimney, smashed it and made it look like it was normal. There was basically nothing there. The problem was, I had paid the guy. I tried to call him and tried to call him. Amazingly enough, the phone was out of service. Imagine that.

Thinking about if we are charged with doing the best possible work with taxpayer dollars, then I think we ensure that those dollars are not going to be wasted. That is why I am not going to support the retainage bill this year and I am going to vote for the Majority Ought Not to Pass Report. I would encourage you to think along the same line.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. I am not going to try to keep up with my two contemporaries or younger contemporaries, I might add, in their verbiage. However, I have had time spent in building things as being heads of schools. I am reminded of a saying, to err is human, but it never should be a part of company policy. If you think about that a little bit and think also, I wonder why we are spending so much money to refurbish or renovate our schools? Could it be because the contractors are not doing such a good job? Perhaps, in my good House chair's case in renovating his bathroom, he should have gotten a better clerk of the works. That is what is valuable. Someone that is going to be around to take care of most of those particular items that are not taken

care of by the construction people to have it done immediately. You haven't got to worry about retainage. I think, certainly, that we need to keep it as it is and carried out properly. That is the problem, in my opinion. I feel strongly that we should accept the Majority Ought Not to Pass. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. Often times as a member of the Judiciary Committee when we deal with bills dealing with lawyers and things like that, you will hear me say I am not a lawyer. I am not, but I am a contractor. I work with retainage all the time. When I do work for somebody I know, he actually gets the job and I work with him. It is under the understanding that I will not get paid until the customer pays him. A lot of small contractors in my area go under that policy. If the customer doesn't pay them, I don't get paid. That is to be understood. It has never happened to me, but it has happened to some other contractors that had a situation where the job wasn't to the satisfaction of the customer and they didn't get paid, period. If he had enough cash flow, then the general contractor would pay the subcontractor. There are some of us who live under the retainage all the time. May I pose a couple questions? If this bill passed, is there any guarantee that the subcontractor will get paid? Can the general contractor pay the subcontractor even if he doesn't get paid? Won't the contractor take care of the problem? Most general contractors that I know have a cash flow. If they don't, then the subcontractor would want to know about that and decide not to go into contract with that general contractor.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. I will try to answer some of the questions posed by the Representative. First of all, general contractors have a limited cash flow because the general contractor does not receive the full amount from the state themselves. The first 5 percent is withheld by the state or by the school unit. They are already losing 5 percent when they receive the first check to pay subcontractors 5 percent of their overall request or requisitions have already been withheld. To pass on 100 percent means that they are out the 5 percent that they have been withheld. That hurts the general contractor.

Second, there is recourse for subcontractors who don't get paid, which would be within the court, based on their contracts. We do have contractors who go in and do the first work, such as earth moving work and concrete work and then HBAC and electrical work. They wait sometimes four to five years for their money from their first requisition to their last requisition for their part. They still must wait until the last doorknob has been checked and the last piece of glass has been put into the superintendent's office and polished before their bills will be considered to be paid.

Having said that, I would like to continue. The federal government does not use retainage as a way of managing its projects. It doesn't use it at all. Yet, people do bid and do work on federal buildings. It is not a management tool that is used for some of the biggest contracts done in the United States. Why? It is not an effective management tool.

You heard a little bit about small contractors here. Someone doing a school project must post a bond for nonperformance. It means that they have to be good enough to meet the requirements of a bonding company and be issued a bond to do the work. If they are not good enough, they don't get a bond. If you don't post a bond, you don't get the job. There is your second guarantee. If you are convinced at all about a \$2,100 contract versus a \$3,000 contract, I will tell you as a contractor, or a subcontractor, that my jobs are often more expensive than the guy who works out of the back of his truck because I must maintain a liability policy in case someone falls through the roof into the bathroom. I must maintain a level of insurance to cover any faulty work or any faulty project. That is why jobs sometimes cost more. You get exactly what you pay for. If you take the cheapest bid, you will get what you pay for. That is not what we are talking about here today.

