

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
39th Legislative Day
Monday, April 30, 2001

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

Prayer by Reverend Earl Bell, Sweden Community Church, Waterford.

National Anthem by Melanie Saucier, Fort Kent.

Pledge of Allegiance.

Doctor of the day, David Dumont, M.D., Lincoln.

The Journal of Thursday, April 26, 2001 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 599)

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources report out, to the Senate, a bill regarding invasive species.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 212)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

April 18, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 653 An Act to Authorize Department of Transportation Bond Issues in the Amount of \$2,900,000 to Fund High Priority Snowmobile Crossings on Highway Bridges and Provide Boating and Fishing Access Improvements to Highway Bridges

L.D. 819 An Act to Revitalize Teacher Certification Support Systems

L.D. 1008 An Act to Assist the Teacher Certification Process

L.D. 1114 An Act to Adjust the Funding for Designated Regional Emergency Medical Services Councils

L.D. 1437 An Act to Provide Legal Assistance to Victims of Domestic Violence

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

Sincerely,

S/Sen. Jill M. Goldthwait

Senate Chair

S/Rep. Randall L. Berry

House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 213)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

April 18, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 485 Resolve, to Create a Committee to Study the Feasibility of a Single Payor Health Care System

L.D. 526 An Act to Expand Insurance Coverage in the State

L.D. 543 An Act to Provide Universal Access to Health Care for All Citizens of the State

L.D. 816 An Act to Clarify Discounts to Nonsmokers in the Health Insurance Premium Rates

L.D. 1041 An Act to Provide Universal Health Insurance Coverage

L.D. 1503 Resolve, Creating the Commission to Study Health Insurance Costs for Small Businesses

L.D. 1621 An Act to Require that a Corporation Meet the Same Requirements as an Individual for Proof of Insurance

L.D. 1638 An Act to Reform Health Care in the State

L.D. 1652 An Act to Promote Healthy Lifestyles and to Reallocate the Cost of Health Care Insurance

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

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Christopher P. O'Neil

House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 214)

STATE OF MAINE

**ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

April 18, 2001

Honorable Michael H. Michaud, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

L.D. 1349 An Act to Transfer Oversight of Geologists to the Bureau of Geology and Natural Areas

L.D. 1472 An Act to Create Limited Licenses for Retired Physicians

L.D. 1513 An Act to Encourage the Profession of Nursing by Establishing a Nursing Education Loan Fund

L.D. 1655 An Act to Regulate Unused Property Markets
We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Kevin L. Shorey
Senate Chair
S/Rep. John G. Richardson
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 215)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

April 20, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 267 An Act to Repeal the Requirement That a Person Have a Permit for Concealed Firearms
- L.D. 752 An Act to Amend the Standards for Release for Crime Bailable as of Right Preconviction
- L.D. 790 An Act to Make Assault with a Dangerous Dog a Crime and to Allow a Court to Impose Restitution to the Victim
- L.D. 827 An Act Requiring a Mandatory Jail Sentence for a Person Convicted Twice of Sexual Abuse or Unlawful Sexual Contact
- L.D. 868 An Act to Amend the Laws Governing Reimbursement of Training Costs for Law Enforcement Officers
- L.D. 1075 An Act to Prohibit Plea Bargaining for Cases of Murder and Felony Sex Offenses Against Children
- L.D. 1099 An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities
- L.D. 1130 An Act to Provide for a Minimum Sentence and Limit the Use of Plea Bargaining in the Death of a Child 6 Years of Age or Younger
- L.D. 1254 An Act to Amend the Supervised Community Confinement Program
- L.D. 1343 An Act to Increase the Penalties for Criminal Speeding and Operating After Suspension BY REQUEST
- L.D. 1368 An Act to Reduce the Risks Posed by Intoxicated Persons Under Arrest
- L.D. 1423 An Act to Amend the Law Regarding the Release of the Identity of Certain Juveniles Accused of Crimes
- L.D. 1528 An Act to Improve the Delivery of Religious Services to Prisoners in the Maine Correctional System

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

Sincerely,
S/Sen. Michael J. McAlevey
Senate Chair
S/Rep. Edward J. Povich
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 216)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 19, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 1219 An Act to Ensure Continuity of Services from Private Nonmedical Institutions
- L.D. 1237 Resolve, to Provide Resources for Youth who are Homeless or At Risk of Homelessness
- L.D. 1605 An Act to Control Agency Staffing Costs Affecting Long-term Care BY REQUEST
- L.D. 1617 An Act to Provide Quality of Life Assurances for Maine's Most Vulnerable Citizens

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

Sincerely,
S/Sen. Susan W. Longley
Senate Chair
S/Rep. Thomas J. Kane
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 217)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON LABOR**

April 20, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 399 An Act to Encourage Parental Involvement in Schools
- L.D. 1257 An Act to Change the Membership of the Workers' Compensation Board BY REQUEST
- L.D. 1281 An Act to Amend the Laws Governing the Administration of Workers' Compensation Hearings
- L.D. 1436 An Act to Provide Equity in the Retirement Plans for State Law Enforcement Officers and Prison Guards

L.D. 1468 An Act to Change the Retirement Plan for Marine Patrol Officers

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

Sincerely,
S/Sen. Betheda G. Edmonds
Senate Chair
S/Rep. George H. Bunker Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 218)

STATE OF MAINE

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

April 18, 2001
Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333
Dear President Michaud and Speaker Saxl:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 222 An Act to Clarify When Notice is Effective for Termination of a Tenancy
- L.D. 254 Resolve, Authorizing Charles O'Conner to Sue the State
- L.D. 794 An Act to Establish a Presumption of Commission of a Civil Violation for Minors Suspected of Consuming Alcohol
- L.D. 850 An Act to Place the State in Compliance with the Federal Hatch Political Activity Act
- L.D. 1101 An Act to Bring Fairness to the Maine Clean Elections Act
- L.D. 1104 An Act to Provide Fairness in Lottery Ticket Sales
- L.D. 1150 An Act to Prohibit Campaign Signs Within 750 Feet of a Polling Place
- L.D. 1232 An Act to Increase the Prize Limit for Games of Chance at Beano Games
- L.D. 1307 An Act to Amend the Lobbyist Disclosure Procedures Laws Administered by the Commission on Governmental Ethics and Election Practices
- L.D. 1351 An Act to Amend Provisions Governing Reports on Campaigns for Office in the Laws Administered by the Commission on Governmental Ethics and Election Practices
- L.D. 1373 An Act to Amend the Laws Governing Lobbyists and the Laws Administered by the Commission on Governmental Ethics and Election Practices
- L.D. 1714 An Act Relating to the Election of Candidates by the Instant Runoff Voting Method

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

Sincerely,
S/Sen. Neria R. Douglass
Senate Chair
S/Rep. John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 219)

STATE OF MAINE

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

April 19, 2001
Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:
Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 165 An Act to Repeal the Element of Maine's Growth Management Laws that Voids Municipal Land Use Ordinances
- L.D. 290 An Act to Amend the Mercury Discharge Law
- L.D. 589 An Act to Amend the Invasive Aquatic Plants Laws
- L.D. 612 An Act to Permit Excavations Within 25 Feet of Streams
- L.D. 650 An Act Creating a Fund to Assist Towns with Public Water Sources that have Eurasian Milfoil
- L.D. 907 An Act to Address Sludge-spreading Licenses BY REQUEST
- L.D. 1192 An Act to Establish a Permanent Interagency Task Force on Aquatic and Terrestrial Invasive and Exotic Species
- L.D. 1199 An Act to Allow Farm Ponds on Low-value Wetlands
- L.D. 1290 An Act to Conform New Motor Vehicle Emission Standards to Federal Emission Standards Adopted by the United States Environmental Protection Agency
- L.D. 1293 An Act to Ban the Sale of Fever Thermometers that Contain Mercury
- L.D. 1398 An Act to Create a Sprawl Offset Tax
- L.D. 1546 An Act to Establish the Waste Motor Oil Disposal Site Remediation Program
- L.D. 1559 An Act to Amend the Zoning Laws Regarding Dimensional Variances
- L.D. 1601 An Act to Authorize the Construction of Public Trails in Shoreland Areas
- L.D. 1702 An Act to Amend the Enhanced Motor Vehicle Inspection Program

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

Sincerely,
S/Sen. John L. Martin
Senate Chair
S/Rep. Scott W. Cowger
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 220)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON TAXATION**

April 18, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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 bills out "Ought Not to Pass":

- L.D. 533 An Act to Improve the Business Equipment Tax Reimbursement Program
- L.D. 788 An Act to Exempt Food, Lodging, Service and Retail Property from the Business Equipment Tax Reimbursement Program
- L.D. 798 An Act to Redefine Property Subject to the Business Equipment Tax Reimbursement Program to Include Only Property Used for Manufacturing and Research
- L.D. 897 An Act to Create an Income Tax Exemption for the Dental and Medical State Loans Repayment Program
- L.D. 1260 An Act to Require Accountability for Tax Expenditures Invested on Behalf of Taxpayers
- L.D. 1329 An Act to Establish Standards of Depreciation in Determining the Assessed Value of Personal Property in the Business Equipment Reimbursement Program
- L.D. 1342 An Act to Enhance, Upgrade and Encourage Passenger Rail Service in Maine through the Creation of a Rail Trust Fund
- L.D. 1552 Resolve, to Reduce the Property Tax on Business Equipment
- L.D. 1575 An Act to Improve the Effectiveness of the Maine Residents Property Tax Program
- L.D. 1590 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Landowners to Withdraw without Penalty from Current Use Programs under Certain Conditions
- L.D. 1713 An Act to Return a Portion of the Tax Imposed on Lodging to the Municipality in Which the Tax was Levied

