

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
26th Legislative Day
Wednesday April 5, 2000

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

Prayer by Honorable Howard Chick, Deacon, Lebanon and North Berwick Baptist Church.

Colors presented by Department of Maine, Daughters of Union Veterans of the Civil War, 1861 - 1865, Color Guard.

National Anthem by Department of Maine, Daughters of Union Veterans of the Civil War, 1861 - 1865.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act to Protect Maine Jobs and Natural Resources" (EMERGENCY)

(S.P. 1072) (L.D. 2674)

Committee on **NATURAL RESOURCES** suggested and ordered printed.

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

REFERRED to the Committee **NATURAL RESOURCES** in **NON-CONCURRENCE** and sent for concurrence.

Non-Concurrent Matter

Bill "An Act to Limit Mandatory Overtime"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) in the House on March 30, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893) AS AMENDED BY SENATE AMENDMENT "A" (S-630)** thereto in **NON-CONCURRENCE**.

Representative HATCH of Skowhegan moved that the House **RECEDE AND CONCUR**.

On further motion of the same Representative, **TABLED** pending her motion to **RECEDE AND CONCUR** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 416)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 4, 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 Agriculture, Conservation and

Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 449 An Act Requiring Disclosures to be Made to Purchasers of Land Abutting Agricultural Land

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

Sincerely,

S/Sen. John M. Nutting

Senate Chair

S/Rep. Wendy Pieh

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 417)

STATE OF MAINE

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

April 4, 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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 2562 An Act to Grandfather Apprentices in the Lobstering Program for Lobster Management Zone G Entry

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

Sincerely,

S/Sen. Jill M. Goldthwait

Senate Chair

S/Rep. David Etnier

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 418)

STATE OF MAINE

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

April 4, 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. 1122 An Act to Return a Percentage of the Meals and Lodging Tax to the Municipality in Which Those Taxes were Levied

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.

ORDERS

On motion of Speaker ROWE of Portland, the following Joint Resolution: (H.P. 1911) (Cosponsored by President LAWRENCE of York and Representatives: AHEARNE of Madawaska, ANDREWS of York, BAGLEY of Machias, BAKER of Bangor, BELANGER of Caribou, BERRY of Belmont, BERRY of Livermore, BOLDOC of Auburn, BOUFFARD of Lewiston, BOWLES of Sanford, BRAGDON of Bangor, BRENNAN of Portland, BROOKS of Winterport, BRUNO of Raymond, BRYANT of Dixfield, BUCK of Yarmouth, BULL of Freeport, BUMPS of China, CAMERON of Rumford, CAMPBELL of Holden, CARR of Lincoln, CHICK of Lebanon, CHIZMAR of Lisbon, CIANCHETTE of South Portland, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, COLWELL of Gardiner, COTE of Lewiston, COWGER of Hallowell, CROSS of Dover-Foxcroft, DAIGLE of Arundel, DAVIDSON of Brunswick, DAVIS of Falmouth, DESMOND of Mapleton, DUDLEY of Portland, DUGAY of Cherryfield, DUNCAN of Presque Isle, DUNLAP of Old Town, DUPLESSIE of Westbrook, ETNIER of Harpswell, FISHER of Brewer, FOSTER of Gray, FRECHETTE of Biddeford, FULLER of Manchester, GAGNE of Buckfield, GAGNON of Waterville, GERRY of Auburn, GILLIS of Danforth, GLYNN of South Portland, GOODWIN of Pembroke, GOOLEY of Farmington, GREEN of Monmouth, HATCH of Skowhegan, HEIDRICH of Oxford, HONEY of Boothbay, JABAR of Waterville, JACOBS of Turner, JODREY of Bethel, JONES of Pittsfield, JOY of Crystal, KANE of Saco, KASPRZAK of Newport, KNEELAND of Easton, LABRECQUE of Gorham, LaVERDIERE of Wilton, LEMOINE of Old Orchard Beach, LEMONT of Kittery, LINDAHL of Northport, LORING of the Penobscot Nation, LOVETT of Scarborough, MacDOUGALL of North Berwick, MACK of Standish, MADORE of Augusta, MAILHOT of Lewiston, MARTIN of Eagle Lake, MARVIN of Cape Elizabeth, MATTHEWS of Winslow, MAYO of Bath, McALEVY of Waterboro, McDONOUGH of Portland, McGLOCKLIN of Embden, McKEE of Wayne, McKENNEY of Cumberland, McNEIL of Rockland, MENDROS of Lewiston, MITCHELL of Vassalboro, MURPHY of Berwick, MURPHY of Kennebunk, MUSE of South Portland, NASS of Acton, NORBERT of Portland, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEAL of Limestone, O'NEIL of Saco, PEAVEY of Woolwich, PERKINS of Penobscot, PERRY of Bangor, PIEH of Bremen, PINKHAM of Lamoine, PLOWMAN of Hampden, POVICH of Ellsworth, POWERS of Rockport, QUINT of Portland, RICHARD of Madison, RICHARDSON of Greenville, RICHARDSON of Brunswick, RINES of Wiscasset, ROSEN of Bucksport, SAMSON of Jay, SANBORN of Alton, SAVAGE of Union, SAVAGE of Buxton, SAXL of Bangor, SAXL of Portland, SCHNEIDER of Durham, SHERMAN of Hodgdon, SHIAH of Bowdoinham, SHIELDS of Auburn, SHOREY of Calais, SIROIS of Caribou, SKOGLUND of St. George, SNOWE-MELLO of Poland, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STANWOOD of Southwest Harbor, STEDMAN of Hartland, STEVENS of Orono, SULLIVAN of Biddeford, TESSIER of Fairfield, THOMPSON of Naples, TOBIN of Windham, TOBIN of Dexter, TOWNSEND of Portland, TRACY of

Rome, TRAHAN of Waldoboro, TREADWELL of Carmel, TRIPP of Topsham, TRUE of Fryeburg, TUTTLE of Sanford, TWOMEY of Biddeford, USHER of Westbrook, VOLENIK of Brooklin, WATERHOUSE of Bridgton, WATSON of Farmingdale, WESTON of Montville, WHEELER of Bridgewater, WHEELER of Eliot, WILLIAMS of Orono, WINSOR of Norway, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BENNETT of Oxford, BENOIT of Franklin, BERUBE of Androscoggin, CAREY of Kennebec, CASSIDY of Washington, CATHCART of Penobscot, DAGGETT of Kennebec, DAVIS of Piscataquis, DOUGLASS of Androscoggin, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, KIEFFER of Aroostook, KILKELLY of Lincoln, KONTOS of Cumberland, LaFOUNTAIN of York, LIBBY of York, LONGLEY of Waldo, MacKINNON of York, MICHAUD of Penobscot, MILLS of Somerset, MITCHELL of Penobscot, MURRAY of Penobscot, NUTTING of Androscoggin, O'GARA of Cumberland, PARADIS of Aroostook, PENDLETON of Cumberland, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc, TREAT of Kennebec)

JOINT RESOLUTION HONORING MAJOR GENERAL EARL L.

ADAMS

ON THE OCCASION OF HIS RETIREMENT

WHEREAS, Major General Earl L. Adams, a native of Presque Isle and a resident of Augusta, has announced his retirement from his current positions of Commissioner of Defense, Veterans and Emergency Management and Adjutant General of the Maine National Guard; and

WHEREAS, Major General Adams will be retiring on April 29, 2000, after 43 years of military service and over 35 years of state service, and 5 years of service in Governor King's cabinet; and

WHEREAS, in his positions as commissioner and Adjutant General, he has supervised the activities of 4,000 Army and Air National Guard troops stationed in Maine, supervised veteran services for 148,000 Maine veterans and has overseen all civil emergency management, including the Ice Storm of 1998; and

WHEREAS, Major General Adams began his military service in 1957 as an infantry officer in active service following graduation from the University of Maine ROTC program and later joined the Maine Army National Guard and became the first Chief of Staff for the Maine Army National Guard before becoming Adjutant General; and

WHEREAS, Major General Adams had his finest moments when, faced with the emergency crisis of the devastating Ice Storm of January 1998, he successfully oversaw the multifaceted response to the natural disaster; and

WHEREAS, he has the qualities of resilience, ingenuity, determination, sound judgment and a work ethic that exemplifies the best in Maine people; and

WHEREAS, we take this opportunity to acknowledge his long and distinguished career whereby he has proven his dedication to this State and to our Nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, extend our congratulations and warmest wishes to Major General Adams on the occasion of his retirement and we extend our heartfelt appreciation for the years of dedicated hard work he has given to this State and to our Nation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Major General Earl L. Adams as a token of our esteem.

READ:

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

On motion of Representative NORBERT of Portland, the following Joint Resolution: (H.P. 1929) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: DAVIS of Falmouth, FULLER of Manchester, JACOBS of Turner, KANE of Saco, TWOMEY of Biddeford, WATSON of Farmingdale, Senators: BENOIT of Franklin, MURRAY of Penobscot)

JOINT RESOLUTION RECOGNIZING PARKINSON'S DISEASE AWARENESS MONTH

WHEREAS, Parkinson's disease, or paralysis agitans, is a brain disorder that usually affects adults over 40 years of age, although it can occur in any of 3 forms: late-life Parkinson's disease; young-onset Parkinson's disease, which affects adults under 40 years of age; and juvenile Parkinson's disease; and

WHEREAS, Parkinson's disease appears eventually in approximately one of 4 persons older than 80 years of age and in one of 10 persons older than 60 years of age and in a significant number of people under 40 years of age; and

WHEREAS, there are 60,000 new patients diagnosed with Parkinson's disease annually in the United States, one every 9 minutes; and

WHEREAS, according to the American Parkinson Disease Association, there are approximately 1,500,000 people in the United States diagnosed with Parkinson's disease, of which an estimated 7,000 or more are in the State of Maine; and

WHEREAS, Parkinson's disease causes a loss of cell function deep within the brain and it is currently an incurable brain disorder of unknown origin that disrupts and may end the lives of those who suffer from it as well as overwhelm the lives of their families and friends; and

WHEREAS, Parkinson's disease often takes an enormous emotional, psychological, physical and financial toll on the patients as well as on their families and friends; and

WHEREAS, the symptoms of Parkinson's disease, which are tremors, slowness of movement, shuffling gait, difficulty with balance, malfunction of vocal cords, lessened facial expression, intestinal difficulties and emotional changes, are often mistaken as a normal part of the aging process; and

WHEREAS, medications can only control some of the symptoms of Parkinson's disease and only for uncertain periods of time; and

WHEREAS, there is a great need for further training and education in the health care and legal professions to protect the rights of persons with Parkinson's disease; and

WHEREAS, there is an urgent need for a Parkinson's disease clinic in Maine to give patients easier access to specialists in Parkinson's disease and to provide more effective support programs and services to Parkinson's disease patients and their caregivers and families; and

WHEREAS, increased research is needed to help find more effective treatments and ultimately to find a cure for Parkinson's disease; and

WHEREAS, full implementation of federal law, the Morris K. Udall Parkinson's Disease Research Act of 1997, which, starting with the current fiscal year, directs the National Institutes of Health to spend up to \$100,000,000 annually on Parkinson's disease research, is critical; and

WHEREAS, April 11th has been proclaimed World Parkinson's Disease Day, a day for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; and

WHEREAS, the leading public officials of the State and leading officials in the State's medical community are now called upon to aid in reversing the invisibility and voicelessness of its citizens suffering from Parkinson's disease; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, recognize the month of April as Parkinson's Disease Awareness Month throughout the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society and the Maine Chapter of the American Parkinson Disease Association and the Board of Licensure in Medicine.

READ.

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

Representative NORBERT: Mr. Speaker, Ladies and Gentlemen of the House. I first want to commend the Assistant Clerk for her fine job in reading a rather lengthy resolution. She did a super job and it's very much appreciated. I'm pleased to speak again in recognition of April as Parkinson Disease Awareness Month. There are 60,000 new patients diagnosed with the disease annually, the equivalent of one every nine minutes. It is estimated that 7,000 or more Mainers are afflicted with Parkinson's. This year April 11th has been declared World Parkinson's Disease Day, a day for all to recognize the need for more research and help in dealing the devastating effects of this disease. In Maine the Maine Parkinson's Society and the Maine Chapter of the Parkinson's Disease Association are seeking a grant to open an information and referral center, a first step towards attracting a movement specialist. Currently, Maine patients must travel to Boston or farther for specialist care and there's a great need in this state for that. Parkinson's research and treatment is inadequately funded. Meager funding means continued lack of effective treatments. Many members of the scientific community believe that Parkinson's disease is the most curable neurological disorder, the one expected to produce a break-through first if research dollars at the federal level match the opportunity. I hope you will join me in saluting the Parkinson's advocates with us in the gallery today. I thank you for this opportunity.

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

Representative KANE: Mr. Speaker, Men and Women of the House. My brother is one of the 7,000 Mainers afflicted with this disease. He's only a year older than I and has been afflicted since he turned 50 years old. He had to go to Boston, his wife had to take him to Boston every month or so. That was the only place 15 years ago that he could get any kind of specialist attention. He has deteriorated over 15 years and as I heard the Assistant Clerk read each of the symptoms I could visualize and I could experience life over these 15 years as I watched him develop these symptoms and bring them to such a deteriorated level. I can no longer communicate with him in a meaningful way. His cognitive skills have deteriorated so much that he's barely able to communicate in continuous meaningful sentences.

This disease robs not only the patient, but this disease has robbed his wife and his children from any kind of normal life. His

grandchildren, he has no relationship with them. There is no way to maintain that quality of communication. He's been in a nursing home now for these past 8 years, so I have become quite a knowledgeable expert on what goes on in nursing care facilities, both the good and not so good. The lack of any kind of hope in his and his families' life is purely devastating. Research will not significantly help him, because of his advanced age, but hopefully it will aid the younger people through earlier intervention and protect them and their families. The opening of a Maine Center would be a Godsend to Parkinson disease patients and their families who now don't have the specialty services available. Thank you, Mr. Speaker.

Was **ADOPTED**.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

On motion of Representative COLWELL of Gardiner, the following Joint Order: (H.P. 1931)

ORDERED, the Senate concurring, that Bill, "An Act to Implement the Recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy," S.P. 995, L.D. 2557, and all its accompanying papers, be recalled from the Engrossing Division to the House.

READ and PASSED.

Sent for concurrence.

On motion of Representative TRAHAN of Waldoboro, the following Joint Order: (H.P. 1930) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: CAMPBELL of Holden, DAVIS of Falmouth, HATCH of Skowhegan, McNEIL of Rockland, MURPHY of Kennebunk, TWOMEY of Biddeford, Senators: AMERO of Cumberland, BENNETT of Oxford)

ORDERED, the Senate concurring, that the Commission on the Study and Prevention of Child Abuse is established as follows.

1. Commission established. The Commission on the Study and Prevention of Child Abuse, referred to in this order as the "commission," is established to investigate the mistreatment of children in its various manifestations, focusing on, but not limited to, sexual abuse and to report on the occurrence and causes of this mistreatment and recommend feasible measures by which the State may substantially intervene to the benefit of the children with whose welfare and development it is charged.

2. Membership. The commission consists of the following 15 members, each of whom must possess a strong interest or expertise in the problem of child abuse:

A. Four members of the Senate, appointed by the President of the Senate, one of whom serves on the Joint Standing Committee on Criminal Justice and one of whom serves on the Joint Standing Committee on Judiciary;

B. Four members of the House of Representatives, appointed by the Speaker of the House, one of whom serves on the Joint Standing Committee on Education and Cultural Affairs and one of whom serves on the Joint Standing Committee on Health and Human Services;

C. A child abuse clinical expert, appointed by the Executive Director of the Maine Medical Association;

D. A child abuse prevention specialist, appointed by the Commissioner of Human Services;

E. A teacher, appointed by the Executive Director of the Maine Education Association;

F. A guidance counselor, appointed by the Executive Director of the Maine Education Association;

G. A legal expert in child abuse prevention and proceedings, appointed by the Attorney General; and

H. Two members at large, appointed by the Speaker of the House after seeking advice from both within and outside of government.

3. Appointments; chairs; convening of commission. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. The first named Senate member is the Senate chair and the first named House of Representatives member is the House chair. The first meeting must be called by the chairs no later than June 1, 2000.

4. Duties. The commission shall investigate the mistreatment of children in its various manifestations, focusing on, but not limited to, sexual abuse and shall report on the occurrence and causes of this mistreatment and recommend feasible measures by which the State may substantially intervene to the benefit of the children with whose welfare and development it is charged.

To this end, the commission shall:

A. Define the scope and nature of the problem of child abuse, emphasizing but not necessarily limiting its study to sexual abuse of children;

B. Investigate and recommend solutions and appropriate, effective levels of support for such solutions in the following areas:

1. Procedures for providing training in recognizing signs of child abuse to school personnel, clergy, law enforcement, health workers and other professionals;

2. Procedures for providing training to children in recognizing potential abusive situations and individuals and in obtaining immediate assistance and protection;

3. The current state of the Department of Human Services' resources for child abuse intervention, including recommendations for appropriate and effective levels of support;

4. Networking among concerned public and private agencies, groups and individuals;

5. Hiring practices for those who work with children, wherever appropriate, with an emphasis on determining and providing training in best practices;

6. The judicial system's response to the problem of child abuse, including an examination of plea bargaining with and sentencing and rehabilitation of convicted child abusers, as well as the appropriate exchange of official information about such convicted abusers; and

7. Any other areas determined by the commission's investigation to play a critical role in the solution of the problem.

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

6. Compensation. Members of the commission who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses for their attendance at authorized meetings of the commission.

7. Report. The commission shall submit a report along with any recommended legislation for the 120th Legislature no later than November 1, 2000. If the commission requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

8. Commission budget. The chairs of the commission, with assistance from the commission staff, shall administer the commission budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget. Upon request from the commission, the Executive Director of the Legislative Council or the executive director's designee shall provide the commission chairs and staff with a status report on the commission budget, expenditures incurred and paid and available funds.

READ.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I'd like to stand briefly to explain how this Joint Order came about. As we all know in the last several months there's been a great debate on the fingerprinting issue. One theme that ran through that debate on all sides of the issue was one clear theme and that was care and love of children. Everyone on all sides of this issue want to protect children. From that came many points from all sides on what many people believe were problems in the State of Maine when it came to the treatment of children. I've worked several months with these people from all sides of this issue and I kept in my mind all of those things that they brought forth as problems that were out there.

Several weeks ago I sat down and I said to myself, what good can come from this great debate. Then it came to me, what good can come from this great debate is a refocusing of all of those energies of all of those people that care so greatly about children. A refocusing on the problem of child abuse, so I ask this body today, as we did this morning with our National Anthem, I ask you to join your voices with mine in asking the citizens of the state and all of the people involved in this debate to refocus our energies on child abuse. I understand that this bill will be referred to Judiciary. There's some concern to strengthen the bill. I look very forward to doing that. I think this is one of the most important issues that this Legislature will see and the next Legislature will see. I ask you to join me, all people in this body and the people that care greatly for children, join me in refocusing on child abuse. Thank you.

On motion of Representative THOMPSON of Naples, the Joint Order was **REFERRED** to the Committee on **JUDICIARY** and sent for concurrence.

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

Recognizing:

Diane Q. Gagnon, on the occasion of her retirement after 31 years of dedicated service with the City of Augusta, of which 24 years were as the Function Coordinator of the Augusta Civic Center. We send our appreciation to Mrs. Gagnon for her years of service and extend our best wishes to her on her retirement;

(SLS 485)

On **OBJECTION** of Representative MITCHELL of Vassalboro, 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, Ladies and Gentlemen of the House. I rise today to congratulate Mrs. Diane Gagnon on her retirement. We're sorry to see her go. She's been a fixture in the City of Augusta for so many years, most recently as the Sentiment has stated, for the last 24 years she's been the function coordinator at the Augusta Civic Center. I think I speak for many of us in this chamber, we have had our committee meetings, as we all know. We've had several committees meet at the Civic Center this year and I want to personally thank my committee, the Criminal Justice Committee, which met over there. They have been extremely cooperative. They've been very welcoming and I want to personally thank them, the civic center and Diane for doing such a fine, fine job.

As function coordinator, Mrs. Gagnon has been in charge coordinating functions such as rock concerts, Wrestlemania and the Legislature. She has done a wonderful job and has done it with great integrity and we will miss her greatly. I want to thank her very much.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Madore.

Representative **MADORE**: Mr. Speaker, Men and Women of the House. I'd like to take this opportunity to congratulate Diane Gagnon on her retirement. Diane is my cousin and I didn't know she was retiring, she's much too young, I can tell you all of that, she is too young and she has done a super job at the Civic Center, but Diane is actually a very incredible person. She's been through a great deal personally and has done a great deal of work with the parents of murdered children, because her own son was murdered. Diane has been an incredible advocate. She's a woman with great compassion. I think in her retirement we may gain someone who will benefit all of us through, I hope, her extra time as an advocate for those people. I'm very proud of her. She's an incredible person and on behalf of my constituency and my entire family, we wish her all the best. Thank you.

Was **PASSED** in concurrence.

Recognizing:

Leo J. Cloutier, of Brunswick, who was one of only 5 people in the greater Bath-Brunswick-Topsham area to be selected by the Times Record as an outstanding individual of the century. Mr. Cloutier, a retired railroad worker and retired Bath Iron Works foreman, started running competitively at the age of 72. A Masters runner, he has won several gold medals for running races at the world-championship level within his age category

and many gold medals for competitions in Maine. Mr. Cloutier won his last gold medal at the age of 85;

(HLS 954)

Presented by Representative TRIPP of Topsham. Cosponsored by Representative DAVIDSON of Brunswick, Senator SMALL of Sagadahoc, Senator HARRIMAN of Cumberland.

On **OBJECTION** of Representative SHIAH of Bowdoinham, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the members of the Bangor High School Boys Swim Team on their winning the 2000 Class A State Championship. The team has won 19 State Boys Swimming and Diving titles. On its way to the State Championship, the team set 3 school records, 2 State Meet records and also received the Sportsmanship Award. The Sportsmanship Award, given by coaches and officials, reflects the demeanor of the swimmers, coaches and spectators. We extend our congratulations to Head Coach Phil Emery; Assistant Coach Mike Reid; Managers Fred Thibodeau, Alex Roberts, Stephanie Clifford, Insley Austin, Libby Leach and Cassie Spauding; Senior Captains Joe Belisle, Camden Haley and Eric Moore; and all the swim team members on this accomplishment;

(HLS 1175)

Presented by Representative BAKER of Bangor. Cosponsored by Senator MURRAY of Penobscot, Representative WILLIAMS of Orono, Representative BRAGDON of Bangor, Representative PERRY of Bangor, Representative SAXL of Bangor, Representative SAXL of Portland, Representative STEVENS of Orono.

On **OBJECTION** of Representative BAKER of Bangor, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Phil Emery, Head Coach of the Bangor High School Boys Swim Team, on being named the 2000 Maine Swimming Coach of the Year by Maine swimming coaches. Coach Emery has been coaching for 31 years and has been involved with all 19 of Bangor High School's boys swimming championships, including captaining Bangor's first-ever swimming championship team. He serves as an educator, mentor and role model to all who have been Bangor swimmers. We extend our congratulations to him on this achievement;

(HLS 1176)

Presented by Representative BAKER of Bangor. Cosponsored by Senator MURRAY of Penobscot, Representative WILLIAMS of Orono, Representative BRAGDON of Bangor, Representative PERRY of Bangor, Representative SAXL of Bangor, Representative SAXL of Portland, Representative STEVENS of Orono.

On **OBJECTION** of Representative BAKER of Bangor, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Jim Soucie, a junior at Bangor High School, on being named Outstanding Swimmer at the 2000 Class A Boys State Swimming and Diving Championships. He anchored 2 winning relays and won 2 individual events, helping to set 2 new school records and 2 new State Meet records. We extend our congratulations to him on this achievement;

(HLS 1177)

Presented by Representative BAKER of Bangor. Cosponsored by Senator MURRAY of Penobscot, Representative WILLIAMS of Orono, Representative BRAGDON of Bangor, Representative PERRY of Bangor, Representative SAXL of Bangor, Representative SAXL of Portland, Representative STEVENS of Orono.

On **OBJECTION** of Representative BAKER of Bangor, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

the members of the Bangor High School Boys Diving Team, who tied for first place in the first-ever State Class A Diving Team Championship. We extend our congratulations to divers Justin Fogg and Justin Alley and to Coach Amy Clark on this accomplishment;

(HLS 1178)

Presented by Representative BAKER of Bangor. Cosponsored by Senator MURRAY of Penobscot, Representative WILLIAMS of Orono, Representative BRAGDON of Bangor, Representative PERRY of Bangor, Representative SAXL of Bangor, Representative SAXL of Portland, Representative STEVENS of Orono.

