

MAINE STATE LEGISLATURE

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

Volume I

First Regular Session

December 6, 2000 – May 17, 2001

Pages 1-889

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
44th Legislative Day
Monday, May 7, 2001

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

Prayer by Reverend Mark Rustin, North Deering Congregational Church and Hiram Community Church.

Pledge of Allegiance.

Doctor of the day, M. Theodore Silver, M.D., Bangor.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities"

(S.P. 331) (L.D. 1099)

- **PLACED** in the Legislative Files pursuant to Joint Rule 310.3 on April 30, 2001.

- **RECALLED** from the Legislative Files pursuant to Joint Order S.P. 606.

Came from the Senate **COMMITTED** to the Committee on **CRIMINAL JUSTICE** in **NON-CONCURRENCE**.

On motion of Representative POVICH of Ellsworth, the House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 241)

**MAINE RURAL DEVELOPMENT COUNCIL
5717 CORBETT HALL, UNIVERSITY OF MAINE
ORONO, MAINE 04469-5717**

April 26, 2001

Dear Members of the 120th Legislature:

Enclosed please find your copy of the Maine Rural Development Council report titled, "*Building Community Capacity and Providing Advocacy for Social and Economic Needs in Rural Maine, 2000-2001*." This is written for the 120th Legislature pursuant to PL 1999, C. 731, S. VVV-15 and 20, requiring a report about MRDC's community capacity building projects funded under the one-time appropriation made by the second regular session of the 119th Legislature.

We hope the document will help inform your deliberation in the current session on LD 1142 - "An Act to Provide Annual Support to the Maine Rural Development Council and its Community Capacity Work in Distressed Areas of the State."

If you have any questions or need more information, please do not hesitate to contact the Maine Rural Development Council

Sincerely yours,

S/Robert P. Ho
Executive Director

READ and with accompanying papers **ORDERED PLACED ON FILE**.

ORDERS

On motion of Representative COWGER of Hallowell, the following Joint Resolution: (H.P. 1335) (Cosponsored by Senator TURNER of Cumberland and Representatives: DAIGLE of Arundel, ESTES of Kittery, KOFFMAN of Bar Harbor, McLAUGHLIN of Cape Elizabeth, ROSEN of Bucksport, SIMPSON of Auburn, STANLEY of Medway, Senator: GOLDTHWAIT of Hancock)

JOINT RESOLUTION PROCLAIMING THE MONTH OF MAY AS BICYCLE MONTH

WHEREAS, the bicycle is a clean and healthy form of transportation and recreation; and

WHEREAS, residents of Maine are among the millions of Americans who will experience the fun and joy of bicycling during the month of May through educational programs in schools, safety events, helmet promotion, trail work days and charity rides; and

WHEREAS, bicycling is a significant part of tourism in the State, reportedly bringing in \$36,000,000 annually to the State's economy; and

WHEREAS, residents of the State and other Americans in record number are turning to bicycling for recreation, exercise and transportation; and

WHEREAS, bicycle clubs, schools, parks and recreation departments, police departments, hospitals, companies and civic groups throughout the State are promoting bicycling as a leisure activity as well as an environmentally friendly alternative to the automobile during the month of May 2001; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to proclaim the month of May as Bicycle Month throughout our State and urge all who support bicycling to participate in planned events; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Bicycle Coalition of Maine.

READ.

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

Representative COWGER: Mr. Speaker, Colleagues of the House. I know it is this time of the year when we are in here working very late nights and very early mornings that many of us don't get out to enjoy our bicycling. It is a recreational activity that I think many of us in this chamber enjoy. I hope we will find an opportunity to do so soon. I just want to point out that I don't know how many of you have heard the news recently, but MBOT is presenting on bicycle tourism. What we now know is that bicycling is not only good for our health and our environment, but it is also very good for the Maine economy. The big number for all of you to remember is that bicycle tourism brings into this state nearly \$67 million annually in tourism revenue. This only measures, according to the DOT, bicycle visitors entering the state for day trips or bicyclists entering the state as groups. This doesn't even count the economic impact of bicycling by Maine residents. Consider that there are hundreds of thousands of people that own bicycles in Maine. There are 80 locally owned bicycle shops throughout our state. There are over 150 bike races and special events and some major fundraising events including the annual trek across Maine, which I participate in. It raises over \$2 million itself in a one three-day event over Father's Day weekend. I encourage you to take part in bicycling both in your communities and realize the economic impact of bicycling in Maine. I would also like to point out that there is a legislative bike tour this Thursday morning. I regret that I will be out of state, but I encourage you to take part in this bike tour. I think you will hear more about this later on. Thank you Mr. Speaker.

ADOPTED.

Sent for concurrence.

On motion of Representative McKEE of Wayne, the following Joint Resolution: (H.P. 1336) (Cosponsored by Senator KNEELAND of Aroostook and Representatives: CARR of Lincoln, DUNLAP of Old Town, GOOLEY of Farmington, HAWES of Standish, JODREY of Bethel, LUNDEEN of Mars Hill, PINEAU of Jay, SAVAGE of Buxton)

JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF SECURING STEWARDSHIP FUNDS FOR THE MANAGEMENT OF LANDS AND EASEMENTS

WHEREAS, there exist a number of state agencies and boards that engage in the purchase or acquisition of land or easements; and

WHEREAS, once acquired, state lands and easements generally require management; and

WHEREAS, management needs for various parcels of land and easements vary according to the State's interest and the management needs of the specific parcel; and

WHEREAS, state agencies and boards that engage in purchasing or acquiring land or easements include the Land for Maine's Future Board, the Maine Outdoor Heritage Fund, the Department of Conservation and the Department of Inland Fisheries and Wildlife; and

WHEREAS, state entities are authorized to accept stewardship funds to manage state-held land and easements; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Twentieth Legislature now assembled in the First Regular Session, on behalf of the people we represent, encourage all state agencies and boards that engage in the purchase or acquisition of land or easements to attempt to secure stewardship funds for management of lands and easements at the time of the purchase or acquisition; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Land for Maine's Future Board, the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Inland Fisheries and Wildlife and the Department of Transportation.

READ and ADOPTED.

Sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Nine Members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** report in Report "A" **Ought Not to Pass** on Bill "An Act to Clarify the Training Requirements for Forest Rangers"

(H.P. 273) (L.D. 351)

Signed:

Senator:

KNEELAND of Aroostook

Representatives:

McKEE of Wayne

HAWES of Standish

LANDRY of Patten

LUNDEEN of Mars Hill

PINEAU of Jay

GOOLEY of Farmington

FOSTER of Gray

JODREY of Bethel

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-308)** on same Bill.

Signed:

Senator:

KILKELLY of Lincoln

Representatives:

VOLENIK of Brooklin

CARR of Lincoln

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-309)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

READ.

Representative McKEE of Wayne moved that the House **ACCEPT** Report "A" **Ought Not to Pass.**

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Legalize Hemp for Agricultural Purposes" (H.P. 882) (L.D. 1174)

Signed:

Senators:

KNEELAND of Aroostook

NUTTING of Androscoggin

KILKELLY of Lincoln

Representatives:

GOOLEY of Farmington

FOSTER of Gray

CARR of Lincoln

JODREY of Bethel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-310)** on same Bill.

Signed:

Representatives:

McKEE of Wayne

VOLENIK of Brooklin

HAWES of Standish

LUNDEEN of Mars Hill

PINEAU of Jay

READ.

Representative McKEE of Wayne moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Amend the Membership of the Workers' Compensation Board"

(H.P. 810) (L.D. 1065)

Signed:

Senator:

EDMONDS of Cumberland

Representatives:

BUNKER of Kossuth Township

MATTHEWS of Winslow

HUTTON of Bowdoinham

NORTON of Bangor

SMITH of Van Buren

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

Signed:

Senators:

TURNER of Cumberland
SAWYER of Penobscot

Representatives:

TREADWELL of Carmel
CRESSEY of Baldwin
DAVIS of Falmouth
MacDOUGALL of North Berwick

READ.

Representative BUNKER of Kossuth Township 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.

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-307)** on Bill "An Act to Permit Consumer-owned Water Utilities to Exercise Local Control Regarding Matters within the Jurisdiction of the Public Utilities Commission" (H.P. 996) (L.D. 1333)

Signed:

Representatives:

SAVAGE of Buxton
CRABTREE of Hope
PERKINS of Penobscot
GOODWIN of Pembroke
McGLOCKLIN of Embden
DUNCAN of Presque Isle
BLISS of South Portland

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

Signed:

Senators:

FERGUSON of Oxford
TREAT of Kennebec
CARPENTER of York

Representatives:

RINES of Wiscasset
HALL of Bristol
BERRY of Belmont

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 199) (L.D. 671) Resolve, to Direct the State Planning Office to Provide Community Forestry Training to Towns Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-136)**

(H.P. 457) (L.D. 578) Bill "An Act to Assist Municipalities in Developing and Using Geographic Information Systems to Track

Development and Promote Smart Growth" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-315)**

(H.P. 1108) (L.D. 1477) Bill "An Act to Amend Certain Laws Regarding Land and Water Quality Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-314)**

(H.P. 1225) (L.D. 1666) Bill "An Act to Improve the Inspection and Maintenance of Underground Oil Storage Tanks" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-316)**

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

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

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

(S.P. 414) (L.D. 1358) Bill "An Act to Require Truth in Advertising of Natural Water" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-135)**

On motion of Representative COWGER of Hallowell, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-135)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** later in today's session:

ENACTORS

Emergency Measure

An Act to Amend the Rule-making Process Regarding the State's Plumbing Code

(H.P. 214) (L.D. 249)
(C. "A" H-222)

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. 126 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 Amend the Lobster Fishing Owner and Operator Laws to Allow Limited Charter Vessel Operation

(H.P. 301) (L.D. 379)
(C. "A" H-254)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 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 Define and Ensure Coverage of Basic Health Services by Health Maintenance Organizations

(H.P. 749) (L.D. 968)
(C. "A" H-200)

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

Representative GLYNN of South Portland **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. 99

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

NAY - Carr, Cressey, Davis, Duprey, Glynn, Gooley, Haskell, Kasprzak, MacDougall, Pinkham, Rosen, Snowe-Mello, Treadwell, Waterhouse, Weston.

ABSENT - Bagley, Baker, Blanchette, Bliss, Buck, Cote, Duplessie, Hawes, Landry, Lovett, Matthews, Mendros, Michael, Mitchell, Quint, Stedman, Tessier, Tuttle.

Yes, 118; No, 15; Absent, 18; Excused, 0.

118 having voted in the affirmative and 15 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

An Act to Increase the Dedicated Wild Blueberry Tax

(H.P. 961) (L.D. 1274)
(C. "A" H-243)

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

Representative DUPREY of Hampden **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 PRO TEM**: 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. 100

YEA - Ash, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Heidrich, 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, Michaud, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Andrews, Annis, Cressey, Davis, Duprey, Glynn, Honey, Kasprzak, Labrecque, MacDougall, Perkins, Pinkham, Tobin J, Treadwell, Waterhouse.

ABSENT - Bagley, Baker, Blanchette, Bliss, Buck, Cote, Duplessie, Hawes, Landry, Lovett, Mendros, Michael, Mitchell, Stedman, Tuttle.

Yes, 121; No, 15; Absent, 15; Excused, 0.

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

Emergency Measure

An Act to Increase the Borrowing Capacity of the Topsham Sewer District

(H.P. 985) (L.D. 1322)
(C. "A" H-228)

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. 128 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, to Amend the National Guard Education Assistance Pilot Program

(H.P. 429) (L.D. 550)
(C. "A" H-232)

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. 120 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Study Employee Ownership Options for Maine Businesses

(H.P. 767) (L.D. 986)
(C. "A" H-223)

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

Representative COLWELL of Gardiner **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.

On motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

Emergency Measure

Resolve, to Amend Certain Dates for the Issuance of Bonds

(H.P. 1002) (L.D. 1339)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 2001

(H.P. 1309) (L.D. 1772)
(S. "A" S-108)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 6 against, and accordingly the Mandate was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act to Exempt from the Definition of "Watercraft" Permanently Affixed Boats

(H.P. 350) (L.D. 440)

An Act to Prevent Damage to Lobsters

(H.P. 359) (L.D. 449)
(C. "A" H-255)

An Act Exempting Prehistoric and Historic Archaeological Work from Permitting Requirements under the Natural Resource Protection Laws and the Shoreland Zoning Laws

(H.P. 395) (L.D. 516)
(C. "A" H-226)

An Act to Improve Access to Residential Care in Rural Maine

(H.P. 404) (L.D. 525)
(C. "A" H-240)

An Act to Amend Certain Laws Administered by the Department of Environmental Protection

(H.P. 406) (L.D. 527)

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)

An Act to Establish the Maine Cave Protection Act

(H.P. 439) (L.D. 560)
(C. "A" H-227)

An Act to Ensure that Fishways on Tidal Waters are Working

(H.P. 464) (L.D. 592)
(C. "A" H-256)

An Act to Establish the Office of Securities within the Department of Professional and Financial Regulation

(H.P. 465) (L.D. 593)
(C. "A" H-238)

An Act to Clarify the Rights of Residents Within Wildlife Sanctuaries

(H.P. 516) (L.D. 655)
(C. "A" H-259)

An Act to Strengthen the Ground Water Oil Clean-up Fund

(H.P. 657) (L.D. 857)
(C. "A" H-229)

An Act to Increase Funding for the Maine Dental Education Loan Program

(H.P. 692) (L.D. 896)

An Act to Exempt Maine State Retirement System Employee Contributions from State Income Tax

(H.P. 808) (L.D. 1063)
(C. "A" H-215)

An Act to Restrict the Commercial Harvest of Snapping Turtles in Order to Ensure Sustainability of the Resource

(H.P. 824) (L.D. 1078)

An Act Creating the New Crime of Aggravated Attempted Murder

(H.P. 867) (L.D. 1147)
(C. "A" H-260)

An Act to Amend the Health Care Facility Immunization Laws

(H.P. 1044) (L.D. 1401)
(C. "A" H-241)

An Act to Implement the Recommendations of the Secretary of State and the Maine State Police Regarding Low-speed Vehicles

(H.P. 1191) (L.D. 1614)
(C. "A" H-220)

An Act to Implement the Recommendations of the Veterans Commemorative Decal Task Force

(H.P. 1238) (L.D. 1683)
(C. "A" H-221)

An Act to Amend the Laws Pertaining to Municipal Shellfish Management

(H.P. 1266) (L.D. 1717)
(C. "A" H-257)

An Act to Amend the Maine Banking Code

(H.P. 1271) (L.D. 1729)
(C. "A" H-247)

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

Resolves

Resolve, to Provide for the Transfer of Funds to the Tire Management Fund and Require a Plan to Permanently Dedicate Fees Paid When Purchasing a New Tire or Battery to Tire Stockpile Abatement, Remediation and Cleanup

(H.P. 200) (L.D. 230)
(C. "A" H-225)

Resolve, Directing the Bureau of Health to Develop a Comprehensive Plan for the Detection and Treatment of Hepatitis C

(H.P. 531) (L.D. 686)

Resolve, Establishing a Commission to Study the Laws Governing the Sentencing of a Person Convicted of a Crime Involving a Child

(H.P. 670) (L.D. 870)

(C. "A" H-263)

Resolve, Establishing a Criminal Code Revision Commission

(H.P. 1093) (L.D. 1462)

(C. "A" H-261)

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

An Act to Protect Sensitive Geologic Areas from Oil Contamination

(H.P. 168) (L.D. 179)

(C. "A" H-224)

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 Regarding Prisoner Participation in Public Work Projects or Improvements to Charitable Organizations' Property

(H.P. 264) (L.D. 313)

(C. "A" H-262)

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

On motion of Representative VOLENIK of Brooklin, 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 PRO TEM: 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. 101

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

NAY - Dorr, Hutton, Laverriere-Boucher, Muse C, Richardson, Sullivan, Twomey, Volenik, Watson.