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

Sincerely,
S/Sen. Kenneth T. Gagnon
Senate Chair
S/Rep. Bonnie Green
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 221)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 18, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature

State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 84 An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and EMS Personnel
- L.D. 552 An Act to Improve Police Officer Safety
- L.D. 598 An Act to Require Investigating Officers to Make Reports to the Secretary of State
- L.D. 983 An Act to Revise Driver Education Laws
- L.D. 1122 An Act to Exempt Clergy from Using a Social Security Number on a Driver's License
- L.D. 1272 An Act to Allow Fire Police Constables to use Roof-mounted Emergency Lights
- L.D. 1671 Resolve, to Create the Commission to Study Combining the Resources of the Maine Turnpike Authority and the Department of Transportation

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

Sincerely,
S/Sen. Christine R. Savage
Senate Chair
S/Rep. Charles D. Fisher
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 222)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 24, 2001

Honorable Michael H. Michaud, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Michaud and Speaker Saxl:

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

- L.D. 67 An Act to Create an Emergency Medical Technician License Plate
- L.D. 306 An Act to Authorize a Registered Maine Guide Registration Plate
- L.D. 340 An Act to Create a Sportsman's License Plate
- L.D. 523 An Act to Create a Special Maine Indian Tribe License Plate
- L.D. 678 An Act to Establish a Maine Lobster Specialty Plate
- L.D. 733 An Act to Enhance the Revenue for Nongame Species from the Proceeds of Environmental Registration Plate Sales
- L.D. 759 An Act to Create an Education License Plate
- L.D. 809 An Act to Create a Maine Black Bears License Plate
- L.D. 900 An Act to Create a Specialty License Plate for Native Mainers
- L.D. 1259 An Act to Protect Maine Citizens from Uninsured Motorists

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

Sincerely,
S/Sen. Christine R. Savage
Senate Chair
S/Rep. Charles D. Fisher
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 223)

**STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0038**

April 23, 2001
Hon. Michael V. Saxl
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Saxl:

Pursuant to "A Resolve to Implement the Recommendations of the Commission to Study Poverty among Working Parents with Regard to an Annual Report Card on Poverty" I am pleased to submit the enclosed 2000 Report Card on Poverty in Maine to you. A supplement to this report updating the basic needs budget will follow shortly.

I hope you find the information contained therein of use to you. If you have questions or would like further information, please feel free to contact Joyce Benson at this office. (tel. 287-1461 or e-mail joyce.benson@state.me.us)

Sincerely,
S/Evan D. Richert, AICP

READ and with accompanying papers ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

**Pursuant to Statute
Department of Education**

Representative RICHARD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 60: New School Siting Approval, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1322) (L.D. 1783)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Department of Mental Health, Mental Retardation and Substance Abuse Services

Representative KANE for the **Department of Mental Health, Mental Retardation and Substance Abuse Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave

to report that the accompanying Resolve, Regarding Legislative Review of Section 4.04K of Chapter 4: Regulations for Licensing/Certifying of Substance Abuse Treatment Programs in the State of Maine, a Major Substantive Rule of the Department of Mental Health, Mental Retardation and Substance Abuse Services (EMERGENCY)

(H.P. 1321) (L.D. 1782)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses" (EMERGENCY)

(S.P. 35) (L.D. 133)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
O'BRIEN of Lewiston
PATRICK of Rumford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-80)** on same Bill.

Signed:

Representatives:

LABRECQUE of Gorham
TUTTLE of Sanford
HEIDRICH of Oxford
DUNCAN of Presque Isle
MAYO of Bath

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

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Resolve, Directing the Department of Inland Fisheries and Wildlife to Create a Gun Safety Program

(H.P. 675) (L.D. 875)

Signed:

Senators:

CARPENTER of York
KILKELLY of Lincoln

Representatives:

DUNLAP of Old Town
TRAHAN of Waldoboro
CHICK of Lebanon
HONEY of Boothbay

USHER of Westbrook
 PERKINS of Penobscot
 TRACY of Rome
 BRYANT of Dixfield
 McGLOCKLIN of Embden

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-181)** on same Resolve.

Signed:

Senator:

WOODCOCK of Franklin

Representative:

CLARK of Millinocket

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

CONSENT CALENDAR

First Day

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

(S.P.589) Joint Resolution Memorializing Congress and the United States Department of Transportation to Study the Sufficiency of West-east Transportation Links Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 14) (L.D. 31) Bill "An Act to Eliminate the Fee for Veterans Registration Plates" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-81)**

(S.P. 17) (L.D. 33) Bill "An Act to Lower In-state Phone Costs for Rural Maine" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-76)**

(S.P. 227) (L.D. 792) Bill "An Act to Implement the Maine Agricultural Internship and Training Program" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-79)**

(S.P. 252) (L.D. 884) Bill "An Act to Revise the Charter of the Ogunquit Sewer District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-77)**

(S.P. 285) (L.D. 996) Bill "An Act to Amend the Laws Governing the Maine Potato Board" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-78)**

(S.P. 293) (L.D. 1004) Bill "An Act to Amend the Covered Load Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-83)**

(S.P. 417) (L.D. 1361) Bill "An Act to Allow the Maine Turnpike Authority to Levy an Administrative Fee against Toll Evaders" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-82)**

(H.P. 403) (L.D. 524) Bill "An Act to Fund Sexual Assault and Domestic Violence Intervention and Prevention" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(H.P. 734) (L.D. 954) Bill "An Act to Amend the Protection from Abuse and Protection from Harassment Laws" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 817) (L.D. 1071) Bill "An Act to Prohibit the Exclusion of Legal Counsel as a Condition of Settlement" Committee on **JUDICIARY** reporting **Ought to Pass**

(7-12) (H.P. 1140) Joint Study Committee to Study the State of the Lobster Fishery in Maine Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 239) (L.D. 276) Bill "An Act to Amend the Laws Governing Building Permits in the Unorganized Territories" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-185)**

(H.P. 260) (L.D. 309) Bill "An Act Regarding Statute of Limitations for Attorneys" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-196)**

(H.P. 267) (L.D. 345) Bill "An Act to Amend the Definition of Shellfish to Include Whole Scallops" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-204)**

(H.P. 338) (L.D. 428) Bill "An Act to Modify the Bureau of Insurance Complaint Ratios and to Increase the Amount of Penalties Assessed Against Violators of the Maine Insurance Code" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-199)**

(H.P. 378) (L.D. 480) Bill "An Act Concerning the State Board of Funeral Service" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-187)**

(H.P. 385) (L.D. 487) Bill "An Act to Allow the Agencies of the Department of Professional and Financial Regulation to Revoke Professional and Occupational Licenses" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-206)**

(H.P. 398) (L.D. 519) Bill "An Act to Amend the Licensing Provisions for Private Investigators" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-186)**

(H.P. 471) (L.D. 599) Bill "An Act to Eliminate Maine Employers' Mutual Insurance Company Industry and Geographic Divisions and Related Advisory Boards and Other Outdated Provisions" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-198)**

(H.P. 490) (L.D. 630) Bill "An Act Concerning Closed Periods for Lobstering" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-203)**

(H.P. 533) (L.D. 688) Bill "An Act to Eliminate the Requirement that Workers' Compensation Insurers Disclose Certain Cost Breakdowns When Issuing Workers' Compensation Policies" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-197)**

(H.P. 599) (L.D. 754) Bill "An Act to Establish a 4-year Vocational Education Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-191)**

(H.P. 748) (L.D. 967) Bill "An Act to Waive Immunization Requirements for Students Participating in Distance Programs" Committee on **EDUCATION AND CULTURAL AFFAIRS**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-192)**

(H.P. 908) (L.D. 1222) Bill "An Act Conforming Maine Digital Signature Law to Federal Law" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-195)**

(H.P. 780) (L.D. 1024) Bill "An Act to Extend the Youth in Need of Services Oversight Committee" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-207)**

(H.P. 1036) (L.D. 1393) Bill "An Act to Enhance the Professional Skills of Maine's Educational Technicians" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-190)**

(H.P. 1071) (L.D. 1434) Bill "An Act to Amend the Maine Criminal Code to Reduce the Incentive to Commit Theft" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-202)**

(H.P. 1094) (L.D. 1463) Bill "An Act to Revise the Maine Science and Technology Foundation's Charter and Revise the Charter of the Centers for Innovation" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-188)**

(H.P. 1102) (L.D. 1471) Bill "An Act to Create a Digital Library to Meet the Educational, Research, Business and Economic Needs of Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-194)**

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

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

(H.P. 1241) (L.D. 1684) Bill "An Act to Ensure Adequate Funding for School Construction Costs" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-193)**

On motion of Representative RICHARD of Madison, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ.**

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

BILLS IN THE SECOND READING
House As Amended

Bill "An Act to Amend the Time the Registrar is Required to be at a Municipal Caucus"

(H.P. 243) (L.D. 279)
(C. "A" H-168)

Bill "An Act to Provide a Local Option on Display of the State Flag"

(H.P. 369) (L.D. 471)
(C. "A" H-145)

Bill "An Act to Repeal the Requirement that the Kennebec County Budget be Approved by the Legislature"

(H.P. 427) (L.D. 548)
(C. "A" H-176)

Reported by the Committee on **Bills in the Second Reading**, read the second time, 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.**

ENACTORS
Emergency Measure

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

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001

(S.P. 212) (L.D. 777)
(C. "A" S-48)

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

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

Emergency Measure

An Act to Amend the Charter of the Corinna Water District

(H.P. 700) (L.D. 904)
(C. "A" H-99)

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. 127 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

An Act to Conform the Maine Tax Laws for 2000 with the United States Internal Revenue Code

(H.P. 784) (L.D. 1028)
(C. "A" H-106)

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

Representative GREEN of Monmouth **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. 58

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Desmond, Dudley, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bagley, Davis, Dorr, Dugay, Fuller, Goodwin, Landry, Lovett, Michael, O'Brien LL, Peavey, Quint, Stedman, Tuttle, Wheeler GJ.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Explore the Feasibility of Establishing a Dental Residency Program

(H.P. 552) (L.D. 707)
(C. "A" H-107)

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

Representative KASPRZAK of Newport **REQUESTED** a roll call on **FINAL PASSAGE**.

