

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 6, 2000 – May 17, 2001

Pages 1-889

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
34th Legislative Day
Wednesday, April 11, 2001

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

Prayer by Pastor Brenda Haskell, Grace Linn Memorial United Methodist Church, Hartland.

National Anthem by Elm Street School Band, Mechanic Falls.
Pledge of Allegiance.

The Journal of yesterday was read and approved.

Gillian Trapp, United Kingfield Bank
Joan Derocher-Gamache, Androscoggin Savings Bank
Ann Ulrickson, Bath Savings Institution
Diane Hunnewell, Calais Federal Savings & Loan
Margaret Collamore-Campbell, Damariscotta Bank & Trust
Gail Sargent, 1st National Bank of Bar Harbor
Leo Soucy, Fleet, N.A.
Lewis Curtis, Forum Financial Group, LLC
James Chase, Kennebec Savings
Jeffrey Turcotte, Kennebunk Savings
Bob Oxtan, MBNA-New England
Lynn Hamper, Northeast Bank, FSB
Dena Boston, Ocean National Bank
Carolyn Lamontagne, Saco & Biddeford Savings
Christine Duprez, Sanford Institution for Savings;
and be it further

SENATE PAPERS

The following Joint Resolution: (S.P. 594)

JOINT RESOLUTION RECOGNIZING THE "2001 AMERICA'S PROMISE VOLUNTEERS" OF THE MAINE BANKERS ASSOCIATION AND THE MAINE ASSOCIATION OF COMMUNITY BANKS

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks have been serving the needs of the people of Maine for over 100 years; and

WHEREAS, the associations' members continue to demonstrate their commitment to children and to their communities through support for the America's Promise campaign, chaired by our nation's Secretary of State, Retired General Colin Powell, and for Maine's Communities for Children programs and through community contributions in excess of \$6,000,000; and

WHEREAS, the industry's 10,000-plus employees are contributing over 500,000 volunteer hours annually, which are helping to provide 5 fundamental resources of the America's Promise campaign to children in their communities: an ongoing relationship with a caring adult, such as a mentor, coach or tutor; safe places and structured activities during nonschool hours; a healthy start; a marketable skill through effective education; and an opportunity to give back through community service; and

WHEREAS, the volunteer contributions of the employees of the associations' members are being recognized annually as "America's Promise Volunteers"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the First Regular Session, take this occasion to recognize the Maine Bankers Association and the Maine Association of Community Banks and their "2001 America's Promise Volunteers" for their commitment and contributions to helping Maine's youth attain the fundamental resources necessary to succeed as adults:

Sharon Sesling, Acadia Trust, N.A.
Darlene Hawkes, Bangor Savings
Peter Sylvestre, Biddeford Savings
Barbara Hanson, Camden National
Sue Norton, The FIRST
Penny Ward, Fleet, N.A.
Leeanna Wilbur, Franklin Savings
Kathryn Howes, Katahdin Trust
Theresa Sampietro, Key Bank, N.A.
Debra Getchell, Machias Savings
Alison Bailey, Merrill Bank
Roxanne Ames, Norway Savings
Karen Hart, Skowhegan Savings
Jane Dagley, Union Trust

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the Maine Association of Community Banks.

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

Non-Concurrent Matter

Bill "An Act to Prohibit Smoking in Certain Bingo and Beano Halls"

(H.P. 180) (L.D. 191)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on April 4, 2001.

Came from the Senate with the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82)** in **NON-CONCURRENCE**.

On motion of Representative KANE of Saco, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Prohibit Certain Conduct Relating to Elephants"

(H.P. 488) (L.D. 628)

Minority (3) **OUGHT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 3, 2001.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative McKEE of Wayne, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

REPORTS OF COMMITTEE

Change of Committee

Representative CLOUGH from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Maine Arborist Licensing Laws"

(H.P. 899) (L.D. 1191)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-40)** on Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission Regarding Retirement Benefits"

(S.P. 81) (L.D. 301)

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton
BULL of Freeport
MITCHELL of Vassalboro
JACOBS of Turner
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta
SHERMAN of Hodgdon
MENDROS of Lewiston

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

Signed:

Representative:

WATERHOUSE of Bridgton

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-40)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-40)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 12, 2001.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Amend the Laws Governing Campaign Contributions"

(S.P. 46) (L.D. 214)

Signed:

Senators:

BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
PATRICK of Rumford
DUNCAN of Presque Isle
MAYO of Bath
HEIDRICH of Oxford

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

Signed:

Senator:

WOODCOCK of Franklin

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

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Reinstitute the Auditing of State Agencies by the Department of Audit"

(H.P. 331) (L.D. 421)

Signed:

Senators:

PENDLETON of Cumberland
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
NORBERT of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-101)** on same Bill.