On **OBJECTION** of Representative BAKER of Bangor, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I rise to congratulate the Bangor High School Boys Swim Team on winning, yet again, the 2000 Class A State Championship. I am especially honored because Bangor High School is in my district. Not only did they win the State Championship, but they were also granted the sportsmanship award. Others will speak to the athletic powers of this team, but I want to highlight their winning of the sportsmanship award. In an era when we're struggling to return civility to civilization, I am especially proud of the sportsman like demeanor, which won the sportsmanship award because of the behavior of the swimmers, the coaches and the spectators alike. I think this team stands for us as a model of the kind of behavior that we want to see restored to all our schools.

I also want to congratulate coach Phil Emery. Coach Emery is a wonderful and an inspiring coach. Two of my daughters had the privilege of swimming under his leadership and I am very grateful to him personally and I think we as a state are grateful to him for his inspired leadership in leading this team to victory. Thank you and congratulations to this team.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Williams.

Representative **WILLIAMS**: Mr. Speaker, Ladies and Gentlemen of the House. I know we have a lot of business to take care of today, but I thank you for your indulgence in allowing

me to speak a couple of minutes to these sentiments. There's an expression that we've all heard of that goes something like, there must be something in the water and usually that expression is used in a figurative sense, when we can't explain something, but in this sense I'm using it literally and that something that's in the water in Bangor are the members of the Bangor High School Boys Swim Team. It is with a great deal of Bangor pride that I rise today to congratulate this team. You may be wondering why a Representative from Orono is rising to speak to this. I was a member of the swim team for 4 years and had the privilege and opportunity to serve as the captain in my senior year. It really is something, and I think it's arguable that no other team in the State of Maine, certainly in swimming, has dominated like Bangor High School, but I would argue that in sports in the State of Maine, there are very few other teams that have dominated in their sport like the swim team. I will let the sentiments speak for themselves, the records that were set and the fact that this is the 19th state championship for the Bangor High School Boys Swim Team. There was a little change this year, in the past the swimming and the diving has all been sort of combined into one, this year it was separated out so there was a swim championship and a diving team championship and Bangor also tied for first place for the first ever diving championship.

Just a note again about Coach Emery and I have to say we all know, and we've heard the expression, those of you who are parents, I heard this a lot as a child, that you know my behavior reflects back onto my parents and I would say that that metaphor holds true in athletics as well. The demeanor and in fact the ability of a team reflects back on its coaches and its captains and its leadership and I would again congratulate Coach Emery who has not only been an inspiration to me and a mentor to me, but to all of those who have swam for him.

I extend my congratulation to Jim Soucie on being named the outstanding swimmer of the meet. His performance was truly outstanding and also to the Bangor High School Boys Diving Team who won the state championship. Thank you, Mr. Speaker.

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

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House. I believe this is the first time I've risen to speak on the record this year, so it must be important. It's a great pleasure for me to stand and congratulate the swimming and diving teams of Bangor High and Coach Phil Emery. I've known Coach Emery since I was just a very little boy. My father had Coach Emery as a ninth grade student at Garland Street School. This is 19th state championship and I think maybe we tend to forget just what an achievement that is, because they seem to do it year in and year out. There's no doubt that Coach Emery is the type of coach that these young athletes want to perform their best for and Coach Emery wants to see them perform their best for themselves. With that history it seems like it's an extra special achievement to set three school records this year and two swimming records as well as winning the sportsmanship award, so I just want to stand and say congratulations.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Mr. Speaker, Men and Women of the House. It's nice to hear so many kind words being spoken about Phil Emery. One of the things that hasn't been said is that Phil is from Brewer and I want you to know that the people of

Brewer are always happy to send our folks over to Bangor to try to make it a better place.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. The Queen City stands very proud today to honor its swim team who has once again achieved and broken so many records. It's extraordinary what you've been able to do and we applaud your accomplishment, but it's not only your physical and athletic powers, it's your sportsmanship and the way in which you conduct yourselves that makes us so proud of you and we look forward to seeing other accomplishments from each one of you. Congratulations to you all.

Was **PASSED** and sent for concurrence.

Recognizing:

the Red Tide Ultimate Frisbee Team, of Portland, which qualified to compete in the 1999 National Championship. This is the second year in a row the team has qualified for the national championship. They finished in 3rd Place in the Northeast, after Boston and New York City, and represented the smallest city to qualify. We extend to them our congratulations on this accomplishment and best wishes for future activities;

(HLS 1179)

Presented by Representative MITCHELL of Vassalboro.

Cosponsored by Representative DUDLEY of Portland, Senator RAND of Cumberland.

On **OBJECTION** of Representative MITCHELL of Vassalboro, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House. I will be brief on this, but I've had a lot of interesting looks and questions about this one. I won't try to explain exactly what the sport is, it's just sort of a mélange of soccer and football and you play it with a Frisbee, but it is a very popular sport. There are around 350 people playing in the Portland Summer League with players coming from as far away as Bangor and myself coming from Augusta. Right now we have the Maine Women's Basketball Team who made the final 64 in the country and the Hockey Team is in the final four, but the Portland Frisbee Team has made the sweet sixteen for two years in a row, competing against cities the size of Boston and New York and Houston and San Francisco, so I just wanted to congratulate them on their accomplishment.

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

Representative SAXL: Mr. Speaker, Men and Women of the House. The Clerk of the House didn't think I should get up and speak on behalf of my old High School Bangor Rams, you did a great job and congratulations Coach Emery. Again, I can't remember a year you didn't win the state championship. It's quite a tradition. Another one of my Bangor friends gone South and done good in Portland, Alex Posey, is up there and we grew up together, we played on the little league team, actually I should say I watched and pitched no hitters from my beautiful spot on the bench and I want you to know that Alex's extraordinary athletic accomplishments have gone throughout his life and this is just one of the many times that he's impressed all of us in the

State of Maine, and not just Portland, and not just my community proud. Thank you for doing such a great job Alex. Thank you for bringing your joy of life into the sport and congratulations to you.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. I rise this morning to praise the Red Tide Ultimate Frisbee Team as well, not only for their regional and national success on the playing field, unprecedented success as the Representative from Vassalboro stated for a team from such a small city, but I also rise to praise them for their commitment and success in charitable fund raising. Since 1989, Red Tide has hosted an annual tournament in the fall called, what else, the Clambake. The tournament hosts teams from Ottawa to Washington DC, and since 1989 Red Tide has raised more than \$30,000 for the Maine Special Olympics at the Clambake. Congratulations gentlemen on your effort and your success.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House. I'd just like to recognize Alex Posey, the captain of the team, in the gallery.

Was PASSED and sent for concurrence.

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

In Memory of:

Harold L. Mason, of Falmouth, retired superintendent and educator for the Falmouth School Department. Mr. Mason was a veteran of World War II, having served in the United States Army Air Forces in England, France, Germany and Belgium. He began his teaching career in Falmouth in 1948 and retired when he resigned as superintendent in 1976. Mr. Mason served his profession and his community well, and was a member of numerous professional boards and committees. He loved the outdoors, genealogy and gardening and was a volunteer for the Maine Audubon Society, a member of the Model A Club, and an active member of the Falmouth Congregational Church where he served on the board of trustees. He will be greatly missed by his loving family and many friends;

(HLS 1181)

Presented by Representative DAVIS of Falmouth.

Cosponsored by Senator ABROMSON of Cumberland.

On OBJECTION of Representative DAVIS of Falmouth, was REMOVED from the Special Sentiment Calendar.

READ.

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

Representative DAVIS: Mr. Speaker, Men and Women of the House. Harold Mason was a very good friend of mine, I'll try to personalize this briefly. He was a baseball coach at Falmouth High School at one time. He could hit a fly ball to the outfield further than any other coach in the area. I'm not a fisherman, but Mr. Mason was, he took my son Brian fishing and my son has never forgotten that experience of catching a fish with Harold Mason. When he retired a friend of mine and fellow school board member of Falmouth, Jan Cox, said that Harold Mason was a gallant Christian gentleman and he certainly was and I will

miss him very, very much and he was a great American. Thank you very much.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. I would be remiss if I did not rise this morning to honor Harold Mason. I met Harold Mason in the early '50s, actually in the '40s, when he played basketball and baseball for Porter High School, a small school that was absorbed into what is now Sacopee Valley High School. In the early '50s I took over the coaching duties at that school and Harold who always came home to his Alma Marta always stopped in to see me. His smile was infectious and his love for the outdoors and his home community was great and I was very pleased to have known him over the years and he was the type of man every time that you left speaking to him you gain a great deal and I, too, miss his calling. Thank you.

Was ADOPTED and sent for concurrence.

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

Joint Resolution Honoring Major General Earl L. Adams.

(H.P. 1911)

Which was tabled by Speaker ROWE of Portland pending ADOPTION.

Representative SAXL of Portland assumed the Chair.

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

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

Representative ROWE: Mr. Speaker, Men and Women of the House. This is indeed an honor to be here to recognize General Adams this morning and General Adams just said this is a complete surprise. As I was listening to the Joint Resolution, what struck me are the whereases. He has the qualities of resilience, integrity, determination, sound judgment and a work ethic that exemplifies the best in Maine people. That's all true, it's very true. It's a great honor to gather here this morning to honor General Adams to celebrate his 35 years of state service and his lifetime of achievements. It is truly an honor for all of us to be here, General Adams, to honor you.

His 43 years of military service I heard that, and I'm thinking he doesn't look much over 43, so that's hard to believe, it is for me. I service, as you may know, years in the active Army and in the Army Reserve. This man is a leader. He's a soldier. He looks like a soldier. Many of us have difficulties balancing responsibilities, many of us have jobs, some of us have two or three jobs, but General Adams does have tremendous responsibilities and he wears three hats. He's the leader of the Army and Air National Guard, he the manager of the Veterans Services and he also heads up the emergency services here in the State of Maine, tremendous responsibilities.

As you may know General Adams retired in 1989. He hung up his military uniform only to be called back into service by Governor King in 1995. At that time he assumed the Commissioner's job and he's serviced superbly since that time. In fact, his service is legendary. Many of us know of his work in the ice storm in 1998, which was mentioned in the Resolution,

but we also know of his work in dealing with the Y2K issue, the preparedness that the state had and with this person at the helm and I think we survived and many of us didn't notice it and we thought it wasn't a big deal, it was only because of the work of this man and his staff. He deals with pressure very well, he's very calm, he has a great demeanor, either I don't know you very well, I'm telling the truth and I know I know you well. Again the words in the Joint Resolution, integrity, determination, sound judgment, work ethic those are also very true.

One of the things about service in the military is that you want to receive the praise. You want to make sure that those who serve under you respect you, that they trust you and they admire you. They're pleased to follow you and all the individuals who served that I have ever spoken with that have served under this man have said all those things. He has the admiration, the respect, the affection, the loyalty, of all the men and women who served in the Army and Air National Guard in the various departments that he's been the manager of. He's what you would call a soldier's general and that's an important term, a soldier's general. It means that the soldiers respect the general. They respect the general because he leads by example. He wouldn't ask those who he leads to do anything that he wouldn't do and that's what this man is about. He's about integrity. He's about industry. He's about intelligence and we've just been very, very fortunate to have him in the service of this state for so many years. I know there are many others that would like to speak so I'll stop here. I just want to say, General Adams, that I'm very personally proud to have known you. We will miss you and state government will miss you, but we certainly wish you well as you go into your second retirement. Thank you, Mr. Speaker.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **CAMPBELL**: It is with sadness that I rise to speak on the occasion of the retirement of Major General Earl L. Adams for his public service will truly be missed. One of General Adams' greatest assets is his ability to bring the services together. As many of you know, there is this dynamic tension between the services that sometimes is evident. The Eastern Maine Soapbox Derby benefits tremendously from the Maine Air National Guard community service program. I was asked to attend the member recognition event at Bangor International Airport where the General was in attendance. It was truly evident the respect and admiration that the General has and as I witnessed that I was reminded of how important the General has been to the state over these past few years. I was on Mainewatch with the General in tested time in the ice storm of 98, where he'd been working for many days, 24, 25, 28 hours a day and was paled under the weight of his office, but the General carried the day with his soft-spoken personality and his sense of good humor. He energized and engaged our troops to come to the support of all Maine citizens on many regional theaters. Again it is with sadness that I rise today, because we truly will miss the public service of General Adams, but I am honored to call the General a friend and a true patriot.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. I am indeed honored to stand today to speak of my constituent, Earl Adams, my good friend and our great Maine citizen, General Earl Adams. When I was in high school, one of the poems I learned was Ryland Kipland's poem, which began, "If you can keep your head when all about are losing theirs," and it goes on and on and I'm so glad that I memorized that because in the end it says after a long list of preparatory causes, you'll be a man, my son. I thought long and hard about that poem and when I thought about what I might say about General Adams, I thought this is truly a great man and I do believe that he does define truly great man. We certainly saw that during the ice storm because there he was keeping his head when all about him we were losing ours. It's hard to define exactly what a great person is, but I think we all agree, we know it when we see it. Earl Adams is humble, unpretentious, genuine, dignified and warm. He's a good neighbor to his folks in Winthrop. He's a good man, a good husband, good family man, good citizen, he meets and greets his fellow man regardless of his or her status or position with the same warmth, respect, and good will. In Maine we have a bumper sticker that says, "Maine, the way life should be." General Adams comes from Presque Isle in Aroostook County and I love their bumper sticker, "Aroostook County, the way Maine used to be." Wish I had one of those. Well I would suggest a new bumper sticker, Earl Adams, the way Great Mainers are. Thank you, we congratulate you on your many achievements. I hear so much about you from my son who is in the National Guard and I do believe that one of the reasons he has remained in the National Guard, despite the fact that he has a very busy legal life, is Earl Adams. This is a person that he greatly admires and he has passed on many, many comments about this man to me and over the years I have grown to understand what my son is talking about. We are indeed happy to have you with us today and honored by your presence. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I have known General Adams personally for over 20 years. There was a time when, 20 years ago, when I was Sergeant Tuttle and General Adams was Colonel Adams when I was with the 133rd Engineers out of Portland and Earl went on to become a General and somehow I ended up in the Legislature. I think Earl made out much better, but it's hard for me to capitalize the career of Earl Adams for 43 years of military service as our Speaker has said and over 35 years of state service. I think particularly I have to emphasize his leadership during the ice storm of 1998, we were very fortunate to have General Adams there. In my opinion, and the opinion of everybody I have talked to Earl Adams has been the best Adjutant General we've had over my 20 years of service and I'm sure in the years before and I know that his leadership and service will carry on to those who serve with him, including myself. A particular honor was that General Adams was the first chief of staff of the Maine Army National Guard that actually came from the Army in a number of years and coming from that branch myself, we're really proud of General Adams leadership. As the Speaker said, I think one asset of General Adams was that he was a soldier's general and from everybody I knew who served with him we would have gone anywhere with General Adams, myself included.

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

Representative O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House. I must speak on behalf of the citizens of this community to congratulate and thank General Adams for all that he has done for this community. Representative Campbell alluded to his community public service. This community has benefited so much from General Adams and those under his command. He has done ball field, they've done so much community work. They've worked at the Children's museum, lugging, painting and I actually even believe that the General himself was stuffing envelopes at one point. He's played in benefit softball games for us, he has done so much for the community, for the youth of the community, I call and they never hesitate if they have the men and women they're there. On behalf of this community we're real lucky that you're located here and I want to thank you and echo the sentiments that have been spoken, you're a true man of integrity and I certainly, personally, and the community will very much miss you. Congratulations, best wishes and thanks.

The **SPEAKER:** The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative LORING: Mr. Speaker, Men and Women of the House. I want to thank General Adams for his quick response, first of all to the Penobscot Nation during the ice storm when we ran out of blankets and other supplies. We really didn't get much help and then I put a call into General Adams and we had what we needed within a few hours, so I would like to thank him on behalf of the Penobscot Nation.

I also rise as Chair of the Commission on Women Veterans. General Adams appointed 5 women to that commission and luckily he chose me as one. It's been an honor and a privilege to work with this man. He's a person who has my greatest respect and I'm simply glad to have known him and the commission will miss his guidance and presence.

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

Representative COWGER: Mr. Speaker, Colleagues of the House. There's very little I can add to the comments that have been said here today, but I do have the great privilege since General Adams is a recent resident of Pittston as serving as his State Representative in this body and he is indeed a very kind, thoughtful, and as we all know a very brave and dedicated man for his many years of public service and it's my hope that I can only earn a very small fraction of the respect that he has earned in his over four decades of service to this country and to this state, so thank you General Adams for your dedication to public service and congratulations on your retirement and I look forward to seeing you at town meeting.

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

Representative LABRECQUE: Mr. Speaker, Ladies and Gentlemen of the House. General Adams I would be remiss not to stand and thank you for your many kindnesses when you came before our committee. I've only known you a few brief years, but you have patiently instilled upon the new folks around here your knowledge as we have dealt with the issues of Veterans and Legal Affairs and I certainly appreciate that and wish you a very, very happy retirement and enjoy every day. Thank you.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. It is with a great deal of pleasure and honor that I,

first of all, say General, I hope you don't mind being praised by an old Navy man. I met General Adams as a House Chair of Legal and Veterans Affairs and I was deeply impressed always in his presentation. Number one, they were short. Number two, they were well prepared and number three, they usually had something to do with the welfare of the veterans, which is dear to my heart also. I salute you sir and I wish you well.

The **SPEAKER:** The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative HEIDRICH: Mr. Speaker, Men and Women of the House. General, congratulations, from a former Marine. You know we have our times between the Army, but, sir, you would have made a great Marine. Semper fi, you've always been faithful. Thank you very much it's a pleasure to know you, sir. Thank you, Mr. Speaker.

The **SPEAKER:** The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Mr. Speaker, Men and Women of the House. General Adams first came to me my very first day down here, I called over to DOT and asked for some information, then Earl Adams showed up with a whole lot more information than I ever wanted to know. A couple weeks later he showed up at Legal and Veterans wearing a uniform, and I couldn't figure out where I knew this guy from. As Representative Labrecque said, you've always been a great presence in Legal and Veterans, not only for the men under your command, but for the veterans who live here in the State of Maine and I hope that they all appreciate it. I like telling stories and I think it was the second time we were sworn in. My wife was down here and we were suppose to have a little tea party over at the Blaine House and we got held up because the Supplemental Budget so I said, why don't you go over and wander around. She came back about an hour later, and I said, did you get around through the house, and she said, Oh yes, some nice Sergeant or Captain took me around. I asked her to describe this Sergeant or Captain and it was General Adams. I apologize for my wife's inability to recognize stars and I thank you again for all you've done for the State of Maine, Sir.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. It's hard to add to the great comments that have been made. I just want to comment on working with the General in the different capacities, when we were on the Natural Resources Committee we had some Dam Study Bills, and with the appropriations process we asked a lot of questions and the General always came back in a professional manner and tried to present all the information that we requested. As the local Emergency Management Director in Livermore and I know that many of us over the New Year we watched the celebrations around the world as they approached the midnight hour here in Maine and quite often it would break to the headquarters in Augusta and we'd hear from General Adams in Augusta and maybe we were having a little toast in our home or wherever or maybe we were sleeping soundly, the General did take the possibility of disruption in services. He took that seriously and was prepared for it and I think sometimes we take a lot of what happens behind the scenes for granted. I just want to commend you and congratulate you, and wish you well in your retirement.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. I don't want to repeat anything that's been said, and I agree, obviously, with everything that's been said at this point, but I would be really remise of my duties if I did not at least indicate that without this person who's now occupying the front with the Speaker that the St. John Valley would have been less secure over all these years, since obviously he's been the one responsible for making sure that if we were going to flood that we knew about it and when we did he was there to help us and so thank you very much and from one county boy to another, congratulations.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. General Adams, I would like to thank you personally and from the people of Swans Island for your service that you and I both know was literally above and beyond the call of duty in providing emergency generators several times recently when the island cable broke. Thank you.

Subsequently, the Joint Resolution was **ADOPTED** and sent for concurrence.

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

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

Expression of Legislative Sentiment recognizing Leo J. Cloutier, of Brunswick.

(HLS 954)

Which was tabled by Representative **SHIAH** of Bowdoinham pending **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative **TRIPP**: Mr. Speaker, Men and Women of the House. It is an extreme honor to present this sentiment to my friend Leo Cloutier. He'll be 91 years old in May. Many of you remember last year my seat was in jeopardy because my wife and I agreed to take Leo from a high cost retirement community back to his home of 67 years in Brunswick. We made that decision fully knowing I would not be able to run for my 4th term representing the people of Topsham, but also knowing the decision we'd made would enhance Leo's quality of life. Leo and his wife Madeline were married 67 years ago. She died in 1998 leaving a big void in Leo's life, obviously she was a big part of that. I am pleased to call Leo my friend and that his accomplishments can be recognized by my colleagues in the Maine House of Representatives. Thank you, Mr. Speaker.

Subsequently, the Legislative Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order (S.P. 993)

Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Create a Linked Investment Program for Child Care Providers"

(S.P. 1073) (L.D. 2675)

Reporting **Ought to Pass** pursuant to Joint Order (S.P. 993).

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

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

The Bill **READ ONCE** and was assigned for **SECOND READING** later in today's session.

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Increase the Marketable Skills of University of Maine System Students"

(S.P. 960) (L.D. 2500)

Signed:

Senators:

MICHAUD of Penobscot
HARRIMAN of Cumberland

Representatives:

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

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

Signed:

Senator:

CATHCART of Penobscot

Representative:

STEVENS of Orono

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

READ.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Clarify Maine's Campaign Finance Laws"

(S.P. 710) (L.D. 2032)

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

TUTTLE of Sanford
CHIZMAR of Lisbon
FISHER of Brewer
GAGNE of Buckfield
LABRECQUE of Gorham
PERKINS of Penobscot

Minority Report of the same Committee reporting **Ought to Pass** as Amended by Committee Amendment "A" (S-519) on same Bill.

Signed:

Senators:

CAREY of Kennebec

FERGUSON of Oxford

Representatives:

MAYO of Bath

HEIDRICH of Oxford

McKENNEY of Cumberland

O'BRIEN of Lewiston

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Create a Local Option Sales and Use Tax"

(S.P. 291) (L.D. 809)

Signed:

Representatives:

LEMOINE of Old Orchard Beach

CIANCHETTE of South Portland

STANLEY of Medway

DAVIDSON of Brunswick

MURPHY of Berwick

BUCK of Yarmouth

LEMONT of Kittery

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-513)** on same Bill.

Signed:

Senators:

RUHLIN of Penobscot

DAGGETT of Kennebec

MILLS of Somerset

Representatives:

GAGNON of Waterville

GREEN of Monmouth

COLWELL of Gardiner

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

READ.

On motion of Representative SAXL of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-544)** on Bill "An Act to Stimulate Job Creation and Investment in Maine by Amending the Income Tax Apportionment Formula"

(S.P. 360) (L.D. 1064)

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

COLWELL of Gardiner

LEMOINE of Old Orchard Beach

MURPHY of Berwick

CIANCHETTE of South Portland

LEMONT of Kittery

DAVIDSON of Brunswick

BUCK of Yarmouth

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

Signed:

Senator:

MILLS of Somerset

Representatives:

GAGNON of Waterville

GREEN of Monmouth

STANLEY of Medway

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-544)**.

READ.

On motion of Representative SAXL of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1045)** on Bill "An Act to Amend the Control of the Revenue Generated by Games of Chance at the Agricultural Fairs"

(H.P. 1756) (L.D. 2462)

Signed:

Senators:

FERGUSON of Oxford

DAGGETT of Kennebec

CAREY of Kennebec

Representatives:

LABRECQUE of Gorham

CHIZMAR of Lisbon

MAYO of Bath

O'BRIEN of Lewiston

HEIDRICH of Oxford

McKENNEY of Cumberland

FISHER of Brewer

GAGNE of Buckfield

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

Signed:

Representatives:

TUTTLE of Sanford

PERKINS of Penobscot

READ.

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

The same Representative **REQUESTED** a roll call on his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 548

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron,

Campbell, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Joy, Kane, Kasprzak, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Gerry, Jones, Mendros, Perkins, Tuttle.

ABSENT - Carr, Cianchette, Cote, Kneeland, Matthews, Murphy E, O'Neal, Rines, Shorey, Stedman, Stevens, Townsend.
Yes, 134; No, 5; Absent, 12; Excused, 0.

134 having voted in the affirmative and 5 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-1045) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** later in today's session.