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. I would like to pose a question through the chair. I am just wondering why it costs \$25,000 for FAME to conduct this study when usually the price tag is \$2,000 or \$3,000 for a study? Thank you.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. The \$25,000 price tag, unlike most studies of \$3,000 or \$4,000 is there because there are certain technical experts that have to determine whether or not an entire residency program at Maine Medical Center will be established. We are going to have to look at the cost structure. We are going to have to look at whether or not we have enough qualified people in the State of Maine, meaning dentists, to teach these courses. It is a little bit more involved. Just to answer the question a little bit more, the committee unanimously thought it was worth the money because the average age of our dentists in the state is 55. We have a dental shortage and when we had a residency program, 80 percent of the dental residents at the Maine Medical Center Program stayed in the State of Maine. We can't find ways to keep the dental residents here to practice dentistry other than this program. It is a little bit more involved than your normal study because we are really looking at structural costs and whether or not we have the right kind of physicians here in the State of Maine to teach those courses. I hope that answers the question.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. 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. 59

YEA - Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dudley, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Buck, Cressey, Haskell, Kasprzak, Labrecque, MacDougall, Muse K, Pinkham, Waterhouse.

ABSENT - Andrews, Bagley, Davis, Dorr, Dugay, Landry, Lovett, Michael, O'Brien LL, Peavey, Quint, Stedman, Tuttle, Wheeler GJ.

Yes, 128; No, 9; Absent, 14; Excused, 0.

128 having voted in the affirmative and 9 voted in the negative, with 14 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

(H.P. 265) (L.D. 343)
(H. "A" H-115 to C. "A" H-32)

Acts

An Act to Designate the Second Saturday in September as
Maine Youth Field and Stream Day

(H.P. 61) (L.D. 70)
(C. "A" H-110)

An Act to Provide an Income Tax Deduction for
Compensation Paid to Victims of the Holocaust and Their
Survivors

(S.P. 31) (L.D. 129)
(C. "A" S-42)

An Act to Clarify Mixed Automobile Insurance

(S.P. 45) (L.D. 213)
(C. "A" S-41)

An Act to Provide Funding to the Maine Maritime Academy
for the Small Vessel Endowment Fund

(H.P. 201) (L.D. 231)
(C. "A" H-104)

An Act to Authorize the Department of Transportation to
Locate and Construct Railroad Lines

(S.P. 140) (L.D. 463)
(C. "A" S-46)

An Act to Authorize a Major Medical Insurance Program for
Prisoners Incarcerated in County Jails

(S.P. 150) (L.D. 494)

An Act to Prohibit the Delay in Provisional Payment of Certain
Disability Benefits

(H.P. 413) (L.D. 534)
(C. "A" H-109)

An Act to Clarify the Use of the Municipal Investment Trust
Fund

(S.P. 197) (L.D. 669)
(C. "A" S-52)

An Act to Bring the Crime of Refusing to Submit to Arrest or
Detention into Conformity with the Maine Criminal Code

(H.P. 525) (L.D. 680)

An Act to Promote Safety and to Help Elderly Drivers by
Providing an Optional One-year License

(S.P. 208) (L.D. 773)
(C. "A" S-47)

An Act to Amend the Laws Pertaining to the Control of
Disease in Poultry

(S.P. 259) (L.D. 906)
(C. "A" S-49)

An Act Relating to the Celebration of Veterans' Week

(S.P. 277) (L.D. 988)
(C. "A" S-53)

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. 873) (L.D. 1152)

An Act Related to the Financial Regulation of Health
Maintenance Organizations

(S.P. 387) (L.D. 1284)

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.

Resolves

Resolve, Authorizing the Department of Marine Resources to
Convey by Transfer and Easement to the Boothbay Harbor
Sewer District the State's Interest in Certain Property on McKown
Point in West Boothbay Harbor

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

An Act to Ban Permanent Replacement Workers in a Labor
Dispute

(H.P. 74) (L.D. 83)

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

On motion of Representative COLWELL of Gardiner, was
SET ASIDE.

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

An Act to Exempt Certain Organizations from the Meals and
Lodging Tax

(H.P. 460) (L.D. 581)
(C. "A" H-100)

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

On motion of Representative GREEN of Monmouth, 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. 60

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL,
Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno,
Bryant, Buck, Bumps, Bunker, Canavan, Carr, Chase, Chick,
Chizmar, Clark, Clough, Collins, Colwell, Cote, Crabtree,
Cressey, Cummings, Daigle, Desmond, Dudley, Duncan,
Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller,
Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall,
Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey,
Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere,
Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore,
Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin,
McGowan, McKee, McKenney, McLaughlin, McNeil, Mendros,
Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C,
Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil,
Paradis, Patrick, Perry, Pineau, Pinkham, Povich, Richard,
Richardson, Rines, Rosen, Savage, Schneider, Sherman,
Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley,
Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan,
Treadwell, Twomey, Usher, Waterhouse, Watson, Weston,
Wheeler EM, Winsor, Young, Mr. Speaker.

NAY - Baker, Bull, Cowger, Laverriere-Boucher, Marrache,
Tessier, Volenik.

ABSENT - Bagley, Davis, Dorr, Dugay, Landry, Lovett,
Michael, O'Brien LL, Peavey, Perkins, Quint, Stedman, Tuttle,
Wheeler GJ.

Yes, 130; No, 7; Absent, 14; Excused, 0.

130 having voted in the affirmative and 7 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**.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, April 26, 2001, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT – Majority (8) Ought Not to Pass – Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-12) – Committee on TAXATION on Bill "An Act to Exempt Merchandise That is Donated to a Nonprofit Organization from Use Tax"

(H.P. 64) (L.D. 73)

TABLED – March 13, 2001 (Till Later Today) by Representative GREEN of Monmouth.

PENDING – ACCEPTANCE OF EITHER REPORT.

On motion of Representative GREEN of Monmouth, the Bill and all accompanying papers were **COMMITTED** to the Committee on **TAXATION** and sent for concurrence.

SENATE REPORT – Ought to Pass – Committee on CRIMINAL JUSTICE on Bill "An Act to Criminalize the Possession of Theft Tools"

(S.P. 62) (L.D. 233)

TABLED – April 24, 2001 (Till Later Today) by Representative POVICH of Ellsworth.

PENDING – ACCEPTANCE OF COMMITTEE REPORT.

On motion of Representative POVICH of Ellsworth, the Bill and all accompanying papers were **COMMITTED** to the Committee on **CRIMINAL JUSTICE** in **NON-CONCURRENCE** and sent for concurrence.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (11) Ought Not to Pass - Minority (2) Ought to Pass as Amended by Committee Amendment "A" (H-181) - Committee on INLAND FISHERIES AND WILDLIFE on Resolve, Directing the Department of Inland Fisheries and Wildlife to Create a Gun Safety Program

(H.P. 675) (L.D. 875)

Which was **TABLED** by Representative DUNLAP of Old Town pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative MENDROS of Lewiston **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 Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. LD 875 is a common sense common ground bill. It is about safe schools. We hear about shootings in schools. We hear about the tragedy. We hear both sides of the issue clambering about some kind of solution. We want to take away everyone's guns or we want to do something to deal with it. Let's educate kids on safe practices. We educate kids about sex education. It took a while. We kicked and screamed, but teen pregnancy has dropped. We educate kids about drugs and the effects of drugs on them. We kicked and screamed. We did it and drug abuse has declined. Both sides of the issue agree. There is a handout going around. The Sportsmen's Alliance of Maine agrees. The Pine Tree State Rifle and Pistol Association agrees and the Maine Medical Association, who is always on the other side of gun second amendment issues, also agrees. It is time that we take action and teach kids how to use a gun properly and how not to use a gun, the effects of this.

One six year old who went in and shot somebody on the playground later said that they saw it on TV, I didn't realize it would have that kind of an impact. Let's show them what really happens. Let's be responsible. Let's join together. Whether you are pro-second amendment or whether you think we need gun control, we certainly need education. Both sides are willing to work together. If we can defeat this motion, we can move on to the Minority Report. There is an amendment that will be coming up. There are possible options of creating a video. If we were to create a video, both sides would have said they were willing to work together on a video to show the significance, the damage that can be done by a gun and how it is supposed to be used. I urge you to defeat the pending motion and get at something that won't have a big fiscal note, which I understand was the big objection with this bill. Let's just produce a video and make it available to the schools. They still have local control and let's really get to the problem of kids dying in our schools. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. The issue here is really not whether or not we agree that schools should be safer because obviously we all agree on that. Certainly the issue is not whether or not we should have more safety education surrounding firearms. We all agree on that. The issue surrounding the legislation before you is the actual language in it, which deals with having the Department of Inland Fisheries and Wildlife create this program, carving it out of the Hunters Safety Program. The Hunters Safety Program is funded almost entirely by federal dollars, which have very, very strict restrictions on how that money is to be utilized. This is money that is not necessarily coming from the federal government. It is channeled through the federal government. These are actual excise taxes paid by sportsmen on hunting and fishing equipment. The money is distributed to the states for the purpose of conservation and hunter safety education. That is not even the really critical issue.