Signed:

Senator:

YOUNGBLOOD of Penobscot

Representatives:

MURPHY of Berwick
KASPRZAK of Newport
CHASE of Levant
HASKELL of Milford

READ.

Representative BAGLEY of Machias moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I ask you to defeat the pending motion and move onto the Minority Ought to Pass as Amended Report. I would like to speak to that. I would like to tell you why I brought this bill first and then I will move on to tell you why I think you should support this bill. Back about a year and a half ago one of my

constituents called me and said, what is going on with the Department of Marine Resources. They are taking \$5,000 of my budget. This was an independent third party contractor separate from state government. When I looked into what was going on, I found that a state department was taking \$5,000 out of a budget once the budget was negotiated and it was approved by all of the parties, a third party independent contractor, separate of state government. I looked into this and found that it was inappropriate. When it was all done, the department withdrew its \$5,000 docking of a private contract.

What occurred while I was doing my research was I found out that departments are not audited within state government. What is done is a federally mandated single audit. In the words of our State Auditor, it is a mile wide, inch thick audit. The State Auditor got together with me and put in a bill. The original bill tried to audit agencies and departments, but what I found was that was too expensive. I worked with her to come up with a different bill. One that would audit agencies programs. That is what the Minority Report, Ought to Pass as Amended, would do. It would audit programs. Some of you might say, what is the fiscal note on this? The State Auditor said in 2002 she could do this type of audit within her budget. That was presented to the committee.

I would like to go down through the history of auditing in state government. I have handed you a legislative analyst history of auditing in the state. If you will take that pink document and look down through the auditing, back in 1995, the justification of state programs act was put into place. What that basically does is it has joint standing committee, budget committee, subcommittees and they would have the responsibility of audits within the state.

As many of you know, including myself, who was on one of those budget subcommittees, we don't have the time or the resources available to us to do the type of audits that should be done within state government. To say that it is being done now is a real far stretch because most of you probably know it is not, as I do. Really, the only thing we are left with now is no auditing of state government. If you pass the Minority Report, all that we will be doing is what is being done to the taxpayers of the State of Maine and of this nation and that is we would implement random auditing of programs to keep people honest. These departments, if we pass this bill, must keep in the back of their minds that on Monday morning there may be a state auditor sitting in their seat wanting to look at their books. This is all that this bill would do. It costs the State of Maine nothing now, but it puts into place some kind of fiscal accountability within the department. I fail to see what is wrong with that. Thank you.

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

Representative MCDONOUGH: Mr. Speaker, Men and Women of the House. I urge you to defeat this bill. Our committee, State and Local Government, listened to the testimony and felt that the bill had some merit to it, which it does. The State Auditor already has the authority to go in and audit state departments, programs or anything under the State Constitution. The problem right now with this whole issue, Mr. Speaker, is that we are in a financial crunch. In a perfect world we would be able to do this and say go and fund it and the job would get done. The departments are auditing themselves internally. You have on your desk a copy of the management letter from the State Auditor. You can see that they are looking at programs over the entire process of state government. We also said to ourselves, does it make sense for us in our

committee to come out and say, we want this right now. We recommend increasing four, five or six state auditors to do the job right and knowing that the financial straits that the State of Maine is in right now, fiscally, that it would be fiscally irresponsible for us not to assume the responsibility within our committee to say no. The bill has some merits, but we can't do it now. Why should we pass this over to the Appropriations Committee that is dealing with all the issues of funding and have them, in all probability say no, the bill has merit, but we can't fund it. We assume the responsibility for saying that this Ought Not to Pass and ask you all to support the committee's recommendation. Thank you.