ABSENT - Bagley, Baker, Blanchette, Bliss, Buck, Cote, Daigle, Duplessie, Goodwin, Landry, Lovett, Marrache, Matthews, Michael, Mitchell, O'Brien LL, Stedman, Tuttle.

Yes, 124; No, 9; Absent, 18; Excused, 0.

124 having voted in the affirmative and 9 voted in the negative, with 18 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act Providing for Enhancements to the Maine Seed Capital Tax Credit Program

(H.P. 974) (L.D. 1298)

(C. "A" H-217)

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 Clarify and Update the Security Requirements for Employers Self-insured for Workers' Compensation Liabilities

(H.P. 1045) (L.D. 1402)

(C. "A" H-246)

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

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

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

Resolve, to Name Route 302 the 10th Mountain Division Highway

(H.P. 95) (L.D. 99)

(C. "A" H-219)

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 **FINAL PASSAGE** and later today assigned.

Resolve, to Coordinate and Improve Access To Health Care for Women

(H.P. 419) (L.D. 540)

(C. "A" H-242)

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

On motion of Representative KASPRZAK of Newport, was **SET ASIDE**.

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I do not request that this item be tabled at this time. To anyone who could answer, what kind of health care will

this be supplying for women and who exactly will be receiving the money in the fiscal note? Thank you.

The **SPEAKER PRO TEM**: 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 Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. This proposed project will implement recommendations found in women's health, an action plan for Maine, developed through a public, private, strategic planning process. It essentially establishes a single position in the Bureau of Health to coordinate women's health issues with other segments of the overall health care and to place within our health care system someone who is knowledgeable that can serve as an advocate for women's health and to capitalize on anticipated federal funding initiatives that will be available to Maine in the near future. Thank you Mr. Speaker.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I think that probably it should also be added that there are revenues that are attached to this in the amount of \$100,000 for the first year of the biennium and \$100,000 for the second year of the biennium. Thank you.

The **SPEAKER PRO TEM**: 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.

ROLL CALL NO. 102

YEA - Annis, Ash, Berry RL, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Chase, Clough, Crabtree, Cresse, Duprey, Foster, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, McKenney, Mendros, Morrison, Nass, Peavey, Pinkham, Sherman, Shields, Snowe-Mello, Trahan, Treadwell, Waterhouse, Weston, Winsor, Young.

ABSENT - Bagley, Baker, Blanchette, Bliss, Buck, Cote, Daigle, Duncan, Duplessie, Goodwin, Landry, Lovett, Michael, Mitchell, O'Brien LL, Smith, Stedman, Tuttle.

Yes, 100; No, 33; Absent, 18; Excused, 0.

100 having voted in the affirmative and 33 voted in the negative, with 18 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolve, to Assess the Consequences of Climate Change in the State

(H.P. 1066) (L.D. 1429)
(C. "A" H-230)

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

On motion of Representative **KASPRZAK** of Newport, was **SET ASIDE**.

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. Does this bill follow federal regulations or not?

The **SPEAKER PRO TEM**: 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 Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. In answer to the question, this bill really doesn't relate at all to federal regulations. If I may proceed to explain it, Mr. Speaker?

The need for this legislation, which happens to be a unanimous report from the Natural Resources Committee, does two simple things. First of all, it addresses the need in our state for some very good information regarding climate change. This bill will help us decide how and to what extent climate is or may be affecting our state. The bill does two things. It designates a climatologist at the University of Maine as the official Maine State Climatologist and then merely requires them to report back to this Legislature in our second session with a plan to collect data, conduct research and communicate information about climate change in Maine. That is the extent of the bill, Mr. Speaker.

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. That is exactly my fear. I would request a roll call when this vote is taken. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, may I pose a question through the Chair?

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

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. Anyone in the chamber that would like to answer the question, there is now a plan within the State Planning Office, the Maine Climate Change Action Plan. It is very extensive. The last time I looked it was about a half an inch thick on ways of dealing with global warming. Is this bill related to that Climate Change Action Plan? Thank you.

The **SPEAKER PRO TEM**: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to that question, this is not linked to the State Planning Office's Climate Change Action Plan. It essentially is an effort to coordinate research to learn more

about the history of climate in Maine through hundreds and thousands of years to look at current trends and to make forecasts and what we anticipate the impacts could be on agriculture, forestry, tourism, sea level rise on our beaches in southern Maine and other impacts that could be very significant to our economy and quality of life and property values. It is essentially a research coordinating effort between government agencies and the university. Thank you.

Representative WATERHOUSE of Bridgton moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative DUNLAP of Old Town **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

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

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. This legislation, I think, is generating some unnecessary concern. The statements by my good friend from Bar Harbor, Representative Koffman, probably most accurately describe what this legislation intends to do. My first gainful employment as an adult was actually as a researcher for the Department of Quaternary Studies at the University of Maine as a student. What my job there was to do was to go through farmer's diaries going back to the 17th Century and code in what types of weather they were reporting because we had no National Weather Service before the 1890s and therefore, we had no idea what the weather patterns looked like in the 18th and 19th Century. I think what this particular legislation can help us do is gain a better understanding as policymakers about the natural cycles of climate change so that we can have a better understanding to take home to our people who sometimes get very concerned about the perceptions or reports from the press about human induced climate change so that we can best differentiate what is natural or not so that we can sort of assuage some of the fear born of ignorance. I would definitely ask you to vote against this pending motion and go on and enact this legislation. Thank you.

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

Representative **SNOWE-MELLO**: Madam Speaker, May I pose a question through the Chair?

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

Representative **SNOWE-MELLO**: Mr. Speaker, Men and Women of the House. I would like to ask the question if there is going to be any scientists that will be a part of this study?

The **SPEAKER PRO TEM**: The Representative from Poland, Representative Snowe-Mello has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. In answer to the question, it is the Institute for Quaternary and Climate Studies at the University of Maine and they have been asked to develop this report back to the Legislature so that we, again, can sit down as a whole committee and decide what sort of impacts are happening. As the good Representative from Old Town said, we will then have scientific evidence to decide whether its impacts are human impacts or whether they are just natural changes in our environment. I do urge you to vote against the pending motion.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of

the Resolve and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 103

YEA - Andrews, Berry DP, Bowles, Bruno, Carr, Chase, Clough, Cressey, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, MacDougall, Mendros, Nass, O'Brien JA, Pinkham, Schneider, Shields, Snowe-Mello, Trahan, Treadwell, Waterhouse, Weston, Winsor, Young.

NAY - Annis, Ash, Belanger, Berry RL, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cowger, Crabtree, Cummings, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

ABSENT - Bagley, Baker, Blanchette, Bliss, Buck, Cote, Daigle, Dugay, Duplessie, Goodwin, Hall, Landry, Lovett, Michael, Stedman, Tuttle.

Yes, 31; No, 104; Absent, 16; Excused, 0.

31 having voted in the affirmative and 104 voted in the negative, with 16 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers **FAILED**.

The **SPEAKER PRO TEM**: A roll call having been previously ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 104

YEA - Annis, Ash, Belanger, Berry RL, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Chick, Chizmar, Clark, Collins, Colwell, Cowger, Crabtree, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bruno, Carr, Chase, Clough, Cressey, Duprey, Foster, Glynn, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, MacDougall, Mendros, Nass, O'Brien JA, Pinkham, Schneider, Shields, Snowe-Mello, Trahan, Treadwell, Waterhouse, Weston, Winsor, Young.

ABSENT - Bagley, Baker, Blanchette, Bliss, Buck, Canavan, Cote, Daigle, Duplessie, Goodwin, Gooley, Hall, Landry, Lovett, Michael, Stedman, Tuttle.

Yes, 104; No, 30; Absent, 17; Excused, 0.

104 having voted in the affirmative and 30 voted in the negative, with 17 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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

The House recessed until the Sound of the Bell.

(After Recess)

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

The Speaker resumed the Chair.
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 (7) **Ought to Pass as Amended by Committee Amendment "A" (H-307)** - Minority (6) **Ought Not to Pass** - Committee on **UTILITIES AND ENERGY** on Bill "An Act to Permit Consumer-owned Water Utilities to Exercise Local Control Regarding Matters within the Jurisdiction of the Public Utilities Commission"

(H.P. 996) (L.D. 1333)

Which was **TABLED** by Representative SAVAGE of Buxton pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

ROLL CALL NO. 105

YEA - Andrews, Annis, Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Crabtree, Cummings, Desmond, Dudley, Dugay, Duncan, Dunlap, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jodrey, Jones, Kane, Koffman, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McNeil, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Savage, Schneider, Sherman, Simpson, Smith, Stanley, Sullivan, Tessier, Thomas, Tobin D, Tobin J, Trahan, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Berry DP, Bowles, Bruno, Bumps, Cressey, Davis, Dorr, Duplessie, Duprey, Foster, Jacobs, Kasprzak, Labrecque, LaVerdiere, MacDougall, McLaughlin, Mendros, Nass, Rines, Rosen, Shields, Snowe-Mello, Tarazewich, Tracy, Treadwell, Waterhouse, Weston, Winsor, Young.

ABSENT - Bagley, Belanger, Bliss, Buck, Bunker, Cote, Cowger, Daigle, Hall, Landry, Lovett, Matthews, Morrison, Skoglund, Stedman, Tuttle.

Yes, 106; No, 29; Absent, 16; Excused, 0.

106 having voted in the affirmative and 29 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-307)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** later in today's session.

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

HOUSE DIVIDED REPORT - Report "A" (9) **Ought Not to Pass** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "A" (H-308)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-309)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Clarify the Training Requirements for Forest Rangers"

(H.P. 273) (L.D. 351)

Which was **TABLED** by Representative MCKEE of Wayne pending her motion to **ACCEPT** Report "A" **Ought Not to Pass**.

Representative DUNLAP of Old Town **REQUESTED** a division on the motion to **ACCEPT** Report "A" **Ought Not to Pass**.

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

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. This bill is somewhat of a retread. It would require the forest rangers of the Maine Forest Service to meet and maintain the standards of police officers, thus requiring the full 18-week law enforcement program at the Criminal Justice Academy. It is a costly bill, over \$550,000 for the initial training. We have 87 rangers, 11 of them have had that criminal justice training, but to train the rest of them it would be \$550,000 and then \$25,000 a year for retraining thereafter. We should remember too that we currently have in statute language prohibiting Maine Forest Rangers from carrying firearms.

This bill is opposed by the Department of Conservation, the Small Woodland Owners Association of Maine and by the Maine Forest Products Council, as well as these members of the ACF Committee that you see on the report. First of all, let me explain the cost. A third of current Maine Forest Rangers don't meet the entrance requirements for the Criminal Justice Academy. We would still have a problem in that regard. Here is the most important reason to reject this bill. The training is simply inappropriate and inconsistent with the mission of the Maine Forest Service and would have a long-term detrimental affect on that mission. As you know, the Maine Forest Service has been in operation for 110 years without a single fatality and without these rangers carrying firearms and without them having the kind of law enforcement education that they would get at the Criminal Justice Academy.

Eighty-five to 90 percent of the job of the Maine Forest Ranger is forest fire protection. I will just read you some of their duties. They are subject to supervising the State Forest Fire Control Program. They have the final onsite authority and responsibility for the control of forest fires. They are charged with developing and carrying out a comprehensive program of forest fire prevention education and so on. The other 10 percent is enforcing the laws that we have made in forestry, the Forest

Practices Act, and certain environmental laws. The Forest Practices Act has only been around for about 12 years. What we are really trying to do is to gain compliance with those laws. We are working with carrots and not with sticks. I think it is the wrong message to send to people who are genuinely trying to comply with the sometimes controversial aspects of the Forest Practices Act. To come in with a gun and assume that they are not going to be following the law. A good analogy might be your local CEO. Your local Code Enforcement Officer is in charge of enforcing shoreland zoning laws. Those of you who live on waters know that in many ways, they are equally complex to the Maine Forest Practices Act. Your code enforcement officer doesn't walk in with a gun. Neither does the Department of Environmental Protection walk in armed. We are trying to work through education and that is the mission of the Maine Forest Service. It is about education. It is about forest fire prevention. It is not about high-speed vehicle chases and checks and OUIs and so forth.

The kind of training that the forest ranger gets is this, he or she does indeed get nine weeks of Criminal Justice Academy training. He or she then gets 16 weeks of what we might call conservation law enforcement training. They also get 40 hours of training a year, eight of which includes self-defense. They are being well trained. This is a good point for me to say this. The Department of Conservation has been working very hard for the past 12 years to develop appropriate training. If you want to be a law enforcement official, if you want to be a policeman, then go for it, but if you want to be a Maine Forest Ranger, then one has to accept what the role of that job is.

The purpose is to educate people, rather than a heavy-handed approach. I want to just read a couple of quotes. The first is from SWOM, "Traditionally, landowners have viewed forest rangers favorably. Nonetheless over the years regulations on landowners have increased. Often forest rangers are the ones called upon to administer those regulations. As a result, a natural tension has seeped into the relationship between forest rangers and landowners. Providing guns to forest rangers will serve to increase that friction and will further erode the relationship between the two. We are concerned that if forest rangers have guns, carry guns, this could lead to an escalation of fire arms related incidences between landowners and forest rangers."

The Maine Forest Products Council says, "We believe that arming forest rangers is the exact opposite direction that we would like to see the agency head. The Maine Forest Services primary responsibility is to provide service, education and forest protection, not armed enforcement. This will have a chilling affect on their ability to reach out and provide assistance. The entire relationship between the regulated and the regulator will be fundamentally offered."