The really critical issue here that the majority felt strongly about is that our volunteer base is already fairly thinly spread out. These safety courses are taught by volunteers. There really is no mechanism to create this program. If the department were to create the program through the safety division, it would jeopardize the federal funding, which makes that safety division exist in the first place. This is not really the vehicle to do this. It is not that the idea itself does not have merit. In terms of this type of education in the schools, it probably ought to be coming through the Department of Education, not the Department of Inland Fisheries and Wildlife and not using an already overburdened resource. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I couldn't agree more with the statements made by the good Representative from Old Town. I understood that. I understand that is why the committee report was as it was. I urge you to defeat the Ought Not to Pass motion and move on. There is another option available coming up as an amendment that will create this program through a video that can be distributed to the schools. This video, the cost will be absorbed. There will be no cost. Nothing will be put into jeopardy. I urge you to defeat the pending motion. Thank you.

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

ROLL CALL NO. 61

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Chase, Chick, Chizmar, Colwell, Cote, Cowger, Crabtree, Cummings, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Buck, Canavan, Carr, Clark, Clough, Collins, Cressey, Daigle, Glynn, Haskell, Heidrich, Jodrey, Jones, Kasprzak, Labrecque, MacDougall, Madore, Marrache, McKenney, Mendros, Morrison, Murphy T, Patrick, Schneider, Shields, Snowe-Mello, Stanley, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Winsor, Young.

ABSENT - Bagley, Davis, Dorr, Goodwin, Landry, Michael, Nass, O'Brien LL, Stedman, Tuttle.

Yes, 107; No, 34; Absent, 10; Excused, 0.

107 having voted in the affirmative and 34 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** 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.

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

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

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

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

TABLED – April 11, 2001 (Till Later Today) by Representative McKEE of Wayne.

PENDING – FURTHER CONSIDERATION.

On motion of Representative MUSE of South Portland, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-214)**, which was **READ** by the Clerk.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I have some real mixed emotions presenting this amendment. I guess like many people here, I am glad to lay it before the body and put this issue to rest and perhaps put an end to the incredible amount of e-mail, snail mail, phone calls that have just overflowed my computer and I know that they have many of you as well.

The amendment to this bill will basically do three things. First and foremost, it will allow traveling exhibitions, the circus, to continue to bring elephants to Maine. It will allow that. The three things that the bill will do are very simple. First, it will require that the traveling show or the circus be required to maintain current veterinary records for the state to examine at any time. If the state veterinarian or the inspector, if they conduct an inspection and find that an elephant is not in good health or that the elephant poses a threat to the safety of the public, that the elephant may not be used for the traveling exhibition and must be kept in an area away from the public until the state vet or the inspector determines that the elephant is in good health and does not pose the threat any longer.

Finally, it will prohibit any contact by members of the public. That particular piece is the piece that came from a couple different directions. Number one, during the public hearing for this bill, Ringling Brothers testified that they continuously look to the AZA, American Zoological Association for guidance and for rulemaking and decisions. I have a copy of the AZA standards here. Rule 5 of the AZA standards says, "In the interest of safety, the AZA strongly encourages members to discontinue public elephant rides." Ringling Brothers discontinued elephant rides many years ago. The Shriners have discontinued elephant rides. None of the reputable circuses that come to our state or travel the country continue to do elephant rides. There is a clear danger. There is a clear risk and that is why these organizations have stopped doing that. Mr. Speaker, I would ask for a roll call.

The same Representative **REQUESTED** a roll call on his motion to **ADOPT House Amendment "A" (H-214)**.

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 Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I just want to make a few comments before we vote on this. Being a member of the Agriculture, Conservation and Forestry Committee for my second term now, I just want to give you a little background information on animal abuse and some of the things that have been going on in our committee. This session we have dealt with several bills dealing with animal abuse. One of the things that we have done and I think a major change that you will see is that we have made certain types of animal abuse a felony. It is a Class C crime. That will be coming before this body as a unanimous report shortly. During the summer months, the committee, as it was formed during the 119th Legislature, dealt with animal abuse through holding public hearings throughout the summer. From that, a study committee was put together to look into the makeup and the handling of animal abuse cases in the State of Maine. That study committee

has nearly completed its work and made a report to the committee, which we are presently working on and nearly complete with that.

It is also my understanding that recently when the circus was in town traveling the state that the Department of Agriculture had looked at these animals and they seem to be in good shape. There aren't any reports of any problems with the condition of the animals. This is some of the information that our committee has dealt with and I think that if you look at the committee report, you will see that the majority of the people in the committee looked at this and thought that it was an Ought Not to Pass. Before we vote, I would just like to give you the rest of the story. I thank you very much Mr. Speaker.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I am delighted to stand to give you the rest of the story. The Shrine Circus was in Portland a couple of weeks ago. They rent their elephants. They do not own them. They lease them from a gentleman who travels around the country. His name is William Morris. William Morris has been cited more than 20 times by the USDA for failing to take proper care of his elephants. One of his elephants, a 15-year-old female, has a degenerative joint disorder in her right front leg, which prevents her from even performing the simplest of cute elephant tricks, the wonderful stand on the barrel trick. She is led out of her trailer, which measures 28 feet for all three of the elephants to live in excess of 20 hours a day with no windows. She is led out of the trailer and hobbles into the ring, where she is left on the side to stand and watch and then she is hobbled back into her trailer until the following performance. That, ladies and gentlemen, is the rest of the story.

I made a phone call to our Agriculture Department when they were here because I was flooded with phone calls at home because the temperatures in Portland on two of the three nights they were there dropped into the upper 20s. It was 28 degrees. These three elephants were in a trailer with no heat, no insulation and they stayed there. Clearly, that is not the temperature or the weather that these animals are acclimated to. It took me two days to get somebody from our Agriculture Department to go and look at them. They sent a horse vet who looked at them and said they are fine. I had an opportunity to speak to them and said have you seen this USDA report that says that one of the elephants has this degenerative joint disorder. No, but they looked okay. That was the answer. It took me two days to get somebody to go and look at them. Our Agriculture Department says it is the USDA who needs to do it. The USDA says it is our Agriculture Department that needs to do it.

Finally, our Agriculture Department said you need to get a hold of a vet who is New Hampshire. He has the responsibility and oversight to inspect these animals. A vet in New Hampshire. When this amendment was first drafted, it called for mandatory inspections. That amendment came with a \$22,000 fiscal note on it because they claimed that they needed to train their vets because they don't have one that knows anything about elephants. That came from our Agriculture Department. That, men and women of the House, is the rest of the story. Nobody is looking out for these animals. It is up to us to do it. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, my question deals with the section of the bill that prohibits under the prohibition an owner or operator shall ensure that a member of the public has no actual physical contact including, but not limited to rides, feedings and photo opportunities with the elephant. My question is, why is that language limited to elephants? If we are going to prohibit riding animals, shouldn't we be looking at prohibiting riding all animals in circuses, petting parks and zoos? Thank you.

The SPEAKER: The Representative from Old Town, Representative Dunlap has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Muse.

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I didn't think it would be pertinent for this bill to include poodle rides or any of the other animals our circuses bring to us. I would certainly be willing to work with the good Representative in another session, if he were to introduce that.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. We have heard an awful lot about elephants. We have talked about this bill many times. A couple of weeks ago I decided to go to the circus. I hadn't been in probably 10 years or so. I wanted to look for myself. I called the people at the circus and asked if I could go in back and inspect the elephants. They said, absolutely. I went to circuses.com, which is a PETA, People for the Ethical Treatment of Animals, website. I looked under elephants and found all the hot spots where elephants are hit with these razor sharp bull hooks and beaten. I found all the information. I went to the circus. I asked them if I could see the elephants. I had that in hand. I looked at all the hot spots where the elephants are hit. I saw not welts. I saw no damage on the elephants. I looked in the trailer. At the time I went, it was a heated trailer. I asked them about elephants moving around. They said they travel usually 45 miles a day or less between shows and the first thing they do is they open up a big area for the elephants to walk around. Obviously it was cold this time of year so the elephants chose to be in the trailer where it was heated. I went after and asked to see the infamous bull hook that is razor sharp. It wasn't. I gave it to my 6-year-old nephew who came to the circus with me, who incidentally is afraid of clowns and thinks we should ban clowns. I asked him to hit me with it. He did, happily. It didn't leave a welt or a scar. It didn't tear open my flesh. This is really what happened. I actually took the time to investigate this.

I also found out that almost this identical legislation has been sponsored in Maryland, Massachusetts, Rhode Island and New Jersey. I called up a state senator I know from Rhode Island, it is PETA that is behind it there. PETA, the same people that said recently, "I openly hope that it, hoof and mouth disease, comes here, because of the terrible treatment of animals." This is the organization that is pushing for this. Who is the organization that is going to suffer and have to pay for it? It will be the Shriners.