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

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

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

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. You will see that this bill has a divided report. It is not heavily weighted on one side or the other, which means that we haven't determined exactly whether this is good or bad in our committee. I understand the committee process means a lot to some people. I would say that the reason that we, as legislators, should support this bill is because, first of all, we have a great responsibility to the citizens of the State of Maine to make certain that state government has integrity. Our fiscal behavior has integrity. We have been given that responsibility and I take it very seriously. Given the incredible pace that we keep here in our Legislature these days, we have very little time for oversight of the agencies and departments that we are responsible for. This is a great opportunity for us to take advantage of what we can in our auditing department to allow them to take care of something that we desperately need. The good Representative from Portland mentioned that our financial state of affairs might not be that fabulous at this moment. I would say that just adds to my argument. What better time to make sure that we are spending every cent of the taxpayer's money in a responsible fashion? I would encourage you not to support the pending motion. Thank you.

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

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. I would like to address something that was said earlier about state departments were auditing themselves right now. I will address that point twice. The good Representative who made that statement in a discussion with me earlier this year told me that Janet Waldren's Office was auditing departments. I called her office and I got a memo from her office on exactly what they did. I would like to read from that memo. I did supply that for the majority party leadership earlier. "I am responding to your question about the types of audit that the Department of Administrative and Financial Services does. The Department of Administrative and Financial Services does not audit agencies." That is from a memo. I will make that available to anyone in this body that would like to see that. This is Gail Chase, State Auditor, in her statement to the *Maine Times* in an article about this bill. "We have a good picture of the State of Maine, but it is a general picture. We see the forest, but the individual trees are not seen. Some agencies never see an

audit. They are small and not risky. The management of those agencies could be seen as less than desirable."

We heard earlier that this bill would cost money. Again, I will repeat what the State Auditor said in committee and made a presentation to the committee. She said that in the year 2002 that she could fit into her current budget this bill and some random auditing. She did say that she couldn't do it on an extensive level. I will remind you that as you have seen in the last several years, our financial situation can change almost yearly. There may be a point in the very near future where we can put together a program similar to California, Florida and New Jersey where they have program performance teams of auditors that go in and look at programs and budgets. The State Auditor was prepared to make a presentation to the committee on four positions, two funded federally and two funded at the state level. That was \$130,000 fiscal note.

Ladies and gentlemen of the House, fiscal responsibility to me is very important. I think very soon we can have the funding available to do a more extensive audit. I believe that if you defeat this motion and move onto the Minority Report, would be an effective tool to begin that process. All we would put into place is the same principles that apply to the taxpayers. Thank you.

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative BAGLEY of Machias to **ACCEPT** the Majority Ought Not to Pass Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Prohibit State Expenditures on International Treaties not Ratified by the United States Senate"

(H.P. 356) (L.D. 446)

Signed:

Senators:

PENDLETON of Cumberland
YOUNGBLOOD of Penobscot
ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias
McDONOUGH of Portland
HATCH of Skowhegan
LESSARD of Topsham
McLAUGHLIN of Cape Elizabeth
MURPHY of Berwick
CHASE of Levant
HASKELL of Milford
NORBERT of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-102)** on same Bill.

Signed:

Representative:

KASPRZAK of Newport

READ.

Representative BAGLEY of Machias moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I stand here today to ask you to vote

against the pending motion and to vote for the Minority Report and this is why. The purpose of this bill is to preserve and protect the US Constitution, specifically that only the US Senate ratifies international treaties and treaties are not implemented until and unless they are ratified..

Only the US government may negotiate, sign and ratify treaties with other countries on behalf of the people of this country. The State of Maine has no business and no authority to engage in such activities.

No international treaty can or should be implemented until and unless it is ratified by the US Senate. To assume ratification is to usurp federal legislative power and to mock the consent of the governed through their elected representatives. To proceed with implementation in the absence of Senate approval is government by bureaucrats and special interest, not the people.

Suppose the Governor sent a nomination to your committee and you discovered that a state agency began treating the nomination as confirmed before the hearing and confirmation vote, paying the nominee's expenses, providing staff support and awarding grants to special interests to lobby for them. Now suppose this happened after a negative committee vote. Will you vote to let such behavior continue?