Of course, things are not perfect. Someone this morning mentioned the uniforms that the forest ranger wears. Ever since I got here and I took a look at those uniforms, we do need to do something about that. The money that we have been allocating to the Department of Conservation has been better spent in devising this appropriate training for the forest ranger. I hope that you will support the Majority Ought Not to Pass Report.

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 one thing clear. It has been stated over and over that this bill has something to do with firearms. I only stand just to make it clear that this only has to do with the training at the Criminal Justice Academy. Firearms are not a part of this. The firearms were really put to rest in the last session. Also, Mr. Speaker, I would request a roll call.

Representative CARR of Lincoln **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought Not to Pass**.

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 Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I find it somewhat ironic that the other night we would pass legislation rather overwhelmingly in this body dealing with environmental terrorism and yet, we would deplete our capacity in our law enforcement ranks to enforce such laws. This really has nothing to do with what my good friend from Lincoln just said, Representative Carr, about firearms. This is really about training and about the capacity of our law enforcement agencies to do their job. This is my bill. I submitted this legislation on behalf of the union. I think it is actually a pretty good bill as it has been amended. I think it does do an awful lot to clarify what that role this. If we are really worried about a chilling affect of the presence of a firearm at the side of a law enforcement officer, then we should probably take away all their firearms from all the law enforcement officers. I have no complaints of chilling affects in their interactions with the public. Therefore, I would certainly urge you not to accept the current motion and go on and accept one of the other minority reports. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House. Some of you weren't here a few years ago, but I was the chair of Agriculture, Conservation and Forestry when we dealt with the firearms issue and moved this issue forward in what I thought was the correct direction. Since my departure, like term limits has helped all of us, I believe that the department and the players have completed a 180 degree turn around when the folks here that are interested in an issue were no longer around.

Many of you folks don't realize that back in 1990 I was involved in a shootout where a person had put six holes in my cruiser, attempted to kill me and attempted to kill a forest ranger that was with me, assisting me. We were responding, ladies and gentlemen, to a person in need. We were responding to someone that was asking them to send ambulances and medical support. Come to find out, unbeknownst to me, this person was fairly intoxicated and also was doing a variety of different kinds of drugs. This was during the phone strike back then so all the part-time and supervisors that were brought in from the outside to work were working the phones. They were getting other calls that I didn't know about that were saying send cops here, I want to shoot them. I drove into that knowing what was going on. While I was pulling into the driveway, they were actually finding the right state police barracks to transmit the information to our county that I was walking into a death trap. After this was over and done with, the forest ranger was shot. He has a bullet still wedged in his hip here today. He is a district ranger up in Aroostook County as Representative Desmond will be the first to tell you.

This gentleman is the most wonderful guy in the world, but he wasn't provided with the education and the training necessary to go out there and perform his law enforcement and safety duties. I can't believe that this body would vote to reduce the training levels that we have been moving forward in a professional way in any way, shape or manner. We have moved the issues forward in the Police Academy. What I am hoping is that everybody attend the same Police Academy and receive the same training and understand how to deal with the public and move forward. We have different responsibilities. There shouldn't be anybody in this room that say that cops like to drive around in high-speed

chases, wear guns and go out and abuse people. I think that is a darn shame to be speaking about our law enforcement personnel this way. I know that our forest rangers are experts. They are professionals. This law does not say that this is a change in training and it has nothing to do with firearms. The law does say that we have to train our folks to be able to defend themselves and also to be able to deal with these situations.

If you, ladies and gentlemen, do not want to provide law enforcement training to law enforcement officers, take their badges away, take their trucks away, take their uniforms away and most importantly, ladies and gentlemen, take every authority they have through civil and criminal process that these folks are mandated to do. We mandate them to do a job and then we sit here and tie their hands. I think that is a darn shame. One of my district rangers just a couple of years ago walked into a house to serve a burning permit. Somebody was burning without a license. He went in and served him, regular civil process to go to court and the gentleman pulled a gun on him. Ladies and gentlemen, please make sure that the training we are providing these folks is adequate.

I am dealing right now with an issue with the department of firing a lady during the ranger academy that they are saying is so wonderful. Ladies and gentlemen, that ranger academy is hodge podge together. They are not following a strict set of rules that everybody can follow. They have folks in this academy that are pre-six month, post-six month and post a year. You are supposed to be treating them like you do any other officer in the academy. If you pass the academy you pass, if you fail the academy, you fail. This lady didn't fail the academy and she was told she was no longer needed. We need to correct the training problems within the Department of Forestry. The bill that Representative Carr talked about is strictly about training. It has nothing to do with firearms, but I would encourage this body to vote this motion down and to move on to one of the Minority Reports. Thank you.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. There is training for law enforcement people and there is training for law enforcement people. This bill does not directly give the Department of Conservation power to buy and arm the rangers with guns. However, it will eventually lead to that. I would like you to consider just one thing. These people right now do not need a search warrant to come onto your land to enforce environmental laws and other laws within their jurisdiction. If they get to strap a gun on their hips and they come onto your land under the same hospices and they don't need a search warrant, that begins to get serious. That is one of the reasons why I strongly oppose this bill. They will have more power than the State Police in that particular case. I urge you to vote with the majority.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRACY: Mr. Speaker, Men and Women of the House. I would like to pose a question to the good Representative Carr, if he could answer this for me? He just stated that this had nothing to do with firearms. I was here in the 119th and at that time I opposed the forest rangers having firearms. Representative Foster just said, if I correctly heard him, that they would have the ability to carry firearms. I am getting a little confused on this. Do they or don't they or will they or won't they?

The SPEAKER: The Representative from Rome, Representative Tracy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Mr. Speaker, Men and Women of the House. Basically this is a bill dealing with the training at the Criminal Justice Academy for forest rangers. As I said previously, nothing in this bill deals with firearms at all. In fact, during the 119th Legislature we took care of that with a bill that said that they had to sell the guns that they had previously purchased, all of the protective armor that they had purchased for the purpose of arming those rangers and they had to sell them. That has been done. To the best of my knowledge, there is nothing in this bill or any plans on arming rangers. That is to the best of my knowledge. Thank you.

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

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. I am reminded of a phrase that Sandy George, President of the Farm Bureau, once said to me when I asked her what the Legislature could do for farmers? She said, "The best thing that you could do for me is nothing at all." If you heard the previous testimony from the Representative from Wayne, she stressed the point that the people that are involved with forest rangers, the landowners, the forest rangers themselves, the department, everyone was against this legislation. I ask you to please don't do these people any favors. The previous speaker touched on the rights of entry for forest rangers. Right now forest rangers have the rights of entry under the Forestry Practices Act to all lands within the State of Maine. He is absolutely right. If we allow these individuals to go onto private property without any suspicion or probable cause and we give them a gun, we have set up an environment for problems in the future. I am a logger, you know that, I respect forest rangers and I have a good relationship with them, but when you strap a gun on their side and you allow them to roam the woods and lands of the State of Maine unencumbered, you are going to have problems in the future. I ask this Legislature for the second time to leave the forest rangers, friends of the landowners and friends of the people working in the industry and vote with the Majority Report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative MUSE: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, for the point of clarification, I would like to know what the fiscal note is on this bill?

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 Wayne, Representative McKee.

Representative MCKEE: Mr. Speaker, Men and Women of the House. I will repeat that the fiscal note on the bill is \$550,000 for the initial training, followed by \$25,000 for refresher training.

I would just like to say to the body that I would not have any of you think that I don't have the greatest respect for law enforcement officers. Certainly they have their place. Quite frankly, we don't have enough law enforcement folks in this state. I know that from living in a place where we rely on county law enforcement. It is very, very difficult, but don't ask the Maine Forest Service to carry the water for what we have been unable to do here in this body, which is to provide adequate law

enforcement. We have fewer wardens. We have fewer law enforcement officials. There is a need for law enforcement, but this is not the place.

I think that there is a need to look at arson in the townships where it is taking place, but we what really need to do there is to appoint a cadre of law enforcement people and local people to work together as they have been doing, but don't ask the forest ranger to do that. Forest rangers deal with civil violations are misdemeanors, but they are mostly about fire protection and education. I would say to the good Representative from Kossuth Township, Representative Bunker, that had that forest ranger been carrying a gun, let me say that if there had been law enforcement officer in that region, that is the person that the good Representative would have called. He is a law enforcement official. More people might have been shot if the ranger had had a gun. We have not had a fatality in 110 years. This is not a reduction in training. It is an enhancement. I believe the department when they say that this is a better program and I hope that you will support the Majority Ought Not to Pass Report.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I think it is also important to note that the rangers currently get at least 40 hours of additional training each year. It also includes a minimum of eight hours of self-defense. I would also like to say that LD 351 would require forest rangers to meet and maintain the training standards and requirements of police officers. The training would consist of attending the 18-week police academy and annual refresher training. The policy academy curriculum includes training that is inconsistent with a forest rangers mission, such as, firearms training, barricaded felon situations, vehicle stops, felony stops, high-speed pursuit, road blocks, motor vehicle laws, traffic law enforcement, use of radar, OUI detection and testing, accident investigation, vehicle thefts and handling bombs. This would be inconsistent with the training for a forester. I would recommend that you vote yes on the Ought Not to Pass. Thank you.

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

ROLL CALL NO. 106

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Chase, Chick, Chizmar, Clough, Colwell, Crabtree, Cressey, Cummings, Dorr, Dudley, Duncan, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Goodwin, Gooley, Green, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Kane, Kasprzak, Koffman, Labrecque, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marrache, Mayo, McDonough, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Sullivan, Tarazewich, Tessier, Tobin D, Tracy, Trahan, Treadwell, Twomey, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Bunker, Carr, Clark, Collins, Davis, Desmond, Dugay, Dunlap, Glynn, Jones, Laverriere-Boucher, Marley, McGlocklin, McGowan, McKenney, Murphy E, Perry, Simpson, Stanley, Thomas, Tobin J, Volenik.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Hall, Landry, Lovett, Matthews, Stedman, Tuttle, Mr. Speaker.
Yes, 116; No, 22; Absent, 13; Excused, 0.

116 having voted in the affirmative and 22 voted in the negative, with 13 being absent, and accordingly Report "A" Ought Not to Pass was ACCEPTED and sent for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, May 4, 2001, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act to Ban Permanent Replacement Workers in a Labor Dispute

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

TABLED - April 30, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - **PASSAGE TO BE ENACTED.**

Representative MacDOUGALL of North Berwick 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 PRO TEM: 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. 107

YEA - Annis, Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Morrison, Muse C, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Duncan, Duprey, Foster, Glynn, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, McKenney, McNeil, Murphy E, Murphy T, Muse K, Nass, Nutting, Pinkham, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Landry, Matthews, Stedman, Tuttle.

Yes, 96; No, 45; Absent, 10; Excused, 0.

96 having voted in the affirmative and 45 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass** - Committee on **LABOR** on Bill "An Act to Amend the Membership of the Workers' Compensation Board"

(H.P. 810) (L.D. 1065)

Which was **TABLED** by Representative **BUNKER** of Kossuth Township pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **TREADWELL**: Madam Speaker, Ladies and Gentlemen of the House. This bill relates to the composition of the Workers' Comp Board. Most of you know that at the present time four members of that board are representatives of management and four representatives are labor representatives. Also, at the present time the four labor representatives are nominated by the AFL-CIO or a bona fide labor organization or association representing at least 10 percent of the workforce in the State of Maine. The AFL-CIO in the State of Maine currently has about 60,000 members. The labor force in the State of Maine in March of 2001 was 682,300, which means that the AFL-CIO only represents about 8.8 percent of the workforce in the state, which means then that they don't comply with the law that requires that they represent at least 10 percent of the workforce. The total union membership in the State of Maine is 78,000 according to the same labor department digest that I referenced that other information from. That means that depending on whether you look at total workforce or total employed workforce in the State of Maine, the unions represent somewhere between 11.5 and 14 percent of the labor force in the State of Maine. That means that about somewhere between 86 and 88.5 percent of the employees in the State of Maine are not represented on the Workers' Comp Board. I don't think that that is a just situation. What this bill will do is allow the Governor to nominate two labor representatives to the comp board from the labor population at large. It would correct the inequity that now exists.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Madam Speaker, Men and Women of the House. It sounds like a simple change from the good Representative on the composition of the Workers' Comp Board. We had many bills in our committee from many of you folks, as I recall, about membership of the different retirement board, the comp board and what have you. This committee decided that changes to those boards were not necessary. I think the rule of thumb was if it isn't broke, don't fix it. Quite honestly, this bill is not just a simple bill trying to affect parity. I think it was a clear message to the AFL-CIO that for some reason they don't have the ability to reach out to the workforce throughout Maine here. I think they have done a wonderful job in putting names forward to the Governor. As a matter of fact, many of our past members of the comp board have been people from the normal workforce and not from organized labor. They have their thumb on the pulse of labor in the State of Maine, as you well know. They were the big backers of the minimum wage bill that we heard the other day, which really affects most of the regular folks, not the people that are unionized or organized. I think they are a wonderful organization. They have been the pointing system that has been used up until now. I think it is very effective. I would ask all of you to unanimously support the **Ought Not to Pass** report. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Madam Speaker, Ladies and Gentlemen of the House. There are some good reasons for not changing anything. Right now the composition of the Workers' Comp Board is evenly balanced. This would affect the balance and basically it seeks to affect the balance by removing the input from the AFL-CIO or other union organizations. What this would do is then take away from representation on the board those employee representatives who would be independent and not be afraid of repercussions. That is because if they are in the union, they are protected from voicing their views. This bill would seek to take away that independent representation and bring in employees that would be subject to influence and repercussions and there goes the balance.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

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

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

Representative **MACDOUGALL**: Madam Speaker, Men and Women of the House. Often times in committee the business lobbyists will be questioned as to whether they have surveyed or polled their membership on a particular issue whether their members support or oppose. My question through the chair is, has the AFL-CIO surveyed the vast percentage of Maine workers who aren't organized or in a union, if they would support this change in the Workers' Comp Board? Thank you.

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

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

The **SPEAKER PRO TEM**: 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. 108

YEA - Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Mendros, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McKenney, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Landry, Matthews, Stedman, Tuttle.

Yes, 88; No, 53; Absent, 10; Excused, 0.

88 having voted in the affirmative and 53 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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.

HOUSE DIVIDED REPORT – Report "A" (7) Ought to Pass as Amended by Committee Amendment "A" (H-173) – Report "B" (4) Ought to Pass as Amended by Committee Amendment "B" (H-174) – Report "C" (2) Ought Not to Pass – Committee on LABOR on Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Medical Payment Coverage"

(H.P. 602) (L.D. 757)

TABLED – April 26, 2001 (Till Later Today) by Representative **BUNKER** of Kossuth Township.