I know some kids that have been burned. I think we all do. I think we all know the great work the Shriners do. This amendment is a tax on the Shriners because they are the ones that are going to have to pay. The circuses are going to have to pay for these inspections. That money is going to come directly out of the good work that the Shriners do, both in the Burn Center and all throughout the State of Maine and all their other programs. We are taxing the Shriners to push PETA's agenda. We do need inspections and I believe that the federal government does that. I know that they do it. I know they have random inspections. I know they go around and I know many

people who have abused elephants have been hauled off and have paid fines and have lost their license. That is the proper way to do it. The federal government does deal with it. The reason that our veterinarian or whoever was supposed to inspect this was unable to immediately respond is because he or she is out on loan to help deal with the foot and mouth disease that is a major international calamity. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from South Portland, Representative Muse. 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 MUSE: Mr. Speaker, Men and Women of the House. I apologize for rising again, but I could not sit still and allow such misinformation to be put forward to the body. As I stated in the public hearing for this bill, I have the utmost respect for the Shriners and the work that they do. I would like to point out to my friend, Representative Mendros, that the Shrine Circus that comes to Maine when they come here, not one penny of their profits goes to the Burn Hospital, not one penny of the money that the Shriners make from the circus goes to the Burn Hospital. That is the disclaimer that is on the bottom of their literature, not something I made up, not something I imagined. Ask the Shriners. Furthermore, Mr. Speaker, I am appalled to think that somebody would try to pass this off as a PETA bill, the People for Ethical Treatment of Animals. Did they support this bill? Of course they did. Mention animals in any bill and they are going to be here to support it. There was one member who testified at a public hearing who was from the People for Ethical Treatment of Animals. There were over 100 people who came in support of the bill. Do we crush the bill because we don't like the color of the clothing of one person who came to support it? I don't think so. I think that would be terribly shortsighted and a terrible mistake to make. Mr. Speaker, I wish to pose a question through the chair. I am terribly impressed that Representative Mendros allowed his 6-year-old nephew the opportunity to hit him with the bull hook. I wonder if you would be so generous handing the bull hook to an adult offering to allow an adult to hit him with it? Thank you.

The **SPEAKER**: The Representative from South Portland, Representative Muse 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, Ladies and Gentlemen of the House. My point of having a 6-year-old hit me is his size difference to me. It is not even roughly the same, it is closer to the size difference of a human to an elephant. If you think that somebody as big as an elephant is wielding this bull hook on another elephant, these are 9-ton elephants. I am a 260-pound guy. My nephew is 60 pounds. You multiply my weight by 6, I am still nowhere near an elephant, but no one who is the size of an elephant is hitting these creatures.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. I applaud the good Representative Muse for having brought this to the Legislature. He is right. There were over 100 people there in support of his original bill. It had great support and politics does often have strange bedfellows. Yes, PETA was there, but the Humane Society was there, young people and old people. The very interesting thing, I think, concerning the participation at the hearing was that those people who were opposed to the original bill were interestingly enough over the age of 50. I am 59 and I could relate to some of the things that they were saying. Far and away, the comments that were made in support of the bill came from people who knew a whole lot

more about elephants today than we did when we were young. Knowledge implies responsibility. We do have knowledge of abuse. Unfortunately laws regarding animal abuse of animals in circuses take place at the national level.

What the good Representative from South Portland was trying to do was to exercise his own ethical and moral responsibility regarding the knowledge of animal abuse. I was trying to do the same thing. I will tell you the one thing that I said on that day at the end of the hearing. If there is any one thing that I learned that day, was that I would not, could not ever allow my four grandchildren, after that day, to ride an elephant. Perhaps if we were in Tibet or somewhere far away where elephants are used on a regular basis, not moving from city to city, from new situation to new situation, from feedings to amphetamines to being imprisoned in small spaces to being denied a natural existence. No. I would not allow my grandchildren ever again to ride an elephant. I mean I would not also go to the wildlife park, as well, unless there was some permission. I say that the parents of my grandchildren had given for that child to ride that elephant or to get close to it.

I realize elephants are animals. I am sure that in their natural state that they love children. They love to be around them just as your pets love to be around you and your horses. They give you affection. You return that. These are strange animals to us. After that day with the knowledge that I received that day, I felt that I had a moral and ethical responsibility to try to prevent the children of the State of Maine from riding or coming in close contact with those animals. Just the hint of a law, I will say, could be changing things. If the good Representative Mendros did not see any sign of scarring or prodding or psychological problems among these elephants, then I applaud what could be happening. Just the hint of something happening may be changing things, but it is a long way between what we saw in the last two weeks with the circuses that were here and what is going on in the rest of the country. I would urge you to vote for this very small amendment, which would be a step in the right direction. It is rationale. It makes sense and I would urge your support. Thank you.

Representative CARR of Lincoln **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is adoption of House Amendment "A" (H-214). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 62

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bowles, Brooks, Buck, Bull, Bumps, Bunker, Canavan, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dudley, Dugay, Duplessie, Estes, Etnier, Gagne, Gerzofsky, Glynn, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, MacDougall, Marley, Marrache, Matthews, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, O'Brien JA, O'Neil, Paradis, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Sullivan, Tarazewich, Tessier, Thomas, Trahan, Twomey, Volenik, Waterhouse, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bouffard, Brannigan, Bruno, Bryant, Carr, Chase, Chick, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Dunlap, Duprey, Fisher, Foster, Fuller, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, Lundeen, Mailhot, Mayo, McDonough, McGowan, Mendros, Morrison, Nass, Nutting, Patrick, Peavey, Perkins, Pinkham, Povich,

Rosen, Schneider, Sherman, Smith, Snowe-Mello, Stanley, Tobin D, Tobin J, Tracy, Treadwell, Usher, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Davis, Dorr, Landry, Madore, Michael, O'Brien LL, Stedman, Tuttle.

Yes, 79; No, 63; Absent, 9; Excused, 0.

79 having voted in the affirmative and 63 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-214) was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-214) in NON-CONCURRENCE** and sent for concurrence.

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

SENATE REPORT – Ought to Pass as Amended by Committee Amendment "A" (S-69) – Committee on TAXATION on Bill "An Act to Strengthen Maine's Economic Development Incentive Laws"

(S.P. 95) (L.D. 321)

TABLED – April 25, 2001 (Till Later Today) by Representative MURPHY of Berwick.

PENDING – ACCEPTANCE OF COMMITTEE REPORT.

On motion of Representative GREEN of Monmouth, the Bill and all accompanying papers were **COMMITTED** to the Committee on **TAXATION in NON-CONCURRENCE** and sent for concurrence.

Bill "An Act to Amend the Laws Governing the Service Territory of Kennebunk Light and Power District"

(S.P. 240) (L.D. 808)

- In Senate, Majority (11) **OUGHT NOT TO PASS** Report **READ and ACCEPTED.**

TABLED – April 26, 2001 (Till Later Today) by Representative SAVAGE of Buxton.

PENDING – PASSAGE TO BE ENGROSSED in non-concurrence.

Representative SAVAGE of Buxton moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **SAVAGE:** Mr. Speaker, Men and Women of the House. That committee worked very hard and considered a very complex issue of policy. That issue of policy is what level of integrity do we want the boundary lines of utility districts to have in this state. This bill is not about anything having to do with deregulation. This bill is not about anything having to do with anything other than whether or not a utility district can go into another utility district and serve that utility district's customers. You will have heard by this time, I am sure, many different letters, e-mails and you will have heard from many folks who are in support of this bill. What they will tell you is that the Kennebunk Light and Power Company wants to purchase the assets of CMP. When the committee looked at this bill, we looked very carefully and that is not what this bill does. I am going to read to you just a piece of the bill, the first section, very briefly. This bill says, "Notwithstanding any provision of Section 19 of the Maine Revised Statutes Title 35A and without the need

for any other authorization, the district may extend its polls, lines and facilities and provide service throughout the Town of Kennebunk."

Any proponent of this bill who tells you that the law requires stranded costs to be paid for, the law requires PUC approval or that the law requires anything else is not telling you that this bill says that they may do this expansion notwithstanding, in spite of the laws of this state. As a matter of policy, the committee felt that that was not the right way to go. You might ask, what is the right way to go? The citizens of Kennebunk who wish to have this expansion granted can do what everyone else can do. They can go to the PUC. The PUC is the body that this Legislature has deemed to be the proper body to determine questions of complexity, such as determination of stranded costs, the determination of the proper boundaries for regulated utility. Once again, remember, the lines that run down the street, the transmission and distribution system for the transmission of electricity is not a deregulated industry. In fact, it is a very regulated industry. In order for a utility to sell part of itself or buy another part of another utility, the PUC has to weigh in on that.

This is not a bill just about CMP. For all of you who don't have anything to do with CMP, I think you have a letter on your desk from Eastern Maine Electric Cooperative, from Calais, Maine. That is where their offices are. They are just as concerned about this as CMP is. This is not a CMP bill. I would urge you to read that letter very carefully. It is very important to remember that the distribution of electricity is a business that has a lot of fixed costs. Every time a person is allowed to opt out of that utility district, one more person leaves, that means that all of the fixed costs that apply to that person now gets spread over everybody else. That everybody else that I refer to, those are your constituents, probably.

I am not here today to express an opinion about whether Kennebunk Light and Power should be able to expand into this district. I am here today to say that there is a way to go about it. They haven't done that. This is the third time that this bill has come here and they haven't done it. I am asking you to support the Indefinite Postponement of this bill so that the proper process can be achieved. Thank you.

