

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
49th Legislative Day
Tuesday, May 15, 2001

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

Prayer by Reverend John Dunn, Jr., United Baptist Church, Ellsworth.

National Anthem by Poland Regional High School Band.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Resolve, Authorizing Arnold Smith to Sue the State

(H.P. 822) (L.D. 1076)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-388)** in the House on May 10, 2001.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative TUTTLE of Sanford, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 278)

SENATE OF MAINE

OFFICE OF THE SECRETARY

3 STATE HOUSE STATION

AUGUSTA, ME 04333-0003

May 14, 2001

The Honorable Millicent M. MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it indefinitely Postponed Bill, "An Act to Allow Washington County to Elect Its Own District Attorney" (H.P. 354) (L.D. 444) and all its accompanying papers.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

ORDERS

On motion of Representative BERRY of Livermore, the following Joint Order: (H.P. 1347)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out, to the House, legislation granting the Maine Technical College System limited revenue bonding authority.

READ and **PASSED**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Coach Dick Powell and the following members of the Deer Isle-Stonington Elementary School Chess Team: Bryant Ciomei, Shane Eaton, Collin Ciomei, Lydia Barrows, Dean Siebert, Max Becton, Jon Eaton, Rob Haskell, Garrett Steele, Drew Eaton, Parker McDonnell and Josh Coleman; and managers Kristy Faulkingham and Lori Billings, who won their 3rd consecutive Maine State Elementary Chess Championship. The skill, problem solving and logic demonstrated in this competition will serve them well throughout their lives. We extend our congratulations to them on this achievement;

(HLS 322)

Presented by Representative VOLENIK of Brooklin.

Cosponsored by Senator GOLDTHWAIT of Hancock.

On **OBJECTION** of Representative VOLENIK of Brooklin, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I wish to welcome Coach Dick Powell and the members of the Deer Isle-Stonington Elementary School Chess Team to the State House today. In Deer Isle, chess is not only a recreation, but it is a team sport and it is a way of life. This is the third time that the elementary chess team has won their state elementary championship. I wish them the very best. Thank you.

PASSED and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 1319) (L.D. 1781) Resolve, Regarding Legislative Review of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1085) (L.D. 1454) Resolve, to Study the Establishment of the Department of Environmental Protection as the Lead Response Agency in All Emergency Releases and Spills of Toxic or Hazardous Materials Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-445)**

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.

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

ENACTORS
Acts

An Act to Increase the Forest Management Planning Income Tax Credit

(H.P. 306) (L.D. 384)
(C. "A" H-359)

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

On motion of Representative GREEN of Monmouth, was **SET ASIDE**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-359)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-427)** to **Committee Amendment "A" (H-359)** which was **READ** by the Clerk.

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

Representative **GREEN**: Mr. Speaker, Men and Women of the House. The amendment adds an implementation date to the bill. That is all.

House Amendment "A" (H-427) to **Committee Amendment "A" (H-359)** was **ADOPTED**.

Committee Amendment "A" (H-359) as Amended by **House Amendment "A" (H-427)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-359)** as Amended by **House Amendment "A" (H-427)** thereto in **NON-CONCURRENCE** and sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Limit Smoking by Foster Parents" (EMERGENCY)

(H.P. 305) (L.D. 383)

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook
TURNER of Cumberland

Representatives:

NUTTING of Oakland
FULLER of Manchester
KANE of Saco
LAVERRIERE-BOUCHER of Biddeford
DUDLEY of Portland
O'BRIEN of Augusta
BROOKS of Winterport
LOVETT of Scarborough
DUGAY of Cherryfield

Minority Report of the same Committee reporting **Ought to Pass** as Amended by **Committee Amendment "B" (H-444)** on same Bill.

Signed:

Representative:

SHIELDS of Auburn

READ.

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

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. This bill is about the care of foster children. Foster children are a state responsibility. We care for these children through the Department of Human Services who contracts with agencies who hire individuals to care for the children in their homes. Foster parents are paid for their services, per child, by the state through the agency. I believe they earn their money. Some of them have two foster children. Some of them are therapeutic foster children and the pay rate is about \$75 a day per child. Because the state is responsible for these children and if anything goes wrong, it becomes quite clear that the ultimate responsibility is the state. We are obligated to protect the children and have concern for their welfare. Second-hand smoke is a known problem causing respiratory diseases and cancer. It particularly aggravates children who have asthma or other respiratory problems. This bill protects our foster children against the problems caused by smoking. No one forces you to be a foster parent. That is an entirely voluntary activity. If someone becomes a foster parent and accepts taxpayer money, they become, in fact, an agent of the state that should be subject to the rules and regulations governing foster children. It seems clear cut to me that this is a logical and reasonable regulation to stop smoking in homes where there are foster children and in the automobiles where there are foster children. The amendments will come later.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. You all have seen me stand many times as a very staunch advocate for smoking prohibition, as recently as yesterday with respect to smoking on school grounds. The committee in its deliberations determined that the prohibition of foster parents smoking in their own homes and in their cars was an intrusion. We all are concerned about smoking and the impact of second-hand smoke on children. The committee decided to **Ought Not to Pass** on this bill, but to direct the Department of Human Services to implement for foster parents a smoking cessation program. We believe that a strict prohibition, we may feel good about, is not, in fact, very enforceable. It would provide a barrier to the recruitment of otherwise very qualified foster parents. Thank you Mr. Speaker.

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

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

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

ROLL CALL NO. 170

YEA - Andrews, Ash, Bagley, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Bruno, Buck, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cressey, Desmond, Dorr, Dudley, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn,

Goodwin, Green, Hall, Haskell, Hatch, Heidrich, Honey, Hutton, Jones, Kane, Kasprzak, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Michaud, Mitchell, Morrison, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Peavey, Perkins, Pineau, Pinkham, Povich, Richard, Richardson, Rines, Savage, Schneider, Sherman, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Davis, Duncan, Hawes, Jacobs, Marley, Marrache, Michael, Murphy T, Rosen, Shields, Weston, Winsor.

ABSENT - Baker, Brooks, Bryant, Chick, Cummings, Daigle, Dugay, Gooley, Jodrey, Koffman, Landry, McNeil, Mendros, Patrick, Perry, Quint, Simpson, Skoglund, Stedman, Tessier, Watson.

Yes, 117; No, 13; Absent, 21; Excused, 0.

117 having voted in the affirmative and 13 voted in the negative, with 21 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

The 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 Clarify the Activities of Membership Organizations in Maine"

(H.P. 1257) (L.D. 1704)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham
COTE of Lewiston
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** on same Bill.

Signed:

Representative:

CHIZMAR of Lisbon

READ.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Resolve, to Create the Commission to Study the Relationship Between Alcohol Sales and Substance Abuse in the State of Maine

(H.P. 759) (L.D. 978)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-443)** on same Resolve.

Signed:

Representative:

MAYO of Bath

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-432)** on Bill "An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance"

(H.P. 70) (L.D. 79)

Signed:

Senators:

GAGNON of Kennebec
LEMONT of York
KNEELAND of Aroostook

Representatives:

GREEN of Monmouth
STANLEY of Medway
GAGNE of Buckfield
MCGOWAN of Pittsfield
MURPHY of Berwick
BUCK of Yarmouth

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

Signed:

Representatives:

PERRY of Bangor
McLAUGHLIN of Cape Elizabeth
BUMPS of China
BOWLES of Sanford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-432)** 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-432)** and sent for concurrence.

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

Seven Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-419)** on Bill "An Act to Provide Complimentary Hunting and Fishing Licenses to Resident Active Military Personnel"

(H.P. 8) (L.D. 8)

Signed:

Senators:

CARPENTER of York
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town
PERKINS of Penobscot
TRACY of Rome
McGLOCKLIN of Embden
BRYANT of Dixfield

Five Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

KILKELLY of Lincoln

Representatives:

TRAHAN of Waldoboro
CLARK of Millinocket
HONEY of Boothbay
USHER of Westbrook

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-420)** on same Bill.