PENDING – Motion of same Representative to ACCEPT Report "A" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173).

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I had presented this bill and what it seeks to do is to provide a minimum protection for what are probably the least protected workers in our state. These are the farm workers for farm employers who would have six or less employees. All the other employers in our state provide workers' compensation coverage to an employee that provides full medical benefits as well as wage replacement benefits. Our Legislature years back enacted a special exemption for an employer with six or less farm employees. They do not have to have workers' compensation coverage for their workers if they have certain insurance coverage. They need liability coverage and they also need medical payment coverage. This bill addresses the medical payment coverage issue. At the present, since 1973, the medical payment coverage that has been required is only \$1,000. The medical payment coverage is what would be immediately available to an injured worker when they are injured. This is no fault. It doesn't require any kind of litigation. It is immediately available. Committee Amendment "A," which is what we are asking you to pass would raise the \$1,000 medical pay requirement voted in 1973 to \$5,000. We all know that \$1,000 in 1973 purchased medical services is nothing like what is available now for \$1,000. One thousand dollars does not go very far toward protecting a worker in our present day. Originally I had asked for \$25,000 in the bill because that really would protect employees. Throughout the committee work, it was reduced to \$5,000 as a compromise. This cost is minimal. I am advised by Dick Johnson, the actuary for the Bureau of Insurance, the cost of medical payment coverage is \$10 per thousand per employee. In other words, a \$5,000 medical pay coverage with Agway, which is what he sited to me, would cost \$50. If an employer is already providing \$1,000, it would mean another \$40 per employee. The cost is so minimal and the need is so great that this is why it is important to pass this bill.

You are going to be helping people, a group of workers, who are the least paid workers in our state. You are going to be helping workers who don't have the safety net of health insurance. You are going to be helping young workers, many of who go to seasonal harvest when the schools are let out. These are the people that don't have the safety net and \$5,000 is not asking much. I urge you to vote in favor of the pending motion. Madam Speaker, I request a roll call vote.

Representative **SMITH** of Van Buren **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

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

Representative **TREADWELL**: Madam Speaker, Ladies and Gentlemen of the House. I applaud Representative Smith from Van Buren for bringing this bill forward. It is necessary. It was needed because there was some oversight last year. There was a bill that went through and the committee did not realize that we were leaving a gap in the liability coverage, which is a part of this bill for those people who are farm workers. Representative Weston and I worked with the Bureau of Insurance through the summer months and we were made very much aware that there was a gap in that coverage. That is a part of this bill. The problem that I have with the limits of the medical coverage, the Report "B," which is the report that I am on, instead of \$5,000 worth of medical coverage, would raise it \$2,500 medical coverage. The liability coverage that has already been explained. I won't elaborate on the finer points of the liability and medical coverage, but the umbrella portion of this would protect in the event of an accident that exceeded the \$2,500 medical limits coverage. There is liability coverage to protect for amounts above that.

I did get a letter from the Bureau of Insurance stating that, and we were given information that it would be about, I think the quote was \$60 per policy at the time of the hearings. I questioned that. I asked the Bureau of Insurance to do some checking for me to find out what it was actually going to cost. One of the companies, Maine Mutual Fire, is running right now a 200 percent loss on those medical coverage policies. They are going to have to at least double their premium now to make up for that. They are going to have to increase it again to provide if it goes above the \$2,500 limit, it is going to double again. It will be a four-fold increase over what they would have to pay for a \$2,500 coverage. I worked it out based on what they told me at \$25 per \$1,000 worth of payroll. If they had a \$60,000 payroll, it would be a \$1,500 premium for a year for that \$5,000 worth of medical coverage. Some farmers in the State of Maine are going to find that very difficult. There are a couple of other insurance companies that furnish quotes as well, but they all run between \$1,100 and \$1,500 price range. I would encourage you to reject the motion and go with Report "B" on the bill.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Van Buren, Representative Smith.

Representative **SMITH**: Madam Speaker, Ladies and Gentlemen of the House. I think we have switched from talking about apples to oranges here. The liability coverage is what is available to an employee if they can prove that their employer was negligent, more negligent than them. This is the coverage that is held out there and often and very rarely attained by an employee. This is the liability coverage that requires lawsuits and time lost and everything else. The medical payment coverage is what is immediately available. I believe the good Representative Treadwell was telling you about premiums for liability coverage, not for medical payment. I will read to you

word for word from the letter to me from Dick Johnson, the actuary from the Bureau of Insurance, and he provided me the rate filing from Agway Insurance Company. He said, "Attached is the rate filing from Agway Insurance Company revising its employer liability coverage rates. This filing was made to add the \$60,000 liability limit. The company has now stated that the rate for medical payments is \$10 per thousand per employee. Previously I had told you it was \$10 per thousand per policy. That is what I stated at the work session."

So, what he said the coverage cost was with Agway was \$10 per thousand for employee for medical coverage. Don't be misled by information about liability coverage. That is a totally different ballgame. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Madam Speaker, Men and Women of the House. Just to make it clear and easy for us to move on and to vote. The difference between "A" and "B" is very simple. We think that the minimum amount of medical coverage that should be immediately available for these folks that are not part of the workers' comp system, the most vulnerable of our group, whether they are fishing or they are raking blueberries or working potatoes or working on a farm, with these folks, the level ought to be raised from \$1,000 to \$5,000 for immediate medical and care in coverage for these employees or do you think \$2,500 is sufficient? I would beg that \$5,000 isn't enough. It was a compromise and I would ask everybody in this body to support the Maine Farm Bureau. I have discussed it with them. They said that this is doable. I discussed it with the potato folks and they are okay with this. The only company that has any problems with this is Maine Mutual Fire and quite honestly if they are not in the right insurance business, maybe they should be shifting to some of these other companies. Thank you.

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

Representative **TREADWELL**: Madam Speaker, Ladies and Gentlemen of the House. I don't want to beat a dead horse to death here, but the quotes that I got that I just read are medical coverage, not liability. It is medical coverage.

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

ROLL CALL NO. 109

YEA - Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chizmar, Clark, Colwell, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, Marrache, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Chick, Clough, Collins, Crabtree, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, Lundeen, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Landry, Matthews, Stedman, Thomas, Tuttle.

Yes, 78; No, 62; Absent, 11; Excused, 0.

78 having voted in the affirmative and 62 voted in the negative, with 11 being absent, and accordingly Report "A" **Ought to Pass as Amended was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-173) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-173)** and sent for concurrence.

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

HOUSE DIVIDED REPORT – Majority (7) **Ought Not to Pass** – Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-57)** – Committee on **TAXATION** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Vote of 2/3 of Each House of the Legislature to Enact or Include a Tax or License Fee

(H.P. 280) (L.D. 358)

TABLED – March 29, 2001 (Till Later Today) by Representative GREEN of Monmouth.

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

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

Representative **BOWLES**: Madam Speaker, Ladies and Gentlemen of the House. The ability to tax is an awesome power of government. With this authority comes the ability to control and affect lives in a most profound manner. Is it not reasonable then that exercising this authority should be done only after the most thoughtful and deliberate consideration? Nearly 30 states have adopted some kind of limit on either spending or taxes. Thirteen of those states have a constitutional provision requiring a super majority vote to pass some or all tax increases. Of those 13, two actually require a three-quarters vote. While seven states require two-thirds and the remaining four states require a three-fifths vote of all their Legislature. In the states that have adopted curbs on taxes and spending, it has been shown to be a powerful and affective economic development tool. States with such restrictions drew an average of 8 percent faster in a 12-year period between 1980 and 1992, than those states with the unfettered ability to tax and spend.

Speakers to follow will likely discuss the startling growth and spending, which has occurred in Maine in recent years. I ask you just to consider your responsibility and our collective responsibility to be deliberate and respectful of the exercise of our authority and power to tax. This is not an unreasonable proposal. In fact, it is entirely reasonable for our constituents to expect us to have exhausted every alternative before we increase their taxes. Ultimately the decision is still ours to make, but requiring two-thirds of our colleagues to be in agreement, we will have gone further in fulfilling our responsibility of careful and thoughtful deliberation. I ask you to do the right thing for your constituents and for all the people of Maine by demonstrating to them that we do not take lightly our responsibility to impose taxes upon them. Thank you Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Madam Speaker, Ladies and Gentlemen of the House. Although I have great respect for the Representative from Sanford, I would like to posit that I doubt if tax issues are ever entered into lightly. In fact, they probably are second to the most seriously considered issues that we deal with. I think our responsibilities are clear. If we look at our State Constitution and for that matter the Constitution of the United States, I think something strikes us. They are short. They are elegant in their simplicity. One of the parts of their elegance is that they have set up this ingenious system for the government of three co-equal branches. I will grant you that there have been occasions when one or another branch has forgotten the equal part. You will also recall that when that has happened, voices are quickly raised from many quarters to remind the mistaken branch of its proper position in the triumvirate. Imagine, if you will, a majority in the house of the Legislature of one particular political persuasion and an executive from another. It has been known to happen. Please continue this flight of fancy and imagine that there is a disagreement between the Legislative and the Executive Branch as to funding and appropriation. Not entirely out of the realm of possibility.

If LD 358 passes, the separation and balance so artfully designed goes right out the window. That tension, remember that tension from physics that holds the liquid right at the top of the beaker, but it doesn't fall over. That is that dramatic tension that exists between these houses of government. When one branch suddenly gains a huge advantage, in this case, it would be the Legislature becoming veto proof. Far be it from me to be a champion of executive vetoes having been a victim of one myself, but again I posit that the tension that exists between the Legislative and Executive Branch is similar to that tension in physics. It keeps levels just at the top without spilling over. That tension ultimately results in mutual respect. Occasionally grudgingly, but respect none the less. It is necessary for the branches to coexist, a compromise to find solutions. A main reason to defeat this bill is that the resulting imbalance will occur and that is not, in fact, what we need to do.

Secondly, and perhaps a more tangible result, is that although there is rarely a floor speech that advocates cutting money going to health care for older citizens or assistance to challenged citizens, just as rare are speeches advocating raising a tax. The political reality is that either raising or lowering a tax engenders tremendous debate and consideration and it is never done lightly. I think when we start tampering with this elegant document, when we start tampering with the very delicate balance, all kinds of other things will be altered as well. We don't need LD 358. We already battle long and hard when we deal with taxes. Thank you.

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

Representative **BUMPS**: Madam Speaker, Men and Women of the House. I stand this afternoon to urge you to vote against the pending motion so that we can go on to accept the Ought to Pass report. As I have campaigned across my district on at least one at least three occasions and I suspect as many of you have as well, the issue of overwhelming importance to my constituents and, again, I suspect of overwhelming importance to your constituents, is the matter of property tax relief, sales tax relief, income tax relief, excise tax relief, tax relief in general. That is tax relief at all levels of government, at the federal level, the local level and at the state level. The theory contemplated by this legislation is simple. The bill proposes to increase by a simple 15 percent the vote necessary in both houses of the Legislature

to further increase burdensome tax levels and rates on the people of Maine.

To respond to the argument made by the Chair of the Committee on Taxation, I would suggest that we have already have assessed the standard for how we will spend money as an institution. That standard is set by the Constitution and we will follow it, before we leave here, either this month or next. In order to leave here we will pass a budget that is a spending plan that requires the House and the Senate to vote by a margin of two-thirds to commit the state government to spending revenue raised from the people of Maine. Isn't it only fair then that you raise that money, have that ability to take from the pockets of hardworking men and women of Maine that we also require that same two-thirds vote?

This resolution is indeed a resolution to the Constitution of Maine. I agree that it is a very important document that ought to be amended very carefully. As you have heard from a previous speaker, this sort of amendment has been passed in other states. It is a very simple amendment if you read the resolution itself as it is presented to you in the bill book. Finally, there is even one more check in the system of checks and balances. This question will be put to the people of Maine by enacting this resolution this afternoon, you are not simply writing into effect the fact that it will require two-thirds vote to raise revenues. What you are doing is the people of Maine if they want to require their Legislature to vote by two-thirds the next time it reaches its hand into their pockets. I would urge you to vote against the pending motion so that we can go on to accept the Ought to Pass report. Thank you.

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

Representative **WATERHOUSE**: Madam Speaker, Ladies and Gentlemen of the House. To address the good Representative from Monmouth's eloquent speech about the delicate nature of the Constitution, I agree with that. Nobody should willy nilly proceed to make amendments to the Constitution unless the policy issue rises to that level. A large number of other states around the country have found that to be the case. Much to the credit of the founders of the US Constitution and the Maine Constitution, we have a process to change that delicate well-balanced document through amendments. That is what this process is asking to do. Also, as the previous speaker said, it sends it out to the people for the people do decide, the ultimate authorities of everything we do, whether they want us to take this measure or not. Also, the good Representative from Monmouth was talking about the delicate balance between the different branches of government. That is true. We do have a delicate balance. There is always a shifting of power, a struggle between the three branches. As mentioned before, a large number of other states have done that. Their Executive Branch has not fallen out of the top story of the building or the Legislative Branch hasn't become overpowering. The Legislative Branch sets policy. The Executive Branch implements policy. That is how it works. The Executive Branch has a number of other powers at its disposal, the veto is one of those. I will remind the members of the House also there are a number of issues that we have in our Constitution that require a two-thirds vote, 18 to be exact. We require two-thirds vote for emergency measures. We require a two-thirds vote to use the use of the mining excise tax trust fund. We have a two-thirds vote for mandates. We have a two-thirds vote in the change in the use of parkland. We have a two-thirds vote for redistricting plan. We have a two-thirds vote for conviction upon impeachment. We have two-thirds vote for a veto override. We have a two-thirds vote to expel a member after seating. We have a two-thirds vote for a Constitutional Convention. We have

a two-thirds vote to overturn confirmation recommendations. We have a two-thirds vote for confirmation process change. We have a two-thirds vote to remove an incapacitated Governor. We have a two-thirds vote for a bond issue. We have a two-thirds vote for a Constitutional Amendment. We have a two-thirds vote to amend or suspend rules for orders. We have a two-thirds vote to re-introduce defeated measures and two-thirds vote to recall items from the legislative files. If you look at some of those items on the list of 18 items, I dare say there are some of those that don't rise to the level of increasing the tax burden onto citizens of the State of Maine. I urge you to defeat the pending motion. Thank you.

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

Representative **VOLENIK**: Madam Speaker, Men and Women of the House. It seems to me that we have reduced or eliminated somewhere around \$450 million in taxes and revenue since I have been here in the last three Legislatures. New taxes and tax increases have been much smaller. The problem is that we gleefully cut taxes no matter what the consequences in fiscal responsibility and now when we may need a revenue increase, what will we do? Where is our political will? I could support this bill if it said, Resolution Proposing An Amendment to the Constitution of Maine to Require a Vote of two-thirds of each house of the Legislature to eliminate or reduce a tax. This simplistic attempt to starve valuable programs and tie our leadership hands, our legislative hands, for something that sounds good in media sound bites is not for me and I urge you to follow my light.