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

Representative **MURPHY:** Mr. Speaker, Men and Women of the House. For what I thought the other night was not going to be a roll call vote, we appear to have stirred up quite a hornet's nest. I got to tell you that that Thursday morning when we came in, I almost thought I was at the wrong place. I almost thought I was at the Bar Harbor Inn in July and it was the summer convention of the Maine Bar Association, there were so many lawyers in that hall. There are two of us fighting this fight and both of us are driven that when your folks back home, your constituents have been wronged, you have to fight. You have to try to right the wrong. I really don't think we are really too far apart here. Before things fell apart in the committee, there was some movement on the Majority Report to refer this issue to the PUC, but to set a reporting date of January 2002 to bring it back. There were a variety of reasons for that. So both companies could have access to information, neither was sharing. Also, to expedite the process and also, most importantly, to put a cap on the cost of the lawyers. The PUC indicated informally that they could do that. This bill isn't in that position yet to be able to offer the amendment to philosophically agree with the majority that we have heard on the floor to get it to the PUC, to resolve this issue, which has been here for six years and has been an issue for 30 years in Kennebunk and to get it resolved once and for all.

Doing that won't favor one side or the other. It says you expedite it. You put your energies into getting the answers and

you find out, is there a buyer and a seller and you do it without the litigators. If you are served by CMP, we have heard an awful lot in terms of mailings and calls about concern for the ratepayers. The litigators are paid for by you. Things fell apart at that work session. I learned last night that many of you talked with a constituent of mine, Debbie Reed, and she left very frustrated from that last work session because she thought there was going to be that compromise of going to the PUC, but let's get it done. Let's resolve this issue. In her quote, I remember it very clearly, "I didn't realize the power and control CMP has here in Augusta. I didn't realize they owned the state."

Wednesday night by your vote, you showed to the contrary. I think you voted with your heart and your constituents that evening. We weren't talking about what was right or wrong in Kennebunk. We talked about what is happening to your ratepayers outside of Kennebunk in terms of quality, response time, are we ready for the new economy? A small group of citizens, Wednesday night, I likened them to the David. Since Thursday morning, Goliath has been in the hall.

They tell you that this little bill is going to raise your rates back home. They tried to scare you. Let me tell you what will scare you. This is public information. John Doyle's retainer with CMP is \$4,500 a month. That is the retainer. Jim Mitchell's retainer is \$3,333.33 a month, plus expenses. That is the retainer. The Public Affairs Group \$3,750 a month, plus expenses. Cathleen Newman and David Allen, those figures are unavailable. They are paid salaries and I cannot get that information. That does not include the additional hires that have been brought into the halls since Thursday morning. Your ratepayers are paying those costs. The meter goes around a little faster. Those are lobbyist/lawyers. Do you want to take a guess before the PUC without any time restraint, what the cost of the litigators is going to be? You start taking \$250, \$300 or \$500 an hour. That is your constituent's meter spinning a little faster. When people talk about trying to scare you on what is going to happen to your ratepayers, that meter is spinning and it is legal litigation costs and not the providing of service.

There is one thing that I need to do on this floor and I need to do it on the record. I have the greatest respect for the line workers, the plant workers, the office workers, the dispatchers that work for CMP. They do a very tough job and it is getting tougher. The problem is the new out-of-state ownership and management has made their job much tougher and it has provided for poorer service to the ratepayers. I am reminded of a poster that came to me once. It was a long horizontal poster and it showed a tiny little fish and swimming right behind that little fish was a bigger fish and then a bigger fish and then a bigger fish. I think what has happened is a bigger fish and bigger fish has come along and we have had poor service. I am not talking about just Kennebunk. We know we have poor service because we put meters on the meters and it is a fact. I think you know and as I left the building Wednesday night many of you talked about the surges and the gaps and the interruptions that you have in the CMP area. I really want to thank you. That was totally unexpected Wednesday night in terms of the stand that you took.

I am a historian and a teacher. My hero in the Republican Party and the Democratic Party are the progressives shortly after the turn of the century because they stood up to the trusts. They stood up to the monopolies and they stood up for their constituents. This isn't just about Kennebunk.

Some of the things that I have heard in terms of the lobbying. There was talk about franchise territory. Everything that the Kennebunk folks said before that committee and what we want to do in terms of going to the PUC with that time structure on it respects that franchise territory and that all costs, cable, future

revenues, stranded costs, stranded costs have to be paid by state law and there was a lawyer who operates on the federal level that was at the hearing that said that if the state doesn't meet its obligation to protect ratepayers on stranded costs, then the federal government will do so. We have heard about franchise territory and if these 1,400 ratepayers leave, your rates are going to go up. That is 1,464 customers. You have to remember that 275 earlier were thrown to Kennebec Light and Power because CMP didn't want to provide the unprofitable service. CMP didn't ask for stranded costs connected with that. They said it is unprofitable, come on over the line. You have heard the term, cherry picking. I don't know what the term is when you have an unprofitable potential customer and you throw them over the line and they are a liability to someone else. That is shirking the responsibilities of your franchise. One thousand four hundred sixty-four customers, there are 540,000 CMP customers. You want to work that ratio. I don't think my calculator goes down to that percentage. That is 1,464 out of 540,000 CMP customers. Energy East customers are 1,400,000 and you are being told that your rates are going to go up.

We have learned a great deal since Wednesday night. It is amazing the number of people within that company and outside of that company that want to talk about what has happened. York County is probably the second most populous county and based on Southern Maine standards, it is a pretty large county. Energy East has reduced York County down to one person on call from the northern part of the county down to Kittery and from the coast to the New Hampshire border. That is one person on call and an almost impossible bunch of hurdles to get through to get a second person out. People currently working for CMP are talking about old defective equipment. They are talking about being cut beyond their bare bones. That is the response time to your constituents. You are being told that this bill will hurt your constituents. What do you think is happening to your constituents now? You have seen a decline of service in the last two years, this is the high point. It is only going to get worse. Are they doing the trimming? Are they doing the pruning? Are they putting up the new replacement poles? Not with the kind of cutbacks that we are hearing about. It is very difficult. CMP keeps throwing out that this is all about rates. We know in Kennebunk that our rates are going to go up when our wholesale contracts expire within the next two years. There will probably be more parity between CMP and Kennebunk Light and Power.

Let me tell you what it is like to have your own local power company. I checked this weekend. Two crews, one is working all week, aggressive pruning and trimming. The other crew is replacing poles. If I call the office and I need some type of work, I don't have to give them an address. They know where to go. When I call that electric company, a human voice answers, a real person, not a menu. The manager of the company is responsive. She is in or available no matter who you are. If I have questions, the trustee may end up being in the grocery line in front of me or maybe at a band concert at the high school where they are able to talk about policy that is being reviewed. That is what it is like to have your own local power company. That is what this bill is all about.

There has been a great silence. One of the things that the meters taught us was that in a 16-month period looking at voltage sags, they can cause you reduced illumination. You get less of it. You get flickering lights. Your motors run, but you may overheat if the sag is excessive. During that time that the meters have been on, CMP has had 31 sags, versus 5 for Kennebunk Light and Power. Surges, CMP has had 127 surges. Kennebunk Light and Power, none. Interruptions of service, Kennebunk Light and Power has had three, two of those were advertised in the newspaper and the hours were given. CMP

had 13. I think the thing that upsets me the most is in all the discussions with CMP in face to face meetings, the three times that legislation has been brought and this is the only time that legislation for a private and special act has been brought. Despite the meters on the meters, if I was providing a service or if I was running a business and I found out that I had people that didn't want me to provide that service or sell that product, would aggressively try to find out what I am doing wrong. Here is my plan to correct it. CMP in six years has never acknowledged that the service is bad and getting worse. They have never told the citizens of Kennebunk and I don't think they have told the Utilities Committee what they are going to do to make it better. They know from the cutbacks that it isn't going to get better. From 1989 to 1998, this is before deregulation, the effect before the outside purchases, CMP customer base increased 11 percent. CMP employees decreased by 28 percent and that has accelerated. It is interesting to hear the talk about preserving franchise territory. It is my understanding that CMP is currently attempting to infringe upon Northern Gas's franchise territory for the benefit of CMP's main gas division. It doesn't appear to be a two-way street.

The other thing that began to surface and we are hearing it from within the company and we are hearing it from outside. You take your costs and you reduce them beyond the bare bones. You run television and radio ads encouraging people to up their consumption of electricity. I have never seen those ads in the last 20 years. The theme here in Maine has been conservation, reduce. We have gone through a time period here where CMP is telling you it is cheap, use it, in an effort to increase revenues. It was almost a fanatical attitude about not letting one customer go. The real irony would be that this refusal for fair market value to sell part of the franchise, which had always been part of the Town of Kennebunk, to refuse to sell the transmission and distribution, because CMP or Energy East is looking to sell it all to someone else. What we are hearing and the pattern we see, is their arms may be so wrapped around this because they don't want to sell to us, they are getting ready to sell the whole system to someone else.

I would ask you to stay with your previous vote and allow us to get that amendment written and to send it to the PUC with the time back. If you do that, you will contain those legal costs and you are going to have this issue resolved for once. It won't be back one way or the other. During that time the PUC is working on this, you are going to slow that meter down back home a little bit. You are not going to allow those lawyers to jack up the costs. Those costs I laid out for you for lobbyists is peanuts compared to litigators. My customers back home at Kennebunk Light and Power aren't paying for the litigators. If you are served by CMP, your constituents will see their bills go up. Not because CMP went out and cleared more lines, opened up some pruning, replaced bad poles, provided better service, they will see their bills go up for enrichment of the lawyers. I ask you to stay with your vote from the previous evening and for the basis of disclosure, there are two of us fighting this fight, Representative Sullivan and myself, our annual pay for representing all of our constituents is \$11,000 a year.