We are talking about retainage. Retainage is still a means, if necessary, to manage a contract. You heard that it could be invoked at any point. Why invoke it at the very first thing? It actually is a deterrent to contractors who have gone in and done their share of work and know that they have a punch list, which is a list of things that has to be done, but they are not in a hurry to get back there if they know that that piece of glass in the principal's office hasn't been polished yet. They are not going to send a man all the way back to finish the punch list when they know it is going to be four to five years before they get paid. If you told them when your punch list is finished, you are going to get paid. Believe me, the truck would be at the door. The work would be finished and it would be done very well because cash flow is very, very important when you are talking about pouring concrete, earth moving equipment and when you are talking about what it takes to maintain that kind of big company and do those kinds of big jobs.

Don't punish business people for doing their jobs. Leave it so you can punish them if they don't and this is what this bill does. I would ask you to please vote against the pending motion. Thank you.

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

Representative **MCDONOUGH**: Mr. Speaker, Men and Women of the House. I will be very brief. In a perfect world we wouldn't even have to be talking about retainage. People would go in and they would do their job the way it is supposed to be done and they would get paid for it and they would go on to the next job. Having served on the committee of jurisdiction, we listened to many hours of testimony by people from the public sector and people from the private sector about this issue. I can remember in another life having had dealt with real horror stories about work that was done on schools. It was inadequate work by various contractors. I am not standing here today saying that the profession of contracting no matter what your vocation would be, is a bad profession and that all contractors are bad. Once in a while you find some that create a problem. Having lived through this thing and listening to all the testimony that we listened to, I am convinced more than ever that retainage has its place in the scheme of things. I think the scheme of things is a public interest. We, as public policy makers, need to provide that leadership and guidance to protect the public interest. I would ask the body to accept the Majority Ought Not to Pass Report. Thank you Mr. Speaker.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I come from a district that is number 22 on the list of school constructions. We have waited over 15 years to get this construction underway. We have done other school projects in the Town of Windham. I can't recall of one school project that we didn't have major, major problems with it. If we didn't have retainage and if we didn't have that sledgehammer over those contractors, we never would have gotten the job straightened out. In some cases, even with that, we ended up in court. For the amount of money that is going into school constructions this year, it is probably the poorest time in the world to be changing the rules. Retainage, as far as I can see after 20 some odd years of experience in local government, is the only tool we have to protect the taxpayer's money. I ask you to go along with the Ought Not to Pass. Thank you.

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

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. I would ask you to support this Majority Ought Not to Pass Report. I base that on some personal history in the Town of York with the school building project, which we had. We had a bit of difficulty with the contractor throughout the project, which necessitated a lot of additional work. Within two to three months of the building being completed, we had extremely serious roof problems that affected the whole building. To add to the complication, this general contractor went bankrupt. Where would my taxpayers have been without retainage? Thank you.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. The taxpayers of your town would have been bonded under a bond bought and paid for by the company in order to do the job. Please remember this bill does not take away retainage. Everything that you have heard here today saying that retainage is a good management tool is appropriate. It is a stick, but you don't start beating your beast of burden with a stick if he is doing his job first. It is a stick. It is also a carrot. If they continue to do well, they get all of their money. If they mess up, you invoke the retainage privileges. Nothing in this bill says we are doing away with retainage. It just says if you mess up, we have it. If you do a good job, we don't need it. I am hearing all of these alarms going off saying that it won't be there. It is there. It is just not mandatory. It is voluntary. The person that invokes it, is the person doing the inspection, not the general contractor, not the subcontractor. It is the person who goes and inspects it and says, guess what, you are now under retainage. The arguments saying that we must have retainage are absolutely right. The arguments that say we must have mandatory retainage are not appropriate here. You have to have a good positive reinforcement and you have to have negative reinforcement. If any of you know anything about reinforcement, positive reinforcement works a whole lot better than negative reinforcement. It turns into cash flow. Why do you think the contractor went bankrupt? He might have done three schools in a row. If you want people to be out there to do these schools, I suggest you find a way for them to stay financially solvent. That is by paying our bills. Thank you.