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

Representative **WATERHOUSE**: Madam Speaker, Ladies and Gentlemen of the House. In reference to some of the comments made by the previous speaker, it is my intent with this bill and I hope with the people who are going to support it, not to increase the burden of tax on the Maine citizens, but reduce it. I do not want to make it harder to reduce the burden on Maine taxpayers. As to the ability to pay for programs and taxes and cutting taxes, I would remind the members of this body that we are still one of the highest taxed states in the country. Reduction in taxes, if you look at the reduction in taxes that have been through the years since I have been up here, most of them don't affect the citizen directly. A lot of them are cost shifting from one tax to another. Hospital sick tax for one didn't directly benefit, there was no actual reduction in the tax rate. There were some very small reductions in the tax rate and the sales tax. It has been my experience in the brief amount of time that I have been up here in the seven years that this body, if you look at the previous history of this body, we have no problem at all increasing spending. We have no problem at all with raising taxes. We have an infinite problem with reducing taxes, as can be seen in the present struggle we are embroiled in now with our budget. I thought in the 119th Legislature we exceeded our spending capabilities. We are back at the table now looking to raise taxes.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Madam Speaker, Men and Women of the House. I understand about memory lapses, believe me. Sometimes I go from one room to the next, why am I there? I don't know. Interestingly enough my memory seems to work in specific places, particularly in the area of taxation. It is my memory that, in fact, in the time that I have been here we have dealt with property taxes by enacting the homestead exemption. It is a direct effect on every homeowner in the state. It is \$7,000 on your property taxes. That is direct from us to individual

taxpayers. The sales tax was reduced from 6 percent to 5 percent. That is a direct connection. The income tax rate, the personal deduction rate, was raised for every single Mainer who does income tax, in fact, received that. We have, in fact, again, here is a memory thing, the only tax that I recall that has been raised in the seven years that I have been here is the cigarette tax. My memory, again, is that was not quite unanimous, but it was pretty close. It was done according to a vast array of testimony that said that if we did this, we could reduce the number of people who smoke cigarettes. That was the point of that. I would posit again to you that, in fact, we are not raising taxes willy nilly. We have worked very, very hard, I think, at least while I have been here to make taxes more equitable and more fair. Another myth that I would like to poke holes in is that we hear that we are among the highest taxed state in the nation. In fact, our taxation rate is about in the middle of the pack. I may say that there is quite a lot of states in the middle of the pack. Why we end up in that funny place right on the end is that we are a low-wage state and, in fact, our people work harder, work better, work longer and they get paid less. That is pretty much across the board, not just at the lowest ends, but all the way around. Our problem, ladies and gentlemen, is that we have a lot of land. We don't have a lot of people, but we like our quality of life. That is expensive. We don't make enough money. We don't tax our people to death. Thank you.

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

Representative **WATERHOUSE**: Madam Speaker, Men and Women of the House. Just one brief comment and I don't want to get into the debate of what is a good tax or what is a bad tax cut. That is not the issue that is before us right now. Just briefly, I just want to state what I think is the case to address the issue that was just addressed by the good Representative from Monmouth. On the tax cuts in the past, I think if we add them all up and I forget what the figure is that is touted around here, but what my point trying to be was that they are not actual rate reductions. The percentage of tax cuts, if you want to call them that, through rate reductions is very low as compared to shifting or reimbursing or recycling the money through a different area. The important thing about the tax rate cut is that the money stays back with the people. For these other programs, the money is circulated and reimbursed. We don't have any money up here. We have to get it from somewhere to send it back to wherever we are sending it. Madam Speaker, I request a roll call on this issue.

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

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

The SPEAKER PRO TEM: 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. 110

YEA - Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Murphy E, Muse C, Norbert,

Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Twomey, Usher, Volenik, Watson.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Lovett, MacDougall, Madore, Mayo, McGowan, McKenney, McNeil, Mendros, Michael, Morrison, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Richard, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Goodwin, Landry, Ledwin, Matthews, Stedman, Tuttle, Mr. Speaker.

Yes, 77; No, 61; Absent, 13; Excused, 0.

77 having voted in the affirmative and 61 voted in the negative, with 13 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT – Majority (10) **Ought Not to Pass** – Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-237)** – Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Expand Participation Between Adjoining Towns for Approval of Subdivisions"

(H.P. 1067) (L.D. 1430)

TABLED – May 2, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – Motion of Representative BAGLEY of Machias to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion and ask that you consider defeating it and moving on to the Minority Ought to Pass as Amended Report. What this bill is about is a very simple thing. It is a problem of my constituents down in South Portland concerning subdivision approvals on town lines. A lot of you might know when you ride, particularly in urban areas, through town, you will notice that as you travel up and down the streets, it is relatively unclear where one neighborhood starts and where it ends. Equally as integrated in the area is where one town begins and where the next ends. In fact, we have places in town that literally you will be riding down the street, it might even be a dead end street, and half the dead end street will be in one town and the other half will be in another town.

At issue is the approval process of subdivisions and the ability of people to be able to participate, your residents in your town, to be able to participate in the hearings. In most towns, like my town South Portland, when a subdivision comes up, notices go out from the planning board and people within so many feet of the subdivision are notified and they have an opportunity to come down and participate in the public hearing before the planning board to say why they think it is a good idea and why they think it is a bad idea and also give input about how to make that subdivision coexist in their neighborhood through

buffering and the other various issues that our local planning boards deal with.

The problem happens when the subdivision is right on the town line and you live in the other town. What happens is you do not get a notice to that planning board hearing. Likewise, you have no right to speak at the planning board hearing. I have constituents in my town, South Portland, that went through this process and wanted to participate in the subdivision process, give their testimony, give their feedback, because the development that was planned in an adjoining town, literally dumped all of the traffic right through their dead end street in their neighborhood and they had no right to participate in the public hearing. I think that that is wrong. I think that state law should allow the same types of consideration for people because people are people wherever they go and whatever town they happen to reside in and an issue that affects you that literally is on the border of your property to your house, maybe 25 feet from your house, that issue is as important to you, whether that subdivision is going on in the lot next to you on the west side of your property or on the east side of your property. Residents should have a right to speak during the subdivision process even if speaking before that board is in the next town over.

The Minority Report addresses this concern that was raised. If we defeat the pending motion and we move on to that, I think that you will like the things that the Minority Report does. It corrects some of the things that were raised as a concern during the public hearing. I would like to say when this item was heard in front of State and Local Government, every entity that was represented, including the Maine Municipal Association that testified in opposition to this bill, all three organizations that testified in opposition, went out into the hall and came up with a compromise position. That compromise position was in favor of essentially the elements that are in the Minority Report. However, the committee did not agree. I am asking you to consider how you would feel if your constituents came to you and a subdivision was within just a few feet of the house, right on the border of their property and they were told that they couldn't participate in the hearing, how you would feel as their elected Representative and what your wishes would be? Your wishes would be that they would be allowed to participate and they would be allowed to speak and that the town of jurisdiction would make that decision. Please join with me in defeating the pending motion. I thank you and when the vote is taken, I respectfully request the yeas and nays.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative MCDONOUGH: Madam Speaker, Men and Women of the House. I hate to stand up and speak against the floor discussion that my good friend, Representative Glynn from South Portland, has made on this bill. The majority of our committee felt that this was a local issue and it should be handled locally. It ought not to be brought up here before the Legislature. It should be sent back to the local municipalities to deal with. Current planning law requires a joint review by the planning boards and abutting municipalities whenever a proposed subdivision crosses a municipal boundary. Unless this hearing is waived by the municipalities, under this bill, a joint review could also be requested by an abutting municipality when a proposed subdivision is situated within 1,000 feet of the abutting municipality. It is reasonably expected to affect traffic, infrastructure, storm water flow and so forth. This is a municipal

issue. MMA had a problem with it. The State Planning Office had a problem with it. The majority of the committee had a problem with it. I would ask the body to support the motion Ought Not to Pass. Thank you Madam Speaker.

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

Representative **BLANCHETTE**: Madam Speaker, Ladies and Gentlemen of the House. I stand today to ask you to support the Majority Ought Not to Pass Report on this bill. As a municipal officer for 12 years in a municipality that borders four or five towns, I can tell you that there is not a time when a subdivision plan comes before our planning board, which is made up of people that volunteer from the municipality, that we do not have public hearings. If anyone rises to speak on an issue, if they do so in order, they are recognized and their comments are taken into consideration when the planning board makes their decision. This is a local government issue. This is one time we can go back and say to our constituents that Augusta didn't have to come in and open the door and do the windows for you. You are capable of running your own town and your neighboring town. I vote to ask you to please vote with the majority on this bill. Let's let local government run local government. We have more than we can handle on our plate right here. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin.

Representative **MCLAUGHLIN**: Mr. Speaker, Men and Women of the House. I speak today as a land use planner with 15 years experience dealing with development reviews, both as a consultant and as a town planner. Both the original bill and the minority amendment seek to engage residents of our towns and cities in inter-local review of subdivisions that may have impacts, which cross municipal boundaries. Neither the bill, nor the amendment, however, satisfactorily address the review process. Inter-local review can be accomplished through inter-local agreements. It is essential to establish such an agreement prior to undertaking the review. This is a fairness issue. Such an agreement needs to be in place going into the review process so that all know the rules and requirements up front. The requirement for public hearing participation is redundant and unnecessary. Existing subdivision law requires a planning board to consider impacts on neighboring towns. There are no residency requirements with respect to the public hearing process. Any member of the public is already entitled to speak at a public hearing. The bill and the minority amendment require that a municipality where if a posed subdivision is located to provide notice to property owners in the abutting municipality. To accomplish the task of providing notice, this mandate will likely require the abutting municipality to generate a list of addresses in order to enable the municipality with the subdivision to send the notice. A provision of the mandate requires that offsite improvements required by local ordinance in the municipality where the subdivision is located, apply in the abutting municipality according to the same standards. This provision requires offsite development to occur in the municipality that may not want those improvements to be made or without any necessary coordination between the regulations of the abutting municipality and the one where the subdivision is located. Again, the stated intent of the bill does have merit, but it needs to be accomplished through a process that happens before the start of the project review. That is good process. The original bill and the minority amendment are not. I encourage you to vote with the Majority Report. Thank you.

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

Representative **GLYNN**: Madam Speaker, Men and Women of the House. Several of the issues that were debated at the committee have been talked about and a bit meshed together. The Minority Report, if this motion does fail, which I hope it does, simply requires the same notice of subdivisions situated within 200 feet of a boundary line to receive the same notice you would as if you were in the town. It is blind to municipal boundary lines, which are invisible and most people don't even know where they start or end in our residential neighborhoods so that everyone receives equal notification and equal opportunity to participate. The Representative from Cape Elizabeth, Representative McLaughlin, raised an interesting point in the subdivision statute, which says that planning boards are supposed to take into effect what transpires and what happens in an abutting municipality. That is absolutely true. Ladies and gentlemen of the House, if they are not made aware of these issues because these people can't speak at the public hearing and can't give the information to the planning board, how is it that they are going to be taken into account? How are their interests, in fact, going to be taken into account? I can say that I can think of at least one occasion where the residents of my town had been denied the ability to speak through an abutting planning board procedure that this subdivision came within their very doorsteps of their homes. They don't understand, our residents, why their rights are less than the rights of their neighbors down the street when subdivisions went in down the street and they were able to participate, but when it was in their neighborhood, they weren't allowed to. What is being asked is a very simple thing, which is the ability to express one's self to give to them and extend to them the courtesies and the freedom of speech to raise their issues and their concerns at a local planning board when an issue comes up and, yes, put that information in front of the planning board. If you believe as I do that information is good and to make the best decision possible and it necessitates having all of the information, then vote with me. Thank you.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I came out on this bill on the Ought Not to Pass report. I can understand the people's concern, but you have to leave these things to be decided back in the municipalities. This is what we call local control. If every dispute between two towns or two cities or two subdivisions or whatever is brought to this Legislature, I fear that we would be here year round just debating those disputes. I would hope that you would vote on the Ought Not to pass and I know that we each have these problems in our own towns, but we have to settle them back there, not up here. 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. 111

YEA - Andrews, Annis, Ash, Baker, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Crabtree, Cummings, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Haskell, Hatch, Hawes,

Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Trahan, Treadwell, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Cressey, Davis, Glynn, Kasprzak, Lemoine, Mendros, Michael, Muse C, Schneider, Shields, Tobin D.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Goodwin, Landry, Matthews, Stedman, Tuttle.

Yes, 129; No, 11; Absent, 11; Excused, 0.

129 having voted in the affirmative and 11 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Resolve was received, and upon the recommendation of the Committee on Reference of Bills was **REFERRED** to the following Committee, ordered printed and sent for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands

(H.P. 1337) (L.D. 1791)

Presented by Representative FOSTER of Gray. (GOVERNOR'S BILL)

Cosponsored by Senator TURNER of Cumberland and Representatives: GOOLEY of Farmington, JODREY of Bethel, MacDOUGALL of North Berwick, SNOWE-MELLO of Poland, STANLEY of Medway, VOLENIK of Brooklin, Senators: GAGNON of Kennebec, KNEELAND of Aroostook.

CONSENT CALENDAR

First Day

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

(H.P. 1092) (L.D. 1461) Bill "An Act to Revise the Health Insurance Benefits Available to Retired Legislators" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 346) (L.D. 436) Bill "An Act Concerning National Board Certification of Teachers" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-320)

(H.P. 910) (L.D. 1224) Bill "An Act to Provide Public Employees Equal Access to Personnel Files" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-319)

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Clarify Certain Provisions of the Laws Governing Health Maintenance Organizations and Health Plans"

(S.P. 26) (L.D. 126)

Signed:

Senator:

DOUGLASS of Androscoggin

Representatives:

DUDLEY of Portland

SMITH of Van Buren

YOUNG of Limestone

MAYO of Bath

O'NEIL of Saco

SULLIVAN of Biddeford

CANAVAN of Waterville

MARRACHÉ of Waterville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-129)** on same Bill.