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

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

Representative HALL: Mr. Speaker, Ladies and Gentlemen of the House. Like the good Representative from Kennebunk,

Representative Murphy, I, too, am a cosponsor of this bill, LD 808. However, I wish to explain to the ladies and gentlemen of the House why I am repudiating my co-sponsorship and asking you now to vote in support of the Indefinite Postponement of this bill. I agreed to cosponsor this bill in the naive hope that it could do some good for a group of people and do no harm to anybody else. I was wrong as I learned from the testimony on this bill. First, this is not a David and Goliath battle as much as the proponents of this bill may wish to present it. Behind this bill was a well financed and organized campaign by lobbyists and lawyers representing an affluent section of an affluent community. That group of people want only one thing, cheaper electric rates. If the good people of the eastern section of Kennebunk get their way and if they agree on a fair value purchase for the lines in their community, three things will happen.

First of all, that handful of transferred customers in Kennebunk will see a marked drop in their electric bill. Secondly, all other Kennebunk customers, the current customers of Kennebunk Light and Power will see a dramatic rise in their electric bills because they will have taken on a significant amount of debt they do not currently have. Thirdly, all other CMP customers will see a small rise in our electric bills. I ask members of this House to vote their conscience on this bill and to vote against the transfer of costs from one community to all of us. I ask you to please support the Indefinite Postponement motion. Thank you.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. If you feel electricity in the air about to come into a form of lightning, don't be shocked. I am a person who has consistently taken Central Maine Power Company to the woodshed over a number of issues. In my four years on the Utilities Committee, I think it would be fair to say that the majority of people who have represented Central Maine Power Company would say that I have been very, very difficult for them to work with. I am standing today in hopes that lightning will not strike in defending CMP's position with regard to this bill. Having served on Utilities for four years, I have seen this bill come twice before. I have seen it rightfully be defeated twice before and I am hoping that you will defeat it again this time. One of the first things that I learned when I started to learn how to debate was if you can't beat somebody with the facts, you baffle them with bull manure. Well, I want to tell you that I really wasn't going to stand and talk, but when the good Representative from Kennebunk, Representative Murphy, in the same speech, puts lawyers, CMP and all of the other goblins together, it makes me wonder if we are really talking about the bottom line here.

What the bottom line is when someone says it is not about the money, it is about the money. This is about a group of people of Kennebunk who want to lower their electric bills. That is what this bill has always been about and that is what the bill is about now. They can talk in terms of service. They can talk in terms of improved service, but the bottom line is, this is about lower people's electric bills in a very specific geographic area at the expense of everyone else served by that company. It wasn't fair two years ago. It wasn't fair four years and it is not fair this year. This is not the kind of public policy that we should be engaged in.

The Public Utilities Commission has the authority to look at these issues and to deal with companies that want to buy one another out. This legislation, as it is written, and I hope that you listen to the chairman of the Utilities Committee very carefully. If you didn't, I hope that you will read for yourself that this bill specifically allows the Kennebunk Light and Power Company to

avoid all of the provisions of the PUC law and do what they want to do regardless of what the PUC says. That is not good for any power company. That is not good policy for the State of Maine. I hope that you will join with me and with others in voting for Indefinite Postponement. Thank you.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. Boy, where do you go? Last week I told you that I knew the outcome of this bill, David versus Goliath, and it is. However, there has been an extension, however slight, David has a little tiny gasp of breath. The Representative from Buxton, Representative Savage, read part of the bill. I want to read another piece of that summary. "The bill authorizes the district, Kennebunk, to fund the cost of a lease or purchase of tangible assets through the use of a rate surcharge to be paid by its retail customers in the subject area." The bill already says they are going to pay for it.

You have a fact sheet that was given to you today. Number six on that fact sheet says, "The full cost of the acquisition of CMP's distribution assets in Kennebunk to be born by the 1,494 customers affected. All other customers of CMP and NKLPD are held harmless under regulatory oversight and Energy East will be fairly compensated for its facilities."

I agree there has been a lot of mistruths, probably like in everything else from both sides. One of our jobs is to sort out that and to come to an agreement that is compromised. This body just did that on the elephant bill. It wasn't what anyone really wanted. It was a compromise. Three times this bill has been forth asking for compromise. It will be back again. If we Indefinitely Postpone, it will be back through this process again for the full lay of coming bills, public hearing, the same thing. I think the good Representative from South Portland, Representative Muse, on his elephant bill showed that if you Indefinitely Postpone something, we never move forward. I would hope that we would stop referring to and I need to correct something that has been stated. I am served by CMP and my constituents are served by CMP. What I have heard is how a community would like to be made whole. A community that supports a municipality in their districts that people who have help pay if that should go belly up, that people who have family that live across this line, established in 1903, could all be served by the same provider. Is that so wrong? I would hate to think that because I lived on a certain side of the street that my neighbor would have to go to a different doctor, but where I lived determined that I had to go to a certain doctor. They used to do that in churches in my city. If you lived in a particular part of the city, you went to a particular Catholic Church. That was your home parish. The community neighbors, which I represent wants to be made whole. They keep coming back and saying, could you just get everybody to the table. Could you just ask that people go to the table, sit down and let's have discussions? It worked on the elephant bill. It worked on the budget. It works. You just have to get people to the table. It seems to me that is not asking too much. Let's do the right thing. Let's send this so that people sit down and they talk with a time definite when they have to report back. With a time definite, that is the difference. If we kill it, Indefinitely Postpone, we never get a chance to say, look children, I do this with my sixth graders all the time. Sit down, you will both get your chance to tell your side and then we will make a decision. We need to allow that to happen. We need to allow that to happen. I would ask that you defeat this motion and then let's see if we can't put something else that gives us a time definite and people sit down and talk. It saves CMP ratepayers. It saves Kennebunk. It saves the public time and effort. It shows the rest of this state that, yes, we sit down

and we talk. That is how grownups settle their discussion. Thank you very much Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hope, Representative Crabtree.

Representative CRABTREE: Mr. Speaker, Ladies and Gentlemen of the House. I rise to briefly share my thoughts on this issue. Before I do that, I would like to disclose to you that for 27 years, I was an employee of Central Maine Power Company. I am now retired. For a fair portion of those years, I was Central Maine Power Company's Chief Financial Officer. I assure you that I have no affiliation with Central Maine Power Company and I rise only because of my concern for the well being of the people of the State of Maine. I leave it to you, each of your own judgments, with respect to my motives on this bill.

We have heard this bill is about many things. I would like to address two of them, which I believe that it is not about. Then I would like to share with you my views on what it is about and why we should vote to Indefinitely Postpone this piece of legislation. First, this bill is not about Central Maine Power Company's service in the Kennebunk Power and Light service territory or in the portion of Kennebunk served by Central Maine Power Company. The reason it is not about Central Maine Power Company's service is because the Public Utilities Commission of this state already has ample jurisdiction to alter the franchise service territories of an electric utility if they are, in fact, providing poor service to a designated area. It is interesting to note that no one has gone before the PUC and asked them to alter the service territory of CMP in Kennebunk because of poor service.

Secondly, this is not about lobbyist expenses. I share this because I was a chief financial officer and I know a little bit about regulation in the State of Maine. I assure you that political lobbying expenses are not paid for by ratepayers. By law and by rule in the State of Maine, they are paid for by the shareholders of the electric utility. What this bill is about is the following question, will this Legislature intervene in and alter the established service territory of an electric utility? I submit to you that there are strong and valid reasons in economic theory and regulatory theory for this Legislature to answer, no it will not. The franchise service territory of an electric utility is one of the basic frameworks within which a regulated monopoly works. In exchange for being granted a franchise service territory, an electric utility promises to meet the electric service needs of everyone in that service territory. They do that by capital markets providing capital to the electric utilities. By renting their money to the electric utility to build the fixed assets that are necessary to provide electric service. In determining how much money providers of capital should charge the electric utility, they develop a risk profile of the electric utility. That risk profile is based upon many factors, but one of the essential factors is the franchise service territory of the utilities. It is essential because in the minds of the renter of the capital, it establishes the revenue producing capacity of the electric utility. It determines the economic value of the electric utility.

If this Legislature indicates a willingness by private and special law to alter the franchise service territory of any utility in the state, whether it be Central Maine Power Company, Bangor Hydro Electric, Kennebunk Light and Power District, Maine Public Service or Eastern Maine Electric Coop, they will change the risk profile of that electric utility and force the capital markets to reassess how much they must charge to lend capital to electric utilities in the state. When they do that, they will increase the amount of money they charge to rent capital to electric utilities in this state because of the changed risk profile and the tendency on the part of this Legislature to interfere with the revenue producing capacity of the electric utility. When they

do that, it will drive up the cost of electricity in the State of Maine for every electric utility and therefore, all electric consumers.

Those are the reasons in economic theory and in regulatory theory why we must say, no, this Legislature will not intervene in the established franchise service territories of electric utilities. I urge you to vote to Indefinitely Postpone this piece of legislation. Thank you Mr. Speaker.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. As stated before by my good friend from Wilton, Representative LaVerdiere, I, too, am not on CMP's most favored list of friends when it comes to some of their expenditures and some of their practices. A year ago, I encouraged both sides and specifically both sides to come together and convene and to work for solutions. That did not occur. It did occur to the point where one came in said it is worth a billion and the other comes in and says it is worth a million. Well at least they were talking finance. They didn't continue and the process simply ended. Ladies and gentlemen, Kennebunk Light and Power Company, can file with the commission at any time for authority to serve the entire Town of Kennebunk, despite the boundaries laid out in their charter. That can happen.