Signed:

Representative:

CHICK of Lebanon

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT Report "A" Ought to Pass as Amended**.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. This bill was before us two years ago. At that time, it did not pass, as you can see. We did two years ago make a 50 percent cut on licenses for people in the military if they came home. They can get a license for \$10 while they are on leave. That is why I am on the Ought Not to Pass report. We are already giving a discount to people that are coming home on leave \$10 to either hunt or fish when they are home on leave. Most times they get 30 days out of the year to go on leave, either if they go home or wherever. If they are a resident of this state and they are stationed in Tucson, Arizona, they can come home during their leave and pay \$10 to either go hunting or fishing with their families or by themselves. I believe that is a deal. Right

now a combination hunting and fishing license for a resident is close to \$38, unless you go for the super sport and that is \$54. What the Majority Report does is that it gives it at administrative cost to the people.

I have another problem with this piece of legislation. A lot of people are active duty people that also reside in the State of Maine. They are also stationed in the State of Maine. We have Bangor, South Portland and other places where people are in the full-time military also stationed in the State of Maine. Will those people also be able to get the license for free or at administrative cost? No. They have to pay the resident fee, which is \$38 if they want to buy a combination license. I hope you will join me today in defeating the pending motion. Like I said, we have already given them a discount of \$10, which is half what it is regularly. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **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**: The Chair recognizes the Representative from Turner, Representative Jacobs.

Representative **JACOBS**: Mr. Speaker, Ladies and Gentlemen of the House. This is really very simple. It gives to a military person who is currently in the service, but currently stationed outside of the United States, a chance to come home and get a license for cost. That person probably has at the most 30 days in the state. The person has to be a legal resident of the State of Maine to be able to do that. They also would have to show proof that they were stationed in a different country or wherever for a year or so. This would just give these veterans a chance to fish or hunt in their State of Maine. For example, my son was in Korea for a year. He came home in February and wanted to go ice fishing with his brother and his nephew for one day because it was a couple days before he had to leave for his next assignment. Even for \$10 he weighed the advantage of the \$10 or staying home without going fishing. He decided he wouldn't bother. This would have provided him a chance for a nominal fee to go ice fishing that one time. That is probably the only time that he would have gone this year. It is really very simple. It is only for those people who are stationed outside of the United States for that time and who are currently residents still of Maine. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. When we had this bill in the Legislature, I was one of the ones that led the charge against it. It was a fairly lopsided committee report against it. The reason why was because that bill was more reflective of the current title. It was a truly complementary license. The Department of Inland Fisheries and Wildlife, which my committee oversees the operations of, more or less operates on license fees. I think if you look at the first two reports, certainly, the 12 members of the committee are more or less in agreement that we need to be very mindful of maintaining our revenue stream, even if the fiscal notes are relatively small. Certainly we don't want to open up a floodgate of bills in the next Legislature for complimentary licenses for various worthy groups. There really is no group more worthy than our military personnel. We are also mindful that in the 118th Legislature we did resident military personnel a substantial discount. We are certainly willing to honor them further with an even less expensive license. The Committee Amendment, the Majority Report, which is before you now for acceptance, does allow for administrative costs to be accessed

in exchange for the license. That does a number of things. We don't lose any money in administering the license. The state also can leverage conservation dollars from the federal end under this series of parameters. Financially it is sound. It also sets a precedent on how to handle complimentary licenses in the future. If it truly is worthy, it at least has to cover its own cost. That is another reason why I think Report "A" is very significantly important. The committee is in agreement that we should honor our military personnel and also the committee is in agreement that we should maintain our fiscal infrastructure. Report "A", I think, is the report that sends the best message and does the most good. I urge you to vote your conscience and to follow the light of the Representative from Turner, Representative Jacobs, and do something for our military personnel and also ensure the long-term fiscal stability of the Department of Inland Fisheries and Wildlife. Thank you.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. Today's calendar is before you and you will see that I appear solo on one of the disposals by the committee. My remarks and my intensions are based first on my service during World War II when I returned to Lebanon and I did hunt and fish. Two years ago, the Representative from Turner, who has spoken here this morning, had the bill for her son to be able to fish or hunt when he was here in Maine. I believe that this privilege is certainly something that this body should extend to the service women and men from Maine. I don't believe that they should be burdened with administrative or monetary requirements to fish or hunt for one of two days. These are my thoughts. I would ask, sincerely, that you would provide this service without cost or administrative requirements for those people that would be home on leave. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative USHER: Mr. Speaker, Men and Women of the House. Report "A" creates a new license. Three years ago a license was created to give the military people a break. It dropped the price down to \$10, which I feel is a good bargain. If you want to compare a day of ice fishing to going to a movie, I think a day of ice fishing is a lot better and it is a better \$10 spent. It costs \$10 to go to a movie and that is without eating anything. What this will actually do if we create a new license, you have to pay the administrative costs. The administrative costs, we received figures from \$5 to \$6. It is only a decrease of about \$4 if it passes. A \$10 fee for a day of fishing or they could use it more than one day if they are home for two weeks. It is a good deal. I would oppose the pending motion.

The SPEAKER: 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. 171

YEA - Bagley, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Buck, Bunker, Canavan, Carr, Chizmar, Collins, Colwell, Cote, Cowger, Cressey, Cummings, Desmond, Dudley, Dugay, Duncan, Dunlap, Duprey, Etnier, Fisher, Fuller, Gagne, Glynn, Green, Hall, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Matthews, McDonough, McGlocklin, McKee, McLaughlin, Michael, Michaud, Mitchell, Murphy T, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Sullivan, Tessier,

Thomas, Tobin J, Tracy, Treadwell, Tuttle, Twomey, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Mr. Speaker.

NAY - Andrews, Annis, Ash, Belanger, Bowles, Bruno, Bull, Bumps, Chase, Chick, Clark, Clough, Crabtree, Davis, Dorr, Duplessie, Estes, Foster, Gerzofsky, Goodwin, Haskell, Honey, Kasprzak, Labrecque, Ledwin, Marrache, Mayo, McGowan, McKenney, Morrison, Murphy E, Muse C, Muse K, Nutting, Peavey, Rosen, Sherman, Snowe-Mello, Stanley, Tarazewich, Tobin D, Trahan, Usher, Wheeler GJ, Winsor, Young.

ABSENT - Baker, Brooks, Bryant, Daigle, Gooley, Jodrey, Koffman, Landry, McNeil, Mendros, Patrick, Stedman.

Yes, 93; No, 46; Absent, 12; Excused, 0.

93 having voted in the affirmative and 46 voted in the negative, with 12 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-419)** 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-419)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-383)** on Resolve, Directing the Department of Human Services to Establish a Prescription Drug Reimportation Program

(H.P. 701) (L.D. 916)

Signed:

Senators:

LONGLEY of Waldo
MARTIN of Aroostook

Representatives:

FULLER of Manchester
BROOKS of Winterport
DUDLEY of Portland
LAVERRIERE-BOUCHER of Biddeford
DUGAY of Cherryfield
KANE of Saco

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

LOVETT of Scarborough
O'BRIEN of Augusta
SHIELDS of Auburn
NUTTING of Oakland

READ.

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

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

Representative KANE: Mr. Speaker, Men and Women of the House. The bill is a Resolve directing the Department of Human Services to establish a prescription drug importation program. You may note, men and women of the House, that in the weaning days of the past administration, Congress did pass a bill authorizing the re-importation of prescription drugs. The secretary of the Department of Health and Human Services in Washington ruled that that was not appropriate and basically

rendered the decision of Congress null and void. It is not unreasonable to expect that new administration and Congress will once again resurrect the idea of allowing the importation.