Signed:

Senators:

LaFOUNTAIN of York

ABROMSON of Cumberland

Representatives:

MICHAEL of Auburn

GLYNN of South Portland

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

READ.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **ACCEPTANCE** of either 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. 380) (L.D. 1278) Bill "An Act to Implement the Recommendations of the Task Force to Study Growth Management" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A"** (S-139)

(H.P. 845) (L.D. 1117) Bill "An Act Concerning Motor Vehicle Dealer Sale Practices" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-324)

(H.P. 1267) (L.D. 1718) Bill "An Act Relating to Licensing Board Fee Caps" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-326)

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

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

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-325)** on Bill "An Act to Allow Boards of Professions to Grant Hardship Waivers" (H.P. 1227) (L.D. 1674)

Signed:

Senators:

SHOREY of Washington
YOUNGBLOOD of Penobscot
BROMLEY of Cumberland

Representatives:

THOMAS of Orono
HATCH of Skowhegan
RICHARDSON of Brunswick
BRYANT of Dixfield
CLOUGH of Scarborough
DORR of Camden
MURPHY of Kennebunk
MICHAUD of Fort Kent

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

Signed:

Representatives:

MORRISON of Baileyville
DUPREY of Hampden

READ.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-325) was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-325)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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.

HOUSE DIVIDED REPORT – Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-297)** – Minority (5) **Ought Not to Pass** – Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Promote Healthy Workplaces" (H.P. 496) (L.D. 636)

TABLED – May 4, 2001 (Till Later Today) by Representative McLAUGHLIN of Cape Elizabeth.

PENDING – ACCEPTANCE OF EITHER REPORT.

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

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

Representative **MCDONOUGH**: Mr. Speaker, Men and Women of the House. LD 636 is a bill that promotes healthy workplaces. This is the type of bill that we are trying to promote here in this state as well other states. This act, which promotes healthy workplaces as amended would require new and reconstructed State of Maine office buildings employing more than 100 employees to include showers and bike parking. When I was coming back from across the street this afternoon, there was a couple of bikes chained to the State House fence. We have state employees that are using bicycles. We might even have local legislators that are commuting by bike. I know in the former business that I worked for, we were putting them in our office complexes so that employees could either go out on their lunch hour and come back, take a shower and go back to work. A perfect example of renovated buildings is the business across the way, the Cross Office Building. It is completely renovated, four shower rooms were installed, with minimal expense, by the way, in an office building of that size. This bill calls for similar building over the years to take place and that the State of Maine is leading the way in showing the way, by good example, as to why we should do this. There are a number of reasons that I could go into, but I won't, in the essence of time. I would ask this body to support the motion of Ought to Pass. Thank you Mr. Speaker.

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. This is a good idea. It is always a good idea to promote good health. It is always a good idea to give people a place to park their bike and all that good stuff, except that the problems that I have with this approach are these. The first thing is that this only pertains to state workers, which are different from workers all over the rest of the state, how I don't know, but they would be treated differently than other workers in the State of Maine. This bill would only provide showers and bike racks for state workers. Secondly, the cost. Why should the entire state fund the cost of a shower and the rack and all of that good stuff, water and electricity for state employees? I don't know. I don't think that is fair. Thirdly, people are already doing it. They are already biking here. We had testimony from a gentleman who bikes every single day, like eight miles or something, some enormous rate. He comes in to work for the state. He is doing it. He didn't need us to pass a law or anything else. I just don't think it is necessary. I think it is costly. I think it discriminates and I just don't think we need it. I hope you would vote against the pending motion. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. The reason that we are starting with the state is because we want to set an example for the rest of the State of Maine. We are not mandating businesses to do this. We just feel that if we are going to build new construction sites, such as the Cross Building, which had six showers in it previously, but does not have a place for bicycle racks, we just felt that in the future we would like to be visionaries and make a statement. The blue ribbon commission that came out talked about being healthy, talked about walking and promotes our health and this is

how we do it. It is the wave of the future. People are going to use this as means of transportation. With the cost of gasoline this summer, I think you will find more and more people bicycling. I think it is a way to start. It is a way to set an example. There was testimony during the hearing of people who work here who want to bicycle here and want to be able to come in, take a shower and then change and go to work. There are people at lunchtime that want to leave and go bicycling and come back and have a place to change and go to work. It is something that people who testified support. They feel that it is not a mandate because we are just simply stating that any future renovations, anything in the future with state office buildings, that this would be a way to show that we are going to start doing it. We are going to start doing it. We are going to start setting an example. Maybe it will catch on with businesses and say that it promotes better workplaces. It promotes healthier workforces. I think this is a good bill. I would ask that you support this. Thank you.

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

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

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

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

ROLL CALL NO. 112

YEA - Ash, Baker, Belanger, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Chick, Chizmar, Clark, Collins, Colwell, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Michael, Michaud, Mitchell, Murphy E, Murphy T, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Thomas, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bowles, Bruno, Bumps, Canavan, Carr, Chase, Clough, Crabtree, Cressey, Dugay, Duncan, Duprey, Etnier, Foster, Glynn, Gooley, Haskell, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, McNeil, Mendros, Morrison, Muse C, Muse K, Nass, Nutting, Peavey, Perkins, Pinkham, Povich, Rosen, Schneider, Sherman, Snowe-Mello, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Bliss, Buck, Bunker, Cote, Cowger, Daigle, Goodwin, Landry, LaVerdiere, Matthews, Stedman, Tuttle.

Yes, 85; No, 53; Absent, 13; Excused, 0.

85 having voted in the affirmative and 53 voted in the negative, with 13 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-297)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-297)** and sent for concurrence.

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

Resolve, to Enhance Economic Development in Eastern Maine (EMERGENCY)

(S.P. 286) (L.D. 997)
(C. "A" S-87)

TABLED - May 3, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - FINAL PASSAGE.

Representative RICHARDSON of Brunswick moved the Resolve and all accompanying papers be **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

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

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

The **SPEAKER**: The Representative may pose his question.

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I would like to ask why it is being committed to Business and Economic Development?

The **SPEAKER**: The Representative from Farmington, Representative Gooley 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. Representative Gooley, what is going on here is that we had a unanimous report, initially, on this bill, there was a vote of reconsideration a few days later. We had a clerk who was substituting for our clerk who did not get the report down of the change in the reconsideration vote. There are actually three people who are on the minority side of this report now. It came out unanimous. We are committing this bill so as to get the proper vote.

Subsequently, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE** and sent for concurrence.

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

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

**BILLS IN THE SECOND READING
House As Amended**

Bill "An Act to Permit Consumer-owned Water Utilities to Exercise Local Control Regarding Matters within the Jurisdiction of the Public Utilities Commission"

(H.P. 996) (L.D. 1333)
(C. "A" H-307)

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

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.

HOUSE DIVIDED REPORT – Majority (9) Ought to Pass as Amended by Committee Amendment "A" (H-290) – Minority (4) Ought Not to Pass – Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Authorize a Legislative Technical Advisory Office to Benefit from the Experience of Retired Scientific and Technical Experts"

(H.P. 559) (L.D. 714)

TABLED – May 4, 2001 (Till Later Today) by Representative McLAUGHLIN of Cape Elizabeth.

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

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. First of all, I would say that the reason I am on the opposing side of this report is I don't believe it is a necessary situation. I believe, at present, there is a voluntary service in this area. When I have a question about things here in Augusta and I used to think that politicians knew everything because they always seemed to have an answer for everything, but I know personally that I don't know everything. I know hardly anything about a lot of things. When I have a question concerning something that comes before the Legislature, I know how to call people. As a former librarian, I have those skills. I know that if I don't have the answer myself, I can find the answer. If I don't know who to call, someone else will know who to call. When I have a question that concerns truck weights or animal abuse or any of those sorts of things that I don't really have a great deal of knowledge about, then I call someone up. There are plenty of people in my district, believe it or not, who are very knowledgeable on a lot of subjects. I am sure it is the same way in your district as well. There are retired teachers, retired policemen, retired truck drivers, people who are actively involved in some of these opportunities. When I have a question, I pick up the phone or I go to see someone who can fill me in on what I don't know and then I can make a knowledgeable decision.

First of all, I would say that this bill is unnecessary. We are using our retired persons in the state very effectively, I believe, now, and there is already an avenue for them to use. Secondly, once again, I know that it seems that a lot of people like this, but this grows government again. I don't personally enjoy growing government. This grows another half person time to state government, which will be in our budgets forever and ever, from this point on, should we accept this report. Thirdly, it costs money, of course. If we grow government, it is going to cost money. For FY 01 and 02, it is \$44,644 and for FY 02 and 03, it is \$58,278.

I have just one other little point that kind of bothers me and that is, who does the choosing of these experts? The language is not clear. Someone is going to be choosing a panel of experts that will somehow give us a nonpartisan view on certain subjects. They haven't determined what the subjects will be or who these people will be or who will be choosing them. Those are some

questions that you need to have answered before you make a decision on this as well.

Lastly, I would ask you to vote against 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 to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 113

YEA - Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Chick, Colwell, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Murphy E, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Canavan, Carr, Chase, Chizmar, Clark, Clough, Collins, Crabtree, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McKenney, McNeil, Mendros, Michael, Morrison, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rines, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Tessier, Thomas, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Landry, Matthews, Stedman, Tuttle.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-290)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-290)** and sent for concurrence.

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

Bill "An Act to Provide Notice of Termination Status"

(H.P. 187) (L.D. 198)

(C. "A" H-172)

TABLED – May 4, 2001 (Till Later Today) by Representative BRUNO of Raymond.

PENDING – PASSAGE TO BE ENGROSSED. (Roll Call Ordered)

The **SPEAKER**: A roll call having been previously ordered. The pending question before the House is Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 114

YEA - Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McKenney, McNeil, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Goodwin, Landry, Matthews, Stedman, Tuttle.

Yes, 85; No, 55; Absent, 11; Excused, 0.

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-172)** and sent for concurrence.

Representative DUNLAP of Old Town assumed the Chair.
The House was called to order by the Speaker Pro Tem.

HOUSE DIVIDED REPORT – Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-244)** – Minority (6) **Ought Not to Pass** – Committee on LABOR on Bill "An Act to Classify Employer-provided Medical Treatment as a Payment under the Maine Workers' Compensation Act of 1992"

(H.P. 644) (L.D. 844)

TABLED – May 2, 2001 (Till Later Today) by Representative NORBERT of Portland.

PENDING – Motion of Representative MATTHEWS of Winslow to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. This would be a change in the workers' compensation law. Currently an injury, which requires medical treatment only and does not result in any lost time from work, does not constitute a first report of injury under Maine law. That is found in Section 306 of the worker's comp legislation. Requiring a medical only treatment to constitute a first report of injury will have a number of affects on our current system. First, in-house medical treatment to be considered to be a benefit under the compact, such treatments would extend the statute of limitations for six years each time the injured worker visits the medical department from the current statute of limitations of two years. Requiring all medical visits or treatment means the potential of even minor injuries or treatment would or could extend the statute of limitations for this extended period of six

years. Second, keeping track of each and every medical treatment and filing first reports on each of treatments is certain to be an administrative burden for many employers. Careful record keeping would be required on each injury, regardless of its seriousness. The potential exists for a claim to be resurrected six years after its incidence. It clearly makes the workers' comp system more complicated and increases the likelihood of litigation around these claims in years to come. The third issue is that employers who provide in-house medical treatment do so in an attempt to treat an injured worker in as timely a manner as possible, regardless of the seriousness of their injury. There certainly exists the possibility that employers will revisit the necessity for the cost affect of in providing such care if potential liability exists for workers' compensation claim. For those employers who do offer this, I believe this legislation will mitigate against them maintaining that and for employers that may be considering adding that type of treatment availability might think twice if this bill were to pass. I would ask you to vote against the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. This is a good bill. It is an important bill. It is really important that we move forward with this issue. What we have run into folks is we have made some great changes to the workers' comp program and we have some great support from our good friends on both sides of the aisle in the labor and employers and we are working forward and providing care and getting our injured workers back to work. There is an unintended consequence here that we are trying to clarify and we are trying to correct. That is if the employer takes you aside and gives you medical treatment and they have their own physical therapists and they send you to that one and they work though and they help you work through your injury and then you go back to work, after a period down the road, if this injury reoccurs and you try to file a claim somebody says that you never filed a workers' comp claim. It is because all of this stuff is provided through the employer in different kinds of care. As the good Representative before me spoke, it is very clear that the person was injured and it was definitely work related. I don't understand why because they followed all the rules of the employer and were provided care, that anybody in this body would say that when the injury aggravates itself or comes back, that somebody should be denied a claim because everybody agrees it was caused by the injury and it was caused by a work-related injury on the job and they followed all the rules. The problem was if it went any great distance of time, I think we have one good Representative in this body that has experienced this himself, thinking that you had filed a claim and come to find out none of the paperwork was done and then you are outside of the comp system and you have no recourse. This is important. We refined the bill to be very, very narrowly focused, as we do with all our bills in Labor, the employee is treated in-house by the health care provider. They have to be treated or listed on six different occasions. I think if you have been treated for six different occasions, it definitely throws out the minor injury, and that the employer should have known that the injury or illness was work related. That is the narrow focus of this bill. I would ask everybody's support on this bill. Thank you.

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

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is acceptance of the Majority

Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 115

YEA - Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, Mayo, McKenney, McNeil, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Dugay, Goodwin, Landry, Matthews, Stedman.

Yes, 85; No, 55; Absent, 11; Excused, 0.

85 having voted in the affirmative and 55 voted in the negative, with 11 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (H-244) was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-244) and sent for concurrence.

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

An Act to Clarify Laws Pertaining to Nuisance Wildlife
(S.P. 168) (L.D. 587)
(C. "A" S-84)

TABLED - May 3, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

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

ROLL CALL NO. 116

YEA - Ash, Baker, Berry RL, Blanchette, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chizmar, Clark, Colwell, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Michaud, Mitchell, Murphy E, Muse C, Muse K, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Rines, Savage,

Simpson, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tuttle, Usher, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bumps, Chase, Chick, Clough, Collins, Crabtree, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Lovett, MacDougall, Marrache, McKenney, Mendros, Michael, Morrison, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Tobin D, Tracy, Trahan, Treadwell, Twomey, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Labrecque, Landry, Ledwin, Matthews, McNeil, Richardson, Stedman, Weston.

Yes, 80; No, 57; Absent, 14; Excused, 0.

80 having voted in the affirmative and 57 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (S-129) - Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify Certain Provisions of the Laws Governing Health Maintenance Organizations and Health Plans"

(S.P. 26) (L.D. 126)

Which was **TABLED** by Representative COLWELL of Gardiner pending **ACCEPTANCE** of either Report.

Representative O'NEIL of Saco moved that the House **ACCEPT** the Majority Ought Not to Pass Report.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought Not to Pass Report.

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

The **SPEAKER PRO TEM**: 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. 117

YEA - Andrews, Ash, Baker, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Gooley, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Belanger, Chase, Clough, Crabtree, Cressey, Duprey, Foster, Glynn, Haskell, Heidrich, Jodrey, Kasprzak, MacDougall, McKenney, Mendros, Michael, Morrison, Murphy T,

Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Tobin J, Treadwell, Waterhouse, Winsor.