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

Representative **SHERMAN**: Mr. Speaker, Men and Women of the House. In reading this bill, I agree this should not pass. I heard you still have the club of retainage, but if you look through



this it seems to me that you are doing it line item by line item, which is going to be agreed on ahead of time. You could have a crucial project, some type of material thing that is going in there, that could be only worth \$10,000 or \$15,000 and your retainage would be \$500 bucks. You might have subcontractors that are not going to fix that even though it might be a crucial piece of work. Just looking at this, it seems flawed on the face of it.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I just wanted to add a very quick voice in support of the Representative from Madison and the Representative from Caribou to support this motion. As all of you know, we have had a very extensive discussion and we have a very good program coming forward on school construction. It will be a lot of activity over the next two to three years. If this bill were to pass, I think it would be detrimental to this process and that it would actually hinder and hurt schools that are trying to move forward to address very dire circumstances. I urge you to support the pending motion.

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. 514

YEA - Ahearn, Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bowles, Brennan, Bruno, Bryant, Buck, Bull, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cowger, Daigle, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, MacDougall, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Muse, Nass, Norbert, Nutting, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shiah, Shorey, Sirois, Skoglund, Stanley, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Bumps, Cross, Davis, Foster, Gerry, Gillis, Jones, Kasprzak, Labrecque, Mack, Madore, Mendros, Murphy T, O'Brien JA, Pinkham, Plowman, Rosen, Stanwood, Treadwell, Winsor.

ABSENT - Belanger, Bouffard, Bragdon, Brooks, Campbell, Cote, Davidson, Green, Joy, Kneeland, Lovett, O'Brien LL, Perry, Saxl JW, Shields, Snowe-Mello, Williams.

Yes, 114; No, 20; Absent, 17; Excused, 0.

114 having voted in the affirmative and 20 voted in the negative, with 17 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-946)** - Committee on **CRIMINAL JUSTICE** on Bill "An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole"

(H.P. 1875) (L.D. 2612)

TABLED - March 28, 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: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. LD 2612 is "An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole." I am reading from the bill summary to explain what this bill will do. It says simply and briefly the following: "This bill creates the Interstate Compact for Adult Offender Supervision." In other words, it explains little. So look to the LD itself and you will be encumbered with 17 pages of new language and \$18,000 worth of new costs to provide for participation in a compact that would create and I quote "the Interstate Commission for Adult Offender Supervision. The interstate commission is a body corporate and joint agency of the compacting states. The interstate commission has all the responsibilities, powers and duties set forth in this section including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent" yada, yada, yada and right there I stop. This bill will set up a regional bureaucracy that might bind Maine and require Maine to house Adult Parolees or Probationers against our will or our better judgment, whether we like it not. I am not going to recommend this policy without careful and deliberate consideration, which we didn't have.

It is not my mission in life to oppose the good Representative from South Portland, Representative Muse. I like Representative Muse. He is a fine legislator, but we happen to have had a bad spell here. I apologize. There is an expression Downeast. When in doubt, don't. This 17-page epistle comes to us as an after deadline request at the very last minute. At the public hearing, it appeared to me to be of such a non-urgent nature that it could wait until next session without undue consequence.

Moreover, I urge that we just do that. I am very worried that this proposal, without significant review, could very easily come back to bite us in the backside. Do not worry there is no problem in delaying. This compact could not possibly take place next year. We could easily look at it in the 120<sup>th</sup> Legislature and do a good job in understanding what this compact would do. It might be a great idea. I don't want to foreclose that. It could be, but we can't understand it at this late date adequately. I urge you to support the pending motion, Ought Not to Pass. Thank you.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. We heard yesterday that Representative Povich referred to a bill that would make us look like the Jerry Springer Show. The interstate compact that we are presently a part of and operating under right now is something that belongs on the Jerry Springer Show. It was written in 1937. It is one page. I would say to the good Representative that considering there are over 4 million offenders on probation and parole in the United States today having 17 pages of language to control them with rules and regulations for them maybe isn't even enough. This bill was written by the Council of State Governments. It is supported by and endorsed by the National Institute of Corrections who assisted them in writing it. It is also supported by and endorsed by the current contract administrators association who will, in effect, will be put out of a job once this passes. They recognize the job has just become to overwhelming for them by virtue of

the sheer number of people who are on probation and parole who are crossing state lines constantly and nobody has any clue who they are or where they are.