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

HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (S-513) - Committee on TAXATION on Bill "An Act to Create a Local Option Sales and Use Tax"

(S.P. 291) (L.D. 809)

Which was **TABLED** by Representative SAXL of Portland pending **ACCEPTANCE** of either Report.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1042)** on Bill "An Act Regarding Waiting Lists for Limited-entry Lobster Management Zones"

(H.P. 1846) (L.D. 2583)

Signed:

Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MackINNON of York

Representatives:

STANWOOD of Southwest Harbor
USHER of Westbrook
ETNIER of Harpswell
PIEH of Bremen
BAGLEY of Machias
McNEIL of Rockland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1043)** on same Bill.

Signed:

Representatives:

HONEY of Boothbay
VOLENIK of Brooklin
PINKHAM of Lamoine

READ.

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

The **SPEAKER:** The Chair recognizes the Representative from Lemoine, Representative Pinkham.

Representative **PINKHAM:** Mr. Speaker, Men and Women of the House. I ask that you not vote for the Majority Report so we can go on and pass the Minority Report on this. Both the Majority and Minority Report are basically the same with one small difference. The Minority Report would allow certain students who had student licenses and some apprentices who had apprentice lobster licenses to enter the fishery. These people we've promised and most of them have letters from the Department of Marine Resources stating that if they fulfill their obligation by doing the apprentice program and the student license program, if they finish those programs then they would be eligible for a regular lobster license, class 1, class 2 or 3 license. What the Majority Report would do is you would have had to fulfill those qualifications by January 1, 2000 before you'd be able to get a license. The Minority Report would take it back if you were in the student license program or the apprentice program on September 19 when this law went into effect last year, you'd be eligible to finish your student license, finish that program and then be eligible for a license without going on a waiting list. This is a fairness thing. These people, the students especially, were told when this law went into effect, a couple of years ago that all they had to do for a full time lobster license was get their student license. They would have to have 3 consecutive years as a student, under the student license, or be graduated from high school and be 18 years old and then they would be eligible for a full time lobster license, but like I say the Majority Report would not allow those people that didn't qualify by January 1, even though they were in the program and doing exactly what they're suppose to do, they still wouldn't be eligible for a license. They'd have to go on a waiting list. The apprentice licenses were issues and to qualify for a full time license, you had to have 200 days and a minimum of 2 years with a full time fisherman as an apprentice and then you could get your full time license. These people have joined the apprentice program back in 1998 working under an apprentice license wouldn't be eligible until this year and if they weren't eligible by January 1 they would be cut out of the fishery and have to go on a waiting list and it could be several years before they'd be able to get a license. I know a lot of the students that don't plan on going on to college have already gone in debt to buy boats and more traps thinking that as soon as they get out of the student program, they'd be able to get a full time license. They've already spent the money and are in debt already and if the majority report passes these people are going to be left with boats and traps and it may be several years before they'd be able to go fishing and use them. I ask you to defeat the pending motion so we can go on and pass the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. I urge you to support the Majority Report and that's what I will be debating the Majority Report, Committee Amendment "A". As the Representative from Lemoine, Representative Pinkham, has pointed out, these Reports are almost identical, there's a very slight difference between them. They both strive to do the same thing. They are both relative to a bill that was requested by the Lobster Advisory Council regarding waiting lists for limited entry zones and there's just this one bone of contention as it were between the two. One thing you should know is that the only zones, the only areas of the coast that are affected by this bill that is before us today are the areas of the coast that have chosen to date to enter into the limited entry process, that runs from about the middle of Penobscot Bay West to the New Hampshire border. The eastern zones have not to date opted into this limited entry plan in their three zones up there and that is exactly how that this was meant to work, actually, to give them the option to do as they so chose and allow other parts of the state to do as they so chose, so to that degree the process is working as intended. The limited entry by zone process that we passed last year received unanimous support of the committee and I believe of the Legislature and is on its way. This is a bill that was meant to make some minor changes to address some of the issues about waiting lists and what not. The reason there's this language in here that's before us, the difference is that there's another bill this year that came in from my good friend from Eliot, Representative Wheeler that was before the committee this year. It's actually item 2-2 on today's calendar, the notice of it's Ought Not to Pass vote by the Committee. The language that we're disputing here today is sort of the end result of that decision. The Committee was unanimous in agreement that there was a legitimate issue raised by Representative Wheeler and his cosponsors. We thought the appropriate thing to do to address that concern, the Majority Report, to allow anyone who had completed either the apprentice lobster program or the student lobster fishing program, who had completed the eligibility requirements for either of those programs by the end of last year to be allowed to enter a limited entry zone. Again, this is even more minuscule than that because it's not an automatic thing. What either of these Reports requests is that the zone council in any of these zones can just request of the Commissioner after having done a survey of their zone that this happen. It's not an automatic. It doesn't necessarily have to happen. It's up to the lobster council in individual zones to even request that of the Commissioner after having surveyed their fishery. Primarily there's not a huge difference between the two. I promised the speaker we'd be done by noon, so you can all go eat on time. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Honey.

Representative **HONEY**: Mr. Speaker, Ladies and Gentlemen of the House. What we have in the Majority Report is a slap in the face to a number of honest students and young apprentice fisherman. I played sports when I was in my younger days and I learned, and most of you people learned that you don't change the rules of a game once you're in the middle of it. These people have been promised, they have it in writing from the Commissioner that they will get a lobster license, class 1, 2 or 3 license once they complete their apprentice program or

graduated from their schools. The promises will go down the drain with the Majority Report. You may hear on the floor here today about the over exploitation in the lobster fishery, that you can't let anymore people into the program then are presently in there, the threat of the sanctions by the federal government. Remember all of this is coming when we're at an all time high in the lobster landings in this country, 153.5 million, we've been going up here for the last 5 years. Fishing has never been better. Each one of you coastal legislators from midcoast Maine down will have a number of people that are going to be shut off here and put to the end of a waiting list and I think they deserve better than this. Thank you, Mr. Speaker.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I'm really excited today to be able stand up and be in complete agreement with the good Representative from Harpswell, it's been two weeks that I've been able to do this, so I suggest that we really take a look at the Majority Report. When I was elected this first term there was already a moratorium in effect and it was going to end on January 1, 2000. We had apprentices that had completed their work, completed the program and when they got their license our zone, zone G, had already put in a request for limited entry, a decision made by a vote of the fishermen. I have just called our zone representative, Mr. Elwin, and the survey that each zone did, if they chose to apply for limited entry, under laws set up by this Legislative body was that they could determine their limited entry and if they did they needed to offer a survey to their members. The third question on zone G's was for the apprentices who had completed their program by January 1, 2000, this would be to the fishermen, do you favor being allowed into the fishery. Commercial fishermen answered 67 percent, they support this rule, 67 percent. We said to the fishermen, we're going to allow you to have a zone management, they're played by those rules. They've gone through their limited entry request, they sent out the survey, survey for zone G, 67 percent have asked to grandfather, based on January 1, 2000. You gave them the right to operate their own zones, don't take it away from them now. They voted. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative **LEMONT**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to apologize to the House because I was unable to vote on this bill, but if I was present and voting in committee, I would have been one of the majority. What we're talking about today is qualified apprentices. The good Representative from Eliot, Representative Wheeler, brought in a bill to take care of the qualified apprentices that I feel were wronged, ones that entered the apprenticeship before we as a Legislature changed the rules and I feel should be granted a license. The committee liked this idea but was unwilling to act on Representative Wheeler's bill because they felt his language should be spread to all the zones. The committee supported this and we rolled his language in. What we're talking today is not about granting licenses to fishermen, we're talking about language that allows each and every zone to take a look at this and vote accordingly if they feel these individuals that have qualified should be allowed into the fishery. It's local control in its best form. I think the Minority Report has unintended consequences. In zone G alone if the Minority Report was successful there would be 191 people eligible to

enter this fishery and human nature the way it is, I can't imagine a zone voting to allow 191 people into the fishery, in my opinion not allow the qualified ones any opportunity whatsoever to enter the fishery. This is about conservation and this is about ethics and we need to support our zones and support their making decisions at a local level. Thank you Mr. Speaker and when the vote is taken I request the yeas and nays.

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

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

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

Representative PERKINS: Mr. Speaker, Members of the House. It seems to me that this is a clash between a state set up program, which is the apprenticeship program and between that and the powers that we've given the zones. I don't see how it's ever going to get any better, I hope it can. It seems like everything we do every time we tinker with it a little bit something else pops up. It's like stepping on a balloon here. It seems to me the people that in good faith entered the apprenticeship program that we set up can't be cut out just because now the zones have the power to do that. The apprenticeship program is a statewide program that we established. How can we give the power to the zones to cut people out that in good faith have been going through that apprenticeship program? That's a rhetorical question, but if I may ask a specific question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Mr. Speaker, Members of the House. A specific question, I understand the apprenticeship program, we debated that here until 10:00 one night and I think we all know how that works, but I've heard talk today about the student license program. Now I know we had student license that I kind of opposed for the reason that I think it's 150 traps, you can go out if you're a student, you can go out and throw out 150 traps with no training, whereas we set up this elaborate apprenticeship program with the idea that you shouldn't throw traps in the water if you haven't had training. That's neither here or there, I've lost the debate on that several times. My question is, what is this now that we're calling a student license program? Whereby if you apparently throw out 150 traps with no training for 2 or 3 years then for some reason you're qualified to get a commercial license, could somebody explain that?

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Mr. Speaker, Men and Women of the House. In an attempt to address the good Representative from Penobscot's question, two years, I believe it was, maybe it was last year, we took what was already a separate license, the student license, in recognition of the fact that there was no way for them to move from a student license through the apprentice program to be eligible for a full time commercial license, we amended the law to say that you can get your student license if you're under 22, I believe it is, and a full time student. You can get your student license, fish 150 traps, get a sponsor who is a full time lobster fisherman to work with you and at the same time in a parallel course complete your requirements for the apprentice program, so that when you're done with that you will then be eligible for a commercial fishing license. This is

something that had not been done before, we realized it should have been done there was no way to go directly from a student license to a commercial license, they would still have had to have done the apprentice program as a separate issue, we combined them so they can do them both parallel and move towards a commercial license in a more expedient fashion. I hope that answers your question.

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

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

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Mr. Speaker, Men and Women of the House. Thank you for your answer Representative Etnier, but you mentioned something we changed here a couple years ago. If you have a student license, you can graduate on to full time. You said if they work with established fishermen, if they work with licensed fisherman, what does it mean, on the same boat, or they go out side by side, how does that work? Thank you.

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Mr. Speaker, Men and Women of the House. I'm afraid we're getting a little off the track here. I would gladly have this discussion with the good Representative from Penobscot any time. I believe I understand his question that you do have to sign up as you do with the apprentice program a sponsor, who is the holder of a full time lobster license, that person has to work with you and verify your number of hours and days that you have spent in the apprentice program and as a student fishing up to 150 traps. You have to have verification from someone who is a full time fisherman that this individual has indeed put their time in on the water towards this goal. Either as a stern man on the full time person's boat, or as a student working hauling their own gear. That's basically how the process works. I'd be glad to go into it further with the representative at any time.

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

Representative VOLENIK: Mr. Speaker, Men and Women of the House. I'd like to briefly get back to the central issue of this debate and that is that the only difference between the Majority and the Minority Reports is that the Minority Report authorizes lobster zones one additional option and that's to chose whether or not to allow those apprentices and student license holders who entered their programs in good faith and were duly enrolled as of September 19, 1999 to receive their class 1, 2 or 3 lobster license when they fully comply with the requirements of their program and this is just one additional option for zones to consider if they're restricting entry into their zone, so please oppose the current motion. Thank you.

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

ROLL CALL NO. 549

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cowger, Davidson, Davis, Desmond, Dudley,

Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Mailhot, Martin, Marvin, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien LL, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Stanwood, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Buck, Bumps, Cross, Daigle, Dugay, Duncan, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lindahl, Mack, Madore, Mayo, McAlevey, McKenney, Mendros, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Povich, Richardson E, Rosen, Schneider, Sherman, Shields, Sirois, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Volenik, Waterhouse, Wheeler EM, Winsor.

ABSENT - Campbell, Cote, Matthews, O'Neal, Rines, Shorey, Stevens.

Yes, 92; No, 52; Absent, 7; Excused, 0.

92 having voted in the affirmative and 52 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-1042)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** later in today's session.

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1040)** on Bill "An Act to Provide Assistance in the Cleanup of the Plymouth Waste Oil Site"

(H.P. 1672) (L.D. 2339)

Signed:

Senators:

TREAT of Kennebec

NUTTING of Androscoggin

Representatives:

JOY of Crystal

COWGER of Hallowell

McKEE of Wayne

ETNIER of Harpswell

CLARK of Millinocket

DUPLESSIE of Westbrook

CAMERON of Rumford

DAIGLE of Arundel

TOBIN of Windham

MARTIN of Eagle Lake

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1041)** on same Bill.

Signed:

Senator:

LIBBY of York

READ.

On motion of Representative MARTIN of Eagle Lake, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-1040)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** later in today's session.

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

Representative SAXL of Portland assumed the Chair.

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

CONSENT CALENDAR

First Day

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

(S.P. 424) (L.D. 1261) Bill "An Act to Require the Training of School Personnel Who Administer Medications" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-634)**

(S.P. 889) (L.D. 2308) Resolve, to Provide Adequate Reimbursement for Speech and Language Pathologists Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "C" (S-633)**

(H.P. 1409) (L.D. 2014) Bill "An Act to Institutionalize Substance Abuse Treatment Courts in Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1047)**

(H.P. 1451) (L.D. 2072) Bill "An Act to Clarify the Admissibility of Electronic Records and Signatures" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1048)**

(H.P. 1529) (L.D. 2182) Bill "An Act to Improve Air Quality through Market Incentives for the Purchase of Cleaner Vehicles" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1038)**

(H.P. 1789) (L.D. 2509) Bill "An Act Regarding Discharges from Small Fish Hatcheries That Operated Prior to 1986" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1039)**

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

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

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

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

UNFINISHED BUSINESS

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

An Act to Establish the Maine Coordinate System of 2000

(S.P. 965) (L.D. 2514)

TABLED - April 4, 2000 (Till Later Today) by Representative JABAR of Waterville.

PENDING - PASSAGE TO BE ENACTED.

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

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

ORDERS

On motion of Representative PIEH of Bremen, the following Joint Resolution: (H.P. 1935) (Cosponsored by Representatives BAGLEY of Machias, CAMERON of Rumford, CARR of Lincoln, CLARK of Millinocket, COWGER of Hallowell, CROSS of Dover-Foxcroft, DAIGLE of Arundel, DUPLESSIE of Westbrook, ETNIER of Harpswell, FOSTER of Gray, GAGNE of Buckfield, GILLIS of Danforth, GOOLEY of Farmington, HONEY of Boothbay, JOY of Crystal, LEMONT of Kittery, MARTIN of Eagle Lake, MCKEE of Wayne, McNEIL of Rockland, PINKHAM of Lamoine, STANWOOD of Southwest Harbor, TOBIN of Windham, USHER of Westbrook, VOLENIK of Brooklin, WATSON of Farmingdale, Senators GOLDTHWAIT of Hancock, KIEFFER of Aroostook, KILKELLY of Lincoln, LIBBY of York, MacKINNON of York, NUTTING of Androscoggin, PENDLETON of Cumberland, TREAT of Kennebec)

JOINT RESOLUTION IN HONOR OF MAINE'S NATURAL RESOURCE-BASED INDUSTRIES

WHEREAS, farming, fishing and forestry, which make up Maine's natural resource-based industries, have been a part of Maine's history since before we became a State, serving as a symbol of our State's heritage and exemplifying our respect for natural resources and our citizens' traditional work ethic; and

WHEREAS, farming, fishing and forestry are a major force in our State's economy, interconnecting with nearly every sector of the State's economy; and

WHEREAS, farming, fishing and forestry make up over 40% of the goods-producing jobs, one out of every 5 jobs, in Maine, and provide in excess of \$8,000,000,000 to Maine's economy; and

WHEREAS, Maine is a national and international leader in the production of wild blueberries, brown eggs, bioagriculture, cranberries, maple syrup, potatoes, paper, lumber, clothespins, toothpicks, dowels, fish farming and lobster fishing, to name a few; and

WHEREAS, natural resource-based industries are the backbone of Maine's economy and are a fixture in our history and future, one that can never be moved or replaced; and

WHEREAS, natural resource-based industries provide not only food for families but scenic views, open spaces, healthy forests, employment opportunities and a tangible link to our culture and heritage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to honor Maine's farming, fishing and forestry industries which have contributed so much to the betterment of our State, pledge our support and encouragement and urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced natural resource-based industries; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the Commissioner of

Environmental Protection in token of the esteem in which those in these industries are held.

READ and ADOPTED.

Sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-525)** on Bill "An Act to Allow State Pharmacies a Tax Credit for Unreimbursed Medicaid Costs"

(S.P. 909) (L.D. 2361)

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

COLWELL of Gardiner

STANLEY of Medway

LEMOINE of Old Orchard Beach

MURPHY of Berwick

BUCK of Yarmouth

CIANCHETTE of South Portland

DAVIDSON of Brunswick

LEMONT of Kittery

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

Signed:

Senator:

MILLS of Somerset

Representatives:

GAGNON of Waterville

GREEN of Monmouth

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-525).**

READ.

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

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

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 to Establish Criteria for Tax Incentive Programs"

(H.P. 1754) (L.D. 2460)

(C. "A" H-1021)

TABLED - April 4, 2000 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - PASSAGE TO BE ENGROSSED.

On motion of Representative GAGNON of Waterville, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1021)** was **ADOPTED.**

The same Representative presented **House Amendment "A" (H-1055)** to **Committee Amendment "A" (H-1021)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-1021) as Amended by **House Amendment "A" (H-1055)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-1021)** as Amended by **House Amendment "A" (H-1055)** thereto and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-525) - Minority (3) Ought Not to Pass - Committee on TAXATION on Bill "An Act to Allow State Pharmacies a Tax Credit for Unreimbursed Medicaid Costs"

(S.P. 909) (L.D. 2361)

Which was **TABLED** by Representative GAGNON of Waterville 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" (S-525)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** later in today's session.

The House recessed until the Sound of the Gavel.

(After Recess)

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

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds" (EMERGENCY) (H.P. 1925) (L.D. 2671)

PASSED TO BE ENGROSSED in the House on April 4, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-639)** in **NON-CONCURRENCE**.

On motion of Representative CLARK of Millinocket, the House voted to **RECEDE**.

Senate Amendment "A" (S-639) was **READ** by the Clerk and **ADOPTED**.

The same Representative **PRESENTED** **House Amendment "A" (H-1060)**, which was **READ** by the Clerk.

Representative DUNLAP of Old Town moved that the **House Amendment "A" (H-1060)** be **INDEFINITELY POSTPONED**.

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

Representative **CLARK**: Mr. Speaker, Men and Women of the House. House Amendment "A" takes a couple of lakes out of

the Great Pond Task Force recommendations for jet skis. Under Senate Amendment "A," which was sponsored by the good Senator from the other body from Bar Harbor, Senator Goldthwait, was to add three ponds of hers which the subcommittee wants also, the Inland Fish and Wildlife Committee decided to take out of the preliminary discussion on permissible uses. All that happened was the Senator brought some information up to our good Chair and added an amendment to have those ponds put on to what we voted on yesterday. All my amendment does is take out a little part of where I live, which is only three bodies of water so they can use jet skis. There are only 3 or 4 people that use those jet skis on those bodies of water up in Piscataquis County. That's all my amendment does is just take those away, which was passed back in 1998. It's under LURC, which controls that area so it has no municipal hearings, although we did have a hearing process last summer throughout the state to ban personal watercraft in some of these bodies of water. The one that was closest to our bodies of water was the one in Houlton and overwhelmingly they rejected to have those bodies of water ban for personal watercraft. Now I don't think it's fair to bend the rules because somebody is in this body, or the other body, just to bring up some piece of information from their town because that was voted on that day, to have them added on to a piece of legislation. I know it's done in the past, but let's not do it now. If it's right for one person, it should be right for 185 people and Mr. Speaker when the vote is taken I request the yeas and nays.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** **House Amendment "A" (H-1060)**.

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

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. The previous comment, I believe, is really what we're all about here. If something happens as a result of a member of this body or the other body, I believe it's what we're all about and I can assure you that the three bodies of water that are being mentioned here certainly qualified for attention. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I'd like to address some of the concerns as put forward by my good friend from Millinocket, as the presence of those three bodies of water as outlined in the amendment adopted in the other body. Two years ago when we first enacted the Great Ponds Act, don't worry I'm not going to go through the whole Act again, an amendment was attached in the other body which would have included a pond on Mount Desert Island and I had moved to strip that amendment and that motion was successful and my rational for doing that was that we had put in place a process that we should try to maintain the integrity of and I felt it was important to keep that contained. Everybody else had jumped through this hoop and every hoop got a little bit higher and a little bit smaller and it seemed unfair at that point that we would attach another pond simply because of the presence of a floor amendment. That having been said, we went through the process over the last two years and those towns on Mount Desert Island went through the process as we outlined it to them and there was a lack of clarity, if you will, in

terms of how they were going to maintain their enforcement component and when the word got out that those ponds on Mount Desert Island had been left off from the committee bill, I was informed that another amendment from the other body was going to be introduced and I said fine. If you are going to introduce the amendment from the other body, then at least let us see what those parameters were that were not met. In other words, if we can have that information under our nose, then I personally would not oppose the amendment. I have that information at my desk for anybody who cares to see it. It sits very well within the parameters set forth by the subcommittee and by the whole committee on Inland Fisheries and Wildlife, so I don't have a problem with the amendment from the other body. That however does not address the amendment before us now. The amendment before us now includes Passamagamet Lake, Passamagamet Falls, and Ambajejus Falls and T1R8 and T1R9 in Piscataquis County. The only problem with that amendment is that these bodies were not included under the Great Ponds Act done two years ago. This is actually waters protected under the Maine Wild Lands Lake Assessment from June of 1987, so this is completely outside the entire process of what we did under the Great Ponds Act. I don't necessarily think that given the way we've approached it, yes, it may be a bit outside the process, but bear in mind everyone does have the right to introduce a floor amendment and I don't question that, I only ask that it happen at least within the shadow of what we had intended as a legislative body and that's the exact reason I both do not oppose the amendment from the other body and why I oppose the amendment presented before us here today, so I ask you to join with me in supporting the appending motion.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. My good Chair from Old Town says this is not part of the Great Ponds Task Force, well the Great Ponds Task Force implemented the LURC recommendations 1, 2 and 6. This was in LURC jurisdiction number 6. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1060). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 550

YEA - Andrews, Bagley, Baker, Berry DP, Berry RL, Bouffard, Bowles, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Chick, Cianchette, Colwell, Cote, Cowger, Davidson, Davis, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Kane, Kasprzak, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, McKenney, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richardson J, Rines, Rosen, Samson, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Skoglund, Stanwood, Stevens, Thompson, Tobin D, Tobin J, Townsend, Trahan, Tripp, True, Twomey, Volenik, Waterhouse, Watson, Williams, Mr. Speaker.

NAY - Ahearn, Belanger, Bolduc, Bryant, Cameron, Carr, Chizmar, Clark, Clough, Collins, Cross, Daigle, Desmond, Dugay, Duncan, Foster, Frechette, Gerry, Gillis, Goodwin, Jacobs, Jodrey, Jones, Joy, Kneeland, Labrecque, Lovett, MacDougall, Mack, Martin, McDonough, McGlocklin, McNeil, Mendros, Murphy E, Pinkham, Plowman, Richard, Richardson E, Sanborn, Savage C, Sherman, Shorey, Stanley, Stedman,

Sullivan, Tessier, Tracy, Treadwell, Tuttle, Usher, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bragdon, Campbell, Matthews, O'Neal, Sirois, Snowe-Mello.

Yes, 90; No, 55; Absent, 6; Excused, 0.

90 having voted in the affirmative and 55 voted in the negative, with 6 being absent, and accordingly **House Amendment "A" (H-1060) was INDEFINITELY POSTPONED.**

Subsequently, the House voted to **CONCUR.**

Non-Concurrent Matter

Bill "An Act to Preserve Live Harness Racing in the State" (H.P. 1214) (L.D. 1743)

House **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913)** in the House on March 28, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913) AS AMENDED BY SENATE AMENDMENT "A" (S-638)** thereto in **NON-CONCURRENCE.**

Representative DAIGLE of Arundel moved that the House **ADHERE.**

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I would hope that we would defeat the motion. If you look at your amendment pending before us, the Senate Amendment was one of the major concerns of the good Representative from Arundel, Representative Daigle, the amendment essentially goes as follows, it says that the bill is amended by this amendment requires that money used to place the telephone account wagers must be on deposit and this amendment clarifies that the actual telephone account wagers may be placed by using a credit card, which was a concern of a lot of members here. Mr. Speaker I hope that we would oppose the pending motion and I would request a roll call.