ABSENT - Bagley, Bliss, Buck, Cote, Cowger, Daigle, Goodwin, Landry, Matthews, Stedman, Weston.

Yes, 112; No, 28; Absent, 11; Excused, 0.

112 having voted in the affirmative and 28 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

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

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 Provide Disclosure to Voters by a Person Paid to Collect Signatures"

(H.P. 181) (L.D. 192)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
PATRICK of Rumford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-318)** on same Bill.

Signed:

Representatives:

LABRECQUE of Gorham
CHIZMAR of Lisbon
O'BRIEN of Lewiston
HEIDRICH of Oxford
DUNCAN of Presque Isle
MAYO of Bath

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On motion of Representative BRUNO of Raymond, **TABLED** pending the motion of Representative TUTTLE of Sanford to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Require the State to Pay for Veterans' Obituaries and State Flags"

(H.P. 416) (L.D. 537)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham

ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
HEIDRICH of Oxford
PATRICK of Rumford
DUNCAN of Presque Isle
MAYO of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-317)** on same Bill.

Signed:

Representatives:

CHIZMAR of Lisbon
COTE of Lewiston

READ.

Representative TUTTLE of Sanford moved that the House **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 PRO TEM**: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. The bill before you would have us as a state, pay for the obituaries in Maine papers and for a little American flag on veterans when they pass away. I consider myself pretty fiscally conservative and I think we need to reign in our costs. I agree with that completely. You can look at my voting record, but I get really irked that it costs too much when we are talking about veterans. The only reason we are here representing people in a country as a democracy that gets to elect people is because of those veterans putting their lives at risk for our freedom. They were risking their lives, giving their lives and we say it is too expensive. What is more valuable than your own life? I would urge you to defeat the pending motion. Thank you.

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

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

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. Has a fiscal note been decided on this?

The **SPEAKER PRO TEM**: The Representative from Lewiston, Representative Bouffard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. It has. I think if probably in due order if someone would table this until we could get that information for the good Representative, that would probably be in order Mr. Speaker.

On motion of Representative TRACY of Rome, **TABLED** pending the motion of Representative TUTTLE of Sanford to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

CONSENT CALENDAR

First Day

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

(H.P. 1272) (L.D. 1730) Bill "An Act to Adopt the National Association of Insurance Commissioners' Model Insurance Producer Licensing Act" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-327)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(H.P. 286) (L.D. 364) Resolve, Recognizing the Phi Eta Kappa Building Association as a Nonprofit Corporation Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-342)**

(H.P. 1248) (L.D. 1696) Bill "An Act to Allow the Chief Medical Examiner to Assume the Responsibility for the Disposition of Certain Dead Bodies" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-340)**

(H.P. 1265) (L.D. 1716) Bill "An Act to Improve Child Support Services" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-343)**

(H.P. 1287) (L.D. 1751) Bill "An Act to Amend the Maine Commission on Domestic Abuse" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-341)**

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

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

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT – Majority (8) Ought Not to Pass – Minority (5) Ought to Pass as Amended by Committee Amendment "A" (S-80) – Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Allow Beverage Sales from Mobile Service Vehicles on Golf Courses" (EMERGENCY) (S.P. 35) (L.D. 133)

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

TABLED – April 30, 2001 (Till Later Today) by Representative **COLWELL** of Gardiner.

PENDING – ACCEPTANCE OF EITHER REPORT.

Representative **GAGNE** of Buckfield moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Raymond, Representative **Bruno.**

Representative **BRUNO:** Mr. Speaker, Men and Women of the House. I am not going to say a whole lot on this bill. I look at the committee and wonder how many golfers are actually on that committee. I have been playing golf for 35 years. I like golf so much that I operate a golf course, one of the nicest golf courses in the State of Maine, Sable Oaks Country Club, down in South Portland. There is nothing wrong with a little self-promotion while we are right here, 775-OAKS, if you need to make a tee time.

One of the problems we have down there is we get a lot of people from away who come and play golf at our golf course. It is a challenging golf course. A lot of people want to play it. We get people from Massachusetts, Connecticut, Rhode Island and New Hampshire. They come to play and they are amazed that they cannot buy a beer on the golf course. Maine in one of four states in the country that does not permit sales of beer on the golf course. We promote ourselves as a tourist state. We encourage people to come and play golf here, yet we don't want them to have a beer on the golf course.

I have traveled all around the world and played golf and there is nowhere that you can't buy a beer on the golf course, if that is what you want to do. There is a cart that comes around and someone is there and says, do you want a beverage? It can be a soda. It can be a beer. It can be whatever you want, but not in Maine. You look around the golf course, I travel around on the golf course all the time when I am down there, and you look in the garbage container, the receptacle, and it is full of beer cans, but we did not sell those beer cans. Someone snuck onto the golf course and probably had beer in their golf bag and drank beer all the way around the golf course. If that person is caught drinking that can of beer and it is open on the golf course, the golf course can be liable, it can be fined, yet we have no control. We can be fined by liquor enforcement for having an open can on the golf course. I don't think that is fair. If you want us to control the drinking on the golf course, give us the power to sell the beer.

If you say we shouldn't encourage drinking on the golf course, we have a bar that people can come in before or afterwards and have a beer and then go play golf. When they are done on the famous 19th hole, they could have beer or hard liquor, if they want, at that point. Nothing prevents us from selling them that liquor. I don't understand the difference here. At some point, Maine needs to get along with everybody else and find itself. If we are going to promote tourism, we should get along with 46 other states and allow our golf courses to sell beer on the golf course. There are a lot of private courses in Maine that when they hold a tournament there, they will have beer on the golf course. It is no big secret. Do we prevent that by not allowing this bill? No. There will be people drinking while they play golf. I say what we ought to do is allow it, pass this bill, hopefully next time around, I know the fate of this bill already, I hope we get some golfers on this committee. We need people who play and realize what actually goes on when you are on a golf course. Mr. Speaker, I request a roll call on this.

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

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

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Buckfield, Representative **Gagne.**

Representative **GAGNE:** Mr. Speaker, Ladies and Gentlemen of the House. I believe it is an abomination that this Legislature would encourage the expansion of access to liquor. We have gone too far with a bill like this in allowing golf courses to sell beer and ale to its patrons during 15 holes of golf or 19 or 20.

Does the income of the owners of golf course increase proportionately to support the cost of hiring several enforcement people to constantly roam the golf course and catch who is breaking the law? Soda and sandwiches aren't worth the trouble for them from the golf carts, but beer is? Presently it is illegal to bring alcoholic beverages on a golf course at any time. In fact, owners are supposed to check bags and other carriers to make sure golfers are not bringing any such drinks onto the course so it they get there it is because owners find it is too much for them to bother checking on this because they are afraid of scaring away the people who are coming to play and thereby lose business or else they are just too lazy to look into every bag and check that there is no liquor coming there. To me, enforcement is the greatest difficulty in making this work. Those who serve the liquor are responsible for the premises that liquor is served in. That may work at the club's bar or lounge because the people are within close serving distance, but to expand this area to the entire course or most of it is too much.

Large courses think this access will improve their business, as was mentioned before by tourists coming in, but small courses are worried they can't compete because of the cost of adding this feature. In fact, one owner of a golf course spent almost every day of last month watching what was happening with this bill. He was here every single day and got his name in the paper with an article and the whole thing about it because he was so upset. He also is an owner of a golf course. Young people are on the greens daily and especially at tournament time. We talk to them about avoiding drugs and alcohol, yet the model we present is that nothing is fun unless drinking is part of it. Never mind what other states are doing, Maine should stay the way it is.

Have you looked at the amendment and all the stipulations that must be followed? Only one serving by a trained worker for the golf course and only one drink. It has to be to a person who is golfing, not someone who is a friend along the way. If the golf course crosses a public way, like a road, liquor can't be transported across it and it has to be kept. It can't be brought into the parking lots. It can't be allowed to leave the place. If there is a tournament and there are young people, then the service bar is dispensed with. Signs are suppose to be placed on this mobile service bar. A sufficient number of employees are supposed to control this. What is a sufficient number? Two. If it needs this much restriction, how is this a benefit to the golfer, the owner or to anyone? As far as I am concerned, enforcement is too difficult. The idea is a foolhardy one. It is time we stopped this obsession with drinking everywhere we go. Mr. Speaker, I agree with that roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative Belanger.

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. Maine, vacationland, come to Maine so that we can check your golf bag to see if you have a can of beer. This is what the previous speaker would have us do. I don't quarrel with the intent, the people that would have you kill this bill. I don't quarrel with what their intent is. However, I would argue that they are doing the exact opposite and they will accomplish the exact opposite of what they are trying to achieve, which is control of consumption of malt liquors on a golf course.

Currently, as the good Representative from Raymond mentioned, if you play any amount of golf at all and travel around the states or other countries, you will find that in those areas where they have beverage carts, it is handled very well. In the State of Maine at many golf courses I have played at, if you look in the waste containers, you will see a good number of beer cans. I would say that currently we are not doing a very good job

of controlling the consumption of malt liquor on a golf course. There is no requirement that courses would have a beverage cart. If a course is too small and feels it is going to be economically placed at a disadvantage, they don't need to do this. Currently, there is no incentive for any golf course in this state to police consumption on their grounds. Would you go back to a golf course if every time you went to play golf there, they asked you to empty out your golf bag and to check all of your golf bag, your cooler if you happen to want to bring a soda with you? This would really encourage people to come and visit our state. If we really want to do what is responsible, we will defeat the pending motion and move on and pass LD 133. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. I really wanted to keep this short. When the good Representative from Buckfield stood up, she just emphasized my point, that the committee that looked at this just doesn't understand golfing. You know, 15 holes, 18 holes, search a golf bag. What ever happened to privacy? We argue privacy issues here all the time, yet we want the owner of the golf course to start looking in golf bags. Yah, you want to smell my dirty socks that I have in there. That is fine. How far are we going to go with this? You go to a Sea Dogs game and you could have a beer because that is recreation. People find that that is okay. I bring my kids to Sea Dogs games, but I don't buy them a beer. There are many ways of controlling this.

I ask you to vote against this motion and hopefully we will do something about it down the road. Thank you.

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

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. It seems to me that we went through the same thing in the 119th Legislature and this bill was defeated then. I opposed it then and I oppose it now. Maine has one of the toughest OUI laws in the nation. We also have one of the toughest OUI laws when you are operating a boat under the influence. In the 117th Legislature, they passed a law to say that you cannot operate a snowmobile or an ATV, even on your own land under the influence of intoxicating liquors.

Speaking of privacy, Representative Bruno, I myself do not drink. If I chose to go down on the back 40 or the front 90 on my ATV, that would be my business. Anyway, that was passed here to say that if I was on my own land, I could be arrested for driving under the influence. The bill was bad then and the bill is bad now and I would say that if you have to go to the golf course and if the golf course is that tough a golf course that you have to have a few drinks for you to get through the roughage of it, I would say, accept the pending motion and let's move on.

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

Representative **LABRECQUE**: Mr. Speaker, Men and Women of the House. I just want to make one little comment and then I will sit down and avoid prolonging this. We seem to have some sort of an opinion that golf and drinking have never been connected. Yet, I will tell you that my son got a hole in one this past weekend and he discovered an age-old tradition. He had to open the bar and pay for everybody's drinks for that hole in one. That is not a new law. I would say that we really need to rethink, golf as I view it, has always stood on a pedestal for the more wealthy folks, the more sophisticated people. As time has gone on, some of us have invaded into that and we now need to bring golf and recreation into the 21st Century. People who golf do not drink to excess. I have been told that by a number of professionals. Having a beer while you are doing two or three

holes is no different than having a can of soda. Having one beer does not create, unless you don't drink at all, or make you tipsy and a danger to be on the course. I would agree with the previous speakers and urge you to defeat the present motion. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. This is just another example of what we tried to do to discourage business in Maine. I have a brand new golf course in my district. It just opened up this year. Part of it is in South Berwick and part of it is in Berwick. They have to go under Route 4, but they tunneled under the road so they won't be crossing a road. They bought a beautiful old farm there and the gentleman who did it is a resident of South Berwick and has been all of his life. He has invested all of this money. My hope is that they will put a Class A restaurant in that big old brick farmhouse because the farmhouse is in South Berwick, the barn is South Berwick, but the building that houses the golf carts are in Berwick so we get to tax the golf carts. He is really concerned because he is a half a mile from the New Hampshire border and over there in the State of New Hampshire they can buy liquor on there. There are many golf courses that he has to compete with. I don't see any harm in having a drink if you are golfing and you are walking around. It has been previously said here that we have tough drinking laws on cars, boats and snowmobiles and we certainly do. We also have a tough dramshop law that teaches you how to serve people and how to judge whether they have had too much to drink. There is a responsibility that goes with that. When you get a license in this state, there is a large responsibility that you have to make sure that nobody leaves your place that has drunk too much. I think the golf club owners will be able to police it and do a much better job than they are able to do right now. I would like to have you oppose the motion on the floor so that we can go on and pass this bill because now we have tax incentives for industries to come into Maine. We do everything for business. Here is one here that we would like to put out of business. I really hope that you vote against the Ought Not to Pass motion so that we can go on and vote the Ought to Pass. Thank you.

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

Representative PATRICK: Mr. Speaker, Men and Women of the House. I would like to answer one question from the corners where they would be glad to get golfers on the committee. There are four golfers on the committee. There is an A player who is a two handicap. There is a B player who is about a 15 handicap and there are two C players. Although we may not all be A players, we have been around. I have been playing for 29 years. I played before I started as a helper in Bingo. I have played at Sable Oaks. I have played at Sugarloaf. I played at Webb Hallett. I played at Bangor. I played at Waterville. I played at all of these courses that all of these people were coming to say that all of their garbage bins were full with cans. I play early in the morning. I play mid-afternoon and I play late at night. I am here to say that is hogwash. Yes, do I see cans in there? At times I do, but if I went through all 18 holes at some of these courses, could I fill a green garbage can full. Yes, maybe I could, but when 300 or 400 patrons visit a course, I don't think that is too bad. Another thing that I would like to say is, the golf courses right now it is illegal to drink on their golf courses, yet, I have never heard one golf course throw a patron off their course when they see that person having a beer. Why? It is bad business practice. Are they going to throw people off the course if we make it legal? We are going to give them the tools. We are going to give them the opportunity to turn these illegal

drinkers in and end up having a \$500 or \$1,000 fine. Can you imagine if Sable Oaks did that to one customer what the green fees would be? No one would show up there anymore. We are going to give them the opportunity.