Last year in the Criminal Justice Committee we had an opportunity to ask our Department of Corrections how many people do we have residing in the State of Maine currently who are on probation or parole who are not from the State of Maine or who were not sentenced here in the State of Maine? They answered, to no one's surprise, we don't know. They had no idea. It wasn't until the Department of Corrections was asked by the Council of State Governments and by the National Institute of Corrections when they were working on forming this plan that they started to get together and find out how many people they do have residing here in Maine that weren't sentenced here.

Representative Povich pointed out why do we do this now? We need 35 states to enact this legislation before it will take affect. Currently there are 20 states looking into this. The other states weren't able to get the legislation introduced in time and are waiting to put it in the next session. Why do we do it now? One component that will be the utmost importance to states is the creation of data sharing network. If we are involved in the early part of this compact, we will have a larger say in what is going on. It will cost us nothing to be involved right now. Should the state postpone passage of the compact? We are risking the chance that we will have no input into the structure of a data system and no input into its costs, which will therefore be dictated to the State of Maine. This compact will pass nationally. It will pass. There are states right now that are facing serious liability issues because inmates from other states have gone to their states, the receiving state, we will refer to them, and committed heinous crimes. Whether we like it or not, we would already be liable for that. These receiving states are liable now and are paying dearly for it.

A member of our committee during the public hearing on this was concerned, why doesn't the federal government do this? I want to see the feds in the same ballgame with them. They can't. We can't mix our federal and state systems. The transition process for this bill will occur as early as late 2000. States that have enacted the compact will be critical players in determining how the process is structured. Passage now enables Maine to be a contributor in the future course of the compact and it allows us to take a leadership role and to assist other states as they develop this. What will it cost us? Nothing, right now. Once it goes into effect our price tag has been estimated at \$18,000 to belong to the compact, which will create accountability and responsibility and we will finally know who is inside the borders of the State of Maine on probation or parole. It will allow us at least a year to hold the hands of the Department of Corrections, walk them down the road, establish our state committee, make sure we are in position to be up and running when this compact passes the 35<sup>th</sup> state and goes into affect. Why do we need to do that? I don't think we have to look much farther than the condition of our probation department today to say that they could use a helping hand and a little guidance along the way. That became clearly evident last year when they had no idea who was in the state. I had to wonder if they know who is out of the state. I would strongly urge us to vote Ought Not to Pass so that we can go on and move the Minority Report. Thank you Mr. Speaker.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. For those of you who aren't on the Criminal Justice Committee, you probably have no idea what this is all about so I am going to try to be brief and try to simplify what this is all about. I participated in a conference call to find out exactly what the story was. We were able to ask questions of those involved in putting this compact together. For anyone who is interested, I have a briefing kit in front of me. I will give it to anyone who would like to see it. As Representative Muse stated, the interstate compact is involving parolees and probationers, was established in 1937 and hasn't been amended in over 62 years. Why the need? There are over 4 million probationers or parolees nationwide. It is believed that over a quarter of a million of those will or have crossed state lines. Why do we need it? Currently, we lack the knowledge of who moves when and where. There is currently a lack of agreement between states about what supervision means. How are these parolees and probationers supervised? Currently, there is a lack of capability to notify the victims. Very important in my book, to notify the victims, to notify the communities and to notify the law enforcement agencies of the movement of these offenders. There is a lack of any organization to identify the failures to comply or to enforce non-compliance by probationers and parolees.

The question was raised, why do it now? Representative Muse answered it correctly. If we do it now, this compact will occur. It will occur when 35 states have adopted it. The cost will be, at that point, \$18,000 a year, it is estimated. It is based on population size. Doing it now will allow us to be part of the groundwork. It will allow us to participate in the rules. In my opinion, it is going to happen and if we can be part of the initial groundwork, it is very advantageous to us. I would ask you to not accept the Majority Ought Not to Pass Report. Thank you.