This bill does nothing more than allow the Department of Human Services to develop the administrative framework necessary to be able to support such a importation program, if, in fact, that does become authorized. It would not go forward. It would not be approved unless it were authorized by the federal government. Thank you Mr. Speaker.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. We just heard from the good Representative from Saco that the commissioner of Human Services in Washington, before she left, ruled that is not a practical solution and it is unenforceable. Yet we are directing our Department of Human Services to go ahead and spend man hours and time on this provision. This is a department that we keep saying we need more caseworkers. They are stretched too thin. They don't have enough people. We are directing them to do something that the federal government has said you shouldn't do. I don't understand the logic there. Why are we wasting resources on something the federal government tells us we shouldn't do? Their resources are stretched pretty thin right now. This bill doesn't make sense to me from that aspect. I would love an explanation as to why we should go ahead and waste that manpower on this. 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 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 Old Orchard Beach, Representative Lemoine.

Representative LEMOINE: Mr. Speaker, Men and Women of the House. This bill does make sense. It does make sense because when we say the federal action, the federal government did not speak with one voice. The Congress did, in fact, vote a prescription drug re-importation bill through. That was last year. In January, in the waning days of the Clinton Administration, the secretary decided that the bill, as passed, was, in her opinion, not workable. We have an impasse at this point on the regulations required to implement the congressional action. If nothing happens, we will not have any movement in this state. If the administration, the federal administration in Washington, decides to promulgate regulations that allow the re-importation of drugs, I believe Maine should be on the starting line to take advantage of that. In the Alice in Wonderland world of prescription drugs, we are faced with the reality of people in our communities who cannot afford the drugs they need. It is going to be cheaper to take those drugs, which are manufactured in this state and exported to re-import them into this state for the people that we represent. That is why the bill makes sense. It is to be on the starting line so that when the federal government decides to take some action, we don't have to delay in implementing protections for the people we represent.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. The good Representative from Old Orchard Beach just made my point. We don't know what we are developing those guidelines based on. Sure Congress has passed a law and the Health and Human Services may come out with some rules and regulations, but we don't know what they are, yet, we are directing our own internal Department of Human Services to get ready. What are they getting ready for? That is my point.

What are they getting ready for? What if those rules and guidelines are a lot different than what our department decides is the right way to go? I don't think there is anyone in this body who knows more about the price of prescription drugs and the cost to constituents than I do. What I am saying is we cannot develop guidelines and rules based on an assumption of what may happen in the current administration in Washington. It may be a good idea down the line when the Bush Administration may come out and say, yes, we think it is a good idea. Here are the guidelines that we want states to follow. Until that time, I really think we need to save our precious resources in the Department of Human Services for other things. Ladies and gentlemen, I hope you vote against this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House. I wish to speak for the Majority Ought to Pass Report. I think this is a critical component of the effort that the 119th started very well last year to lower prescription drugs around the state. Living on the border, I have an advantage that many people in the state do not have. I wish that could be extended to everybody. I urge everybody to vote Ought to Pass on this one. It is very important.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative NUTTING: Mr. Speaker, Men and Women of the House. The bill that we have before you now is really a bill to send a message. It is probably a bill to send a message to two places. One, to the federal government that the legislation that they passed last time under President Clinton, we liked. We are not sure why the commissioner held it up, but we want them to get past that and allow us to re-import drugs from Canada. I would support that.

The other message is obviously in the handout that you received yesterday, I think, it states that re-importing drugs from Canada will discourage profiteering by drug companies. This is obviously a message being sent to the drug companies as well. If this were just a message, I wouldn't really be opposed. The message, I think, may cause more harm than the good we derive from the message. One of the things that really works well in the prescription drug industry is the distribution system accomplished by about 300 pharmacies in the State of Maine. There is probably one in your small community or several in your cities and the one remaining wholesaler in the state located in the Portland area in Westbrook, I believe. The several thousand people who work in these businesses, large and small, have a distribution system where if you need something this evening at 8 o'clock, I can get it for you. If your need isn't quite as urgent, I will have it for you tomorrow morning. If the federal government changes the rules so that we can re-import drugs from Canada, I will be on the phone the first five minutes ordering something from Montreal or Toronto or St. John. We don't need the state government involved. We don't want the state government involved.

Just to wrap up, I will tell you that I will bet that some of you have dogs. If you have a dog and you have ever had a bad day, either with somebody in your family or somebody at work, and you go home and you take it out on the dog. Hopefully you don't do anything worse than talk mean to your dog. When you do your dog will probably sit there with big brown eyes, look up, tilt his head a little bit, and say, what in the world have I done now. Let me tell you that the people who work in the 300 pharmacies in the State of Maine, every time this Legislature tries to take a shot at the drug manufacturers, I agree, charge excessive prices in many cases, and can't quite reach them, we end up kicking the dog. My fellow colleagues, I am beginning to feel like a dog.

I ask that you treat this as humanely as you possibly can and vote to kill it, vote red.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. If you don't think that it is out there in the public that Canadian prices are much cheaper than ours, think again. I had a call just a few days ago from a guy outside my district who is facing major eye surgery. I am not a pharmacist and I am not a chemist and I can't tell you the specifics about this particular drug this guy was looking for. I think it was called Visudine or something like that. I did ultimately end up contacting one of the pharmaceutical people that I know who works in the industry and they are looking for it and trying to find it. He wanted to know if I knew somebody in Canada that would help him to find this drug. It has something to do with surgery involving his optical nerve or something. Of course, I had to tell him I had no idea except that I knew some folks who were involved with AARP and a couple of other senior groups that had organized bus trips. You do need to have a name of a doctor in Maine. I told him all of the things that I knew. He told me that the drug costs \$1,500, at least that was the price that was quoted to him for a very small amount, but that it was necessary for him to have for this surgery. If he didn't have it, the prognosis was that he may go blind in that eye. This is a bill that needs to pass. This is a bill that will help to recognize the dilemma that many, many, many of us face in the State of Maine. I think it is absolutely wonderful to live here in the State of Maine. I am a little concerned that we are surrounded on at least two or three sides by a country who can provide drugs to their residents at a whole lot cheaper price than we can here. This is not an issue that is strange to me. Fortunately my wife and I have very good health care, not through the State of Maine, my health care, but through hers, the place where she works. She is on the five-year drug tamoxifen. I think we have all heard the stories of somebody who needed to buy tamoxifen in this country for their cancer and discovered that because they had no insurance, it was costing them \$110 a month and they could go to Canada and buy it for less than \$10. We need to address this issue. This bill will help us to get to that point. I hope that you will vote with me and with the chair of my committee and vote Ought to Pass. Thank you Mr. Speaker.

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. 172

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

NAY - Berry DP, Bowles, Bruno, Buck, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Duprey, Foster, Glynn, Haskell, Heidrich, Honey, Kasprzak, Labrecque, Lovett, MacDougall, Madore, McKenney, Morrison, Murphy T, Nass,

Nutting, O'Brien JA, Peavey, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Baker, Bryant, Daigle, Gooley, Jodrey, Koffman, Landry, Ledwin, McNeil, Patrick, Stedman.

Yes, 98; No, 42; Absent, 11; Excused, 0.

98 having voted in the affirmative and 42 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-383) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-383)** and sent for concurrence.

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-179)** on **RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons while in Prison**
(S.P. 311) (L.D. 1058)

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

LABRECQUE of Gorham

CHIZMAR of Lisbon

COTE of Lewiston

HEIDRICH of Oxford

DUNCAN of Presque Isle

MAYO of Bath

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

Signed:

Senators:

BROMLEY of Cumberland

DOUGLASS of Androscoggin

Representatives:

ESTES of Kittery

TUTTLE of Sanford

O'BRIEN of Lewiston

PATRICK of Rumford

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-179).**

READ.