Representative TUTTLE of Sanford **REQUESTED** a roll call on the motion to **ADHERE.**

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

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. The amendment that was added by the other body does, in fact, I agree, clarify that telephone account wagers may not be placed using a credit card, but this is a nuance that really does nothing to change the way this affects the bill. Sure, you have a confirmed credit card transaction, so if you have \$10,000 limit on your credit card, you can call up place a bet for \$10,000, a single bet, if you wish for \$10,000. They'll call the credit card company and they'll say does this person in fact have this much credit authorized in their account and they'll say yes and there you've placed your bet and I still think this is a terrible way for us to believe we are supporting the agricultural community, because we are not. When people can call from home or call from the office based on a hot tip they got at the water cooler, max out their master cards to place a bet for a horse race, when it comes in and all their problems will be solved, their ship will come in and it won't turn out that way. This is not a good way to evolve gambling in this state. The title itself, I have great difficulty with, to preserve live harness racing. This

isn't even for harness racing in the State of Maine, this is harness racing no matter where it takes place, anywhere in the country. It does have to take place in the State of Maine. This is not going to benefit our agricultural fairs, people won't go to the fair. At least now they will go to the fair in order to go to the track and they can buy lunch, they'll stay home and call the bets in. This is a direction I do not think is a good one for the state. If we're going to allow this, then I see no change whatsoever to allowing all other forms of gambling that are connected elsewhere in this state.

Finally, I want to respond to something that was talked about in the earlier discussion of this bill about the State of Pennsylvania. An article in the paper a couple of days ago and I'm sorry I don't have it cut out to distribute to this body, but it talked about the part in Pennsylvania where the State of California was upset about the same things that I heard about in this debate. So they did a very innovative thing in California, the AG in California called the AG in Pennsylvania and said will you please stop and the answer was yes and they have told the people in Pennsylvania to start receiving wagers placed illegally from the State of California. Now we haven't even tried that here in the State of Maine yet. I'd really hope that we consider what type of message we're sending with this bill. If you believe it's important adhere the current position, but don't believe that this amendment does anything. Thank you.

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

Representative MCKENNEY: Mr. Speaker, Ladies and Gentlemen of the House. What the good Representative from Arundel has called for, we have already attempted at the Legal and Veterans Affairs Committee. We have asked the Attorney General to do just that, to send a letter to Pennsylvania from a bully pulpit and that's all it is, there's no legal binding authority, to do exactly what California has done. As a refresher to everybody, what we're talking about is phone gambling that is already being done. We're trying to stem the tide of this money leaving the state. This is money that's already being gambled. We're not going to stop anybody from gambling, this gambling is occurring, instead of going out of state we want it to come back into the state and it's a method to try to attempt to do that. This money does help the agricultural societies and the fairs because part of the handle, part of the pool that's bet on horses goes to the agricultural fair. It goes in a number of different directions, it's divided all kinds of ways.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I would just remind you that while we may believe that it benefits the agricultural fairs, the Department of Agriculture is opposed to this bill. Thank you.

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

Representative TESSIER: Mr. Speaker, Men and Women of the House. I'd just like to reiterate that the agricultural fairs do receive a percentage of the handle from the wagers that are placed and as far as the Department of Agriculture opposing this, I'm not quite sure where they were coming from in doing that. They knew that the agricultural fairs do benefit and rely heavily on the money that they receive from this so I don't think that that should be a reason for us to oppose this amendment. Thank you.

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

ROLL CALL NO. 551

YEA - Andrews, Baker, Berry DP, Bowles, Buck, Bull, Chick, Chizmar, Collins, Cross, Daigle, Davis, Dudley, Gillis, Goodwin, Gooley, Green, Honey, Joy, Kasprzak, Lemoine, Lindahl, MacDougall, McAlevey, McKee, McNeil, Mitchell, Murphy T, Muse, Nass, O'Brien JA, Peavey, Perkins, Pieh, Plowman, Povich, Powers, Shields, Skoglund, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Volenik, Watson.

NAY - Ahearne, Bagley, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bumps, Cameron, Campbell, Carr, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Davidson, Desmond, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Glynn, Hatch, Heidrich, Jabar, Jacobs, Jodrey, Jones, Kane, Labrecque, LaVerdiere, Lemont, Lovett, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McDonough, McGlocklin, McKenney, Mendros, Murphy E, Norbert, Nutting, O'Brien LL, O'Neil, Perry, Pinkham, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shorey, Stanley, Stevens, Sullivan, Tessier, Thompson, Tracy, Tripp, True, Tuttle, Twomey, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Bragdon, Kneeland, Matthews, O'Neal, Sirois.

Yes, 49; No, 97; Absent, 5; Excused, 0.

49 having voted in the affirmative and 97 voted in the negative, with 5 being absent, and accordingly the motion to **ADHERE FAILED**.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House. I was going to make the same motion, since I needed a motion to speak to. I just want for the benefit of the members of the House, the discussion was whether or not we were in a different posture because the other body was not adopting or using Hughes as a secondary parliamentary procedure and had not for about a year and a half or two years or so. I was not aware that they had decided to simply switch from Mason and go to Hughes as a secondary source. Apparently yesterday the presiding officer decided that he would do what this body did and does and that is to follow Hughes, therefore, having said that, then it is now proper to do what the other body did.

On motion of Representative TUTTLE of Sanford, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act to Limit the Issuance of Concealed Firearms Permits"

(H.P. 1771) (L.D. 2484)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on April 3, 2000.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-922) in NON-CONCURRENCE**.

Representative POVICH of Ellsworth moved that the House **INSIST** and ask for a **COMMITTEE OF CONFERENCE**.

Representative O'BRIEN of Augusta **REQUESTED** a roll call on the motion to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**.

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

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. The hour is getting later by the minute, we have discussed this at length, this was a very lopsided vote yesterday, I see no reason to continue with it and I would hope that you would defeat the pending motion. Thank you very much.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. After the vote on Monday, I was privileged to attend a meeting in the Town of Winthrop to confer upon a local church their efforts to address the issue of domestic violence. The honor was being conferred by a state peace group and at that meeting I shared with them what we had done over the past couple of days. I iterated that just sending a message was not enough although I had voted for the bill and felt that sending a message was important, I didn't expect their response. Their faces dropped, why hadn't we at least sent a message that this was important. You send messages home about a lot of issues, children wearing helmets, bills that we don't enforce. Why not send a message to the women and to the children of this state that we're trying to do something? I would urge you to vote for the Committee of Conference. Let's show the women and children of this state that we are trying to do something and we're going to send a message today. Thank you.

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

Representative **MCALLEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. It is important that we do something. We need to do something substantively, not a gesture, not a bill that does nothing. We need to do something that will surely protect victims of domestic violence. I refer you back to the original vote on this that was fairly overwhelming in the House. Thank you.

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

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I hope you will join and vote for this motion to Insist and ask for a Committee of Conference. I didn't speak on this bill when it was before us, and when it was before us it was a flawed bill, but there are parts of this bill that can be saved from this and brought before us from the Committee of Conference that could be a reasonable approach to this issue. We are saying that concealed weapon permits are okay for people who have been found by a court to have physically abused a family member. I find that totally unacceptable. Now did the bill go a little too far on how it was applied and how it was procedurally done, I think yes, but can it be fixed? Yes? We are either saying that we are serious about domestic abuse or we're not. We're going to do something or we're not. Are we going to just say, guns run and hide? I'm not afraid to talk about guns are you? I would ask that you send this to a Committee of Conference and see if we can accomplish some small thing that could protect the women and children in this State of Maine.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. To answer the question of my good friend from Naples, no, I'm not afraid to talk about guns. May I pose a question through the Chair?

The **SPEAKER PRO TEM**: The Representative may proceed.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. To the good Representative, Representative O'Brien, she mentioned the other day, it might have been Representative Peavey, or to anybody, they said there was a form that was filled out and that the judge decides whether to check off that block or not, whether the person who has a protection from abuse order is violent to the point where he shouldn't have a gun period, is that true?

The **SPEAKER PRO TEM**: 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 Woolwich, Representative Peavey.

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. To answer the Representative's question, that is true. On the protection from abuse form, which you've got on your desk there are three places that the judge can check off that will take the guns away. It eliminates the firearms.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I have that form and all of our judges have this form and unfortunately it's become sort of a matter of fact form for judges to browse through and sign and issue. As my friend Representative Thompson had alluded to earlier, we never got to see any amended versions of this bill that were waiting that would have addressed this issue. Good solid amendments that would make a bill that may be somewhat flawed better. I'd just like to remind all of us, the wonderful phase that the longest journey begins with a single step and yes, it's true that we've taken several steps, but the long journey to end domestic violence in the State of Maine is far from over. This is another step in that direction and I would strongly urge everybody to support this Committee of Conference. Thank you, Mr. Speaker.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I did not speak on this issue the other day, but like many of my colleagues, I think I was very uncomfortable with the choices that were presented to me in the original bill. Domestic violence is public enemy number one in the State of Maine. I frankly, like many people, I did vote on the majority vote the other day, I did not do that lightly, I understood the vote but like many others in this body, I had hoped and believed that I would have a chance to get at and look at the very well intentioned amendments that were waiting in the wings that the good Representative from South Portland spoke of, so I would urge my colleagues to vote for this pending motion to Insist and see what kind of work the Committee of Conference can do and take a long hard look at this very, very serious and important issue. Thank you.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I spent a great deal of time looking at this bill and trying to decide if there was a way to amend it to make it palatable. The more I did, the more I realized that the whole bill was flawed, the premise was flawed, to the point where the amendment that seemed the most palatable to everybody was the one that did absolutely nothing. If you want to send a message that absolutely nothing is being done, then vote for a Committee of Conference. If you want to send a message that we are not here to amend things until it is palatable for everybody, then vote against the Committee of Conference. Thank you.

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

Representative **MCALLEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. To vote originally against this legislation and to vote to stop this legislation is not a vote against domestic violence. This body, at least in my tenure of six years here has a very strong record of doing some very good things to protect victims of crime. We passed bills that came out of our committee that were either unanimous or very close to unanimous that had teeth to them.

Unfortunately this bill is styled with no substance. It does nothing to protect a victim. It may sound good that we are saying you can't have a permit, but when a judge checks that box on a protection of abuse order, the judge is saying no firearms. That is a pretty strong affirmative statement. Whether they have a permit or not, they are not allowed to have a firearm. It is meaningless. We have a record. We want to do strong things, but if we are going to put vehicles out here to protect victims of domestic violence, let's make sure that they are real substantive issues. Let's enhance the penalty for a person who violates these orders. That is the problem. Many of the people who are served these orders think they are a joke. They are not getting attention once they violate it. They are getting slapped on the wrist. We are re-enforcing bad behavior by not seriously taking their violations and punishing them. To stand here and say we are going to take away your little piece of paper, we have done a lot to protect domestic violence. That is a move in the right direction, but it does nothing to protect a victim from domestic violence. We are putting our efforts in the wrong direction. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to confine my remarks to the pending motion, if I might. The motion is to Insist and ask for a Committee of Conference and would simply ask the body if they would believe that a Committee of Conference will do work that the Criminal Justice Committee could not do? They worked on this bill for a long time. They could not come to a conclusion that was acceptable to this body and therefore, the bill was Indefinitely Postponed. In the last week of session, I wonder what a Committee of Conference will accomplish that will be acceptable to this body? I think it is a rather interesting argument that this is a journey beginning with a single step. It may very well be, but I seriously doubt that that journey will end with an end to domestic violence.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I hope you will stay with your vote and conscience of

the other day. We overwhelmingly voted to Indefinitely Postpone this bill. Why did we do that? Is it because we are not concerned about domestic violence? No, of course no. We are very concerned. We realize that there were no connection between people that have concealed weapon permits and domestic violence. None was presented to the committee and none was presented to us in the testimony, absolutely zero connection between the two. I hope you will vote against this Committee of Conference and go on to kill this bill.

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

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I would just like to make one more point and talk about substance. If someone has a protection from abuse order against them by a judge that they have been found by the court to have physically abused someone, would you want to issue them a concealed weapon's permit at that time? If the answer by any of you is no, then why would we let them keep it at that time if they already have one? Is there a difference? The issue here is a concealed weapon's permit is a privilege. It is not a right. It is not like owning a handgun, which is a right under the Constitution. The fact that you can carry it on the street concealed is a privilege. It is not a right. If you violate statutes in the State of Maine, particularly those pertaining to abuse, you shouldn't be given that right. If you have already been given that right, you should have it taken away. I think a Committee of Conference can come up with something along those lines to make this a simple issue for an up or down vote. Remember, sending it to a Committee of Conference only gives us something else to vote on. I would ask that you be willing to do that. Thank you.

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

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. I will be very brief. I think this is the second time in six years that I have spoken more than twice. The Department of Public Safety, who issues permits, do not issue permits to people convicted of domestic violence. We were told during the committee process they would not issue a permit to a person who has a protection of violence abuse out on them. The problem is whether that person applying tells the truth or not. We have been after the courts for three years to computerize this. You will have a bill later on this week dealing with a study on that very issue. I hope that will clarify it. The Department of Public Safety will not issue a concealed weapon's permit to an individual who was subject to the conditions of a protection from abuse order. Thank you.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. The question before us is whether or not we are going to talk a little bit more about domestic violence. It is a pretty serious issue that we may be able to spend a little time on. I remember a few years ago we spent a great deal of time talking about chickadees and lighthouses. I think that took probably a day and a half. Domestic violence is one of the most serious issues facing this state. If there is some possibility that we can come to some agreement with the other body on this, this is the opportunity. We are all speculating on what that might be. Why

don't we find out what that will be? We have honorable members from this body who can sit with honorable members from the other body and maybe work something out. Maybe not, but we will find out. Let's give them the opportunity. Thank you Mr. Speaker.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I didn't get up Monday and I voted to Indefinitely Postpone this bill. One of the major reasons why I voted that way has not been mentioned today, nor was it mentioned on Monday. I have read the present laws probably at least a dozen times. The present law allows for a revocation period of five years. In our haste to do something with this bill, we, in fact, reduced that revocation period from five years to two years. That was one of the major reasons why I voted to Indefinitely Postpone it. The vote was 105 to 38. We spent a lot of hours and tabled this bill on many occasions in the Criminal Justice Committee. I urge you to vote against the pending motion. Thank you.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. When we are talking about domestic violence, I have to say that the biggest hoax ever perpetrated on someone who is a victim of domestic violence is that an order for protection will save their life. Unless that order is a bullet proof vest or you are moved away or you are hidden or you are gone, no one should assume that their life is safe. It doesn't have to be a gun. It can be a baseball bat. It can be a hammer, a screwdriver, a fist, a foot or a car. We have heard it all over the last three or four years. The worst thing that we have done to the people of the State of Maine is convince them that if they go to court and get this piece of paper, that they are going to be safe.

I talked to a grandmother the other day who has to raise her five year old granddaughter because her daughter-in-law murdered their first grandchild and a second grandchild and was spending time in jail. The mom is about to get out and she said, "Thank God I got my protection, my order for protection, we're safe." I said, "What do you mean, you are safe." She said, "We got the order from the judge." She thinks she is safe from a murderer, a convicted murderer. The piece of paper does nothing. The lack of a piece of paper does nothing. The debate here is about whether or not we have a piece of paper, a concealed weapon permit, another peace of paper, obtaining guns illegally or legally. That is not even the issue for me. For me the issue is that it is a hoax. We pass something that if you had a law-abiding citizen in front of you, the domestic abuse wouldn't have been perpetrated in the first place. Without this penalty and we hear that they are not there, it is just another way of abusing. When it comes to someone's life and if someone means to take that life, this piece of paper means nothing. I wish that you people could have heard the grandmother with all the confidence in her voice that they were now safe. It doesn't mean anything.

This bill is not going to mean anything. You think you are going to make them feel safer, great. If that is what it takes to make them feel good or think they are safer, great. Go ahead. Debate some more and pass some more. Create some new pieces of paper, but until those pieces of paper are bullet proof

or hammer proof or whatever, they are not safe. Get real. They are not safe. Thank you.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. Sadly we are not going to solve the problem of domestic violence with one piece of legislation. The fact is we have to try and solve it. We have to make those steps toward solving it. Maybe we never will. I suppose we won't, but we ought to be making every effort, small and large, in the direction towards protecting families from domestic violence. We have all heard the figures. Fifty percent of murders in Maine are now the result of domestic violence. While this bill may be difficult to connect to the problem of domestic violence, can we say with any certainty that this bill won't have a positive affect? Can we say with any certainty that a potential abuser or potential murderer might not use a concealed weapon's permit in order to perpetrate a crime? I don't think we can. The fact that the statistics don't reflect that this is a problem right now, it is difficult to use statistics to demonstrate everything. Ask yourself, can you reasonably see how this bill could protect somebody? I have to say yes. I see technical problems with the bill and I will be supporting the current motion because I believe that those problems can be worked out and if they are going to be worked out, they can be worked out in a Committee of Conference. I hope you will support the pending motion. Thank you.

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

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. I have been listening to this debate in this chamber and I have really had kind of mixed feeling about what is the position that I should take? I am on the board of the Family Violence Project for the Kennebec and Somerset County areas. I have just gone in and called the director of that project and said, what is the position of the Coalition on Domestic Violence relative to this bill? She was familiar with the amended version, which is the one that came out of the committee. The answer was they support the bill. The reason they support the bill is that once that protective order that is issued through a check box on a form runs out, the person can then go, that has been the perpetrator, can go and get a permit for a concealed weapon. What this bill does is it has a two-year period after that that the person still cannot go and legally get a concealed weapons permit. I urge your support of the pending motion. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. Today speaking as the Representative from Kennebunk, I had signed this bill as a cosponsor. There was one driving reason. I wanted us in this session to do something about domestic violence and that is an issue that is very close to my heart. I think in the previous session we did some pretty dramatic things. As I moved from signing that bill to the hearing, I talked to three constituencies. One were local women that I knew who are victims of domestic violence. It knows no class distinction throughout this state. I talked to them about what happens to you as you move through the system. At what point do you feel safe and protected. I talked to local police officers who respond to those late evening calls. They see the cycle of intimidation move to outright violence and in too many cases murder. I talked to two State Troopers who I have the greatest

respect who patrol rural York County. They are the ones that come to the door and they are the ones that see that cycle of intimidation to violence.

By the time I got to the hearing, I was educated. I saw through their eyes and their voices that the problem is the protection from abuse order. About 80 percent of my testimony that day focused on that. I had moved beyond what I hoped the bill would do and began to move to what is the weak link in how we don't protect victim's of violence. Through the work sessions the committee discovered that there is no problem with permit holders. That came out in the hearing and it was very clear, there is no problem with permit holders. It also came out as Representative Peavey had that distributed and reinforced it today, is the form that is placed before the judge at the first time that the two people actually appear before a judge. With a restraining order you just write a narrative. The narrative is never challenged. At the end of that time period, the two people involved actually appear before a judge. That is where you begin looking for proof that a person is at risk. That is where the system fails.

To actually keep this bill alive, actually creates misdirection that takes away our energies and our focus on the protection from abuse order. What I would like to see is when those two parties are there that there is a police officer. He or she should be there. They should be recounting what they saw that night. They should be sustaining the victim. The county attorney should be there. The county attorney should be saying to the judge that this is just the first stop. In my opinion, this person has committed a crime under Maine State Law. They stalked, they threatened or they physically abused. A crime has occurred. That is why there should be a protection from abuse order. For a county attorney not to be there or a county attorney not to continue the prosecution is exactly what happens too often in this state and Representative Plowman told us about it. The victim leaves with a piece of paper and they think they are protected. Too often in this state, that person dies. They are murdered. That county attorney should be making a commitment. I believe a crime has been committed. I am going to follow through. This is just the first stop. I am going to prosecute this person. That is where the energies ought to be going.

If we take the closing days of the Legislature and focus on a bill, which I, about a month ago, came to the conclusion would not do what I had hoped it would do, then we will leave this session and the problem will remain. I am asking you to take your energies and your focus and the intense desire to do something that will work and poured it toward the proposals that are before the committee.

They have a bill on early intervention. When the police officer or the trooper is at the door and sees the physical violence and the intimidation, they can intervene at that point. There is legislation before that committee to strengthen the role of the county attorney so that they can get a prosecution and a conviction so that the perpetrator doesn't come back out and do the violent act. I think as we look at our priorities for this Legislature, Democrats and Republicans, rural and urban, we want to address this scourge of domestic violence. I think today you want to do something, but I have to tell you as a cosponsor of that bill, my hopes got dashed as well. If you put your energies into keeping this bill, which does nothing alive, my fear is that we are going to lose the opportunity to do something of substance. Too many Maine women will continue to die if we

don't put the focus on the protection order, there will be more empty chairs up in that gallery a year from now.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. Typically Representative Murphy has come up with some wonderful ideas. I would like to hope that we could pass this bill and perhaps he could serve on the Committee of Conference and bring some of those ideas forward. Not so typically, I find myself agreeing with Representative Plowman. She is absolutely right when she says it is a law that allows women to feel safe, but it won't protect them. She is right.

We had a woman not too long ago here in the State of Maine who had a protection from abuse order who was surrounded by bullet proof vests walking across the street and her husband reached out the window with a rifle and shot her dead. What does it do? What good is the law? What good is the law that says you can't rob a bank? I guess it is the same thing. What good is the law that says you can't go 110 miles per hour down the highway? It is the same thing. What good are any of our laws? They are only written on a piece of paper. There isn't a law on the books that says because it is written here, it will never happen. It is impossible to write such a law. I won't sit here and think that we will ever write a law that will end domestic violence.

I will sit here and say that a collection of members from this body and the body at the other end of the hall do have the potential, the ability, to draft a piece of legislation that can, and may, save someone's life. I hope that we will all go ahead and support this. Thank you Mr. Speaker.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Insist and ask for a Committee of Conference. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 552

YEA - Bagley, Baker, Bolduc, Bouffard, Brennan, Brooks, Bull, Chizmar, Colwell, Cowger, Davidson, Desmond, Dudley, Etnier, Fisher, Frechette, Fuller, Gagnon, Green, Jabar, Kane, Lemoine, Mailhot, McDonough, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Pieh, Powers, Quint, Richard, Richardson J, Saxl JW, Saxl MV, Shiah, Skoglund, Stevens, Sullivan, Thompson, Townsend, Tripp, Tuttle, Twomey, Volenik, Watson, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Berry RL, Bowles, Bragdon, Bruno, Bryant, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clark, Clough, Collins, Cote, Cross, Daigle, Davis, Dugay, Duncan, Dunlap, Duplessie, Foster, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Mayo, McAleve, McGlocklin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Richardson E, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Chick, Matthews, O'Neal, Sirois, Usher.

Yes, 50; No, 96; Absent, 5; Excused, 0.

50 having voted in the affirmative and 96 voted in the negative, with 5 being absent, and accordingly the motion to **INSIST** and ask for a **COMMITTEE OF CONFERENCE FAILED**.

On motion of Representative AHEARNE of Madawaska, the House voted to **ADHERE**.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

BILLS IN THE SECOND READING
Senate

Bill "An Act to Create a Linked Investment Program for Child Care Providers"

(S.P. 1073) (L.D. 2675)

House As Amended

Bill "An Act to Provide Assistance in the Cleanup of the Plymouth Waste Oil Site"

(H.P. 1672) (L.D. 2339)

(C. "A" H-1040)

Bill "An Act to Amend the Control of the Revenue Generated by Games of Chance at the Agricultural Fairs"

(H.P. 1756) (L.D. 2462)

(C. "A" H-1045)

Bill "An Act Regarding Waiting Lists for Limited-entry Lobster Management Zones"

(H.P. 1846) (L.D. 2583)

(C. "A" H-1042)

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

CONSENT CALENDAR
First Day

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

(H.P. 1870) (L.D. 2606) Bill "An Act to Amend the Laws Regarding Foster Parents" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 595) (L.D. 835) Resolve, Establishing a Commission to Study the Interrelationship Among the Maine State Retirement System, Social Security and Tax-advantaged Accounts (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1054)**

(H.P. 1775) (L.D. 2486) Bill "An Act Concerning Access Fees on Tree Growth Lands" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1057)**

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

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

BILLS IN THE SECOND READING
Senate As Amended

Bill "An Act to Allow State Pharmacies a Tax Credit for Unreimbursed Medicaid Costs"

(S.P. 909) (L.D. 2361)

(C. "A" S-525)

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 concurrence.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (17) **Ought to Pass as Amended by Committee Amendment "A" (H-901)** - Minority (9) **Ought Not to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and the Committee on **TRANSPORTATION** on Bill "An Act to Provide Temporary Relief from the Excise Tax on Diesel Fuel" (EMERGENCY)

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

TABLED - March 22, 2000 by Representative TOWNSEND of Portland.