The State of Maine has expended or awarded almost \$200,000 to implement the unratified Kyoto treaty. A DEP staffer is detailed to this work full time. Several environmental advocacy organizations have received grants to "educate" Mainers on the topic. Worst of all, the state has prepared a blueprint for how Maine would implement and comply with Kyoto's requirements. Among the recommendations are penalties for driving low mileage vehicles like pick-up trucks. I'm sure the people of Maine will be pleased that public monies produced such fine ideas. The recommendations and the process that created them bring to mind car testing and reformulated gas. If and when the US Senate ratified Kyoto, that is when Maine should develop an implementation plan. Doing so now puts the cart before the horse and is fundamentally different from doing so after ratification, which seems pretty unlikely given that 95 Senators, including Senators Snowe and Collins, have indicated they will not support Kyoto as written.

At issue here is a deeply flawed and controversial environmental treaty, and the abuse of the principle that treaties are implemented after ratification, not before. What if some future administration seeks to use this premature implementation process to serve as a backdoor for trade treaties like NAFTA, which damage part of Maine's economy? Don't let it happen. Support the principle that only the US Senate ratifies international treaties and we only implement treaties after ratification, not before.

I would also like to let you know that this has nothing to do with Maine's emergency management team. That is a treaty that was set up by this state to interact with our provinces and other countries surrounding us. That is fine and I have no problem with that. That is state design that doesn't come from the United States Government. I urge you to please think about this very seriously and vote against the pending motion and support the Minority Report. Thank you.

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

Representative **SNOWE-MELLO** of Poland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

ROLL CALL NO. 44

YEA - Andrews, Ash, Bagley, Baker, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chase, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, Nutting, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Simpson, Skoglund, Smith, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Annis, Berry DP, Bowles, Buck, Carr, Clough, Collins, Crabtree, Cressey, Davis, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Kasprzak, Labrecque, Ledwin, MacDougall, McKenney, Mendros, Michael, Morrison, Murphy T, Muse K, Nass, Peavey, Perkins, Pinkham, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Winsor, Young.

ABSENT - Brannigan, Goodwin, Green, Landry, Matthews, O'Brien JA, O'Brien LL, Quint.

Yes, 100; No, 43; Absent, 8; Excused, 0.

100 having voted in the affirmative and 43 voted in the negative, with 8 being absent, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought Not to Pass** on Bill "An Act to Designate the Town of Topsham Communications Center as a Public Safety Answering Point" (EMERGENCY)

(H.P. 630) (L.D. 830)

Signed:

Senators:

FERGUSON of Oxford

CARPENTER of York

Representatives:

SAVAGE of Buxton

RINES of Wiscasset

CRABTREE of Hope

PERKINS of Penobscot

GOODWIN of Pembroke

BERRY of Belmont

McGLOCKLIN of Embden

BLISS of South Portland

DUNCAN of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-103)** on same Bill.

Signed:

Senator:

TREAT of Kennebec

Representative:

HALL of Bristol

READ.

Representative SAVAGE of Buxton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. This is a very sensitive issue. The designation of public safety answering points is an issue that brings a great deal of emotion from local communities because it is seen as a removal from the local community of authority over their public safety, fire and ambulance dispatch. I want to talk a little bit about how this process really works.

There is a charge that is placed upon telephone bills and that surcharge provides funding for statewide implementation of the E-911 System. E-911 is a very important program for the safety of our citizens, but it is not cheap. In order to implement this program as quickly as possible and as economically efficiently as possible, the Utilities and Energy Committee, with the blessing of this Legislature, has in the past instructed the Department of Public Safety to limit the number of PSAPs to as few as possible. We could, with the technology, have one PSAP in this state. Instead, we have 48. That is about 47 too many. However, there are an additional 42 communities that would like to be added to the list of PSAPs.

I am not going to spend a lot of time talking about this, but let me just tell you that the average cost of \$40,700 per year for a PSAP for a five year contract, that is approximately \$204,000. Multiply that by 42 communities that would like to be additional PSAPs and we are talking about \$8.5 million over a five-year period. When the Department of Public Safety told the Town of Topsham they were not going to be a PSAP, that was part of what was driving that decision. The committee stands by that and I ask you to stand by that as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bristol, Representative Holl.

Representative **HALL**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today not to heap abuse and ridicule and contempt and disgrace on my good colleagues from the Utilities and Energy Committee, but I do rise in the possibly quixotic course of asking you to vote against this Majority Ought Not to Pass Report and later to vote to pass this bill.