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

Representative SHERMAN: Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the remarks of the good Representative from Ellsworth, Representative Povich. This compact, what it really is is an organizing process. Many of the states have not approved it. I think there are a few states that have it in the Legislature. You need 33 or 35 states to pass this. There are huge questions in this language. I would just like to point out one that was during the debates or the hearing on this. Our Senate Chair talks about the constitutionality of some of the language in this document. For reference, it is on Page 16, you could have a commission on probation and parole that could pass laws that might impact or force the states in the compact to obey, if you will. There is a constitutionality question of allowing state laws to be overridden by a compact. I think if you go through this, I think you will find other concerns along those lines. As Representative Povich said, this is not something that needs to be done immediately. You really should sit down and go through this. Look at the pros and cons, tweak the language and in the end it is probably a good idea, but I think it is not a good idea for this short session with very short hearing time. Thank you.

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

Representative MCALEVEY: Mr. Speaker, Ladies and Gentlemen of the House. It is not often that I disagree with our committee chair, but today is one day that I have to. Perhaps it is because we are wearing opposite colors, tan trousers and blue

jacket. This is vacationland. Although we want people to come and visit us, there are some people that we don't want. One of the problems with this existing compact that is 63 years old is other states aren't required to tell us when they are sending somebody here. In the new compact they would be required to. Two, we can refuse them. We, as the State of Maine, should be able to tell other states who we will and won't take. It is like a vacuum because we are getting a lot of dangerous people dumped on us. We have no control over it. We can start to take control now or we can wait a couple of years. Yes, I think the hearing was hurried. We were in the middle of a blizzard. We took as much time as we possibly could take, but I think it is important that we get on top of this now.

NCSL has the distinction of trying to work with regions and states to streamline legislation. They are a very credible organization. The Department of Corrections in Boulder has a long track record of working with states to solve problems. We can sit back and wait and see another 100 or 200 other probationers from Chicago and New York, murders, rapists and whatever dumped on our state and not even know about, let alone give us a chance to agree on it or we can get involved now and be involved in the process. I hope the ultimate process will be us turning that off and saying we don't want these people in the state, which is our right and our authority to say that to Ohio, Indiana. In fact, one state, which I won't name, is really using this state as a dumping ground and they are not even communicating that with our officials. I think that it is important that we defeat this Ought Not to Pass and move to take some positive steps now. The last remark that. The last remark that I would make would be remembering our state motto, Dirigo.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote for the pending motion Ought Not to Pass. When this bill originally came to the committee, I thought it was going to be a breeze. I thought it would be a unanimous report. After we began to ask questions and I was the one who was a stickler on the federal prisoners and the federal people who were on probation, if I was going to buy into a system and there is no question that the system that we have now is probably old and beat up and not perfect. If I am going to go into a new system and if I am going to buy a new car and it is going to be a convertible, I want it to have at least a ragtop. This new system that we are buying, ladies and gentlemen, is far from being perfect. It is not even going to give us any information about the federal prisoners who are on probation or parole. It lacked tremendously. There are only five states out of 35, I think, that had signed on already. One of my big criticisms to the people who were presenting it to us was why didn't you get the federal government involved. They said it was probably an oversight and probably we should. We need to get into a good system. If we are going to get into a system, then let's get into the right kind of system. Please vote with the Majority Ought Not to Pass.

Representative **POVICH** of Ellsworth **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The same Representative **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: 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. 515**

**YEA** - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bowles, Bragdon, Brooks, Bruno, Bryant, Cameron, Carr, Chick, Chizmar, Clark, Clough, Collins, Cowger, Cross, Daigle, Desmond, Duncan, Dunlap, Duplessie, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, McDonough, McGlocklin, McKee, McKenney, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Neal, O'Neil, Peavey, Perkins, Pinkham, Plowman, Povich, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Tracy, Treadwell, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor.

**NAY** - Brennan, Buck, Bull, Bumps, Cianchette, Colwell, Davidson, Davis, Dudley, Etnier, Frechette, LaVerdiere, Matthews, Mayo, McAlevey, McNeil, O'Brien JA, Pieh, Powers, Quint, Stanwood, Townsend, Trahan, Tripp, Waterhouse, Mr. Speaker.

**ABSENT** - Belanger, Bolduc, Bouffard, Campbell, Cote, Dugay, Green, Lindahl, Martin, O'Brien LL, Perry, Richard, Shorey, Williams.

Yes, 111; No, 26; Absent, 14; Excused, 0.