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

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

Representative WINSOR: Mr. Speaker, Men and Women of the House. This is a bill that we put in some time ago when diesel fuel was selling in this area for more than \$2 a gallon. The motion before us is to accept the Minority Ought Not to Pass Report. The majority of the members of the Appropriations and Transportation Committees recommends that we pass the bill as amended.

I would like to take a few minutes to tell you about that bill and to urge you to reject the current motion and to go forth and pass the Majority Report. On January 3, the price of diesel fuel in New England was \$1.37 a gallon. By February 7, it was \$2.12 a gallon. That is an increase of 75 cents per gallon in one month. Frankly, I had not thought about this until I received a call from my neighbor, David Kennison. He is a logging contractor. He says, "Tom, you gotta do something. For the first time in 20 years I am going to shut down and park my truck. It makes no sense to take money out of my pocket to cart somebody else's wood to the mill." Mr. Kennison told me that in his case he would get 4.5 miles per gallon of diesel fuel. The result is he was paying almost 50 cents a mile to operate his vehicle just for fuel. It was the most expensive part of his operating costs. I thought about it and the more I considered it, the more I became convinced that the situation had the potential to evolve into a statewide crisis. It was one that would affect all sectors of the state economy.

My response was to propose that we suspend the 23 cents per gallon fuel tax on diesel for a period of 30 days. Frankly, I had hoped that we would be able to enact this much earlier and that the relief could have been immediate and at the pump.

Today, some months later or a month and a half later, diesel fuel prices have moderated and the trucking industry has been able to negotiate some adjustments in its charges. Notwithstanding, however, I think this is still an emergency. There is still a problem out there and we need to do something to provide relief and help for the industry.

First, I think that this is a statewide issue and it does affect a broad sector of our economy. I mean really, can anybody in this chamber think of any service that comes to our home or business without diesel power, the fuel in our basement, the gasoline at the pump, the food in the store, the steel in the machine shop, our mail and practically everything comes to us by over the road trucks. In Maine, ladies and gentlemen, we are totally dependent on the movement of all our good and most of our services by the trucking industry.

Normally these costs are incorporated into consumer prices so that when transportation costs rise, the price we pay for our goods and service also rise. Over time, the market adjusts itself. In this case, the cost of fuel rose so quickly that the only practical option was for the individual trucker or small firm to absorb the cost himself or herself. This industry is really very important to the state. The State Planning Office, for example, says that the value added multiplier affect of the trucking industry exceeds \$500 million a year to our state's economy. The problem, of course, is this industry is made up of thousands of small operators scattered through out the state.

Each of us has seen the cost of our home heating fuel and gasoline rise. Our costs have not gone up as quickly and unlike trucks, we have other ways to cushion the impact on ourselves. Truckers cannot truck pool. They cannot switch fuel to wood. They cannot lower their temperature or the way their vehicles operate. They cannot apply for low-income fuel assistance. In addition, there is a huge difference in how high fuel costs in the trucking industry affect the economy of the state as opposed to how we individually and collectively react to higher fuel costs for our automobiles. Regardless, each and every one of us depends on the trucking industry. Each one of us benefits on low transportation cost provided by healthy competition within this industry. They are part of our infrastructure and important to each of us as are our roads, our electric power lines or our telephones. Some think that providing relief to the trucking industry as we propose in the Majority Report is a bad precedent. I think not. We do all sorts of economic development packages, BETR, TIFS, low-interest loans. We spend millions of dollars a year training people to go into new lines of work. This industry is a little different, however. It is not found as one or two large operations centrally located. It is made up of thousands of small business people dispersed throughout the state.

In each one of our districts they are our friends and our neighbors. They pledge their assets. They are people who work long hours away from their families. People who, for the most part, have no major benefit or retirement plans. These are very hardworking people who almost never, never, never get a break from their state government. Has the crisis passed? Do we need to go on and figure a way to help these people? Well, I think the easiest way for me to explain it is the question that was responded to during the public hearing. There was a Mary Anne, she is a female owner operator who lives in the Town of Abbott. She said to us, "I do know that when I receive \$500 per load and I have to spend \$300 in fuel, I can't buy groceries." That is no exaggeration. She is a single parent. She supports two children and she just simply said, "I am looking for a little bit of relief. I

want you to know that I am hurting." Like my friend in Norway, what she did was borrow money and put off making some payments to be able to continue to operate her business. Today, several months later, those bills are coming due. Think of her and think of what we can do to say to these people, what you do is important and we recognize that your health is really the health of the State of Maine.

We have two choices. We can do nothing or we can pass this bill as amended. I would urge you to look at the amendment because it replaces the bill. It is (H-212). It essentially provides a rebate of the 23 cent per gallon fuel tax for any trucker who purchased diesel fuel between February 1 and March 15 in the State of Maine and used that fuel to drive within the State of Maine. It is only for the miles driven in the State of Maine and only for fuel purchased in the State of Maine.

To rap this up, I hope you will reject the motion before us. I hope you will reject it because it sends a heartless chilling message to the men and women of the trucking industry. It is an industry that is part of the fabric of the State of Maine. Our economy depends on it and these hardworking people are having a hard time and will continue to have a hard time to survive. If they fail, we all will pay the price, not just them individually in their homes and their families, but we will pay the price because there will be less competition in the trucking industry and our rates will rise and the result will be that our services and products will be less competitive and more expensive for each of us to buy. Thank you.

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

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

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. I would urge you to support the Minority Ought Not to Pass Report. I would like to give you some reasons for it. First of all, I want to make it clear that we are not talking about taxes increasing over this period of time. Our taxes are based on per gallon and not on any sort of percentage. The increase was totally do to prices as a result of OPEC raising prices. It is not a result of extra windfall that the state has been receiving. It is going to be a \$4 million cost to the State of Maine for this program. The three reasons that I urge you not to support the bill and to go along with the Ought Not to Pass is number one, a lot of this money is going to go to out-of-state truckers. Almost one-third of the \$4 million is going to go to out-of-state truckers.

Secondly, much of the money is going to go to big corporations and many of those are out-of-state corporations. Places like Wal-Mart, Shop N Save and Shaws, many of the companies that have many trucks on the road day in and day out, are going to get a large portion of this money. At the public hearing I asked, could you tell us of the \$4 million, how much of it is going to go to the independent truckers? To this date I still haven't received that information as to how much of the money is going to go to the independent truckers? If this money were earmarked for independent truckers who own one rig or two rigs, I could support that. The bill isn't geared that way. The bill is set that the more money you spend, the more money you are going to get. It is only logical that the big trucking companies are going

to get most of this money. The companies like Wal-Mart, Shop N Save and Shaws have probably recouped the cost of this spike in February and March of this year.

Third, what about the other people in the economy, the other businesses that are in the economy that are hurt by increases and spikes and not only the fuel, but what about heating costs? We have seen a big cost in heating costs. A lot of people own apartment houses. They can't shut down their apartment houses. They have to continue to pay through the nose for heating costs because they don't have any choice. Many times they can't recoup those costs. You have small businesses who are hurt by gasoline prices that have gone up, heating prices that have gone up. How do we give them relief as well as these truckers relief? It is a matter of fairness.

I am on the board of Boy Scouts, Girl Scouts and YMCA. We have a facility in the Town of Waterville. Our fuel costs have gone through the relief. What about relief for them. Certainly that is a good cause. We are catering to children. Let's give this organization money to help them provide a warm place for children. I could go on and on about other people in the economy who are hurt because of unexpected increases in fuel cost and heating costs.

The last question I want to ask is, if the price goes down to below \$1.37, do we get money back? If it goes back to where it was when it was less than \$1, if the economy is such that we have all kinds of oil and prices are cheap, do we get a rebate back because we gave them money because their prices went up? That is the nature of our economy. Unfortunately sometimes it goes up and sometimes it goes down. We have been spoiled in this country because we have in the last two years low energy costs and a lot of these companies have benefited from that in the last few years. They made money the last few years because fuel costs have been way down. It is unfortunate that fuel costs are up. My only final point is if there were a way where that woman who came before us, I was very sympathetic to her, we figured it out and she lost \$500 or \$600 extra because of the spike in fuel costs. If there was a way to gear it to give her that \$500 or \$600 to help her, I would be in favor of it. The way it is written now, it is going to support companies that really do not deserve our help if we are not going to help everybody in the economy. I urge you to support the Minority Ought Not to Pass Report. Thank you.

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

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

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

Representative CLARK: Mr. Speaker, Men and Women of the House. To anyone who may answer, are private bus companies included in this?

The SPEAKER PRO TEM: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative JABAR: Mr. Speaker, Men and Women of the House. Yes. It is any vehicle that pays diesel tax fuel, which uses diesel fuel for operation of their vehicles.

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

Representative TESSIER: Mr. Speaker, Men and Women of the House. It is easy to understand why this bill was brought forth by the sponsors and its intent is admirable. The original intent was to provide assistance to small truckers because of the high diesel taxes. Unfortunately, I could not support this bill when it came before our committee and I can't support this bill today. Here is why. The information that I have received from the Secretary of State is that up to one-third of the diesel taxes to be refunded will go directly to out-of-state truckers. That means close to \$1 million of the \$3.6 million will be sent to truckers in other states and to eastern Canada. Keep in mind that the cost of diesel has risen substantially in these other states and provinces as well. However, I know of no other state or province that is going to be sending checks to Maine truckers.

Secondly, the original objective of this bill was to provide help to Maine's small truckers. However, the information that I have also says that 50 percent of the remaining money will go to owners of five or more trucks. The end result is that the very people that this bill is supposed to help, the owners of one or possibly two trucks, in the end get a very small amount of the \$3.6 million that this bill will refund. The vast majority of the diesel tax refund will go to out-of-staters and the large truck companies, many of whom have already charged surcharges when they have done their deliveries. I would ask that you support the call to Ought Not to Pass. Thank you.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. I am also rising to support the Ought Not to Pass report and find it ironic that I am debating the good Representative from Norway by saying don't interfere with the marketplace. A short-term blip in diesel fuel prices means that we should step in and do something about it. It is an interesting concept. I hope we will carry this on in many other areas. This could go on and on in other areas if we begin this.

The point that I really want to make is taxes collected into the Highway Fund are now going to be rebated out of the General Fund. I don't sit on either the Appropriations Committee or the Transportation Committee, but I see it easy for the members of the Transportation Committee to vote for this when it is coming out of the General Fund. I would like to see how they would vote it if it were coming out of the Highway Fund. It is not a good policy. It is not a good way to run government to take a short-term blip and to push a bill through to deal with it. There are many other areas of this economy that were affected by high fuel prices, including my constituents trying to commute 40 or 50 miles a day to their jobs. They are not getting any break. I don't think that Hannaford Brothers, Shaws and Wal-Mart and the other large companies that have the trucking firms that are able to pass on their charges to their customers, believe me, you know they have, should they get a rebate when my constituents who can't pass on their extra cost of gasoline to anyone, aren't getting a rebate. Are we going to take these dollars and pass them on to these trucking firms who are already recovering their costs, then we should be doing something for the consumers, the people who have to commute to get to their jobs to feed their families and are paying an extra \$25 a week for gas and take care of them first. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Alton, Representative Sanborn.

Representative SANBORN: Mr. Speaker, Men and Women of the House. Just to address a couple of issues from the

previous speakers. Most of the larger trucking companies cooperatively buy their fuel. They had a cap and they were all protected. You might want to go out and call some of your trucking companies to find out. They will not qualify for this. The fuel that they use in the State of Maine if they are a company that is not into a cooperative buying, they would be only reimbursed for the amount that is actually traveled in Maine.

Maine people, Maine business, Maine jobs, we have a unique opportunity to help each with this amendment. Not often do we have a situation where any cost factor of our business and commercial base is so frightfully impacted as the past rise in diesel fuel. We should be keenly aware that when we talk about diesel fuel, we are also talking about the clothes on our back, food on our table, the building supplies from our local hardware store and many other products and supplies to long to list. It is also the fuel for the trucks that keep our road plowed in Maine, it gives us lights to the engines of the school buses that take our children to school each day and it powers nearly every truck on our road, carrying everything from apples to oranges.

Let me explain with an example that each of you can understand and appreciate. As you know, our family business is school buses. During the period covered by this legislation, our weekly fuel bill increased nearly \$2,000 per week. Can we go back to our local school departments and negotiate with them so they can purchase the fuel under their tax-exempt status? Certainly. It only takes one month to have it placed on the agenda. Another month to meet with the transportation subcommittee and then the entire committee votes. Even then, we doubt that we would stand much of a chance in recovering any of the money already spent over the time covered. There are those among us who have said it is a cost of doing business. To them, I would explain to them that an extraordinary expense, such as we have just seen happen, is not just a cost of doing business. It is to my business and every other business in Maine to cover the rise of unexpected cost, these cuts come from the quickest and easiest place, from jobs. The savings comes from swiftly moving the extra money and it is immediately unavailable.

There are those who have said that we are only helping out-of-state businesses with this legislation. The fact is most users of diesel fuel used in commercial use participate in the ISTA and pay the State of Maine the excise tax appropriate for those miles traveled in Maine. Helping them also will help each Maine business that they deliver to. We have the opportunity to do the right thing here. We have an opportunity to do something for business that Maine government is not often accused of, helping by giving back rather than taking. Let's do something good. Let's give Maine business a break. Please defeat the present proposal. Thank you.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I rise to support the pending motion. I am also on the Minority Report. When the Representative from Norway first approached me with the idea, I was interested. It sounded like a good way we could help the small truckers in the state. As you have heard during the debate and during the work sessions, as the Representative from Fairfield mentioned earlier, that approximately \$1.3 million will go to out-of-state truckers. I am tired of giving tax relief to out-of-staters. I don't support, on behalf of the taxpayers, the consumers, that are going to pay for those companies that have passed on a surcharge or are making it up in their freight in passing it on to the customer of the final

product. We have already paid for that fuel increase and now we are going to pay for it twice. Some call that dual utilization. Some will call it double dipping. I am just concerned. Another member asked about the free enterprise system. Some have gone into business for themselves and they are struggling. If they lose a transmission, do they come to the Legislature and ask for help with their transmission or problems like that? I am not trying to be heartless here. I understand that the larger companies with over five trucks will pick up most of this money. I don't want to see anybody go out of business either, but maybe there is a way where they can make a living and they can be protected as they collect a wage. They will be eligible for some of the things that they do. They will be protected by workers' comp. Maybe they can negotiate for some better hours in many cases. The biggest thing that bothered me was that the companies that are able to pass it on are going to collect again and we are going to pay that too. Thank you Mr. Speaker.

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

Representative LINDAHL: Mr. Speaker, Men and Women of the House. I was on the Minority Report and it was difficult for me. The Highway Fund is asking for \$33 million out of the surplus that we have in the General Fund. I just couldn't justify asking for another \$3 million or \$3.6 million. I had to stop and think, is this going to jeopardize some other type of tax relief we want to give to all Mainers? I also asked myself that if we were paying for this out of the Highway Fund, would I say we should give this them? The answer was no. Every committee has been making demands on that surplus and we can only cut it up so many ways. If this is a priority of yours, then vote against the pending motion. I am voting for the Minority Ought Not to Pass Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Mr. Speaker, Men and Women of the House. I am on the Majority Report of this and the reason why I signed on the Majority Report of it is it seemed to me like it was a good idea because it is a short window. It is a 45-day window and it happens to be a time when diesel fuel just doubled. It has been said that some of the money that is going to be appropriated or refunded here is going to go out-of-state. True, one-third of it will probably go to companies that belong out-of-state. Two-thirds is going to go to those small businesses and businesses that are here in Maine that we rely on to transport our goods. I really felt that because of the fact that diesel fuel went up, doubled, if there was one way that we could find some kind of relief for them, that we should try and do this. During the winter months the federal government turns around and gives a rebate to people who can't afford to pay for their heating fuel. This is almost the same parallel. These are businesses that are running on a shoestring and because of the fact that OPEC Nations decided to limit production and the price doubled, they are now in a position where they can't afford to operate. They couldn't afford it. They had to shut down. Maybe this is one way to be able to keep their businesses in Maine viable. I didn't write the bill and I can't say that it would be constitutional to eliminate those large companies from out-of-state, but goodness, two-thirds of this money, which is going to come out of the General Fund instead of the Highway Fund. I still think the General Fund still owes the Highway Fund a lot of money, but that is my own opinion. I have been here six years now and every time that we keep asking for General Fund

money, everybody says we don't need it. That is the reason why many of your roads are in such disrepair. They are kind of golden, aren't they? They are kind of golden if they are full of holes. That is another subject. I will keep it to this. The reason I was on this Majority Report is I felt that for the limited amount of time that they were asking for relief and the amount of money that would be still here in the State of Maine, I thought it was a good idea. I hope you will go against this report and pass the Majority Ought to Pass Report. Thank you.

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

Representative POVICH: Mr. Speaker, Men and Women of the House. Normally I don't have a dog in this hunt, the Transportation Committee, but I would like to help my trucker in Mariaville that doesn't have the benefit of passing on these costs or my trucker in Clifton. These are good people that really got hammered, \$2,000 or \$3,000. That is real money in Clifton. It is real money in my pocket, too. I received my groceries from Associated Grocers of Maine and they were really quick to tack on a \$25 fuel charge to my grocery order. I thought that maybe they weren't adding up the numbers right. I am not accusing them of overcharging on the fuel charge. They backed off when the price went down to their credit, but I added up the number of loads or drops they would have made in one truck and the trucks are pretty long. There are lots of orders in each truck. They seemed to be making out pretty well there. I think that the committee ought to look at this and wordsmith it in such a way that you can target the relief to my truck driver family in Mariaville. Hannaford and AG, they got their money. They didn't lose. They increased their prices. I had increased my prices for a few weeks just to pay for this fuel charge. The trucker in Clifton needs some relief. I don't know how to do it. We need to wordsmith this bill in order to accomplish this.

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

Representative WINSOR: Mr. Speaker, Men and Women of the House. There has been a discussion about a lot of this money going to out-of-state ownership in large, big, corporate giants. I can tell you, if you defeat this motion and go on to pass the Majority Report, what you will be saying is that you will only refund fuel that was purchased in Maine and the tax was paid in Maine and for miles actually driven in Maine. That is easy to do because every trucker keeps a very detailed log of the exact mileage that they go. They would have to certify that they actually used that stuff in Maine.

Let me try to address this. We want those truck drivers from out-of-state to come here and carry our goods and services into the state and out of the state. Frankly, if we don't give them a reason to, why would they come here? During that very week, we had potatoes stuck in warehouses in Aroostook County and we couldn't get people to bring those materials down to the markets. That was a serious issue. It was a broad-based issue that affected everybody in Aroostook County. During that time, the 7th of February, let's give you an idea of what these people were doing. If they bought fuel in New England, they paid \$2.12 a gallon. If they bought fuel on the gulf coast, they paid \$1.39. If they bought fuel in California, they paid \$1.45. The national average for diesel fuel, while it was \$2.12 in Maine, you could buy it on average in the entire United States at \$1.47. They were high, but you know if you owned a big trucking firm from out-of-state, why would you come to Maine? Tell me. You

wouldn't. You would keep your materials and your trucks out-of-state and that is where you would haul your goods and services.

Here is a quote from Brewer Automotive Components. They are talking about incentives to do business in Maine. "Currently all of our customers, a majority of our suppliers, are out-of-state. Brewer Automotive Components is fairly competitive until we add our freight costs to our customer sales price. Recently we have lost two new business opportunities due to increased freight costs since our competitors are closer to customers than we are."

Ladies and gentlemen, that is the reality in the State of Maine. Most of the people that we trade with are far away from us. The result is we pay more for our goods and services than other people in the United States. Do we want that guy from Wal-Mart to come here? We certainly do. In fact, the reality is a lot of those tractors that are hauling those things are privately owned. They are hauling those trailers. I think it is very important that we do that. We encourage these people to continue to provide the transportation that we need. Just to give you an idea of the magnitude this, these are small people, but they are small business and they suffer. Gerald Pelletier, logger, in September of 1999 he purchased 9,000 gallons of fuel. It cost him \$4,500. In February, he paid \$13,000 for the same fuel. They have three different sites so at each site that is what he paid. He had a staff of one person in the office. He doesn't know whether he can actually survive. Maybe he will and maybe he won't, but certainly it is money that he is not going to be able to pay his drivers and money he is not going to be able to do for repairs and maintenance. It is payments that he has delayed. He has been negotiating with his bank. Sure he could make it if he has six months or eight months to arrange for his costs, but he didn't. Those same drivers that were driving out-of-state paying the \$1.47 a gallon, all they have to do is move into the state as soon as our guys go out. That is what happens.

How can we target for the little guy that lives next to you and next to me? We can't really do anything because it would be unconstitutional. We could maybe figure a tax credit. We could do a number of different things, but all of those plans that we looked at were very costly to administer. This whole plan uses the current structure that is in place. It costs nothing to administer. Every nickel that we would appropriate for this and that was applied for, would be given directly back to the people who deserved it.

The fiscal note on this bill, by the way, and that assumes that every person who purchased diesel fuel in the State of Maine and used that diesel fuel to drive in the State of Maine applied for a refund. It is \$3.5 million. I am not sure that the reality is that small users would bother to go through the effort of applying for it. I certainly hope that you will consider this. I think it is a very important thing. I think it recognizes that the trucking industry is unique. It is absolutely unique. It is the one thing that I can think of that each and every one of us depend on in the State of Maine. Without it, ladies and gentlemen, I am not sure how we would live in this state, the state we seem to love so much. Thank you.

Representative SULLIVAN of Biddeford REQUESTED a roll call on the motion to ACCEPT the Minority Ought Not to Pass Report.

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

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

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to respond, briefly, to something that the good Representative from Norway indicated at the very end of his talk, as far as who is going to apply for the rebate. What he said was probably many of these small owners aren't going to even apply for it. If they are not going to apply for it, then why are we doing it? It seems to me these are the people we are trying to help. It is just not worth doing it. As far as the problem we have in the State of Maine with truckers having to come to the State of Maine, that is a long-term problem that is not going to be fixed by now writing a check for something that happened six months ago. That is a long-term problem that is not going to be solved by a one-time fix. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Mailhot.

Representative **MAILHOT**: Mr. Speaker, Men and Women of the House. Only a few more things that I can add onto the debate today. The votes were 17 on the Ought to Pass and 9 on the Ought Not to Pass. I was in the nine. The reason I went there was for all the reasons that everybody gave over here today. This is not stopping the Wal-Marts. It is not stopping the Shop N Saves. It is not stopping all of these large trucking firms from entering our state and doing all of their kinds of work here. They have surcharged to our people as other members of this body have told us. We were charged and we are paying for it. The only thing that I want to say is that of the 17 that voted on the other side of this Ought to Pass, most of those members were from the Transportation Committee. If we were, we didn't do it right then and there, to have told them at that time that we were going to take that \$3.5 million out of their \$33 million budget, which is one-tenth of their budget, would they have voted as such?

Most of the policy committees guard their budgets very close to their hearts. It is very important to them. I don't blame them for doing that. Now we are talking of taking \$3.5 million, opening the window and throwing it out for people that have already charged a surcharge. I don't know if that is right. When people come downstairs and talk to us about their bills, \$150,000 or \$300,000 or \$400,000, that can't be funded. That should be funded. I am going to remind them of this. Thank you Mr. Speaker.

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

ROLL CALL NO. 553

YEA - Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Cameron, Chizmar, Colwell, Cote, Cowger, Davidson, Dudley, Dunlap, Etnier, Fisher, Fuller, Gagnon, Green, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Lindahl, Mailhot, Matthews, McDonough, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Pieh, Powers, Quint, Richard, Richardson J, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Volenik, Williams, Mr. Speaker.

NAY - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Daigle, Davis, Desmond, Dugay, Duncan, Duplessie, Foster, Frechette, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kneeland, Labrecque, Lemont, Lovett, MacDougall, Mack, Madore, Martin,

Marvin, Mayo, McAleve, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Richardson E, Rines, Rosen, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Kasprzak, O'Neal, Sirois, Watson.

Yes, 54; No, 93; Absent, 4; Excused, 0.

54 having voted in the affirmative and 93 voted in the negative, with 4 being absent, and accordingly the Minority **Ought Not to Pass Report was NOT ACCEPTED.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-901)** was **READ** by the Clerk.