I do so for two, I believe, very valid reasons. The first reason concerns the geography of Sagadahoc County. Sagadahoc County is unique in Maine in that it is physically divided into three parts separated by bodies of water. The central and eastern parts of Sagadahoc County are connected by the excellent and reasonably completed Kennebec River Bridge from Bath to Woolrich. The western one-third of Sagadahoc county is physically separated from the balance of the county and physically separated from Bath, where the soul proposed PSAP for that county is located. To go from Topsham or from any of the towns of Richmond, Bowdoinham and Bowdoin, which wish to share in a PSAP at Topsham to Bath requires an extended detour through either Cumberland County or through Lincoln

County. The Topsham/Richmond area is physically and culturally and economically separate from the rest of the county and believes that it deserves a separate PSAP. Topsham is willing to pay its share of that PSAP.

My second point is a question of fairness to Topsham in comparison with its neighboring communities of comparable size. Topsham's neighboring towns are in Cumberland County where political clout has achieved separate PSAPs for Brunswick, Freeport and Yarmouth. Topsham would like as a matter of plain fairness to be treated in the same way. I do want to make one final point about the funding. As Representative Savage has pointed out, so far funding has been allocated for 48 PSAPs. In fact, I understand that 52 or 53 sites for PSAPs have been provisionally designated so far. The funding shortfall should be met, not from the General Fund, but from the E-911 surcharge to which Representative Savage referred. The level of that additional surcharge is still to be determined and a bill on that subject will be heard at the Utilities Committee tomorrow.

Ladies and gentlemen, I ask you as a matter of simple fairness to do a favor to the Town of Topsham and its neighboring communities and grant them the opportunity to have their own PSAP. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative LESSARD: Mr. Speaker, Members of the House. I didn't usually speak much in my former career, but I do listen a lot. This is an occasion that I feel that I should speak out for the citizens of Topsham. If you recall, at the start of this session, you may have read an article in a Portland paper where it indicated who was really going to be controlling state government. Is it going to be the Chief Executive for the longer terms or are we wondering about the area of term limits that we will all go through at one time or another or is it the bureaucracy with longevity and knowing how to get things done? As you follow the sequence of events that I am about to present to you, you can make up your own mind as to what took place here. I am very, very frustrated. The town officials in Topsham are very upset. If you follow the scenario that I am about to lay onto you, you can see why as I keep speaking, I will probably get more frustrated.

The purpose of this bill is to ensure that the Maine Department of Public Safety keeps the commitment that it made when it accepted a letter of intent as of February 1998. The letter stated that if the Town of Topsham made specific upgrades to the communications center, it would receive Public Safety answering point, also known as a PSAP status. That commitment was broken when the Department informed Topsham they would not receive PSAP status. It is absolutely essential to the operation of good government that when the state makes a commitment to a local community, it keeps that commitment.

The Town of Topsham has spent in excess of \$37,000 to meet their part of this commitment. The town has spent over \$7,000 to upgrade the facilities and equipment for the new center. They have spent \$17,800 to install a new backup generator system and over \$13,000 has been expended to upgrade the telephone and radio recording system. The citizens of Topsham made this financial commitment in good faith and under the assurance of the Department of Public Safety that Topsham will receive public safety answering point status. To take that away from them is simply wrong.

Further, regardless of the cost, which the town has incurred, it makes good sense to have two PSAP sites in Sagadahoc

County. Topsham is a growing community. It is one of the largest in Sagadahoc County. It makes it the logical site to locate a PSAP. Several of our neighboring communities, Cumberland County, Androscoggin County and Kennebec have multiple sites. Cumberland County with 14 sites includes Brunswick, our neighbor to the south and Freeport five miles away is individual PSAP sites. It is clear the growth of this area demands and will continue to demand more PSAP sites to deal with increasing call volumes.

The infrastructure already exists. By disallowing the town PSAP status, the state will create a decline in services to the citizens of Topsham as well as put an undo burden on the county as its growth continues. When the shift to E-911 is complete, all 911 calls from Topsham will first be routed by the counties PSAP. That really could take a half minute or more. It may seem like a small amount of time, but in the world of emergency services it could create a serious problem in response time. There is no need for this to happen. We have the power to create a top-notch emergency response system in Sagadahoc while at the same time honoring our commitment to the Town of Topsham. I urge the House of Representatives to support this bill.