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

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. This bill has to do with not allowing

felons to vote. Voting is a privilege and a responsibility. I would ask you to consider not passing this, but go on and pass this bill. I personally do not feel that people who have taken away somebody's privileges to vote should therefore be allowed to vote themselves. One more fact that I would pass out for that is 48 states prohibit felons from voting. Thank you.

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. I am pleased that information has been distributed on the floor pointing out that persons who are incarcerated in Maine do not vote in the town in which the prison is located. Incarcerated people in Maine have the opportunity to vote in their hometown. This dispels the myth that I depend upon the prison population for the backbone of my political support. I do find this an interesting proposal, this depriving of criminals of the right to vote. It sounds quite logical that if someone has committed a crime, he should be deprived of his right to vote. As you think of it, it becomes an untenable belief. For example, in most crimes, sometimes there are two penalties. You pay a fine and you spend time in jail or you could do either one or the other. You could be sent to jail or pay a fine or you could lose your hunting license and pay a fine or you could pay a fine and lose your hunting license. Losing your right to vote because you are incarcerated can't be separated as a separate penalty. It is not entirely sensible, you see. You couldn't be found guilty of a crime and say that as punishment we will deprive you of your right to vote. It just doesn't make sense to deprive someone of their rights of citizenship. This, apparently, came about after the civil war in certain states as an attempt to reduce the influence of black voters. I was astounded to find that today in the United States that there are almost 4 million people disenfranchised in the United States because they are or have been felons. In some states, once a felon you never regain your right to vote. This came as a surprise to me because I never thought of depriving a person of the right of citizenship as punishment for a crime. Even though it does seem to make sense on the surface that we should deprive felons of the right to vote. I think when we look a little more carefully, it is not logical and it really doesn't make all that much difference, except it sets the precedent of removing one of the rights of citizenship as a penalty for crime, which I think is a step in the wrong direction. I hope you will reject this bill, which suggests that felons be disenfranchised.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. It is always a tough act to follow my seatmate and mentor, but I will try anyway and I will be brief. I am a firm believer of rehabilitation. This is very important. These people pay a price, as explained by Representative Skoglund. Why should we take away their voting rights? This is a connect to society once they get out. Forty-eight states have it. Why should we follow? I happen to believe that we in Maine are smarter in many cases than most states anyway. Why should we follow that act? Vote red. Thank you.

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 rise today in complete agreement with my friend, Representative Skoglund. He is absolutely correct when he says this makes no sense. It is illogical. The illogical portion of this lies in the fact that if two of you go to court on two different days for the same exact charge at the whim or discretion of a judge, you may be sent to jail and the following day a different person may pay a fine and not lose his or her right to vote. Far more

important than that is the fact that the philosophy of corrections adopted by the Maine Criminal Justice Academy passed on and taught to every single person that works in the corrections industry in the State of Maine. The prevailing philosophy for corrections in the State of Maine is that we send people to prison or to jail as punishment. We don't send them to jail to punish them. Taking away their right to vote would be an additional punishment. We just don't need to go there. Thank you Mr. Speaker.

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

Representative **COTE**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Ought to Pass report. With the Committee Report Ought to Pass as Amended, what it is just revoking their rights to vote while in prison. When they come out of prison, they have all their rights back to vote or do whatever they want. They are an honorable citizen again. While they are inside the prison, they won't have that right to vote. That is the only thing this amendment does. It doesn't take their rights away permanently, only while they are in prison. I urge you to vote against this pending motion and go with Ought to Pass as Amended by the committee report. Thank you.

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

Representative **ANDREWS**: Mr. Speaker, Men and Women of the House. I would ask you to vote against the pending motion. People who know much about my history would say that I have a personal stake and perhaps a vendetta on this issue. Perhaps I do, but I do know since the last time this bill came forward, perhaps because of my history, perhaps because I am fairly active in my town affairs that I would say that 98 percent of the public citizens who I communicated with were appalled that a convicted felon, while in prison, have the right to vote. They talk about this being a God given right. When our children do something wrong or even an adult who perhaps drives drunk, he loses a right. He loses the right to drive. I stand here also today representing many victims and victim's survivors. I have to tell you that as a victim survivor and representing these other victims and victim's survivors, we often feel that victim's rights are seldom recognized. This happens to be an issue that victims and victim's survivors feel very strongly about. Yes, I do feel very personal about this. I would ask you to vote against the pending motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. In the Legal and Veteran's Affairs Committee a few weeks back, this was a very emotional debate. Ladies and gentlemen of the House, it will continue to be an emotional debate. Let's take a few minutes and look at what other states in this country are doing. While I agree with the good Representative from Thomaston, I think at times with some of what he said, Maine should not necessarily be out on a limb by itself. I was surprised at material that we received on this issue from the Secretary of State's Office indicating that a majority of the states, nearly the 48 states that do not allow felons to vote, do not allow people on probation to vote, nor on parole. Some states, more than a dozen in this country, would require a person to receive back his right to vote when it has been taken away from him when he receives a pardon. Maine is not going to that extreme. Maine is suggesting by the Majority Report that you have in front of you today that while in prison the right to vote be taken away. Once you are out of prison, that right returns to you. We received statistics in the committee that very few people exercise their right to vote when incarcerated, very, very few, less than 5 percent. If we are talking about rehabilitation, I really

question that issue. I would urge you this morning to not accept the report, which has been urged by the good chairman of the committee, Representative Tuttle, but to vote red and to allow us to go on and accept the Majority Report. In closing, I would also say that there are only two states, Maine and Vermont. In Vermont, they have a similar piece of legislation, I understand, that it is considering this spring. We may end up being the only state. Thank you ladies and gentlemen.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. As a citizen of the State of Maine, I have the right to vote. That is a right. When you are caught driving under the influence, driving is not a right as you have as being a citizen. It is a privilege. Therefore, taking away one's license for OUI is a lot different than taking away the person's right as a citizen to vote. I do think that our system here in the State of Maine isn't broken, therefore, vote the Ought Not to Pass Report. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. This is a bad bill. It is a bad bill because the felons who are in prison are still citizens of the State of Maine. They also are going to be coming back to their communities. The prison population is not made up primarily of white-color criminals. The prison population is not primarily made up of people with higher educations. The prison population is not made up primarily of people who are able to make over \$50,000 a year while they were out. I think you know who primarily are in the prisons. Truly they are there because when they were at the court system, they were not allowed to pay a fine and not go to prison. They probably, in some cases, paid a fine and are still in prison. What we are talking about is their right to vote. This a bad bill. It is taking away their right to vote. What is so amazing about life is sometimes only after we have lost something do we value it. I would hope that each of you mentally would think about what is it that you had before that you don't have today. Perhaps you do value it because it is no longer part of what you possess. What this bill is saying is to take away somebody's right to vote. Right now a very, very small percentage of the people in prison that we are talking about re-penalizing, remember, they didn't stuff the ballot box. They didn't go ahead and malign someone that was running against them in the election. What they did is a crime that they have been convicted of that they are in prison for, but they are going to be coming out. Let's let that small percentage, which might be as small as 3 percent of those in prison, not 3 percent of the regular population that you and I are part of, but 3 percent of the prison population who are still wanting to vote. I would say to you that this keeps them connected to the community. It keeps them connected to what is going on on the outside. When they return, which they will, from being in prison, they would hopefully again take part in their communities. Do not think that it is something that doesn't matter. It matters if you lose something that you value. I really don't think it says very much of those of us that are sitting here today to vote to take away something from someone that was not ordered by the court. We are here to pass laws. We are here to serve our constituency. If they happen to be in prison, they can write to us. Let's not further penalize them. We want to rehab them. We want them to come out and still feel part of their communities. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. Just two quick points to the previous

speaker, the good Representative from Lewiston, who quarried the body that we know who are primarily in prisons. Yes, we do. The people who are primarily in prisons are criminals. The second point is, we talk about basic rights and certainly your right to vote is one, but I might remind the body that another right is the right to bear arms and felons cannot bear arms, either in prison or when they get out.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. We have heard comments here this morning that there are 48 states that prohibit convicted felons from voting while they are in prison. I would like to give one more bit of information to, hopefully, affect the vote on this bill. In the military, if a person is convicted and awarded a dishonorable discharge in the military, they are prohibited for life from voting in any federal election, not just while they are in prison, but for life. The parallel for a dishonorable discharge would be the felon that we are talking about here in the civilian law courts. I would encourage you to vote against the pending motion and go on and pass the Ought to Pass report.