Representative **WINSOR** of Norway **PRESENTED House Amendment "A" (H-912)** to **Committee Amendment "A" (H-901)**, which was **READ** by the Clerk.

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

Representative **WINSOR**: Mr. Speaker, Ladies and Gentlemen of the House. Thank you for your support on this matter. This amendment simply strips the emergency enactor off the bill. I urge your support. Thank you.

House Amendment "A" (H-912) to **Committee Amendment "A" (H-901)** was **ADOPTED.**

Representative **THOMPSON** of Naples **PRESENTED House Amendment "B" (H-968)** to **Committee Amendment "A" (H-901)**, which was **READ** by the Clerk.

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

Representative **THOMPSON**: Mr. Speaker, Ladies and Gentlemen of the House. This amendment would take the money, not from the General Fund, but from the Highway Fund. It would amend the bill to take the money from the Highway Fund on this rebate. The money went into the Highway Fund and I suggest that is where the money should come out if we are going to be doing a rebate program. Thank you.

Representative **WINSOR** of Norway moved that **House Amendment "B" (H-968)** to **Committee Amendment "A" (H-901)** be **INDEFINITELY POSTPONED.**

Representative **BULL** of Freeport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-968)** to **Committee Amendment "A" (H-901).**

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

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

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. I would like to remind folks again that this money was paid into the Transportation Fund when the tax was collected. It doesn't seem right that this tax rebate should come out of another account. If we are going to rebate the money, let's take it from where it was sent. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I sit on the Committee of Transportation. I would just like to share with the House that when we voted on this, in joint committee hearing, we were voting on the money coming

from the General Fund. I hope we keep to the text of the bill as it was presented to us in the joint committee. Thank you.

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

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. This amendment, of course, is a poisoned pill. I would urge you to support the Indefinite Postponement of the amendment. The idea that the money should come out of the Highway Fund when the Highway Fund doesn't have any money, of course, doesn't make a lot of sense. The Highway Fund is, in fact, coming to the General Fund for additional money. I think that the highway people have made an excellent argument that the General Fund was supported by the Highway Fund during the tough times of the early '90s. I heard that we owe them upwards of \$45 million. I certainly support the transfer and think that it is a reasonable and prudent way to fund this program. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative **MITCHELL**: Mr. Speaker, Men and Women of the House. If we take this money from the General Fund, we are really raising some serious questions. We all, in here, claim to care about children, but if we don't pass this amendment, we are pitting subsidies to Wal-Mart against money for our children. If we don't pass this amendment, we are pitting money for education against subsidies for Shaws. If we don't pass this amendment, we are pitting money for health care against money for Hannaford Brothers. If we are willing to take from the people we claim to care about to subsidize the profits of a particular industry, I think that we really need to take a harder look at the issue. I urge you to please vote against Indefinite Postponement and pass the amendment. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. As a practical matter, we are not pitting the money against children and the major businesses in Maine because the people that are ultimately going to pay that higher amount will be the shoppers that go to Shaws or the shoppers that go to Wal-Mart. What we are saying, in effect, here is that we are pitting one citizen against another. It is as simple as that.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-968) to Committee Amendment "A" (H-901). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 554

YEA - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Duplessie, Fisher, Foster, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Perry, Pinkham, Plowman, Richardson E, Rines, Rosen, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

NAY - Berry RL, Bolduc, Brennan, Bryant, Bull, Chizmar, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Etnier, Frechette, Fuller, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Matthews, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Volenik, Watson, Williams, Mr. Speaker.

ABSENT - Kasprzak, O'Neal, Sirois.

Yes, 94; No, 54; Absent, 3; Excused, 0.

94 having voted in the affirmative and 54 voted in the negative, with 3 being absent, and accordingly **House Amendment "B" (H-968) to Committee Amendment "A" (H-901) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-901) as Amended by House Amendment "A" (H-912) thereto 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" (H-901) as Amended by House Amendment "A" (H-912) thereto and sent for concurrence.**

An Act Regarding Oil Storage Facilities and Groundwater Protection

(H.P. 1731) (L.D. 2437)

(C. "A" H-877)

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

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative **MARTIN** of Eagle Lake, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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-877) was ADOPTED.**

The same Representative presented **House Amendment "A" (H-1049) to Committee Amendment "A" (H-877) which was READ** by the Clerk.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. This will not change the purpose of the bill. What it does do is it solves a little constitutional problem that we have with the way it was drafted.

House Amendment "A" (H-1049) to Committee Amendment "A" (H-877) was ADOPTED.

Committee Amendment "A" (H-877) as Amended by House Amendment "A" (H-1049) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-877) as Amended by House Amendment "A" (H-1049) thereto in NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass**
 - Minority (6) **Ought to Pass as Amended by Committee
 Amendment "A" (H-981)** - Committee on JUDICIARY on Bill
 "An Act to Amend the Right of Entry Clauses"

(H.P. 1363) (L.D. 1961)

TABLED - April 3, 2000 (Till Later Today) by Representative
 THOMPSON of Naples.

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

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

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

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and
 Gentlemen of the House. I would like to start by saying to you
 that the concept of this bill goes to the heart of personal property
 rights. We live in a society where we see more and more how
 personal rights are being taken away by public policies and
 initiatives. Most often all we have to fall back on is our own land.
 To some, this is sacred ground. A plot of land that is most often
 purchased through hard earned dollars. It is truly the place
 where we can feel most protected and safe. Men and women
 feel that their home and land is what they are all about. When
 the government is allowed to enter someone's property without
 an explanation and to carry out the duties they are authorized by
 law to administer, it can only leave the owners of that property
 feeling helpless. Although it may sound too historical, this issue
 is exactly what our forefathers were willing to give their life for,
 the right to own, operate and protect their own land and property.
 That is one of the most important reasons why my direct
 descendants, John and Priscilla Alden, came to this country. In
 England, the average person did not have the right to own land
 so many of them came to this new world to have the individual
 freedoms, not allowed to them at home. The freedom to own
 land and property, more importantly, the freedom from tyranny
 and abusive of government landlords.

Once again, we have seen government authority feeling that
 they need no permission to carry out its duty simply because
 they feel whatever they are doing is of just cause and
 resourceful. Who defines those steps? As the law stands now,
 any of us in this room could be sitting at home relaxing from a
 long day or week of work and notice a stranger on our property.
 The only theme we could do was approach them and ask them
 who they were and what they are doing. You will hear a
 response such as, official government business. This does not
 relieve our concern or make us feel very secure. As a matter a
 fact, it makes us feel completely vulnerable, almost as if big
 brother is watching us. Once they carry out whatever they were
 doing and we come to find out what they were doing was actually
 fraudulent. It is too late to repair whatever damage they have
 done. This may seem too far-fetched, but why should we believe
 this would never happen.

Perhaps the telling aspect is what is contained in our State of
 Maine Constitution. Article 1, Section 5, reads as follows. "The
 people shall be secure in their persons, houses, papers and
 possessions from all unreasonable searches and seizures; and
 no warrant to search any place or seize any person or thing,

shall issue without a special designation of the place to be
 searched, and the person or thing to be seized, nor without
 probably cause – supported by oath or affirmation."

To most citizens, trespassing on their property is no different
 than being allowed to enter your home. Without a warrant to
 carry out official government business, there is no way we can
 let this be legal. The right of entry clauses must be amended.

I would like to emphasizing to you the importance of this
 issue. We must be able to look at our people in the eye and tell
 them that their own property will protected from intrusion. The
 credibility of the role that government has in people's lives is at
 stake here. These changes should be enacted. I hope that you
 will give this a very close look and consider all ramifications.

I am very proud of the Judiciary Committee and especially
 those who are on the Minority Report. They have worked
 diligently to come out with a good report. It is something that I
 believe is better than the first bill I put on. They amended the bill
 and I think it answers a lot of questions that people have had
 concerning this. I am hoping that you will hear other testimony
 explaining what has been done with the bill. I am urging you to
 please support this. I think this is extremely important. The
 people of the state deserve to have their rights and deserve to
 feel secure in their own homes. I just think this is one of the
 most important pieces of legislation that we could pass this
 session. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and
 Gentlemen of the House. I hope you will join me and vote
 against the pending motion.

The US Constitution has a segment on what they call
 unreasonable search and seizures. In Maine, in its statute in
 Article 1, Section 5, it goes a little bit further than the US
 Constitution in that respect and mentions that the people should
 be secure in their persons, houses, papers and possessions
 from unreasonable search and seizures and no warrant to
 search any place. The US Constitution in that particular item
 does not mention the phrase, any place. Our Constitution in the
 State of Maine does.

A few brief comments about private property. Private
 property delineates the domain over which the individual is
 sovereign. Private property marks the boundary between the
 citizen and the state. The degree of respect that the state shows
 for property rights will largely determine how much privacy,
 autonomy and independence the citizen has. Basically, that is
 what we are looking at with this situation here. When we had the
 various people come before the committee, people who objected
 to this piece of legislation, had a number of concerns. One of
 the primary ones that I kept hearing over and over again was
 how do we inspect or make sure that a person is in compliance
 with the permit that has been issued? We took care of that in the
 Minority Report by saying that if you are issued a permit by the
 DEP or permit by rule or a harvesting permit or any permit by the
 state to do something on your property, you explicitly in that
 document that you receive, that permit, give the right of entry.

There is also a provision still in there for emergency
 response for the departments to respond to emergency
 situations. The other thing that is in there is also the posting of
 the land so a state agent can say that I am on Representative
 Waterhouse's land because I have a sign here denoting that this
 is land that I do not want state agents coming on without my

permission and unless I have a permit that gives that explicit consent of right of entry.

What we are saying is with those provisions that should be more than adequate for government agents to respond to anything that is of concern to them. You might say, what about the person who doesn't get a permit or timber theft? Certainly if someone is stealing timber that could be found out and usually when that is found out, it is after the fact, even now. I don't think that is an issue. There are a lot of agencies that have flyovers. There are a lot of agencies that have helicopters. I have helicopters flying around my area quite a bit looking around in fields for various things.

I am hoping that you will vote against the Majority Report and take into consideration the concerns of citizens who see their property rights be eaten away by what a lot of people perceive as a just reason for doing so, so government agents can come upon your land and enforce the regulations. I know that the amendment would take care of those concerns. I hope you will go on to pass the Minority Report. Thank you.

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

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. The proposition put forth in this bill is a very attractive one. In fact, people defending criminal cases, several decades ago, were making the exact same argument. That private property is to be protected by the Fourth Amendment and by the relative provisions of our Maine Constitution. In our pursuit, at all costs to ferret out criminal and to wage the war on drugs, our justices in their supreme wisdom decided that the curtilage is the only protected place. The curtilage is that place, for lack of a better word, the door yard. The curtilage, as we continue to erode the Fourth Amendment, has gotten smaller and smaller and smaller. I guess this is water under the bridge. If we weren't going to do it to protect all of our rights, I can't do it here. Thanks.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. Like my friend from Buxton, I can see some very attractive ideas in the Minority Report. There are a couple of problems here with their argument. They are saying that if DEP or any other agency issues a permit for an activity to take place on private property that that is somehow consent for an inspection, then I don't understand if you are operating under the premise of championing private property rights and Fourth Amendment rights, why is it then acceptable to then sign away those rights by signing a permit? You are saying that if you sign a permit and accept that permit, that somehow that is okay. You have given permission to have the government come onto your property and inspect whatever they want to inspect.

Furthermore, a real problem that I have with this report is that it encourages the posting of private property against trespass. On the Inland Fisheries and Wildlife Committee, we have worked very hard with landowners to try to prevent posting of land. What this amendment says is that you don't have to worry about any of this stuff if you just post your land. They have to have a warrant. There is no-fly zone for the black helicopters over your property. It is patently foolish to go along with this. I goes against everything this Legislature has worked for for many, many years. Not only would I urge you support the pending motion, I will also plant it with a motion of my own. Mr. Speaker, I move that this bill and all accompanying paper be Indefinitely Postponed and

furthermore, I request when the vote be taken, it be taken by the yeas and nays.

Representative **DUNLAP** of Old Town moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. As a member of the Judiciary Committee who initially voted against this bill, I now rise in support of the pending motion, Indefinite Postponement. I would agree that on the surface this does sound somewhat attractive, but when you start peeling it away, you start finding some problems with it. What is underneath is not necessarily what looks glamorous on the surface.

The first issue for me, after the public hearing was, I wasn't really presented with a clear-cut issue of a problem. There have been some instances where people were not to enthralled about people coming onto their property, but as far as I can tell, these are fairly limited instances. This response here seems a bit extreme a reaction to something that was not presented as the big issue. It is also sort of going on the assumption, quoting the Constitution, that all these searches and all these entrances onto private land, are unwarranted and unreasonable. That is a very big presumption to be making here because there are legitimate reasons for these governmental agents to go onto private property to enforce various laws. To assume that all these entrances onto private lands are unreasonable is not appropriate.

A piece of green paper just landed on your desk that lays out some of the policies of the Department of Conservation in terms of entrance onto private property. As you can see, these are paraphrases of written policies that they have in place about which they encourage their agents to do to really try and work cooperatively with landowners, to try and get written permission, to try and get verbal permission and are very conscientious of no trespassing signs and to be very conscientious that these are private properties we are going onto. There already are policies in place under these agencies to deal with this issue. Have there been some problems? Sure, but a few problems does not mean that we totally invalidate this whole process. If this passes, it really would hinder the ability of these land use regulating agencies to enforce the laws on the books. It would restrict their ability to go on and do timely inspections and be able to respond to instances when they come up.

In timber theft, for instance, sometimes you need to be really timely on those things and going back to court to try and get a warrant could be the difference in having the evidence disappear. Another issue is sometimes property lines are not always clear, as the good Representative from Old Town alluded to. This really would require extensive posting of land. An agent may be down in the woods and they be walking around doing some inspections or doing some surveys and inadvertently they could cross over into somebody's property. With this law, they would be in violation of that. Really look at this issue and think about it long and hard because I think as you start peeling it away, you are going to see a lot of things that really are

problematic and don't really make much sense. It is probably best to support the pending motion. Thank you Mr. Speaker.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. Before we vote to Indefinitely Postpone this bill and I lose my opportunity to speak on this really important issue, to me personally. I rise to offer some different perspective on this issue.

I thank Representative Savage who spoke earlier because he pretty much put it into a nutshell for me when he said that a person's curtilage is continually getting smaller and smaller. I would like to read from Supreme Court decision, a State of Maine decision where the judge said this. "We have observed the one's claim of protection under the Fourth Amendment depends not upon property rights in the invaded place, but rather upon whether the person has a legitimate expectation of privacy in the invaded place." Think about it for a minute. Representative Savage hit the nail on the head. The place that we can feel an expectation of privacy from our state government or our federal government is getting smaller and smaller. That is basically why so many people have protested this.

This isn't the first time this issue has come before this body. I don't know if it is this bill or it is another bill in another Legislature that will settle this once and for all. I want to offer up some facts that might help in that future debate. What is needed is not some kind of amendment or bill to tell us where we feel safe or what the Constitution says, we very simply need someone to come forward and define for us what curtilage is? What our expectation of privacy is? What the rights of Forest Rangers are on private property? We need the same debate as we have had on the Warden's issue. We need a clear, precise, standard operating procedure for Forest Rangers and DEP officers on private property. Not for the officers, but for the people on the property. They need to understand, for themselves, where they can feel safe.

This debate will continue into the future until this issue is cleared up. As we continue to regulate and as we continue to pass law in the protection of our natural resources, we cannot forget that people live on this land. They are free Americans and they have a streak of freedom in them that we cannot take away. That is inside of these people and that is why they protest when government gets closer and closer. I ask this body to use your wisdom, what you have learned here, come back in the next Legislature and come back with a solution to this. We need everyone to understand what officers are doing on private property. We need the same debate that we have had with the Game Warden issue. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. I just wanted to briefly address a misconception mentioned by the good Representative from Old Town and the Representative from Freeport. The Minority Report does not require and does not encourage posting of land against trespass. What it requires is marking the boundaries of the land so that the government inspector coming onto it would know when he or she was on the land. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from

Durham addressed one of my points that was mentioned by previous speakers about the posting. That was one of the concerns of one of the committee members who is now on the Minority Report. It was actually requested that we put that in there. The sponsor of the bill did not like the idea of posting land. We don't want to discourage people from letting people on their land to hunt and this is not what that is, as the good Representative from Durham said.

The other point mentioned by the Representative from Old Town questioning why would somebody by permit who was concerned about property rights want to give up their right? Well, we have all kinds of situations where citizens opt to give up some rights for various reasons. Some citizens waive the right to a jury trial. Some people waive their right to invoke the Fifth Amendment for self-incrimination. That is really not a legitimate argument. Certainly if somebody didn't mind a government agent coming on their land to inspect their land to see if they were in conformity with the permit, they would be willing to do that. Thank you.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote in favor of the pending motion to Indefinitely Postpone this bill. It is after serious thought. The part I would like to speak to that has been addressed a little bit here today is the issue of environmental inspections by the DEP. That is what I am most familiar with.

First, I have had many permits I worked on for myself and for others and all of them contain right to entry provisions. That didn't particularly bother me. What I have also learned in many years of compliance management that there are people out there that do not want to obey the law. They don't get the permits. A provision like this bill would provide them a method to screen their property from inspection.

The way most of these enforcement cases happen is that somebody tips off the DEP that there is something illegal going on and they send out a field team to look at it. That type of evidence would not qualify for a warrant. Perhaps some people feel that a warrant should be required in all cases, but often times they go out and they find somebody illegally dumping. They find stream crossings, which aren't properly handling runoff, siltation in the water and so forth. They find discharges that were intentional. These aren't the people who get permits. They don't intend to. Lots of time you are talking about knowing and intentional violations. They just don't want to get caught. The DEP inspectors can never be accused of being honor students at charm school. That is one of the big problems. Maybe we should be working on that. Many times I have talked to people who have the subject of inspections and they were very offended at the way they were treated and they feel that their rights were violated and they come across like they were totally innocent. It has been my experience in the majority of cases when I have talked to people who have felt this way, the majority of cases upon further questions, it turns out they were doing something wrong. You know what? Many of them knew it. They just didn't like getting caught. That is the reality of the world out there.

I am concerned that this bill passing would facilitate people to shield themselves from being caught and that we are talking about a large tract of land here. We are not talking about the right of entry to walk into your building. We are not talking about the right of entry into your fenced property. I think that what we have now on the books is necessary and Indefinite

Postponement is a prudent thing to do. As was spoken earlier by one of the speakers, we can come back and fix what is broke with a department that is providing the problem. This is just too broad. It would have too many problems. Thank you.

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

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

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

Representative **MARTIN**: Mr. Speaker, Members of the House. Presently the way the bill is drafted seems to imply the following. There are many of us in northern Maine, western Maine, eastern Maine plots of 100 acres here and 50 acres there and there may be someone else's land in the middle. It may not be contiguous. What happens if I hire a forester to prepare the site to start cutting operations and that person has to cross over someone else's land? Is that person subject to arrest for trespass because they are going over to the other lot that I own? It seems the way I interpret this bill, it seems a real potential for if I don't like the forester that is crossing over the in-between land, then we could have great fun with this.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. I am not a lawyer, but I don't think that too many people would buy a piece of land without a right of way to get to that land and without some assurances that the right of way is part of their deed. If you buy a landlocked piece, then you got what you paid for. Having tried to answer the question, I will continue on with the discussion of this matter.

You heard that there wasn't a crying need for this. People are asking for their rights to be recognized. As one gentleman said, if you put a frog in a pot of hot water, he jumps out, but if you put him in a pot of water and fully heat it, he is not smart enough to jump out and he will die. Slowly but surely we have seeded to the government bit by bit of our property rights all in the name of the drug war, the DEP. By the way, DEP may enter if it means that they have to respond to an emergency.

This has all been covered in the Minority Report. I think that the arguments that you have heard against this, this is not posting of private property, except to notify agents that they are not welcome, unless they ask. They are not going to get on the land unless they have a good reason. The biggest objection I heard at the hearing from the State of Maine and its agents was that it would make their job a little more difficult and sometimes a lot more difficult. If that is the best reason we have for taking away property rights, it is not a good reason at all. If this was a bill to take away your rights to defend yourself in a criminal prosecution, you would all be screaming bloody murder even if it was just a little bit to make it easier.

Why is it any different when you are asking people to give up another right that is guaranteed by the Constitution? Is it only because it is a property right? Are you willing to be the frog? It is happening and the people who brought this to us asked us to please look at it. We looked at it hard and we looked at a way to get around this. I don't mind making it more difficult for the people out there to earn their money. I don't mind making it harder. I really don't. When you make it easy for people to take

away your property rights, then it shows that you don't value your rights.

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

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I rise to support the Indefinite Postponement of this bill. I am on the Majority Ought Not to Pass Report. I would like to talk about some of the things that have been spoken about. We are not talking a constitutional issue here because the courts have already determined that these entries that are taking place do meet the definition of the Constitution. They have been found to be constitutional. What we are saying is we are going to go beyond the Constitution. Let's get that straight. We are not talking a constitutional issue here. We are talking about, really, a balancing act. We are saying that we want to put this new protection in, which it is, but we have to balance that against what the effect of that is. We passed environmental laws and we have to have some method of enforcing them. We passed conservation laws and logging or forestry laws. We have to have some ability to make sure that those laws are being enforced.

To get to the issue of trespass, the good Representative from Eagle Lake indicated that I have a piece of property that is totally surrounded by other people's properties and all those properties are posted for no government people to come through those properties, is there a trespass issue? The answer is yes, a criminal trespass issue. That landowner in the middle may have a legal right to go to court and demand a right of way or some kind or another, but that doesn't pass it on to those government people. In areas where there are large tracts of land surrounded by large tracts of land and if those lands are posted, the state would have no right to cross those lands to get to the other parcel, even if the landowner wants the state to be there or even if that person has a permit, which leads into this issue of permits.

It is kind of an interesting circular argument. If I get a permit, I am giving them permission to come onto my land. I wonder if the number of permits will rise or fall after this is passed. Gee, I get a permit. They have permission. I don't get a permit, they can't come on my land to look. Am I going to get a permit? I don't know. I will tell you that there will be a certain number of people who won't. The law-abiding people aren't the ones we have laws to protect the environment and all that from. It is the people that are trying to get away with something. There are a few people who are trying to get away with something, not most people. It is a very small percentage, but we still have to have a way to stop that. If we say they can't go on anybody's land, how do we stop those people that are breaking the laws? It is a balancing act. Is it a cut and dry proposition? No. To protect the land and to protect the water and other things, the forests, there has to be some give and take.

Are the state agencies acting always in the best possible method? Probably not. I have had my spats with DEP and others. I have attacked them when I have had to. You have bad eggs, bad people or people that aren't doing their job right in the DEP, you can't take away all of their powers. The same is if you have bad landowners, you don't take away all their rights either. It is a balancing act. It is not a cut and dry proposition, but it is a balancing act and we have got to give them some tools to do their job.

The most important thing that we have in this state are our resources. My district couldn't exist if the water is polluted. It would be poverty central. If those waters become polluted or

fouled because of a few bad apples, my district might just as well hang up the shingle that we are looking for more aid because we rely totally on the tourist business. We need to balance this. We need to give the DEP some way of doing their job and the other departments ways of doing their job. This is not the solution. Representative Trahan, I agree with him, we got to look at all of these agencies in a critical manner and find ways to make them look better. I don't believe that this is the bill to do that. I hope that you will vote to Indefinitely Postpone. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I am not going to take too much of you time here, but the landlocked property issue, it would be an issue because there is a lot of landlocked property. Foresters and Rangers would have to walk across other properties to get to the designated property. It would be a real problem.

The term government agents, I guess really bothers me. I used to be one of those government agents back many, many years ago. I used to think of myself as a friendly forester, but I guess I was a government agent.

One of the things that would concern me, which hasn't been mentioned is the survey crews that are hired by the Maine Forest Service to go out and do the plots all over the State of Maine on the inventory that is done of the Maine forest. That does mean walking across several properties to get to the plots. That would be unreal if they had to have a warrant to walk across each property. Yes, it would hinder the ability to work effectively. I say, not tie the hands of these public employees. Thank you.

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

Representative PIEH: Mr. Speaker, Men and Women of the House. As I read through this amendment, I had some questions that I don't need to have answered, but I would like to reflect on them. The fact that an emergency response is required by the bureau is the only way that any of these folks can enter this land, which means to me, you can't go on it. You might go by and you might see a burn and you might see suspicious cutting, but you can't go on it unless it is a emergency response as required by the bureau. Cooperative extension folks, I guess they wouldn't be included. They could go on because they are not employees as scheduled here. Federal employees, I guess they could go on.