111 having voted in the affirmative and 26 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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**HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-957) - Minority (6) Ought Not to Pass - Committee on TRANSPORTATION on Joint Study Order to Establish a Committee on Gasoline and Fuel Prices**

(H.P. 1774)

**TABLED** - March 30, 2000 (Till Later Today) by Representative JABAR of Waterville

**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**.

**Committee Amendment "A" (H-957)** was **READ** by the Clerk and **ADOPTED**.

The Joint Study Order was **PASSED** and sent for concurrence.

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

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)

(C. "A" H-933)

Which was **TABLED** by Representative JABAR of Waterville pending **PASSAGE TO BE ENGROSSED as Amended**.

On motion of Representative WATERHOUSE of Bridgton, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-933)** was **ADOPTED**.

The same Representative moved that **Committee Amendment "A" (H-933)** be **INDEFINITELY POSTPONED**.

Representative JABAR of Waterville **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-933)**.

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 Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I hope you will vote against this Indefinite Postponement and allow me to go on to put the amendment on this bill. Thank you.

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

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to defeat this motion to Indefinitely Postpone. This bill was voted upon by the House just yesterday. It comes back to you as the very same bill. I don't want to be repetitive, but this bill really has two parts to it. One of the parts is an educational component dealing with the elderly in an attempt to get them to voluntarily give up their licenses because the statistics show that in 1997 Maine had the highest percentage of fatalities for licensed drivers over 65 in the entire country. This bill had, number one, an attempt to get these drivers off the road and, number two, more importantly, to provide a transportation system for them. The money in this particular bill was for the purpose of coming up with innovative grants, to add onto existing programs where elderly get transportation for purposes of going to the doctors, getting prescriptions and doing a lot of other errands. As an alternative to them giving up their license, we are trying to provide for them some transportation. It was a good bill yesterday and it is a good bill today. I ask you to defeat this motion to Indefinitely Postpone.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of **Committee Amendment "A" (H-933)**. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 516**

**YEA** - Andrews, Bagley, Berry DP, Bowles, Buck, Cameron, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Marvin, Matthews, McKenney, Mendros, Nass, Nutting, Peavey, Pinkham, Plowman, Richardson E, Rines, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Treadwell, True, Waterhouse, Weston, Winsor.

**NAY** - Ahearne, Baker, Berry RL, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Goodwin, Hatch, Jabar, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Madore, Mailhot, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Norbert, O'Brien JA, O'Neal, O'Neil, Perkins, Pieh, Povich, Powers, Quint, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W,

Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

**ABSENT** - Belanger, Bolduc, Bouffard, Campbell, Cote, Dugay, Green, Lindahl, Martin, O'Brien LL, Perry, Richard, Shorey, Usher, Williams.

Yes, 53; No, 83; Absent, 15; Excused, 0.

53 having voted in the affirmative and 83 voted in the negative, with 15 being absent, and accordingly the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-933)** **FAILED**.

Subsequently, **Committee Amendment "A" (H-933)** was **ADOPTED**.

Representative **KASPRZAK** of Newport moved that the Bill be **TABLED** one legislative day pending **PASSAGE TO BE ENGROSSED as Amended**.

Representative **SAXL** of Portland **REQUESTED** a roll call on the motion to **TABLE** the Bill one legislative day.

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 to Table One Legislative Day. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 517**

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

**NAY** - Ahearne, Bagley, Baker, Berry RL, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Matthews, McDonough, McGlocklin, McKee, McNeil, Mitchell, Muse, Norbert, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Mr. Speaker.

**ABSENT** - Belanger, Bolduc, Bouffard, Bragdon, Campbell, Cote, Dugay, Green, Lindahl, Martin, O'Brien LL, Perry, Richard, Shorey, Watson, Williams.

Yes, 62; No, 73; Absent, 16; Excused, 0.

62 having voted in the affirmative and 73 voted in the negative, with 16 being absent, and accordingly the motion to **TABLE** the Bill one legislative day **FAILED**.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. In order for the good Representative from Bridgton to be able to have an opportunity to draft another amendment, I am hoping that my friend in the other corner would be able to table this bill.