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

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

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, there is a very large difference between being sentenced to the Department of Corrections and to the Maine State Prison or a county jail. Is this bill inclusive of people who are incarcerated in our county jails? If somebody is sentenced to the Maine State Prison and transfers to a county jail, are they still not allowed to vote? I am very confused about the difference here. Thank you.

The **SPEAKER PRO TEM**: 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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. To answer the gentlemen's questions, the way the present bill is written, it would be yes.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. In one of the handouts that was passed around to us, there was mention made of another right of the prisoner. That was the right to practice religion. Some of us in this body have had some experience dealing with this issue over the past two years. It has appalled us that in only one facility in the State of Maine does the prisoner have the right even to practice his own religion. Hopefully at the close of this session there may be two facilities. We know that if a prisoner can make a spiritual connection sometime while he is in prison, the rate is significantly lower. We also know that if a prisoner has the advantage of some educational programs, including civics education, about what it means to be a citizen, he may, in fact, for the first time, make the crucial connection to the world of work, the world of society and the world of citizenship. The fact that only 3 percent of incarcerated felons votes in a state that, I think, fortunately allows that voting right, I think it is indicative of our appalling educational program of rehabilitation that we have in Maine Correctional Facilities.

I am proud that Maine offers the right to vote just as I would be enormously proud of the right to practice one's religion regardless of what faith one believed in. As a teacher, I have

had students and still have students in Maine prisons. You have folks that you know who are in prison too. Most of us don't want them to simply be locked up and forgotten about. Quite frankly, prisoners do have quite a few privileges today. Some of which, we think probably are sometimes inappropriate. None of us knows the life of the prisoner. Education is extremely important and it must continue in prison. Teaching a prisoner how to become a productive member of society is important if we intend to release the prisoner. Alienation, isolation, continuation of the acceptance that a low-level of education is okay, these will not make for a productive citizen in our society. Substance abuse counseling, these things are important. We should be trying to increase the number of voters in prison. In your community and in my community the people who are the most informed about what is going on are the people who come out to the polls.

It gives me enormous pleasure as a teacher to watch that new 18-year-old registered voter stop by my room and tell me that he or she just voted. I have seen those students try to learn what the issues are about. They ask questions and maybe they, like you, don't vote the right way, so to speak, every time they go out to vote. Voting empowers us. Voting gives us a sense of what it means to be a citizen, something that most of these prisoners really don't understand. You say maybe they just go in and vote. In our communities a lot of people do that too. I see a direction in the State of Maine where people don't vote like that. They do tend to try to educate themselves. We have way too many people in prison today. The 4 million incarcerated felons is simple unacceptable. We have a solution without a problem here. Please join me in accepting the Minority Ought to Pass Report and defeat this regressive legislation. Thank you.

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

Representative **HEIDRICH**: Mr. Speaker, Ladies and Gentlemen of the House. This is the first time that I have risen this year. We don't live in a perfect world. If we had a perfect world, everybody would be educated, everybody would be happy and everybody would be rich. There would be no need for this body, but do you know what this bill says? This bill says to revoke the right to a person convicted of murder. I haven't heard one person mention the victim. When you are murdered, you are dead an awful long time. You never have the right to vote again. You never have the right to put your arms around your wife, your husband or your child. That right has been taken away from you and never, never to be returned. You never have the right to stand out in the sun and feel the warmth of it on your face or feel the rain on your face.

I listened to a gentleman that came into our committee, he spoke very passionately. He was a priest. I believe his name was the Reverend George Swanson. He went all over the country doing rehabilitation. The man was a very, very compassionate man. I have always felt I was a very compassionate person. Finally I said to him, "Father, I have to ask you a question. What is the percentage of the people that you rehabilitate?" He looked me in the eye, with great sadness, and he generally said, I will see you next year.

When someone has taken your child or your husband or your wife or your mother or your father and has taken that life away from you and the community, this man has no right to vote. If he does 20 years, he can get out and vote then. While he is serving in a correctional institution, that man should be punished. That is why we put people in jail. I don't want to hear about 4 million people that are in jail. Some of them are in there for stupid offenses. I want to see that person that takes the life away from someone else, that takes the most important thing that you have, that God has given you, and destroyed it. You are going to

rehabilitate him. I think not ladies and gentlemen. I would rather save one victim than one convicted felon. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I have listened to this debate and I know it is emotional for many people here, but I guess I want to come back to reality a little bit and for those who have to work in the correctional system, a very, very tough job each and every day. For those of us in Augusta and the judicial system that set the laws and implement the laws, for those that are incarcerated, it seems to me that we want to teach them or engender them to do the positive things as Representative McKee said so eloquently. It is the positive things. Those are good things, I hope. Voting is a positive thing. We hear each and every day about what happens in our correctional system and we are thankful in Maine that we don't have riots. We don't have a lot of the problems that they have in some of those other states that don't allow voting. Those men and women that have to work in these facilities want to see the prison population do the right things, not use drugs, not hurt other prisoners, not do the kinds of things that got them there, but do the kinds of things that have been mentioned by Representative Skoglund and others, the good things of citizenship. One of the most important parts of citizenship is voting. I am not so sure what we are trying to do here today. I know that this particular bill and legislation has been here before. I haven't heard it mentioned here today, but I guess I would pose the question, I would be interested to know what the position of the Department of Corrections has been on this bill? Not just hear a yea or a nay, but a little bit of what their position is and what they said to the committee. I used to chair the Legal Affairs Committee and I know how tough those issues are, especially these kinds of issues. The folks are trying to keep the prison population doing the right kinds of things. Again, I think voting is a right thing. I think education is a right thing. Hopefully spiritual guidance and the kinds of things that have been mentioned here and keep a lid on a tough situation with an inmate population. I would be interested to know how they feel about this bill. I don't know where we have had a cataclysm of change here that we need to take this God given right of all Americans to vote away. I know what other states have done. Dirigo says, I lead. Maine does lead in my lead in many respects. I don't know where we are headed with this particular bill. I know that the feelings are passionate on the other side, but I really think if you give it some thought, this is really sending the wrong message. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. I was also a sponsor of this bill. I withdrew it because there were several other people who had sponsored the same legislation. I would just like to explain to you why I was so interested in allowing felons the right to vote in prison. We had this bill two years ago. It made the press. As I was campaigning for re-election, I ran into quite a few of my constituents that were absolutely dumbfounded that felons, murderers, have the right to vote. This struck a cord in Scarborough. We have had two or three serious murders. Just three or four years ago we had Jenny Jackson, a mother, a grandmother, who was killed on Mother's Day. That young man is in prison and he is voting. We lost a great friend. We lost a great neighbor.