As I read this, "The sign may indicate that access by state employees or consultants for the purpose of making inspections, surveys, examinations and evaluation and otherwise ensuring compliance is prohibited without obtaining a warrant or the consent of the law." What bothers me about that is the folks I have been getting to know over this session as the House chair of Agriculture, Conservation and Forestry, I don't have any interest in keeping those people out. I don't know why anybody would. They have been service oriented with me. They are trying to do their job. I find it somewhat unfathomable why I would want to keep Smokey the Bear off my land, in any way, shape or form. The wording seems half hazard and seems to be working toward being able to put up a sign that says, Government Keep Out. I wish we could focus more on if there are problems with government workers that come on my land, that we could work on that relationship so that those people wouldn't be perceived as intruders onto something very exclusive. I think the only time that I would be nervous about

one of those people coming on my land was if I was, in fact, breaking the law.

I encourage you to support the Indefinite Postponement. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative JACOBS: Mr. Speaker, Ladies and Gentlemen of the House. I am one of those on the Minority Report. I am a country girl, girl is kind of stretching it at this point, but the country is still there. I have believed in rights of people and to keep government at bay. I am not saying that government agencies are out there after us and have done terrible deeds to all of us. They haven't, but we do know that there are some abuses. As I said before, I would like to see a little bit of civility between government agencies and the people that they are coming in contact with.

As far as restrictions, I would like to mention that the restrictions apply only to the lands that are conspicuously posted for limited entry. If you don't do anything to your land and there is no markings there, they can come on it. I see no problem there. I do think that government is creeping up on us. I know I am standing here being part of that, but I want to make sure that we preserve our rights and keep government at bay as much as possible. Thank you Mr. Speaker.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. I am one of those persons who owns a piece of land, which is landlocked or surrounded by other people's land. I simply have an agreement to get across there. Of course, you can go to court and you can get an agreement, a right a way. It is not out of the question that somebody can't get to that land. Of course, if all else fails, you could get a helicopter. It is rather expensive to do it that way, but the law doesn't necessarily look at expensive anything.

This bill didn't get here because it was somebody's idea for something to do. It got here because of some experiences that people have had. The other reason that this particular piece of legislation is here is because we keep passing rules and regulations that affect people's lands. Every time we do that, it has been my experience that you will see another no trespassing sign go up or some other barrier for entry.

The green sheet of paper that has been distributed at the request of Representative Bull states the policies of two agencies that we have and their policies. They are not law, which means that they don't necessarily have to follow these policies, in fact, they might violate these occasionally. This piece of legislation, it may not be the right time to pass it, but at some point if we keep going the way that we are going, we are going to have to have something and it has been mentioned before, balance. I think it is not unreasonable to have this type of legislation. After all, most environmental damage doesn't go away in five minutes or five days or five weeks or even five months. If you cut a bunch of trees down that are 100 years old, it will probably be 50 years before it goes away. This is really not an emergency situation in most cases. There is time to get a warrant to make those kinds of inspections. It may be somewhat of a little task for the bureaucracy to get a warrant and do that, but it is not unreasonable.

I used to work for the Maine Forest Service and I walked on people's land without permission. The Maine Forest Service is more and more becoming a police agency at the direction of this

Legislature over the years. I don't think it is unreasonable that this piece of legislation is here. It may not be the right one. It might not cover the right things, but I think eventually we are going to have something like this. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I am sorry for rising to speak a third time. Just a few points, I don't know how many times we have heard the expression, don't tie the hands of government agents. We do that for good reasons. We do that with law enforcement people, with Miranda rights, warrants for probable cause, reasonable suspicion and so forth and so on. I don't find any problem tying government agent's hands if it infringes on the people's bill of rights. I think we have some problems with the right of entry bill. We talk about the environment as if we pass this bill and everybody all of a sudden is going to put up signs saying no government agents. I certainly wouldn't do that. I dare say a great many people wouldn't. If some people did start doing that, especially people with huge tracts of land, you might be able to make the case that that was a flag for agencies to keep an eye on.

A little personal experience of mine of many years go when I was a young fellow. I had a girl with me at Sebago Lake Park. I think it was October 1. I had bought a brand new fly rod to fish with. While I was putting up the tent, the young lady decided she was going to cast a few times into the lake. She did that while I was putting up the tent. Lo and behold, a Game Warden showed up in a boat and demanded that she lay her fishing gear into the bottom of the boat and proceeded to write out a ticket and confiscate my brand new fly rod. When I asked him, I didn't see you out on the lake, where were you? He said he flew over and I observed somebody fishing and I went back and got my boat. I was pretty impressed.

I don't know what other resources other agencies have at their disposal, but I would imagine that if somebody owned a great tract of land and did not get a permit to harvest or a permit by rule and posted their land to keep government agents out, I would imagine that a flyover would be in order.

We asked how environmental laws are going to be enforced. Like criminal laws, I don't think that we should sacrifice the environment for people who are out to damage it, but I don't think the environment should be above all of us. Just like the criminal code, we should have protections for citizens. I thought about this bill for a long time and I was sitting out on my porch and I asked my wife, just bouncing it off her, Honey, what would you think if there was a government agency down in lower 40 and you saw him and you went down and asked him what he was doing? He said, I am inspecting your land and then you asked him to leave and he wouldn't, would you like that? She said, no, he has no right being on our property. How are we going to enforce environmental laws and make sure people aren't damaging the environment? There are all kinds of different ways. I, myself, many years ago observed somebody dumping gravel into Bear Pond. I knew he was violating the law and I called the Game Warden. He came up and cited that person and he had to remove the gravel. I don't think we have to sacrifice people's privacy and property rights to enforce environmental laws. There are all kinds of ways of doing that. Thank you.

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

Representative **NORBERT**: Mr. Speaker, Ladies and Gentlemen of the House. There have been many good points raised and I will be very brief. There are three reasons why I oppose this bill. First of all, I believe it will afford reasonable enforcement of our laws, including our environmental laws. Second, it is going to do so at a considerable expense to the public, our towns and to our state treasury. Third, there is no constitutional basis for the bill. I deeply believe that from my research on the Fourth Amendment. I just wanted to respond to my good friend from Turner, Representative Jacobs, she mentioned her support of this bill because she wishes to return to civility. For me, the reason why I oppose the bill is because I think it will really turn civility on its head. I think it will set up a confrontational approach. We heard from the good Representative from Farmington of the long tradition of Maine foresters having a positive and close working relationship with Maine landowners. I really think this will encourage people to post their land and also to not get permits and thereby, require more criminal investigations and more confrontations. It is going to take us from what has been largely a tradition of positive and proactive steps to more reactive steps after the problem when it is expensive. It is expensive not only to get the warrants, but also to remediate the environmental damage, if there is any. I think there will be some unintended consequences, including costs for our towns. There are going to be costs to go to the town hall to research the deeds and also to check who owns the property by checking the property tax records and also cost for obtaining warrants. There are good reasons why the administration opposes this and the Department of Conservation, the Attorney General's Office and the Department of Environmental Protection. I hope you will support the pending motion.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I guess I just want to ask a rhetorical question, if instead of referring to LURC, Forest Rangers, Bureau of Parks and Lands, Forestry and DEP, if instead this bill said in place of all of those agencies, Maine DEA, would this bill have even made it this far? I think not. Please vote to Indefinitely Postpone this bill. Thank you.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. We had a member in the House a few years ago that set up in the rear and every once in a while he would say that he thought maybe we have exhausted all of our intelligence and our listening powers. As I look around, I think it is nearly that time. Twenty-five years ago I had 40 percent of my stomach removed and I am getting kind of hungry. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I find it ironic that some of us are concerned about the state's intrusion upon our property. If you listen closely, you will hear the distant and faint heartbeat of the Fourth Amendment. In our attempts to arm law enforcement, we have essentially rendered the Fourth Amendment nearly meaningless. Let's not be confused, because today, we are here talking about the right of entry on our land for the purpose of

detecting environmental abuses. That is a good thing to monitor. Absent demonstrated abuses and those who enforce the rules here, I am going to support the motion to Indefinitely Postpone. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I will be very short. I am also very hungry. I would like to make one last point before we finish this debate. I cosponsored this legislation, but I didn't pay real close attention to the law. That is my loss and I will have to live with that. I believe that the intent of this legislation was pure.

When I look at the Constitutional rulings when I read the Chief Justice's explanations of why they ruled the way they did, I can't help but raise one question. That question would address some of the previous speakers who said that this didn't have anything to do with the Constitution. I read them and I continue to come to his curtilage area where a person is protected under the Fourth Amendment. Continually though the literature that is defined as can, can include land. When I read the right of entry clause, I continually get to the same stop. I will read to this body. "Agents of the bureau have rights of access to all lands." That is basically where I continue to fall. It is always on the same spot.

To say that this has no Fourth Amendment implications, I think is a real stretch and a bit misleading. I can't see how given those two terms, how this couldn't have something to do with the Fourth Amendment. I said previously in my first speech that we need to define curtilage. Then I sat and said that you can't define curtilage. It is impossible because it is the place that you, the individual, feel an expectation of privacy. That area is protected. It is throughout all the Fourth Amendment rulings. I ask the people of this body with a greater knowledge in law and constitutional rulings to please come to this body with legislation that protects that inherent right in all of us as Americans. That is our right to privacy and expectation of privacy under the Fourth Amendment. Somebody come forward with a definition, not for the curtilage, but for a person's freedom within their own private property.

The Representative from Eagle Lake, I often go to him in the beginning of the session for advice. I believe he is as close to an expert in this body on constitutional items as we can get. Representative Thompson, Representative Savage, you all have expertise in law. Correct me if I am wrong, with this all lands are in conflict with the curtilage. Please somebody stand and correct me and I will stop fighting on this issue. Thank you.

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

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

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. One, in this discussion of private property, does this property include property whereby the owner might have several kinds of tax breaks or has that been discussed in the committee at all? Was that taken into account? It is my understanding that some of the large landowners could have as many as seven or eight different kinds of tax breaks. I have about nine listed as possibilities here. That was one question. Was that taken into account? Do any of the proponents consider this to be less private than my woodlot where I get no tax breaks?

The SPEAKER PRO TEM: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. In response to the good Representative's question, I don't believe that was even raised. Of course, there may have been additional discussions for the proponents. I still don't think that was an issue that was brought forward. Thank you.

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

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. I have listened to this debate with a great deal of amusement and also some very deep concerns. The people that I have heard speaking that everybody should have a right to entry, most of them come from urban Maine. Those who are speaking in opposition, come from rural Maine. Let me share with you something that I shared with the Natural Resources Committee at a hearing a short time ago. The focus of the problem falls on cultural blind spots. It is the modern rendition of an age-old conflict. The urban sophisticate versus the country bumpkin. So ordinary that nobody sees it. We categorize each other with stereotypes, city slickers, boorish hillbillies, the wine and cheese set, Joe's six pack, the Volvos, gun racks, two Americas, urban America and rural America. Two Americas with divergent customs, rules and wisdoms and extricably webbed in conflicting attitudes, values and beliefs. Rural Americans tend to emphasize the basic needs for sustenance and safety, a stable economy, fighting crime, strong defense forces and despite their hearty religious disposition, they are materialists. Urban Americans tend to emphasize the social, self-actualization needs for a sense of belonging, more say in government, ideas count, beautiful surroundings, nature. They are the post materialists. The urban majority has the votes and the power and the jobs and the money, urban dominance. The rural minority has the logging shutdowns and the mining stoppages and the road moratoriums, the fishing bans and the ranching suspensions and the farming restrictions. It is called rural cleansing.

Ladies and gentlemen, I think that that goes a long way towards summing up the differences that exist in this body with regard to property rights and right of entry. Thank you.

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

ROLL CALL NO. 555

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dunlap, Duplessie, Etner, Fisher, Frechette, Fuller, Gagne, Gagnon, Gooley, Green, Hatch, Jabar, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neil, Peavey, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Dugay, Duncan, Foster, Gerry, Gillis,

Glynn, Goodwin, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Perkins, Pinkham, Plowman, Richardson E, Rosen, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Cross, Kasprzak, O'Neal, Perry, Povich, Sirois, True, Weston.

Yes, 73; No, 70; Absent, 8; Excused, 0.

73 having voted in the affirmative and 70 voted in the negative, with 8 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

ENACTORS

Emergency Measure

An Act to Extend the Time Period for Municipalities to Make Recommendations Concerning Great Pond Surface Use Restrictions

(H.P. 1680) (L.D. 2346)
(S. "A" S-571 to C. "A" H-883)

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

Representative SHIAH of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 556

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bouffard, Bruno, Bryant, Buck, Bull, Campbell, Carr, Chick, Chizmar, Clough, Cote, Cowger, Cross, Daigle, Davis, Desmond, Dugay, Duncan, Dunlap, Duplessie, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Glynn, Gooley, Hatch, Heidrich, Honey, Jacobs, Jones, Kane, Kneeland, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McGlocklin, McKenney, McNeil, Mitchell, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, Peavey, Perkins, Pieh, Plowman, Powers, Quint, Richard, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Snowe-Mello, Stanwood, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Bowles, Cameron, Collins, Gerry, Jodrey, Joy, Labrecque, MacDougall, Mack, Mendros, Murphy E, Pinkham, Richardson E, Sherman, Stedman, Treadwell.

ABSENT - Baker, Bolduc, Bragdon, Brennan, Brooks, Bumps, Cianchette, Clark, Colwell, Davidson, Dudley, Etnier, Goodwin, Green, Jabar, Kasprzak, LaVerdiere, Lindahl, Marvin, McDonough, McKee, Muse, O'Neal, O'Neil, Perry, Povich, Richardson J, Sirois, Skoglund, Stanley, Stevens, Tripp, Winsor.

Yes, 102; No, 16; Absent, 33; Excused, 0.

102 having voted in the affirmative and 16 voted in the negative, with 33 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Create the Committee to Study the Governance of the Unorganized Territories of Maine

(H.P. 221) (L.D. 299)
(S. "A" S-559 to C. "A" H-782)

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. 110 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Clarify Responsibilities for the Maintenance of Veterans' Grave Sites

(S.P. 302) (L.D. 873)
(H. "A" H-995 to C. "A" S-581)

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-581) as Amended by House Amendment "A" (H-995)** thereto was **ADOPTED**.

The same Representative **PRESENTED House Amendment "C" (H-1065) to Committee Amendment "A" (S-581)** which was **READ** by the Clerk.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I think it is difficult to legislate patriotism from Augusta. Patriotism comes from the heart and the citizens of America and the citizens of Maine. Yes, it is important to place American Flags on Veteran's gravesites. It is the least we can do to give our thanks to those that served. This bill is an unfunded mandate and therefore, this amendment (H-1065) is meant to reimburse those municipalities, which previously erected a single flagpole. Yes, I take Memorial Day very seriously and even play snare drum in the community band for the Memorial Day Parade in Farmington. There are important things to do on Memorial Day in honoring our veterans for their sacrifices is vitally important, lest we become complacent. Our freedom today must be recognized for the privileges granted to us. We are so fortunate, but patriotism cannot be legislated. It

has to come from the heart. This bill is a mandate and funding should be provided. Mr. Speaker, I would request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-1065) to Committee Amendment "A" (S-581)**.

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

On motion of Representative TUTTLE of Sanford, **TABLED** pending **ADOPTION of House Amendment "C" (H-1065) to Committee Amendment "A" (S-581)** and later today assigned. (Roll Call Ordered)

Mandate

An Act to Authorize School Administrative Units to Utilize Alternative Delivery Methods for a Limited Range and Number of School Construction Projects, Including the use of an Owner's Representative for Certain School Construction Projects

(S.P. 892) (L.D. 2311)
(H. "A" H-1036 to C. "A" S-623)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 2 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

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

An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators
(S.P. 111) (L.D. 308)
(C. "B" S-621)

An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy
(H.P. 404) (L.D. 546)
(C. "A" H-1016)

An Act to Encourage Educational Options
(H.P. 1420) (L.D. 2027)
(C. "A" H-1020)

An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center
(H.P. 1542) (L.D. 2196)
(H. "A" H-980 to C. "A" H-945)

An Act to Amend the Laws Governing Paternity Establishment
(H.P. 1634) (L.D. 2286)
(C. "A" H-1032)

An Act to Establish a Targeted Need Teacher Certificate
(S.P. 886) (L.D. 2301)
(C. "A" S-610)

An Act to Expand Educational Opportunities for Elderly Persons
(H.P. 1692) (L.D. 2398)

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

An Act Regarding Water Quality Testing for Property Abutting a Special Waste Landfill

(H.P. 852) (L.D. 1209)
(C. "A" H-1028)

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

On motion of Representative TRACY of Rome, was **SET ASIDE**.

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

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 557

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

NAY - NONE.

ABSENT - Bolduc, Bragdon, Brooks, Goodwin, Jabar, Kane, Kasprzak, Kneeland, Lindahl, Mailhot, O'Neal, Perry, Povich, Saxl MV, Sirois, Stevens, Tessier, Townsend, Tuttle, Williams.

Yes, 131; No, 0; Absent, 20; Excused, 0.

131 having voted in the affirmative and 0 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Ensure Civil Rights and Prevent Discrimination
(S.P. 840) (L.D. 2239)
(C. "A" S-624)

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

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

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

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

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

Representative **MACK**: Right Honorable Mr. Speaker, Men and Women of the House. I urge you to vote against the pending motion. Yesterday the Right Honorable Representative from Ellsworth spoke about his Jewish roots in Eastern Europe. Over the night I got to thinking about my own family's Jewish roots in Eastern Europe and how privileged we are to be Jewish and to be an American. This is the first country where we could come and not be persecuted and not be oppressed because we are Jewish. Have we been discriminated against at times? You bet we have. I have even been discriminated against sometimes in life, my business dealing and other things. In fact, I was the only Jewish student at Chevrus High School. I would not trade my experience at Chevrus High School for the world. It was a wonderful education. There were a few interesting moments being the only Jewish student there. In fact, my grandfather in the 1950s desperately wanted to be a member of the Portland Country Club, but in the 1950s even though he met every criteria to be a member of the Portland Country Club, they would not let him join because he was Jewish. In 1960 my grandfather became Mayor of Portland and wouldn't you know it, they invited him to become a member of the Portland Country Club. To this day, my grandfather, God bless him, he still goes down to Riverside Municipal Golf Course and plays golf there as much as he can. He is 82. He likes doing it.

We face discrimination at times, but discrimination is like the rain. It is something you can't stop through legislation. When it rains outside you put up an umbrella and you go on with your business. My stepfather is black. I was born in Kingston, Jamaica. My family finds it offensive when people try to compare the struggle of homosexuals with that of religion or the color of someone's skin. They are two separate types of issues. As we have learned in the 118th Legislature when I was the victim of discrimination in a bias incident right here on the floor of the House. To truly change and to truly get rid of hatred in the State of Maine, it must come by changing people's hearts, not through legislation. I thank you and I urge you to vote against the pending motion.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I was going to speak yesterday, but I wasn't feeling very well so I didn't have the energy. I will speak today on this issue. A minister friend of mine sent me a speech and asked me to please be his voice in the Legislature. That is what I am doing right now is being his voice. This bill, LD 2239, in his estimation and my estimation is seriously flawed and must not be put before the people of Maine.

I say this to you, ladies and gentlemen of the House, because the bill utterly disregards the freedom of conscience and the freedom of association of the individual, which is the essence of the freedom of religion protected by the Constitution of the United States. While most people of Maine, including those from our faith communities are already dealing with members of the homosexual community in exactly the same way they deal with everyone else. Room must be made for those among us whose contact with members of that community adversely impacts their consciences and their business and their family lives. No one has the right to tinker with the consequences or to legislate against them. All this is protected by the First Amendment, but because this proposed law is flawed in this fundamental way, but it also has two more serious flaws. Number one, because only certain societies are exempt

corporately from the law at the expense of conscious of their individual members. This is a breach, as I have said, of the Constitution. There is no basis for any confidence or good faith concerning the sincerity of the exception.

Promises based on failure to embrace our Constitution, in other words, cannot be believed. Number two, because this segment of our society is not exempt, but must surrender its constitutional rights for the benefit of another segment of our society. The proponents of the bill can no longer claim that by adding sexual orientation to the bill, it is now creating a new protected class. It is doing just that. That is what civil rights laws are all about. A society as a whole being, willing to give up some of their rights in order to allow certain members of that society the opportunity to rise above the results of their oppression. When we do this for any class of people, we make them a protected class.

This bill is seriously flawed because it disregards the conscience of the individual, which is the essence of religious freedom and because of this it is promised to exempt certain societies as a false basis and cannot be trusted and it is stated that it is not creating a new protective class also has a false statement and cannot be trusted either.

I also have to stand here today. Yesterday I heard things that really upset me. I have gone to Washington a few times this winter to some conferences and I have met many of our black brothers and sisters who are still in utter pain and agony because of the treatment that we, as a nation, caused them. We cannot ever, ever compare what the gay and lesbian society is going through. We can never compare them to what the blacks went through. The blacks remember. Their homes were burnt down. They couldn't eat in restaurants together. They couldn't take a bus with another white person. They couldn't do anything.

Please think twice before comparing yourself with those of our black brothers and sisters. They had no choice. They were brought over here. They didn't ask to come. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I wasn't here last night for this vote. I really wanted to go on record. I wanted to say that for people that don't know it, all of the Indian reservations voted not to repeal the gay rights law when that referendum came up. Indian people, believe me, know what discrimination is and we know that gays and lesbians have been just as much discriminated against as we have. We identify with them. I hope that you will vote for this Enactment. Thank you.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. Last night we heard a few references, at least, to the fact that the Catholic Church was exempted from the requirements of this bill. Are there any civic organizations or any other organizations, specifically the Boy Scouts of America, that may be exempted from this bill? If anybody could answer.

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

Representative **COTE**: Mr. Speaker, Men and Women of the House. As I spoke last night on this bill, I hope you follow my light again and agree to this enactment. Vote for this one and not against. I am not going to repeat what I said last night because it still stands as I stated last night. I urge you to follow my light once more. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to Representative Treadwell's question, there is no exemption for the Boy Scouts. In fact, a vote for this is a vote against the Boy Scouts.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 558

YEA - Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Cianchette, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Jacobs, Jones, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearn, Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Chick, Chizmar, Clark, Clough, Davis, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Joy, Kneeland, Labrecque, Lovett, MacDougall, Mack, Madore, Martin, McAlevey, McKenney, McNeil, Mendros, Nutting, Pinkham, Plowman, Richardson E, Rosen, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Goodwin, Jabar, Kasprzak, Lindahl, O'Neal, Perry, Povich, Sirois.

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

85 having voted in the affirmative and 58 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

(H.P. 1662) (L.D. 2331)
(C. "A" H-882)

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

On motion of Representative McALEVEY of Waterboro, was **SET ASIDE**.

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 559

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

Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Pinkham, Plowman, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - McKenney.

ABSENT - Brennan, Goodwin, Gooley, Jabar, Kasprzak, Kneeland, Lindahl, O'Neal, Perry, Povich, Sirois, Wheeler GJ.

Yes, 138; No, 1; Absent, 12; Excused, 0.

138 having voted in the affirmative and 1 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS

Emergency Measure

An Act to Implement the Recommendations of the Joint Standing Committee on Marine Resources Relating to the Review of the Maine Sardine Council Under the State Government Evaluation Act

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

(H. "A" H-1033 to C. "A" H-963)

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.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter (Unassigned): Rules Governing Maine Milk and Milk Products, Major Substantive Rules of the Department of Agriculture, Food and Rural Resources

(H.P. 1860) (L.D. 2595)

(C. "A" H-1013)

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. 118 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Require the Training of School Personnel Who Administer Medications

(S.P. 424) (L.D. 1261)

(C. "A" S-634)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 13 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act Relating to Underground Facility Plants
(H.P. 1721) (L.D. 2427)
(C. "A" H-1025)

An Act to Promote the Safe Conduct of Fireworks Displays in the State of Maine
(H.P. 1760) (L.D. 2466)
(C. "A" H-1031)

An Act to Increase the Penalty for Leaving the Scene of a Motor Vehicle Accident
(S.P. 942) (L.D. 2472)
(C. "A" S-615)

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)

An Act to Implement the Recommendations of the Task Force to Study the Operation of and Support for the Board of Environmental Protection
(H.P. 1814) (L.D. 2547)
(C. "A" H-1027)

An Act to Ensure Cost Effective and Safe Highways in the State
(S.P. 992) (L.D. 2550)
(C. "A" S-622)

An Act to Promote Microbreweries and Wineries
(H.P. 1835) (L.D. 2571)
(C. "A" H-1006)

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

An Act to Permit the Attorney General, a Deputy Attorney General or a District Attorney to Request Records of Internet Service Providers and Mobile Telecommunications Service Providers
(H.P. 1730) (L.D. 2436)
(H. "A" H-1026 to C. "A" H-982)

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

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

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. This is a divided report out of Judiciary that I object to. This bill allows a District Attorney, Attorney General or an Assistant Attorney General to go before a judge to ask for Internet and telephone records. Currently the situation or the way things work is you must go before a grand jury in order to

present your case and ask for information such as this to pursue what might be criminal context.