Further, I have a letter of intent here signed by the officials in Topsham and myself as Chief of Police at that time. It is also signed by the director of the E-911 bureau. "The parties below hereby certify that they have read and fully understood the laws and rules regulating staffing, equipment facilities, call handling, confidentiality, liabilities and other matters relating to the operation of PSAP in the Maine enhanced 911 system and commit themselves to the operation of a PSAP and the enhanced 911 system in such a manner that meets the intent of such laws and rules." This is duly signed by all the parties.

After that initial intent letter was signed, the folks in Topsham were overjoyed because 911 had never been in the Town of Topsham. They would always go to Brunswick Police Department or the Lisbon Police Department where they were routed back to Topsham. That was most unacceptable, but we lived with it because we have an emergency number where faithfully we would respond every year to the residents and businesses to make sure they call the emergency number in Topsham. It was not 911.

After this letter of intent we proceeded to go to Town Meeting twice to get the money to update our communications center so that it would be ready for the startup date. The final paragraph on memorandum back to the town in the last part of 1999 from the E-911 Bureau, "We are now well on our way to meeting the scheduled implementation deadlines and encourage you to move quickly to complete this step, a vital step in providing the citizens of our community emergency enhanced 911 service."

The Bell Atlantic people came in and drew the diagrams for us on where the equipment would go and everything in conjunction with a responsible upgraded PSAP. A lot of time and effort went into this with staff people. Lo and behold on September 5, 2000, the town gets a letter from the E-911 Bureau that they are no longer being considered as a PSAP. I was no longer the police chief at that time. I didn't find out about this until the town contacted me in October. I made a call to the Commissioner of Public Safety and inquired as to the reason and if there is any appeal process that we could talk about. He said the answer is quite definite and that is the way it is going to be. I said, how about a meeting with the town officials so that we can sit down and find out what is going on here? There was a

meeting in November with the Commissioner of Public Safety, Senator Small and Representative Tripp, who I replaced, and officials of the Town of Topsham. After putting their case on the table with the Commission, the inference that they got was, that is the way it has to be.

From that point, we have been trying to get an audience to the Public Safety Commissioner or her staff to explain the method in which PSAPs were assigned or located and why all of a sudden one was taken away in that respect. I contacted the Commissioner three times, once in writing, once to the Executive Office to request a meeting. This meeting did not take place. I am sorry to say that this meeting did not take place. It really bothers me. I have been involved in state government in my first career and I always thought that perhaps a meeting would solve a lot of problems and it wouldn't have to come down to an LD that is presented.

At that time, I was elected to this office and nothing had been done as far as the meeting with the E-911 officials. I filed an LD and this is what we have today. We figured perhaps that wasn't so bad, maybe, because the call would go to Sagadahoc County and they could relay that call to us in dispatch. Lo and behold they cannot dispatch. They can relay the call, but they cannot dispatch. They can dispatch from the City of Bath and the Sheriff's Department, but they cannot dispatch to Topsham. Here is where the point is. When a call comes in, we can look at the screen at the PSAPs and find out where the call is and you can directly dispatch from that screen without any errors. There have been errors made on the phone relaying messages from an irate individual or an individual who really has a problem. Here we are. We do not have direct dispatch as a result of not having a screen.

My question to the E-911 Bureau is why not have a screen in our police station so that we can know first hand where the information is coming from. It will be on the screen. We don't have to be designated as a PSAP. Give us the tools to work with. Sorry, we can't do that was the response. It would cost \$40,000 to put it in. We just spent \$40,000 to get our communications center ready. The county spent nearly \$500,000 getting ready for theirs to be ready. Now we are asked that if we want the top-notch technology, we should invest another \$40,000. This is unacceptable.

The manner in which those calls are going to be relayed, I would hope that you would think about this seriously in your own communities. If this can happen in my community, it is going to happen at some point in time where the bureaucracy is going to point out what they pick and choose and that will be their will and not this Legislatures. Why weren't we told and discussed the issue of why this has to be done? Perhaps there is no answers to be had that is why no one met with us. What method did they use? Smaller communities, Cumberland, Freeport, all smaller than Topsham have now been assigned PSAPs. Why? I still don't know why. It is very disturbing to go through this process knowing that it probably could have been settled a while back.