A freshman in high school, she brought this bill to their class. Fortunately she had the opportunity to come before the Legal and Veteran Affairs Committee and voice here deep concern about murderers having the opportunity to vote. What kind of a

lesson are we sending our youth, especially today when there is so much violence in the school and in our society? I think Maine ought to follow their motto, I lead, and be proud that murderers do not have that right. They have taken away the rights of their victims and they do not deserve the right to vote in our prisons. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I certainly agree that murderers shouldn't be allowed to vote. If someone is convicted of murder, they have taken away the right to live of another person. Hopefully someone can answer this. I looked at the bill and in my reading of it, maybe there is an amendment that I am missing, it goes much further than just murderers. It is all felons. Is everyone in jail a murderer? I don't think so. Do we need to go after felons and punish them more? Yes, we do.

A year ago I passed around a newspaper article on a different issue about a person who had molested 17 children under the age of 10. He got 60 days in jail. Should we put real criminals in jail for longer periods of time? Yes. Should we have serious punishment for murders? Yes. Should we be more serious? Possibly. We need to go after real criminals and punish them. The problem that I have with this bill is it is very easy to become a felon in Maine. I think it is too easy.

We passed a bill in the last session that would make you guilty of drunk driving if you were sitting on a lawnmower that isn't running talking to your friends and drinking a beer in your backyard or in your garage. You would be guilty of drunk driving. You could be guilty because of the bill we passed because you are on a piece of machinery in your own yard. You are not even on the road. If you get arrested for that, you are going to say this is stupid. You ignore it and you do it two more times, three strikes you are out, you are now a felon and you are in jail. That is how easy it is to be a felon in Maine. I don't think that person should lose their right to vote. I voted against that bill. I don't think that person should have been convicted of the first crime, let alone, become a felon later. It is too popular sometimes to go after an easy issue and make somebody a felon. That person is really a felon, not because they are a threat, but because they don't listen to the strong arm of government when we tell them to do something. We want to punish them, not for being a threat, but for not listening to us. We are then going to take away their vote. As I said, if this comes in some other form or if I missed an amendment and it is about murderers, I would certainly support it. It is very easy to be a felon. Next time you look at the Declaration of Independence, all those people who signed that would be considered felons by their government at the time. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Just to answer a few questions here. There was a question asked by the good Representative from Winslow, Representative Matthews, as to how the Department of Corrections testified on the bill. They did not take a position on the bill, Mr. Speaker. The Representative from Lewiston, Representative Mendros, brings up a point. If you look at the bill, the bill proposes an amendment to the Constitution of Maine. It revokes the right of a Class A or Class B or a Class C. That was one of my concerns with the legislation, Representative Mendros. If you look at some of the offenses that would be covered under this law, you would have things like animal fighting under Section 17, 1003, cigarette tax, fraudulent stamps under Title 36, 4374, dog fighting and unlawful interference, fireworks sales, if you got caught for selling fireworks, you would

be under this law. Also, gravestones and illegal possession of sales, you would be under this law. Income tax, evasion of taxation, interception of wire and oral communications and I think this last one many of us might look out for, misuse of state government computer systems. We would be covered under this.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. There is one piece here that we seem to have forgotten and I would draw your attention to it. This bill creates a referendum question and allows the citizens of the State of Maine to vote on this issue, not just us. I think that that is very, very important that we allow the citizens to have a voice on this very important issue. Thank you.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I stand here today and have been trying very hard not to, I have to talk later on another bill, so I was trying to curtail some of my speaking. I really feel very passionate on this issue. I honestly believe that this is a very good bill. It is not a bad bill. I believe when you break a law and you enter prison that you do give up your right. You should give up your rights until you get out of prison. I believe when you get out of prison you get those rights back. I think that makes a lot of common sense. Let me ask you this. The reason I believe felons should not be able to vote is, does a person who is murdered have the right to vote? No. They have lost that cherished vote by the loss of their life. You can sit here and you can tell me it is okay that they continue to vote in prison. A comment was made earlier by another very good Representative that said that they can learn good citizenship in prison. I think that is fine. I think that is dandy. When they get out of prison, that is when they can use that. They can become a good citizen when they get out of prison and when they truly have deserved the right to vote once again. Ladies and gentlemen of the House, I also did a survey. I e-mailed all the people that would e-mail me and I asked them the question, whether they thought felons should have the right to vote in prison. Each and every person thought this is already a state law. They were shocked, absolutely shocked that this was not the case. They asked me to please try to rectify that. That is why I am standing here today.

I worked at Elan in Poland. At Elan we have young people who have broken the law. You are probably asking, how does this tie in? I have heard other Representatives say that they have worked and they have talked and they volunteered with prisoners. I think by getting too close to these prisoners, they have lost the ability to understand why those prisoners are there. Yes, they have to be compassionate and treat them fairly while they are in prison, but to give them their rights, which I believe we send them to prison so they do not have the same rights as they have out in society. My boss would bring me in and scold me because I got very close to these children at Elan. My boss would say, listen, you have to understand. These kids have to learn. They are attempting to manipulate you. They are attempting to get your sympathies. This isn't helping them. Remember, these are people that have broken the law, whether they have murdered, committed a heinous crime, abused a young person or they have stolen. They have still broken the crime of this land. I believe they have lost that right to vote. Thank you.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. The discussion on this bill has

proceeded toward the merits of whether a convicted felon should be voting or not. The bill says we don't have to make that decision today. The bill says all we have to decide is shall we send it out for a Constitutional Amendment for the people of the state to decide. I bring that to your attention that this is not our decision to me, except to say, people you have asked for it, we are going to provide you with the opportunity to vote on it. Thank you.

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

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

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

Representative **MADORE**: Mr. Speaker, Ladies and Gentlemen of the House. I have been listening to this debate and it is a rather emotional one for me. It is the first time I have ever talked about this publicly. I am amazed at what is going on in the debate. Last week we passed landmark legislation regarding domestic violence and domestic abuse. Many of you stood up and talked about how important this was. Yet, I am listening to these same people get up time and time again and talk about the perpetrators of many of these acts as being the victims themselves. I think we need to put that into perspective. Somebody committed a murder and the person who is dead has lost their right to vote. I know what that is like. I am the family member of someone who was murdered. I can tell you if you could amend this right now to resurrect every murder victim so you could level the playing field, I would vote for it in a heartbeat. It can't be done. We are very powerful, but we can't do that. Early on in this debate someone said it matters if you lose something that you value. I can tell you right now that I know full well what the impact of that statement is. This bill should be sent to the people to allow them to vote. I urge you to defeat the pending motion.

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

ROLL CALL NO. 173

YEA - Ash, Bagley, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bull, Bunker, Canavan, Chick, Clark, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lundeen, Mailhot, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rosen, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Thomas, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Buck, Bumps, Carr, Chase, Chizmar, Clough, Collins, Cote, Crabtree, Cressey, Daigle, Davis, Duncan, Duprey, Fisher, Foster, Fuller, Glynn, Gooley, Haskell, Heidrick, Honey, Jodrey, Jones, Kasprzak, Labrecque, Ledwin, Lessard, Lovett, MacDougall, Madore, Marley, Marrache, Mayo, McKenney, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, Pinkham, Schneider, Sherman, Shields, Snowe-Mello, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Baker, Bruno, Bryant, Koffman, Landry, McNeil, O'Brien JA, Rines, Stedman.

Yes, 78; No, 64; Absent, 9; Excused, 0.

78 having voted in the affirmative and 64 voted in the negative, with 9 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

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:

CONSENT CALENDAR

First Day

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

(S.P. 145) (L.D. 489) Bill "An Act to Provide Pay Equity" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-188)**

(S.P. 256) (L.D. 886) Bill "An Act to Establish a Clean Government Initiative" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-194)**

(S.P. 365) (L.D. 1203) Bill "An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-181)**

(S.P. 431) (L.D. 1411) Bill "An Act to Protect Highway Travelers and Maine's Highway System by Increasing Fines on Excessively Loaded Trucks" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-184)**

(S.P. 546) (L.D. 1692) Bill "An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-187)**

(S.P. 600) (L.D. 1775) Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-193)**

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

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

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Enhance the Enforcement and Prosecution of Computer Crimes Through Support of the Maine Computer Crimes Task Force"

(S.P. 620) (L.D. 1800)

Reporting **Ought to Pass** pursuant to Joint Order (S.P. 597).
Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

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

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.