This really abbreviates the process. The reason you are being asked to do this is because there are not always Grand Juries going on in some of the counties. It is another expedited process and it is an expedited process in a criminal matter, which I think we need to be very careful about because anytime we are talking about expediting things in a criminal matter, we are talking about compromising our rights. I think this one is a little too expeditious. Mr. Speaker, I would like to move Indefinite Postponement of this bill and all accompanying papers.

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

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. I urge you to vote against the pending motion and to enact this bill. This bill is necessary to keep up with advancing technology. It will give prosecutors the tools they need to investigate crimes that increasingly involves use of the Internet and cellular phones. Some of the crimes for which this will be particularly important are bomb threats, disseminating child pornography and child molestation. This bill builds upon existing law that already applies to all other utilities. It enables a prosecutor, with a law enforcement officer's sworn affidavit and with reasonable grounds to believe that the utility is being used to further criminal purpose to approach a judge and request that the judge order the utility to provide subscriber and billing type records to the prosecutor. That is all that this bill does. A defense attorney or an attorney in a civil suit can get these records just by issuing a subpoena over his or her signature. A prosecutors only alternative is to convene a grand jury and request that they issue a grand jury subpoena for these records. Grand juries usually only convene infrequently. In our most populous county, in Cumberland County, a grand jury usually sits one week out of the month. In some of the other counties, including Piscataquis County, Grand Juries sometimes don't sit for a year. Convening a grand jury is costly. It requires bringing 23 citizens into the courthouse to sit and hear the case and to issue a grand jury subpoena.

This bill was worked extensively. The version that is before you is supported by Internet service providers, specifically AOW. It is supported by cellular telephone companies. It is supported by prosecutors. It is supported by police officers. It is supported by the Maine Civil Liberties Union, the MCLU. The bill contains specific language to ensure that only administrative and billing types of information may be requested from Internet service providers.

I would like to give you a simple example of how this bill might work. If a school receives an e-mail from someone with a screen name of "Mad Bomber" making a bomb threat, the school would have no idea of the identify of the person and whether or not to believe the threat. A law enforcement officer could take that e-mail, could swear out an affidavit regarding the circumstances of the receipt of the E-mail by the school, and take it to a prosecutor. The prosecutor would have reasonable grounds to believe that an Internet service provider had been used to transmit that message. They could then take that affidavit to a judge and request that the judge issue an order to the Internet service provider to provide the prosecutor with records. Records that would tell the name and the address of the person who issued the threat. There wouldn't be time to

convene a grand jury to investigate this because time is of the essence in a crime like that.

I urge you to please vote against the pending motion and enact this law in order to give prosecutors the tools they need to fight crime as we enter the 21st Century. Thank you.

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

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

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. Let me take the scenario a little further. "Mad Bomber" also sends an E-mail to the high school principal, the high school guidance councilor and says, hi, how are you? When the Internet information is received, it will show who this person has E-mailed. Everyone that is shown as an E-mail recipient from "Mad Bomber" is going to have their records looked at and so on and so on and so on.

Are you are ready to be associated with an investigation like this where someone looks at every E-mail that you receive and every incoming and outgoing phone call that you make? You have really no ability to not take a message from "Mad Bomber" if he E-mails you. It is not like a phone call where you can hang up and realize that you have received a phone call. I don't like this. I really don't like that you can go through this. It reminds me of when we tried to make child pornography contraband. There was a huge debate as to whether if you went to the post office and picked up child pornography at the mail because somebody who wanted to get you in trouble mailed it to you, would you have actually be in possession of contraband? We actually had to work out a way to word this to make child pornography contraband, but show that there was an intent to possess it.

There is no wording here that protects a person from receiving these kinds of E-mails and not becoming a part of an investigation. You could be part of an ongoing investigation for up to six months without knowing it. It would all be because someone E-mailed you. When they E-mailed you, your E-mail records become part of a criminal file. Who you E-mail will be checked and their E-mail records will become part of a criminal file. I don't know how far we want to progress down this line, but there is a reason we have grand juries in this country. It was to prevent innocent people from having their names smeared by innuendo and by improper investigation or inappropriate investigations or inopportune investigations.

I think that this is going into the next century or the next communications age without taking into account the ramifications. I really am not impressed if AOL wants to give away my privacy rights. I am really not impressed if my telephone company wants to give away my privacy rights. They are my privacy rights and they are your privacy rights and they should withstand enough scrutiny and if it means you have to convene a grand jury, then you convene a grand jury. How much do you want to keep giving away? I ask you to please support the motion to Indefinitely Postpone.

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

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I am going to join with the good Representative from Durham, Representative Schneider, in asking you to

oppose this motion to Indefinitely Postpone and to go on to enact this bill.

We worked hard on this bill and it became an 11 to 2 report of the committee, Ought to Pass as Amended by the amendment that is before you. In that amendment we made it quite clear that no content of any E-mail can be released. What we did is we took the current law, which sets up a procedure whereby the police or the District Attorney investing a crime can obtain telephone records under the current law and said the same need exists for Internet issues. We didn't only do that, but we made it very clear that content was not included as something that could be obtained. We went even further. We added a new provision, which did not exist in prior law that says the person being investigated has to be notified by the investigating people or the District Attorney or the AG's Office within 60 days after they have made that inquiry, unless they go back to the judge and for good cause shown, the prosecutor gets an extension on that.

Under current law, there is no requirement that anyone ever be told. Anyone of you could have been the victim of a prior investigation to your phone records, for example, and it might have gone nowhere, but you were never told about it. We have changed that law and put more protection into the law to say that you have to be told about that. Once you are told about that, if there have been inequities or people obtaining your information on a wrongful basis, you can act on that. In fact, we have strengthened the protections under the law with this bill.

There is a lot of stuff going on over that Internet. It is going into all your houses if you have the Internet. Some of it is illegal. There is a lot of communications going on over the Internet that are illegal. We have to make sure that we can protect our kids from some of the real strange things that are going on out there. I think that is an important thing to do.

This bill does a couple things. It does give the prosecutors an opportunity to obtain information about transactions on the Internet, not content. It also adds additional protections for individuals. I ask for your strong support of this bill. Thank you.

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

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

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. Would the Representative please explain to me what my remedies would be if I found that this was done and done improperly? Who would I proceed against and what would be my recourse?

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

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. In response to the inquiry, you could file a lawsuit against the law enforcement agency that wrongfully obtained information about you. If they didn't follow the procedure and if the judge didn't approve the transaction, then you would clearly have a cause of action against the law enforcement agency.

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

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

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. We were given the example of the "Mad Bomber" and the E-mail to the school. May I have an example or two, other than for say, child pornography, child solicitation? Can anybody give me an example of any other type of record that anybody would want to obtain regarding an E-mail to my home or any Internet exchange to my home?

The **SPEAKER**: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. I can give you an example that has actually occurred within the last couple of months. There was a group of people in the State of Maine who were advertising prostitution over the Internet and this group of people happened to be stupid criminals because they put their pictures and their names on their advertisements, but had they not done that and had they only used their screen names, this procedure would have been extremely useful in being able to track them down. That is another type of crime.

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

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

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

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. This is obviously a rather new bill. I haven't seen it. It sounds like it has been worked a lot. I am reading the summary and on the second or third paragraph I really don't understand. They have a list of places that you can obtain records. I was wondering if this was already in the law or if this is new?

I would like to read it because it scares me to death. "This amendment defines utility service subject to a demand for records as the following services provided by gas utilities, public heating utilities, radio common carriers, radio paging services, telephone utilities, transmission and distribution utilities and water utilities whether or not subject to the jurisdiction of the Public Utilities Commission. Mobile telecommunication services, whether or not subject to jurisdiction in the Public Utilities Commission and services provided by the Internet services provider." Are those all new? Are those already what we are subject to with the addition of two new items?

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

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. All of those utilities are already subject to this law, except for the mobile telecommunications providers and the Internet service providers.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. I want to point out to you as you continue to hear that there are instances where information is needed. There are already ways for this information to be provided. The three things that you just heard are the most compelling reasons,

which are child pornography, child solicitation and bomb threats. They are all covered under federal law. It is already a federal recourse for this to be done. This does not need to be passed. We have a way to do every bit of this without jeopardizing anybody's rights. If you have to choose between doing something new and perhaps jeopardizing somebody's rights or choosing to do what we have right now, which would you choose? Thank you.

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

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

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. I am a little unclear on something. There was a question asked about what recourse there would be if your records were searched and it was improper? Representative Thompson responded that we could file charges against the prosecutor that found those records. As I read the bill, the title, that would be the Attorney General, which would be the State of Maine. As I understand it, you can't file remedy against the State of Maine unless the Legislature allows you to. Am I incorrect in that assumption? Could somebody explain that to me?

The **SPEAKER**: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. Yes, you are incorrect on that issue. Anyone can sue the State of Maine, but there is a recent court decision saying you cannot sue under federal law against the State of Maine. The individual can't sue the State of Maine on the basis of the violation of a federal law. There are still some that are still in effect, those decisions all involve federal laws. These are state laws. You can sue the state for violating a state law.

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

ROLL CALL NO. 560

YEA - Bragdon, Buck, Campbell, Collins, Davis, Gerry, Joy, MacDougall, Mack, Madore, McAlevey, McNeil, Mendros, Nass, Perkins, Plowman, Rosen, Sherman, Snowe-Mello, Stedman, Trahan, Waterhouse.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Murphy T, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Pieh, Pinkham, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

ABSENT - Goodwin, Jabar, Kasprzak, Kneeland, Lindahl, O'Neal, Perry, Povich, Sirois, Wheeler GJ.

Yes, 22; No, 119; Absent, 10; Excused, 0.

22 having voted in the affirmative and 119 voted in the negative, with 10 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

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

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

(H. "B" H-904 and S. "D" S-609 to C. "A" H-847)

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

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

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

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

Representative MENDROS of Lewiston moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. This is a terrible bill. Let me give you a little bit of background that we have all been through. There have been some little things that have happened with this bill that have had to be amended. First of all, when it went through committee, somehow no one on the committee noticed that someone might have a spouse that under 21 or kids that are 21 and need an exemption for that. They did put in an exemption for grandparents. I don't know anybody who is 16 that has a grandparent that is under 21.

Secondly, the chair asked to commit this committee and then said, why are you sending this back to committee? It is a unanimous committee report. Third, and most importantly, I have read this report, *Young drivers, just how safe are they?* I have read every statistic in here. There are a whole bunch of neat statistics that say that kids get in accidents. Kids get hurt in accidents. Kids get in accidents, but there is not a single stat in here in this entire report that says kids cause those accidents. I called the department and asked for that information and it was unavailable. There is no information anywhere in this state that says kids in that age group cause accidents. It only says that they are involved in them.

Finally, and this one is the kicker, the last amendment said that at the age of 20, they lowered it to 18, but people in the car with you have to be 20 or older. Well, if I am 16 years old and I have a permit, I can go out with anyone of you who is 18 years old that has had their license for over a year and you can ride with me as the responsible party, teaching me how to drive tonight. You are an 18 year old and I am a 16 year old with a permit. We drive all around. You teach me to parallel park and everything goes well. Tomorrow morning I wake up and because of your help, I get my license. I am now a licensed 16 year old driver and I can no longer have you as a passenger in my car. I am less safe with a license than I was with a permit.

This is a terrible bill and I don't know what happened or how it got through, but we have to vote this down. We are taking away rights of underage drivers with no statistical evidence. I urge you to vote for the pending motion.

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

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. Just to correct one statement that was made. If you look at the amendment (S-609), that identifies the spouse and child as being a family member. That corrected that concern that the prior Representative had. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MCALVEY**: Mr. Speaker, Men and Women of the House. To anyone who may have the answer, on the statistics that are reported in that report, how many of those accidents would be single car accidents?

The SPEAKER: The Representative from Waterboro, Representative McAlevy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. I have read the report and it doesn't list those statistics.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. As you know, I rarely rise on issues, but when I do I usually have a definite concern about what is going on. I rose on this issue. I was the person that brought this issue to the attention that there were major concerns within this bill. Yes, after we talked about, the concerns were addressed, some of the concerns. Those concerns should have been addressed long before that. They should have been looked at, but the situations prevailed. I do not and still do not believe that those looks occurred. That is my concern with this bill. It isn't the safety issue. I agree with the safety issue. It is the concern of the structure of this bill. That is why I would ask you also to indefinitely postpone this bill. Thank you.

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

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. It appears that many people who are new drivers may not be, in fact, very good drivers, but are licensed. Has the Transportation Committee or another committee done anything to look at the problems and inadequacies in our test that make people a licensed driver?

The SPEAKER: The Representative from Standish, Representative Mack has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MCALLEVEY**: Mr. Speaker, Men and Women of the House. Having served on the Secretary of State's task force on young drivers three years ago, that is one of the major concerns we had. As a result of that task force, we submitted legislation to the 118th Legislature. We toughened up the driver's license examination. We also toughened up the standards that the examiners used and we required minimum hours of driving with an adult over 21 prior to issuing of a license after having received a permit. I do know early studies of the task force that met for a year, there are a number of single-car accidents involving young people. Unless it changed since I was a kid, I was pretty dangerous my first year driving. Some people would say I still am now. I lived about two miles from my high school and every other day we had a single-car accident with a kid going home or to school. When I worked patrol, I remember we had one stretch of 87 days in a row where a high school kid had an accident. They are actually safer driving alone. They don't have to show off for anybody. If you put somebody in a car, 90 days or less with their license, filled with teenagers, you are asking for trouble. Thank you.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I applaud the good Representative from Waterboro and others for looking at making the license test tougher, so, in fact, when we do license a driver that they are a fully capable driver ready to drive just like you or I. Since the last law was passed toughening the test in the 118th Legislature, I believe that we should give that tougher test some time to see, if, in fact, that test made its objective. It made it so the students who passed the test are fully capable drivers who can have a full license to drive like anyone else. I think we need to give that new law some more time and I would urge you to vote in favor of the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **PEAVEY**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who can answer, one of my concerns about this is enforcement. I wondered how the committee looked at enforcement? Will the police need to stop every car with kids that look of a young age? How will they decide if a carload of kids are 21 or under or over 21? Was that discussed in committee how that would work?

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I don't propose to be a law enforcement officer, but the answer that I got when I asked was I was assured it is the same as other law on the books. An officer would have to have probable cause to stop that automobile. It is illegal to carry an open liquor container in your car, but they can't stop to check. If they think you look like maybe you have been drinking or you are drinking, they can't stop you unless they have probable cause to do it. That is the same with this. If they stop a car for another

reason and they have teenagers in the car, then they can check that driver's license. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. When we first debated this bill, it was mentioned that this should be a parent's concern. The parents should be the ones making the choice. If the law is not on the books, parents don't have a choice. If the law is on the books, then the parents do have the choice. That is why we put it in this way. We have addressed the concerns of lower the age to 18, which I wasn't in favor of. I would have kept it at 21. We have addressed the fact that a spouse can be 18 years old. That has been amended. The only difference and it is true that you aren't going to arbitrarily stop every teenager that has teenagers in the car. If parents are really concerned, if the law is there, they will see to it that a newly licensed driver will not drive that car with kids who are under the age of 18 until the 90-day expiration is concerned. Three times this winter that we saw accidents involving teenage drivers and what does the report come out and say, driver inexperience.

I wouldn't want my grandchildren to be driving in a car with somebody who is just newly licensed, not knowing the roads and not knowing the weather conditions and yet, they have their license. This is where this law can be effective. If we save only one life, then it is well worth it. Thank you Mr. Speaker. I hope you defeat this proposal on the board and keep this law on the books. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I want to clarify one point. Yes, the amendment is for drivers 18 and under, but the passengers still have to over 20. The earlier statement I made about an 18 year old can ride with you while you have a permit, but based on this law can no longer ride with you if you have a license. They are more dangerous with a license then they are with a permit. It still stands based on the doubly amended bill that we are voting on now.

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

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

The SPEAKER: The Representative may pose his question.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. Is it present law that a parent has to sign in order for a child to get a license until age 18?

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. No, they don't have to sign if they are 18.

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

ROLL CALL NO. 561

YEA - Belanger, Berry DP, Berry RL, Bragdon, Buck, Bumps, Campbell, Carr, Chick, Cianchette, Collins, Cross, Duncan, Foster, Gagne, Gillis, Glynn, Gooley, Honey, Jacobs, Jodrey, Jones, Joy, Labrecque, MacDougall, Mack, Martin, McGlocklin,

Mendros, Nutting, O'Brien JA, Peavey, Perkins, Pieh, Pinkham, Richardson E, Rines, Sherman, Shields, Skoglund, Stanley, Stedman, Tobin D, Tracy, Trahan, Treadwell, Waterhouse, Winsor.

(I.B. 6) (L.D. 2602)
(C. "A" H-1014)

NAY - Ahearne, Andrews, Bagley, Baker, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gerry, Green, Hatch, Heidrich, Kane, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McKee, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien LL, O'Neil, Powers, Quint, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shorey, Snowe-Mello, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Williams, Mr. Speaker.

ABSENT - Goodwin, Jabar, Kasprzak, Kneeland, Lindahl, O'Neal, Perry, Plowman, Povich, Sirois, Wheeler GJ.

Yes, 48; No, 92; Absent, 11; Excused, 0.

48 having voted in the affirmative and 92 voted in the negative, with 11 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 562

YEA - Ahearne, Andrews, Bagley, Baker, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chizmar, Clough, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gerry, Green, Hatch, Heidrich, Jodrey, Jones, Kane, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Marvin, Mayo, McAlevey, McDonough, McKee, McKenney, Mitchell, Murphy E, Murphy T, Nass, Norbert, O'Brien LL, O'Neil, Powers, Quint, Richard, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Snowe-Mello, Stanwood, Sullivan, Tessier, Thompson, Tobin J, Townsend, Tripp, True, Tuttle, Usher, Volenik, Watson, Weston, Wheeler EM, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Berry RL, Bragdon, Buck, Bumps, Campbell, Carr, Chick, Cianchette, Clark, Collins, Cross, Duncan, Foster, Gagne, Gillis, Glynn, Gooley, Honey, Jacobs, Joy, Labrecque, MacDougall, Mack, Martin, McGlocklin, McNeil, Mendros, Nutting, O'Brien JA, Peavey, Perkins, Pieh, Pinkham, Richardson E, Rines, Sherman, Shields, Shorey, Skoglund, Stanley, Stedman, Tobin D, Tracy, Trahan, Treadwell, Twomey, Waterhouse, Winsor.

ABSENT - Goodwin, Jabar, Kasprzak, Kneeland, Lindahl, Matthews, Muse, O'Neal, Perry, Plowman, Povich, Sirois, Stevens, Wheeler GJ.

Yes, 87; No, 50; Absent, 14; Excused, 0.

87 having voted in the affirmative and 50 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Repeal the Sales Tax on Snack Food Except Candy and Confections

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

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

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

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 563

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

NAY - Brennan, Bull, Dunlap, Twomey, Volenik.

ABSENT - Goodwin, Jabar, Kasprzak, Kneeland, Lindahl, Matthews, O'Neal, Perry, Plowman, Povich, Sirois, Wheeler GJ.

Yes, 134; No, 5; Absent, 12; Excused, 0.

134 having voted in the affirmative and 5 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, to Provide Adequate Reimbursement for Speech and Language Pathologists and Audiologists and a Study of Medicaid Reimbursement

(S.P. 889) (L.D. 2308)
(C. "C" S-633)

Resolve, to Provide Medicaid Reimbursement for Hospice Care

(H.P. 1748) (L.D. 2454)
(H. "A" H-1023 to C. "A" H-971)

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

(H.P. 1765) (L.D. 2471)
(H. "A" H-1037 to C. "A" H-837)

Resolve, to Improve Access to Technical Education and Ensure a Skilled Work Force

(S.P. 973) (L.D. 2519)

Resolve, to Improve the Services Provided by the Emergency Services Communication Bureau

(H.P. 1885) (L.D. 2624)
(C. "A" H-1012)

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

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

Emergency Measure

An Act to Enter Into the International Emergency Management Assistance Compact

(S.P. 1058) (L.D. 2648)
(C. "A" S-631)

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

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

The SPEAKER: The Representative may pose his question.

Representative JOY: Mr. Speaker, Men and Women of the House. Since this is an international agreement, does this require the permission of Congress before we can move ahead with this?

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. The answer to that is, no, it does not.

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. 114 voted in favor of the same and 13 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regarding Lifetime Hunting and Fishing Licenses

(H.P. 1924) (L.D. 2670)

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

On motion of Representative DUNLAP of Old Town, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED** House Amendment "A" (H-1064) which was **READ** by the Clerk.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. This is a technical amendment. It says that the funds generated from the sale of lifetime licenses shall go into a lifetime license fund and not the General Fund. Thank you.

House Amendment "A" (H-1064) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended House Amendment "A" (H-1064) in **NON-CONCURRENCE** and sent for concurrence.

Emergency Measure

An Act to Implement the Recommendations of the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims

(H.P. 1927) (L.D. 2673)

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

Emergency Measure

Resolve, to Establish the Commission to Study Domestic Violence

(H.P. 1906) (L.D. 2651)

(C. "A" H-1017)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve Pursuant to the Constitution Public Land

Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands

(S.P. 1048) (L.D. 2638)

(C. "A" S-627)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provision of Section 23 of Article IX of the Constitution, 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 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Allow Registration of Low-speed Vehicles on Certain Islands

(H.P. 1904) (L.D. 2649)

(C. "A" H-1010)

An Act to Provide for Statewide Standards for Timber Harvesting in Shoreland Areas and to Modify Regulation of Stream Crossings

(H.P. 1919) (L.D. 2665)

An Act to Implement Recommendations of the Joint Standing Committee on Transportation Relating to the Review of the Department of the Secretary of State, Bureau of Motor Vehicles under the State Government Evaluation Act

(H.P. 1921) (L.D. 2667)

An Act to Create a Heating Oil Emergency Management Program

(H.P. 1922) (L.D. 2668)

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

An Act to Require Nutrient Management Plans for Fish Hatcheries Except for Aquaculture

(S.P. 1052) (L.D. 2642)
(C. "A" S-629)

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

On motion of Representative MARTIN of Eagle Lake, was **SET ASIDE**.

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-629)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1051)** to **Committee Amendment "A" (S-629)** which was **READ** by the Clerk.

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

Representative MARTIN: Mr. Speaker, Members of the House. Just for the record, to make it clear what we are trying to do with this whole issue is to improve the quality of water by requiring or assisting them in nutrient management plans.

House Amendment "A" (H-1051) to **Committee Amendment "A" (S-629)** was **ADOPTED**.

Committee Amendment "A" (S-629) as Amended by **House Amendment "A" (H-1051)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-629)** as Amended by **House Amendment "A" (H-1051)** thereto in **NON-CONCURRENCE** and sent for concurrence.

An Act to Implement the Tax Policy Recommendations of the Task Force Created to Review Smart Growth Patterns of Development

(H.P. 1923) (L.D. 2669)

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

On motion of Representative JOY of Crystal, was **SET ASIDE**.

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

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 564

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Campbell, Chick, Chizmar, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Lovett, Madore, Mailhot, Martin, Marvin, Mayo, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy T, Muse, Nass, Norbert, O'Brien JA, O'Brien LL, O'Neil, Peavey, Pieh, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Cameron, Carr, Collins, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Labrecque, MacDougall, Mack, McAlevey, Murphy E, Nutting, Perkins, Richardson E, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Wheeler EM, Winsor.

ABSENT - Fisher, Goodwin, Jabar, Kasprzak, Kneeland, Lindahl, Matthews, O'Neal, Perry, Pinkham, Plowman, Povich, Sirois, Wheeler GJ.

Yes, 97; No, 40; Absent, 14; Excused, 0.

97 having voted in the affirmative and 40 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

On motion of Representative DAVIS of Falmouth, the House adjourned at 9:38 p.m., until 9:00 a.m., Thursday, April 6, 2000 in honor and lasting tribute to Harold L. Mason, of Falmouth.