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

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

Resolve, Relating to Protection from Bloodborne Pathogens for Maine Workers

(H.P. 1532) (L.D. 2185)  
(C. "A" H-948)

Which was **TABLED** by Representative HATCH of Skowhegan pending **FINAL PASSAGE**.

On motion of Representative BULL of Freeport, 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**.

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-948)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-999)** to **Committee Amendment "A" (H-948)** which was **READ** by the Clerk.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. I apologize for backing this up at the late hour. What this amendment does is, I have spoken with the sponsor of the bill and the chairs of the committee. There is a survey section of this bill, the amended committee report, to do a survey for health care providers and I am simply clarifying that when they do the survey that health care providers means field providers, such as emergency medical technicians. Thank you Mr. Speaker.

**House Amendment "A" (H-999)** to **Committee Amendment "A" (H-948)** was **ADOPTED**.

**Committee Amendment "A" (H-948)** as Amended by **House Amendment "A" (H-999)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-948)** as Amended by **House Amendment "A" (H-999)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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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 Require an Examination of Distributed Generation

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

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

**PENDING - FINAL PASSAGE.**

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

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An Act to Regulate the Sea Cucumber Fishery (EMERGENCY)

(S.P. 921) (L.D. 2372)  
(C. "A" S-542)

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

**PENDING - PASSAGE TO BE ENACTED.**

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. 113 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the State Board of Pesticides Control Under the State Government Evaluation Act

(H.P. 1893) (L.D. 2634)

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

**PENDING - PASSAGE TO BE ENACTED.**

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

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

(S.P. 939) (L.D. 2389)  
(C. "A" S-560)

**TABLED** - March 30, 2000 (Till Later Today) by Representative SAXL of Portland.

**PENDING - PASSAGE TO BE ENACTED.**

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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#### **BILLS IN THE SECOND READING Senate As Amended**

Bill "An Act to Clarify the Rule-making Authority of the Commissioner of Human Services in Relation to Health Maintenance Organizations and Other Health Plans" (EMERGENCY)

(S.P. 881) (L.D. 2296)  
(C. "A" S-608)

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

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#### **CONSENT CALENDAR First Day**

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

(H.P. 1763) (L.D. 2469) Bill "An Act to Revitalize Teacher Certification" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-997)**

(H.P. 1766) (L.D. 2479) Bill "An Act to Enhance Public Safety By Updating the Laws Pertaining to Explosives and Flammable Liquids" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-986)**

(H.P. 1831) (L.D. 2567) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2000-01" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-989)**

(H.P. 1845) (L.D. 2582) Bill "An Act to Correct the Inadvertent Repeal of the Abandoned Property Disposition Process for Municipalities" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1000)**

(H.P. 1855) (L.D. 2591) Bill "An Act Relating to Telemarketing" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-998)**

(H.P. 1873) (L.D. 2610) Bill "An Act to Provide Consumer Safety Certification for Snowmobiles and All-terrain Vehicles" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-988)**

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

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

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#### REPORTS OF COMMITTEE

##### Ought to Pass Pursuant to Public Law

Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Maine Milk Laws" (EMERGENCY)

(S.P. 1069) (L.D. 2662)

Reporting **Ought to Pass** pursuant to Public Law 1999, chapter 362, section 18.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in concurrence.

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#### Refer to the Committee on Legal and Veterans Affairs Pursuant to Joint Order (S.P. 1066)

Report of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Relating to Reporting Requirements for Political Action Committees on the Flexibility of the Commission on Governmental Ethics and Election Practices to Assess Fines" (S.P. 1070) (L.D. 2663)

Reporting that it be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** pursuant to Joint Order (S.P. 1066).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

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

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The **SPEAKER**: The Chair recognizes the Representative from Poland, Representative **Snowe-Mello** who wishes to address the House on the record.

Representative **SNOWE-MELLO**: Mr. Speaker, Men and Women of the House. I would like to be recorded nay of LD 529, item 12 on Unfinished Business. Thank you.

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On motion of Representative **BELANGER** of Caribou, the House adjourned at 5:06 p.m., until 9:00 a.m., Monday, April 3, 2000 in honor and lasting tribute to Robert Francis McMahan, of Caribou.