JOINT RESOLUTION MEMORIALIZING CONGRESS TO SUPPORT NATIONAL ELECTION REFORM

(S.P. 614)

- In Senate, **READ** and **ADOPTED**.

TABLED – May 9, 2001 (Till Later Today) by Representative **COLWELL** of Gardiner.

PENDING – Motion of Representative **GLYNN** of South Portland to **REFER** to the Committee on **LEGAL AND VETERANS AFFAIRS**. (Roll Call Ordered)

Representative **TUTTLE** of Sanford withdrew his **REQUEST** for a Roll Call.

Subsequently, the Joint Resolution was **REFERRED** to Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-91)** on Bill "An Act to Remove Telemarketers from the Application of the Consumer Solicitation Sales Laws"

(S.P. 166) (L.D. 585)

Signed:

Senators:

FERGUSON of Oxford
CARPENTER of York

Representatives:

SAVAGE of Buxton
RINES of Wiscasset
CRABTREE of Hope
BERRY of Belmont

McGLOCKLIN of Embden
DUNCAN of Presque Isle
BLISS of South Portland
HALL of Bristol

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

Signed:

Senator:

TREAT of Kennebec

Representatives:

PERKINS of Penobscot

GOODWIN of Pembroke

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91) AS AMENDED BY SENATE AMENDMENTS "B" (S-123) AND "E" (S-173)** thereto.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-91)** was **READ** by the Clerk.

Senate Amendment "B" (S-123) to **Committee Amendment "A" (S-91)** was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "E" (S-173) to **Committee Amendment "A" (S-91)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-91) as **Amended by Senate Amendment "B" (S-123)** and **Senate Amendment "E" (S-173)** thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-91) as Amended by Senate Amendment "B" (S-123) and Senate Amendment "E" (S-173)** thereto in concurrence.

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

On motion of Representative **TRACY** of Rome, the House **RECONSIDERED** its action whereby Bill "An Act to Protect Highway Travelers and Maine's Highway System by Increasing Fines on Excessively Loaded Trucks"

(S.P. 431) (L.D. 1411)

Was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-184)**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-184)** and later today assigned.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-417)** on Bill "An Act to Further Reduce Mercury Emissions from Consumer Products"

(H.P. 1224) (L.D. 1665)

Signed:

Senators:

MARTIN of Aroostook
 SAWYER of Penobscot
 Representatives:
 ANNIS of Dover-Foxcroft
 BAKER of Bangor
 KOFFMAN of Bar Harbor
 COWGER of Hallowell
 DUPLESSIE of Westbrook
 TWOMEY of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-418)** on same Bill.

Signed:
 Representatives:
 TOBIN of Windham
 CLARK of Millinocket
 DAIGLE of Arundel
 CRABTREE of Hope

READ.

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

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. The bill we are dealing with now is an excellent committee bill regarding the regulation of mercury in consumer products. It has many, many parts of it, which are in complete agreement with the entire committee. There are two reports. There is the one in front of us now and the Minority Report, Committee Amendment "B." I really don't want to go over all the things we share in common, which are the overwhelming majority of them. There was just one particular point of distinction between Report "A" and Report "B," which is why I am going to urge you to vote against the pending motion and pass Report "B." There is a requirement for vendors selling products to hospitals to conduct unique testing for mercury content. I will explain why I think that is a bad idea. First of all, let me explain what it does. You are talking about anybody selling soaps, cleaners and pharmaceuticals, especially pharmaceuticals, to a hospital must conduct a special test when mercury exists in more than 200 parts per trillion by batch number. If you don't comply with that, then you cannot legally sell this product in the State of Maine. The hospitals have to ask for the test, but it is a requirement placed on the vendor. It is not necessary. It is not because right now the hospitals, like all other customers, can write purchasing specifications to simply say that if you want to sell me this product, you have to provide this particular specification. Therefore, if the vendor of the product wanted to have 100 percent market share, all they have to do is comply with the requirement. What Committee Amendment "A" does is put it in statue. I think that is, frankly, poor public policy. It makes the government intervene between the buyer and the seller to have unique testing just for hospitals. If you sell a gallon of soap to a school, you don't have to do this. If you sell it to a nursing home, you don't have to do this. If you sell it to you or I or a supermarket, you don't have to do this. If you sell to a hospital, you do. It is just not necessary. The hospital can let the market forces control whether or not they buy, the people who meet the specification or people who don't.

The more important reason why I ask you to be cautious with this and support the Minority Report has to do with pharmaceuticals. That is among those lists. Here you have an FDA approved drug. It has undergone years of testing and has been put out to the marketplace. Committee Amendment "A" is requiring the manufacturers, by batch, to test that drug for a

criteria unnecessary and all other facets of the FDA approval and provide that data to Maine hospitals or they can't sell it. I am very concerned for all the other reasons of being poor policy, that we are going to interfere with the availability of pharmaceuticals by saying that one test for the State of Maine, unnecessary to the ethnicity of the drug is a requirement of this bill. I know the hospitals asked for this. I know the administration said sure, why not. That is probably the prevailing mood. Just please consider that it is poor policy and it could potentially interfere with pharmaceuticals. I would support absolutely everything else in the bill, which is why it is in the Minority Report also, but this one part. Mr. Speaker, I ask that when the vote be taken, it be by the yeas and nays.

Representative DAIGLE of Arundel **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 Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Colleagues of the House. I would like to thank my good colleague from Arundel for working together as a committee of the whole in developing a very forward looking piece of legislation. As he said, we all want mercury out of our environment. The ultimate way of getting rid of mercury is to remove it from our consumer products.

As you heard, the Natural Resources Committee was unanimously in agreement with this concept. What you are hearing the debate about is our disagreement on only one aspect of the bill and that is the disclosure of mercury contents in a product that are sold to hospitals in our state and disclosure of that information by request of the hospitals. In March of this year, Maine's hospitals signed a landmark voluntary agreement with the state DEP and the Natural Resources Council of Maine to virtually eliminate all mercury from all of Maine's hospitals over the next four years. This elimination of mercury from our hospitals is not going to be an easy task. Hospitals use hundreds of products and materials that contain mercury. Many of these products are used in our homes as well. Many of these products contain very small quantities of mercury that are difficult and expensive to determine the actual quantities in products. There is enough mercury from these products to contaminate our wastewater, which eventually contributes to the problem of rising mercury levels in our rivers and ocean estuaries to trigger fish consumption advisories. I think we all want to get rid of these fish consumption advisories. This bill won't do it, but it is part of the whole puzzle.

Hospitals have been working very hard to eliminate common products like mercury thermometers for many years. Now Maine's hospitals have come to us for help. It is going to be much more difficult for them to eliminate other sources of mercury from within their walls. Mercury is found in reagents used in hospital labs. It is found in many cleaning fluids and degreasers used by maintenance departments and even many common soaps and even toothpaste has mercury in them. In order to help our hospitals meet the goals of virtual elimination of mercury, they need help from the manufacturers of these products to help identify the presence and quantity of mercury. Again, hospitals have asked for our help to meet their own voluntary pledge and they deserve a great deal of credit for this pledge of mercury elimination. I believe that hospitals have a right to know the mercury content of the products and materials they are using.