There have been studies in the state having to deal with teenage drinking. I don't know about any of you as a golfer over the years I have had and with the booming industry many, many young golfers, sometimes 30 percent of the golf courses are teenagers. Our schools are blossoming. Their teams are growing. More and more kids are taking it up. The nation is blossoming. Tiger Woods has brought golf into the forefront. Hundreds of new golf courses are opening all over America because our teenagers are there learning to play golf the right way. I learned myself by the rules of golf. The etiquette and the ideal of the game and the two-handicap rule in the committee during our deliberations and the work session gave such a touching speech it was amazing. He touched upon the idea that he would never ever drink on the golf course. There is a time if you have to, that is another thing, most courses are 18-hole courses. You can at least get one beer in two hours, which is nine holes. After your other nine holes, you can have as many as you want. They say golfers don't drink to excess. I am going to tell you that I have seen situations, especially at these private clubs, where you have an event where the alcohol is free. The word gluttony reigns free in my mind because I have seen people drive their golf carts into poles, trees and everything else and even tear the greens up, not very often, because they get thrown off the course. It is a private event and they are not going to throw the customer off because he has spent several thousand dollars on the course. It doesn't happen very often, but it does happen. Have I seen people have two or three beers in nine holes? Yes, I have. Does it affect their golf? Does it slow up play? Does it bring out anger? Yes it does, at times.

The economic impact of a lot of our golf courses in the State of Maine, which I want to see every single one of them blossom, is predicated by the amount of players we bring, not by whether they drink. Most golf courses, the smaller ones in the state will tell you if they have a membership besides having green fees, which are people that come from the general public. If they can get 40 percent of the people that have green fees, they will have had an average year. If they can get 50 percent players to play on their course, they have had a good year. If they have had 60 percent green fees, they have made more dog gone money. They have money for their watering systems and everything else. We don't know anything about golf courses on our committee, but I hope we get some people there.

What is drinking and golf? If you watch TV, drinking on a golf course, the ultimate thing, the PGA Tour. When people think about drinking on golf courses, they think of one person and one person only, John Daily. John Daily is a recovering alcoholic who can't get his life together. He plays a great game of golf. Once in a while he plays a great game and other times he is just battling alcoholism. With that, I will sit down for a minute because I am sure I am going to stand up when I remember some other stuff. Thank you for your indulgence.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I have to confess that I didn't know who John Daily was, but when I think about drinking on the golf course, I think of myself and a few of the boys going out on a Saturday morning. I always assumed one of the pockets in my golf bag was made to put a couple of beers in. That is the kind of golfer that I am. Maybe twice a year, just enough as the good Representative from Fryeburg so appropriately put it, I golf just enough during the year to lose about a case of balls and aggravate the people

behind me who are waiting to play through while I am looking for mine. I often times wish that there was a cart serving them a beer so that they would stop yelling at me to get out of their way.

Mr. Speaker, I guess I don't know a whole lot about handicaps. The only handicap that I am to a golf course is when I am there, because I rip it apart because I am just a terrible golfer. I don't consider this a bill that is pro-tourist or tourism or pro-business. I think it is just a reality bill. When I go out and I golf, maybe twice a year, I go out with a few buddies of mine. Do we have a couple of beers while we are out there playing on the course? You bet we do. I will be the first to admit it. We put them in the cans that are scattered all over the golf course. What else are they there for? What are those trashcans there for? The reality is, what are people bringing for litter out on the golf course? That is what I put in those trashcans. We are responsible and we don't drive a golf cart into poles or into the water. We go out and we have a good time. I heard somebody that spoke and said, what is this training? The training is very simple. The servers, as the Speaker knows, receive very simple tips training or something along those lines. It is a very simple course that alcohol servers attend. It is not a major event. I don't see this as a major bill. I don't see it as something that is going to corrupt every child who goes on a golf course.

Somebody mentioned earlier you go to the Sea Dogs game you have a cup of beer, you pay about \$5 for a 12-ounce cup if you are lucky. If somebody wants to do that, then I say good luck to them. I will be voting against the motion. Thank you.

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

Representative HALL: Mr. Speaker, Ladies and Gentlemen of the House. I want to congratulate the good Representative from South Portland for letting a breath of fresh air blow through this debate. Maybe it is the fact that the day is drawing on, but before he spoke, I was beginning to sense a flavor of the stale odor of sanctimoniousness about this debate, a fragrance of Puritanism of self-righteousness and hypocrisy and the nanny state. Ladies and gentlemen, I personally think that drinking on a golf course is sheer folly. Indeed after a drink I might go so far as to say that golf is sheer folly. My response to folly is to say, let's tax it. Let's not ban it. Sometimes, ladies and gentlemen, we seem to have an impulse to act here out of the blind fear that someone somewhere is having fun. Let's get over it. Let's vote down this motion and move on and pass the bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Buckfield, Representative Gagne.

Representative GAGNE: Mr. Speaker, Ladies and Gentlemen of the House. We have one legislator who admits he breaks the law. We have another legislator who tells us it is part of having fun. I can't believe that that is the image and mentoring that you want to do that you can't have fun unless you drink.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittsfield, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Members of the House. I don't get up very often on a bill. I said that I wouldn't, being down here for the first year. I would try to listen and see if I could gain some momentum for the second year, but seeing that I am a golfer and I like to put a few beers in my cart now and then and I also live on a golf course. I live on the third tee. I get up every morning at 7 o'clock and I collect the empty cans off my lawn and I think the last count I had, I had enough money to buy a new set of Titleus. I don't know why I should be in favor of this bill. I should still be collecting them off the front lawn.

I have played in Maine and I have played in New Hampshire and I have played in Massachusetts. When you go to Massachusetts, they are professional people on the golf course.

They come around with a cart that serves you sandwiches, Pepsi, Coke, hot dogs or whatever you want and they also have beer in the cart. The thing that I dislike about it is that I only see this cart twice in 18 holes. I would like to be able to see it at least five times, but it is an impossibility, because that one cart cannot get around twice to every person that plays golf. We have to really go to a bar after. My feeling is that we should control the golf courses and allow the people that run the golf courses to collect some revenue from this. This is a short season for them. They have at the maximum six months to make it and they really struggle. They have a lot of maintenance and a lot of things they have to take care of. We have people that come onto the golf course bringing their beer from package stores, bringing their beer from other sources and the golf course suffers. Let's give them an opportunity to make a few dollars, allow us to drink a couple of beers out on the golf course and have a good time while we are doing it. Let's go after this bill and do it right.

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

Representative TRACY: Mr. Speaker, Men and Women of the House. I would like to make some comments about how some golf courses are suffering. If they are suffering, I would dare say that the one they just built in Belgrade Lakes, which is in my home area for \$14 plus million, there must be a lot of suffering. Thank you.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. I know that this is a topic that a lot of people feel strongly about. I know that I will probably not change any minds. I want to tell everyone and I want you to just pay attention to one part of what I am going to say. This weekend on Saturday night, the Attorney General and I were guests at Sugarloaf of a group called Maine Voices. Maine Voices is an organization of high school students and their mentors, which are, in many cases, police officers, schoolteachers and others. Maine Voices is a group that is dedicated to trying to teach teenage students that it is not okay for them to drink. It is not okay for the to break the law with alcohol. It is not okay for them to participate in activities that encourage the use of alcohol for minors. I want to tell you that they have a series of public service advertisements that they put on the television and the radio over the past year. I want to tell you that they are nominated for two Emmy Awards as a result of those advertisements. I want to ask every one of you to tune in next Sunday night at 7 p.m. when next years advertisements will be released by four school districts in the state. The message is clear. The message is that we, as society, send very mixed messages to our teenagers about alcohol. It is okay for us to go out on a golf course and have a blast and get drunk. It is okay to go to Rangeley and participate in Snowdeo and get drunk while we are doing it. Those mixed messages that are being sent are very clear to kids. They are confused as to what we are trying to tell them. They will tell you that they are clear that they are getting mixed messages. Golf is a game that I think we should encourage everyone to participate in, even teenagers and young kids. If the only way that you can play golf is with a beer in your bag, then the message that you are sending is a mixed message. I would suggest to you that you reexamine the message that you are giving to young people today. Again, I would encourage you to tune into this program. It will be very revealing to you. I will be voting in favor of the pending motion.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I feel bad that I have to strongly disagree with my friend Representative LaVerdiere. This bill is not about juveniles drinking. It has nothing to do with minors or sending a message to minors. In fact, the amended version of the bill addresses that very thing to make sure that the people serving will be trained so that doesn't happen. This is a reality bill, come on. I am amazed that it is generating the debate that it. I have yet to see anybody who is poo whoing this bill and saying we are sending mixed messages to children and you can't go out and golf and have a good time without getting drunk. Nobody says you are getting drunk. Where does this come from? I have yet to see any of those members introduce a bill that would prohibit alcohol period. Let's outlaw it completely if that is the case. I haven't seen that bill introduced by anybody. If people feel that strongly, I think perhaps that is where they need to go. Thank you Mr. Speaker.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. Tomorrow is Tuesday, on Tuesday night I can go to Pizza Hut and it's children's night and you can get a free mini-pizza for your kids. While you are sitting there, you will see a bar. You can order a beer and drink that beer while at Pizza Hut. You can go to Ground Round on Monday night and they have children's night and there is a bar there that you and you kids can see and you can order a beer from that bar and drink and enjoy yourself eating a pizza and have a drink. There is no mixed message to kids. We allow them to enjoy themselves when you are eating a pizza with your children there and have a beer. You should allow them to play golf and enjoy themselves and have a beer. It is the same thing. I don't think we are sending a mixed message to kids. We are sending a clear message to kids, drink responsibly. The message now is, sneak a couple beers into your bag, break the law, because you don't agree with it and then when you see someone coming, chug that beer down as fast as you can so you don't get caught with it. When you get halfway through the game, go to the clubhouse and chug down two quick beers and then go finish playing golf. It would be completely irresponsible in how you are doing it, but you have to follow this law that makes no sense. If we want to teach kids a message and be clear on the message, the message needs to be drink responsibly. We need to stop this binge drinking and drinking quick, which is what kids do now and that is the biggest problem with kids and why we have alcoholism in this state and in this country. It is because we teach kids that what they need to do is drink real fast and not be responsible with how they do it and do is casually and socially and that is why we have a bigger problem than anywhere in Europe when it comes to alcoholism. Thank you.

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

Representative **MUSE**: Mr. Speaker, Colleagues of the House. I would like to follow up on the speech given by the good Representative from South Portland who impugned my own reputation as a golfer by implying that, in fact, we spend most our time in the woods. The fact is that is truth, but with that, I view this bill as a chance to save a dime. If we take the same tact that we have in years past, that would be that we buy one box of golf balls and when it is gone, we are done. Perhaps if we stir in a beer or two, we can save a round or two of golf and that would be very substantial. Let's move on this bill.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. In my 20s I played a pretty good round of golf. I have too much respect for golf. I think it should be out there and you should do the best you can. Have we gone so far from our puritan heritage that we have to go out on the golf course and drink? What happened to the 19th hole? Drink when you get through. Thank you very much.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative **CHIZMAR**: Mr. Speaker, Men and Women of the House. We have had enough debate. It is time to vote, but I have two statements that I would like to make. My first one is, some consider the ability to sell alcohol as an economic development tool. It happens to be not one of my priorities. My second statement that I would like to make is that last weekend, I enjoyed a round a golf, but unfortunately Representative Muse was in front of me and he was using an elephant for a caddy.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Basically, in my opinion, if you want to control alcohol consumption on the golf course, I would support this bill and defeat the pending motion. If you want to encourage uncontrolled consumption, as does exist now throughout the state, then do nothing. Right now without the change in the law, there isn't any control. I would ask that you defeat the pending motion and accept the Ought to Pass motion, which hopefully will follow. Thank you Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Baileyville, Representative Morrison.

Representative **MORRISON**: Mr. Speaker, Ladies and Gentlemen of the House. I cannot and will not support drinking on a golf course. That is just another step down the path. I guess the beaches are the next. People sneak alcoholic beverages on the beaches and I guess we can't do anything about it, so we ought to allow them to drink there too. I just don't think it is a route we ought to be going. There is a place for drinking. If you want to go in the clubhouse and have a drink or two, I guess that has been going on, I am not going to try to put a stop to that. I just can't go along with drinking on the golf course. Thank you Mr. Speaker.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I don't drink and I don't golf, but I sure would like to vote.

The **SPEAKER PRO TEM**: 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. 118

YEA - Baker, Berry DP, Berry RL, Blanchette, Bouffard, Brannigan, Bryant, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clough, Cressey, Cummings, Davis, Desmond, Estes, Etnier, Gagne, Gerzofsky, Green, Haskell, Hawes, Hutton, Jacobs, Jodrey, Jones, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Madore, Mailhot, Marley, Marrache, McKee, McLaughlin, Michael, Morrison, Norton, O'Brien JA, O'Brien LL, Paradis, Patrick, Povich, Quint, Richard, Richardson, Skoglund, Smith, Tessier, Tobin J, Tracy, Twomey, Usher, Volenik, Watson.

NAY - Andrews, Annis, Ash, Belanger, Bowles, Bruno, Bull, Bunker, Clark, Collins, Colwell, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Fisher, Foster, Fuller, Glynn, Goodwin, Gooley, Hall, Hatch, Heidrich, Honey, Kane, Kasprzak, Koffman, Labrecque, Ledwin, Lovett, Lundeen, MacDougall, Mayo,

McDonough, McGlocklin, McGowan, McKenney, McNeil, Mendros, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Nutting, O'Neil, Peavey, Perkins, Perry, Pineau, Pinkham, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Young.

ABSENT - Bagley, Bliss, Brooks, Buck, Cote, Cowger, Crabtree, Daigle, Dorr, Landry, Matthews, Stedman, Wheeler GJ, Winsor, Mr. Speaker.

Yes, 59; No, 77; Absent, 15; Excused, 0.

59 having voted in the affirmative and 77 voted in the negative, with 15 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-80)** was **READ** by the Clerk and **ADOPTED**.

On motion of Representative TUTTLE of Sanford, the rules were suspended for the purpose of giving this Bill its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-80)** in **NON-CONCURRENCE** and sent for concurrence.

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

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

Speaker **SAXL**: On a more serious note, on Saturday evening, the Legislature lost one of its own when Julie Reed Marsh of Brunswick, who is an OPLA analyst passed away. Julie was a young woman who had just given birth in the last few months to a baby boy. She was diagnosed with cancer shortly after she delivered her child. It had accelerated her cancer and sadly she left us on Saturday evening. She leaves behind her husband and her infant child.

On motion of Representative KANE of Saco, the House adjourned at 5:52 p.m., until 9:00 a.m., Tuesday, May 8, 2001 and in honor and lasting tribute to Julie Read Marsh, of Brunswick.