I submit to you that Topsham acted in good faith. I would hope the State of Maine does also. All eyes are on us today because I do represent the Town of Topsham. If we let this issue go the way it is giving the bureaucracy the right to pick and choose, they have that right under a resolve passed last year by the 119th Legislature, LD 2624. You look it up. It gave the authority to the Commissioner of Public Safety to designate the PSAPs. Before that, the community officials were involved in designating what PSAPs were chosen and what they could do.

That resolve also mentions the fact that they should and would get together with local officials to discuss any possible changes or anything that came about affecting that community. I submit this was not done and it is very frustrating to see that one level of government is not honoring their commitment where a lower government, the Town of Topsham, it is not a lower, but it is another branch of the government has met its commitment and now the state does not.

I submit to you that if we act on this in good faith, the surcharges that are being paid in the Town of Topsham, the same surcharges you are feeding other communities that have direct dispatching with information before them so that they can dispatch them. I have been through that. I have been involved in communications most of my life and I know what people go through when emergency calls come through. We need the best available technology. To defeat this bill, we will not have the best available technology in the Town of Topsham. That is the point that is being made here. I would urge you to follow my light and vote to pass this bill.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I have served on the Utilities Committee for three sessions. In all three of those sessions we have had to deal with the situations with E-911. First of all, let's make it very clear. The 911 system is not a dispatch system. It is an answering point system that then send information to other areas so that safety, personnel, fire and police can then be dispatched. As was pointed out, we could have served the entire State of Maine with one center. It would have been very easy to do. The City of Baltimore with 2 million people is served by one center. It would not have been difficult. When the City of Bath decided that they would not become a PSAP area and chose out of the system. That savings to the people of the State of Maine amounted to over \$40,000. That savings is the cost of setting up every single year one of those sites. If we equip Topsham, it would be another \$40,000. We already are going to have a site in that county to do the dispatch for that county. There was one position added in that dispatch for the county. That cost was around \$8,500 for that position. The savings to the people of the State of Maine at that point, considering Bath, considering the Topsham equipment, which would have to have been placed there, without doing those things and backing off the position that has been added through the Sagadahoc System, would have amounted to a saving to the people of \$73,000 a year. By activating one site in Sagadahoc County, the actual savings to the people of the State of Maine based on the cost of system for the county, which is a little over \$40,000, would amount to a little over \$32,000 every single year.

We, last year in committee, dealt with the Town of Winthrop, because Winthrop came to us and said that we want to be able to do this. The committee's decision last year on that was, no.

Ladies and gentlemen, geography is not part of the system. Electrons are the system. When you pick up your telephone and call California, how long does it take it to ring? Immediately. That same system applies to E-911. Just because something sits between you and the source does not dictate that this needs to have a separate entity. In Waldo County, Representative Lindahl and myself worked for several months within that county to bring together the Sheriff's Department and the Police Department. The site is now under construction. It will be done early and Waldo County will be on line. Remember, the function

of the enhanced 911 is so that when you, if you have a situation, even punch your phone and dial it, whether you talk or not, that is going to come up on screen and your address will be known. Therefore, your town, your location, no matter if you cannot even speak, there will and can be a response. That is what the system is about.

In the Town of Scarborough last year, they used the reverse enhanced system. Where they actually dialed every home in one section of Scarborough and told people, please turn on your yard lights. This was in the middle of the night. They were having a situation with a criminal. In less than half an hour the person was apprehended and the call was returned, you can turn out your lights.

The system works in many ways. I hope that you would hold the committee position on this and what has been the committee position for the last three sessions. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative HUTTON: Mr. Speaker, Men and Women of the House. In January of 1998, the Bureau of Public Safety sent a letter of intent to the Town of Topsham to designate them as a PSAP. I just want to quote from the letter. "In return for your commitment as a PSAP, the Bureau pledges its obligations to provide for the E-911 telephone network." This letter was extremely misleading. There were no words such as possible or potential used in this letter. Topsham signed the letter of intent in good faith. In that letter, just to say it one more time. It says, "Commit themselves to the operation of a PSAP." Topsham acted on this. They spent \$37,000 plus dollars of their tax money because they felt that they had a commitment from the state. Geographically, they felt they were the central location for this PSAP. Technology or not, Topsham is in the center of our district.