I would also like to point out that in Title 35, it states, "No public utility may apply to the Legislature to grant it a right, privilege or immunity, which the commission has power to grant it until the utility has exhausted its rights regarding its request before the commission. In applying to the Legislature the utilities shall state in writing that it is applied to the commission for the right, privilege or immunity requested and that the commission has denied its application."

Ladies and gentlemen, we have not got to that point. Again, I would challenge on the floor of this chamber both parties to come together with the PUC and follow the procedure. If this is not done, it probably will be back here before us again. I want to see solutions. To the lobby sitting upstairs, they have heard me. They have now heard me twice. The third time, I think the farmer shot the mule. Thank you.

Representative **SULLIVAN** of Biddeford **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 Presque Isle, Representative Duncan.

Representative **DUNCAN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak today to remind you that this bill is not just about one town in southern Maine. It is not that simple. As a member of the Utilities Committee, I rise to support the majority motion. I think it is a sad day when this Legislature has stooped to bashing Central Maine Power Company. Probably there have been some mistakes, but I think it is unprofessional of this body. I can tell you that this bill affects all of us from northern Maine to southern Maine. There is a sound and reasoned regulatory process that utilities can use if they want to expand their service territory. That process has been available to Kennebunk for years. The town has not availed that opportunity. Every other utility has used this process. Natural gas companies must go through the exact same regulatory process if they want to serve a town that already has a pipeline installed. That makes sense.

It gives the Maine Public Utility Commission the chance to review the data and decide if that kind of expansion and duplication of service or buying of service territory is in the best interest of all customers. That is the key. The PUC process makes sure all customers are well served by the utility. If we

pass this bill, we are saying the Kennebunk doesn't need to follow the rules that every other utility follows. We are saying that the interests of one town are more important than making sure all customers are served well.

On the surface this bill may sound like a nice thing to do. You might think that you could vote for your fellow legislator and help his town, but don't be fooled. If you vote for this bill, you will be hurting your town and my town and all the people who live outside of Kennebunk. When one utility uses customers, all their customers must pay more. I don't care if it is a small amount. A few people in our town should not get the right to bypass the regulatory process and pay lower rates and make other people pay more. This is not fair. That is exactly why we have a regulatory process in place.

What if people in my district want to join a Canadian utility because those rates are lower? Should we just let that happen without regulatory oversight? That would mean that electricity rates from everyone in Maine Public Service would be going up and I can't support that.

I don't believe that one town should get special privilege and be allowed to bypass the regulatory process. I have heard all the reasons why Kennebunk doesn't want to go to the PUC. I have heard these excuses for two years. If the people in my town and in my utility must go through the regulatory process to make sure that all customers are well served, then I want Kennebunk to go through the same process too. I urge you to support the pending motion. Thank you.

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

Representative **COLLINS**: Mr. Speaker, Ladies and Gentlemen of the House. I have a unique distinction, some of which has been mentioned in the media lately. This one, however, I want to speak to. I have been a customer of both Kennebunk Light and Power and Central Maine Power, all the time living in the Town of Wells, not Kennebunk. I have to tell you from a consumer standpoint, there is a great deal of difference between service. I want to point this out to you. When there is a power outage or if there is a power outage, Kennebunk Light and Power the response is within hours, probably less than that in some instances. CMP, on the other hand, you could wait for days before you get your power back on. I say this with no disrespect to the line workers, the personnel who work for CMP, they do what they are told by their supervisors, the higher echelon of CMP. The blue-collar worker working for CMP is a dedicated worker. I commend he and her both for a job well done. There is a lot of discussion here today and last week, CMP and Energy East are very concerned. Somebody is infringing on their monopoly. Somebody has the audacity to try to work in and take away some of their clientele. All we are talking about, folks, is 1,400 people. Fourteen hundred people who want the privilege of purchasing their electricity needs from whomever they choose to. In this particular instance, it is a local power company. Kennebunk Light and Power, I could stand corrected on this, generates a small portion of their electricity. They have hydro dams on the river going through Kennebunk and they generate part of the electricity needs for their customers. They have been a very efficient company. If, I living in Wells, could buy from Kennebunk Light and Power again, I would gladly do that. It is, in my estimation, about service. They do the pruning of the trees to eliminate the power outages of falling limbs or branches during the winter months. They do the work.

I have concerns about the way they spend their money, CMP. We all receive our monthly statements for electricity purchased. There is always a nice glossy ad included in that envelope. Those glossy ads, believe me folks, we all pay for. TV ads that

are on TV during prime time every night, we pay for those. If they just eliminated all that foolishness, think of the rate reduction that could be given to us, the consumer. I always felt in my own mind that they did not run an efficient company. Right or wrong, this is this legislator's opinion, as an observer. On the other hand, Kennebunk Light and Power, I always felt ran a very efficient company. People would like to buy electricity from an efficient company because, quite plainly and simply, the rates are cheaper.

In closing, I would just like to say again that we have a monopoly here in central and southern Maine. I think it is time that we, as a group of men and women in the Maine House of Representatives, tell this monopoly that you had better watch out because we have had enough. Yes there are small groups of people in southern Maine who wish to buy their electricity needs from somebody else. You had better pay attention to business and do it efficiently. Thank you for your time.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. Very quickly, contrary to what we have heard today, Kennebunk is going to the PUC. I want you to clearly understand that. Kennebunk is going to the PUC. If for some wild reason you overwhelmingly passed LD 808, I would be amending it for what I talked about on the floor. There has been a lot of debate on what is before us, but what we are looking at is if you vote to Indefinitely Postpone, then Kennebunk will go to the PUC. There will be no time limits and there will be no limit on legal costs, which will be born by your ratepayers and my ratepayers. If we defeat the motion to Indefinitely Postpone, I would ask for the bill to be tabled and the amendment drafted. That amendment has been circulated to many members of the committee. It says, Kennebunk is going to the PUC, except a date will be set for the PUC to report back on the status of the negotiations. Have they reached terms and if they have reached terms, are the customers of CMP protected? Really what is before you is Indefinitely Postpone PUC, not limit. If you defeat the motion, it is PUC, but you set a time limit on it. You will actually have helped your ratepayers as well as mine. Thank you.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I live in Biddeford. I don't live in Kennebunk, but I look to Kennebunk Light and Power Company because it is such a unique situation. Way back when people got together and started their own power company. None of us can speak to that because we only can wish that we could be included in something like this. Some creative, innovative people got together and formed their own power company. I only wish that Biddeford could join in with this. I think they have done an excellent job. I think when we look back at the management of CMP and the mismanagement and the bad decisions and the cost of their executives and what they get paid, that is what we all pay for in our rates. To punish a group of people now, it is unique because none of us can relate to it. They had the courage, the Yankee ingenuity. That is what Maine was built on. I look to them and say, hurray, that they did this. When I come in here and see all these lobbyists from CMP and I am not trying to discredit CMP, these are facts. Look it up. Look at their mismanagement and how much we have paid for mismanagement from Maine Yankee for things that they didn't want to address and then you have a group of people who are managing their own power company and doing it efficiently, we should all be so lucky. Now we have CMP coming in saying that we want to come in and they don't mind coming to the PUC.

They want to come to the PUC like Representative Murphy spoke of. He will put an amendment to this. It is Yankee ingenuity and we are all maybe just a little jealous that we aren't so lucky, that we don't have our own power company who has been so efficient. Again, those of us that live in the neighboring towns have looked to Kennebunk and really cheered them on for what they have done. We should all be so lucky.

Lastly, before I sit, when there are things that we don't agree upon in this House, it really, really bothers me and I want to go on the record to have to have a motion to Indefinitely Postpone. I would really like to see this vote be defeated and let the merits fall on whether we support this or we don't. This constant to Indefinitely Postpone, let's debate it. Let's have the merits heard and let's vote on that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative RINES: Mr. Speaker, Men and Women of the House. I think one of the other things that we need to consider is in the State of Maine there are 12 transportation distribution companies moving power. There are many, many communities that are split. I have had Representatives in this House tell me that if this bill is passed, the precedent will be set and they will bring their own bills back so that they can change their rates in their communities. I think that is a great consideration that we all need to take into when we make this vote. Thank you Mr. Speaker.

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. 63

YEA - Ash, Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chizmar, Colwell, Cote, Cowger, Crabtree, Cummings, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gooley, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Tarazewich, Tessier, Thomas, Tobin D, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Andrews, Annis, Baker, Blanchette, Buck, Chick, Clark, Clough, Collins, Cressey, Daigle, Duprey, Estes, Gagne, Gerzofsky, Glynn, Goodwin, Haskell, Heidrich, Jodrey, Laverriere-Boucher, Lovett, MacDougall, McGlocklin, McKenney, Mendros, Morrison, Murphy E, Murphy T, Muse C, Muse K, Perkins, Pinkham, Richard, Shields, Sullivan, Tobin J, Tracy, Trahan, Treadwell, Twomey.

ABSENT - Bagley, Davis, Dorr, Landry, Madore, Michael, O'Brien LL, Peavey, Stedman, Tuttle, Volenik.

Yes, 99; No, 41; Absent, 11; Excused, 0.

99 having voted in the affirmative and 41 voted in the negative, with 11 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

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

On motion of Representative NORTON of Bangor, the House
adjourned at 1:20 p.m., until 9:00 a.m., Tuesday, May 1, 2001.