I feel there are many unanswered questions from the Bureau to the Town of Topsham. Frankly, if they had sat down with the Town of Topsham and had those discussions, things might be different, but at this moment it is not there. I urge you to consider the state's obligation to the Town of Topsham and vote against the Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative LESSARD: Mr. Speaker, Men and Women of the House. To follow up what Representative Berry had indicated, that all is well and good. It is true. The E-911 system is what it is made out to be. There is a difference when you receive a call and transfer it. There is a difference when you can receive a call, look at what you have on a screen and dispatch directly to the emergency. I know. I have been there. That is the difference we are talking about. It is not the matter so much as the \$40,000 that Topsham expended. We never had 911. Therefore, that is why I am urging that a community this size should have the ability to treat its citizens like anywhere else in the State of Maine to dispatch to that emergency with the proper equipment. If you look at it this way, what is the best technology that we have offer our citizens? It is direct dispatch from something that you can see visibly with a follow through with the E-911 where it comes from. Thank you Mr. Speaker.

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

A vote of the House was taken. 77 voted in favor of the same and 41 against, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** 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:

(S.P. 300) (L.D. 1011) Bill "An Act to Modify the Maine Student Incentive Scholarship Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-39)**

(H.P. 61) (L.D. 70) Bill "An Act to Designate the Second Saturday in September as Youth Field Day" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-110)**

(H.P. 413) (L.D. 534) Bill "An Act to Prohibit the Delay in Provisional Payment of Certain Disability Benefits" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-109)**

(H.P. 552) (L.D. 707) Resolve, to Explore the Feasibility of Establishing a Dental Residency Program Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)**

(H.P. 784) (L.D. 1028) Bill "An Act to Conform the Maine Tax Laws for 2000 with the United States Internal Revenue Code" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-106)**

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

CONSENT CALENDAR:

Second Day

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

(H.P. 525) (L.D. 680) Bill "An Act to Bring the Crime of Refusing to Submit to Arrest or Detention into Conformity with the Maine Criminal Code"

(H.P. 873) (L.D. 1152) Bill "An Act to Amend the Standard Valuation Law for Life Insurance and to Restrict Limitation of Liability for Death by Suicide in Group Life Insurance Policies"

(H.P. 56) (L.D. 65) Bill "An Act to Require That Elevators in Public Buildings be Large Enough to Accommodate Ambulance Stretchers" (C. "A" H-105)

(H.P. 201) (L.D. 231) Bill "An Act to Provide a Matching Fund Grant to the Maine Maritime Academy" (C. "A" H-104)

(H.P. 460) (L.D. 581) Bill "An Act to Exempt Certain Organizations from the Meals and Lodging Tax" (C. "A" H-100)

(H.P. 700) (L.D. 904) Bill "An Act to Amend the Charter of the Corinna Water District" (EMERGENCY) (C. "A" H-99)

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

BILLS IN THE SECOND READING

Senate

Bill "An Act to Discourage Frivolous Appeals"
(S.P. 224) (L.D. 789)

House As Amended

Bill "An Act to Implement the Continuation of Service Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf" (EMERGENCY)

(H.P. 167) (L.D. 178)
(C. "A" H-96)

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

Bill "An Act to Allow Washington County to Elect Its Own District Attorney"

(H.P. 354) (L.D. 444)
(C. "A" H-77)

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

On motion of Representative DUPLESSIE of Westbrook, was **SET ASIDE**.

The same Representative **PRESENTED** House Amendment "A" (H-111) which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended** by Committee Amendment "A" (H-77) and House Amendment "A" (H-111) and sent for concurrence.

UNFINISHED BUSINESS

The following matters, 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.

Expression of Legislative Sentiment recognizing the members of the Oxford Hills Comprehensive High School Boys Alpine Ski Team

(HLS 137)

TABLED – March 22, 2001 (Till Later Today) by Representative HEIDRICH of Oxford.

PENDING – **PASSAGE**.

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

Bill "An Act to Create a Comprehensive Prescription Insurance Plan for Maine Seniors through the Implementation of the Recommendations of the Heinz Family Philanthropies Report"

(S.P. 592) (L.D. 1768)

- In Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

TABLED – April 10, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – **REFERENCE** in concurrence.

On motion of Representative KANE of Saco, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and the Committee on **BANKING AND INSURANCE** in **NON-CONCURRENCE** and sent for concurrence.

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

On motion of Representative COTE of Lewiston, the House adjourned at 11:48 a.m., until 10:00 a.m., Thursday, April 12, 2001.