A bipartisan majority of our committee agreed that it should be the manufacturer's responsibility to test these products and to provide the results to the hospital customers. I, too, have heard

the concern about pharmaceuticals and it was never the intent of the Hospital Association, I spoke with them today, to be regulating or restricting the pharmaceuticals used in hospitals. I would be delighted at the end of this process to add a floor amendment to this bill to clarify that pharmaceuticals would not be in it. That was perhaps an oversight in our committee and I would like to correct that. I would ask you to join the majority of the committee to support the Majority Report, support our hospital's goal of mercury elimination in their waste stream and support the Majority Report. Thank you.

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

Representative QUINT: Mr. Speaker, Men and Women of the House. I will be supporting this first vote on this particular bill only because of Representative Cowger's guarantee that an exemption will be clarified on this bill with regard to pharmaceuticals. I am very uncomfortable with a organization knowing what is in a drug, particularly when the FDA has approved a drug for its use in a hospital or by a doctor to his or her patient. Hospitals are too often making decisions regarding financial costs and regarding their operations. I would be very uncomfortable knowing that a hospital had the ability to not stop a pharmaceutical in their pharmacy based on their opinion that there was too much mercury in that product and it would ultimately affect their wastewater. With that, I will vote for this Ought to Pass as Amended.

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. 174

YEA - Ash, Bagley, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chizmar, Collins, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Tarazewich, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bowles, Bruno, Buck, Carr, Chase, Clark, Clough, Crabtree, Cressey, Daigle, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Ledwin, Lovett, MacDougall, Madore, Mendros, Michael, Morrison, Nass, Nutting, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Baker, Chick, Goodwin, Koffman, Labrecque, Landry, Marrache, McNeil, O'Brien JA, Stedman, Sullivan, Tessier.

Yes, 92; No, 47; Absent, 12; Excused, 0.

92 having voted in the affirmative and 47 voted in the negative, with 12 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-417) 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-417)** and sent for concurrence.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, 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 (7) Ought Not to Pass – Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-310) – Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Legalize Hemp for Agricultural Purposes"

(H.P. 882) (L.D. 1174)

TABLED – May 7, 2001 (Till Later Today) by Representative McKEE of Wayne.

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

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. The title that you see on the board has been changed because it has been amended. I think when you first read that title, "An Act to Legalize Hemp for Agricultural Purposes", the first thing that comes in our mind is an act to legalize marijuana. I want to draw your attention to the Committee Amendment "A." It is "An Act Authorizing the Cultivation of Industrial Hemp for Research Purposes." It changes it completely and it better reflects what the intent of the sponsor is here. For some of us who are older members of this body, hemp has a very respectable name to it. Those of us, especially, who lived in the south were familiar with farmers across the south who raised hemp all through the war, at least. It was a vital part of our agriculture. As a literature teacher, I can't tell you how many 19th Century sailing novels I have read about sailing rigs, the ropes and the hemp and so forth, but certainly an honorable part of our economy. Things have changed, however, and now it is, of course, illegal to grow.

Speakers who will follow me will talk about some of the advantages of, at least, think about this or talking about this and allowing our Department of Agriculture to look into it. Several other states, I believe 11, are currently doing that. It will provide us with some information about whether or not it might be something that the State of Maine could enter into. Hemp as fiber is an extremely important topic for the next century. Thank you very much.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. This bill has a few problems with it. One is that it is against federal law to do it. You can apply to the federal government for a permit to do this on an experimental basis only. I guess there is no guarantee that the federal government would allow you to do it. Then it would probably have to be at the University of Maine and it would probably have to have a fence around it to conduct the experiment. It is a very close relative of marijuana. If we ever got to grow it on a

commercial scale, even though it does have some good commercial possibilities. The risk in doing it, if you want to call it that, would be that you would probably begin to find its cousin being planted in with it, which means we would have to have a police force to check these places to see if they were actually marijuana plants or hemp plants. From the beginning, this piece of legislation, in my opinion, is wrong headed, for lack of another term. It does have a lot of uses, but currently it doesn't have a prayer as far as actually being used for those purposes. Thank you very much.

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

Representative BULL: Mr. Speaker, Ladies and Gentlemen of the House. I am the sponsor of LD 1174. I would like to request a roll call. The first thing I want you to do, ladies and gentlemen, as the Representative from Wayne, Representative McKee, said, is that if anybody is following along, go into your bill folder, those green binders under your tables, LD 1174, find it and rip it out and throw it away. That is not what we are talking about here this afternoon. What I would like you to do is find the amendment to this bill, which is (H-310). You will see that this is a very different bill. It even changed the title, as the good Representative from Wayne already attested, to simply allow a research project to be done at the University of Maine. From the very outset, ladies and gentlemen, I want to be very painfully clear on this. This has nothing to do with marijuana. The passage of this bill will do nothing to lead down the road to possible marijuana legalization. It will not increase the use of marijuana because hemp is not marijuana. Hemp and marijuana are related. They are part of the cannabis family, but the hemp plant has too little of the THC, the element that produces the hallucinogenic affect of marijuana. As this amendment states, it defines hemp as cannabis with less than 0.3 percent of THC. We are not talking about a product here that you can get high off of. It does not produce any hallucinogenic affect.

The reason I put this bill in and why I feel this is so very important is that we are facing issues continually in our society about energy use, finite natural resources, failing family farms and many other issues. While I cannot stand here and guarantee you that this is going to be the magic panacea for all these problems, there is significant research and evidence to suggest that hemp could have a very positive affect on the economy of not only our country, but particularly of this state.

When I think about areas of the state, like my seatmate, Representative Lundeen, and her district up in Aroostook County we are seeing a lot of family farms going under, a lot of problems with the potato harvest. The financial yield and return on an acre of hemp is significantly more than that, which may be realized by an acre of potatoes. Furthermore, an acre of hemp can be at harvestable level within a year compared to much, much longer for an acre of timber. The uses for hemp are wide, everything from paper and fuel to automotive parts, oils and fabrics. There is significant economic potential here. Hemp products are already being sold in our state, ladies and gentlemen. You can go down to Portland, Bangor and here in Augusta, there are shops all over the place that sell products containing hemp fiber. The problem is that all those products are being imported because of the prohibition on hemp.

Hemp is categorized as a Schedule I drug, right along with marijuana. The research is not even possible on this here. That is what this bill is trying to address. I want to quickly clarify one issue that Representative Foster raised about this being against federal law. It plainly states that this is not against federal law, the amendment is not against federal law. The original bill, yes, did run into that pesky situation of being in violation of federal law, but his amended version is simply an allowance for

research. What the amendment does is it says that we will grant permission for the University of Orono to go forth and solicit a federal permit to do research. So far, there are five other states that have authorized permission to do research on hemp, Hawaii, Maryland, Minnesota, New Mexico and North Dakota.

One of the arguments that was used against this bill and I have heard in the hall is there are these five other states doing research, let's not bother. Let's let them do the research and we will pick up from where they left off. There is a fundamental problem with that argument though. I believe that the question of legalization of hemp is a question of when, not if. It is not going to be tomorrow. It is not going to be next year, but eventually I feel confident that the federal government will realize that there is significant benefit to legalizing hemp and will eventually let us go down this road.

I ask you, ladies and gentlemen, does it make sense for us as a state to sit back and let other states do research and then when this product is finally legalized, to have to play catch up with all those other states. I would argue that it makes sense for us here today to authorize research to go ahead so that when this is legalized, we are in a position to be able to seize upon that economic opportunity and proceed with it if this research proves conducive. What we need to find out here, ladies and gentlemen, is do we have a climate that is fit for hemp? Do we have an economy to support hemp? There are a lot of questions that do need to be asked. That is why we need to allow the research.

There are some issues that the good Representative from Gray also raised about fences and the confusion of having hemp next to marijuana. I would argue, ladies and gentlemen, that those are issues that can be worked out later. If the university does decide that they want to do a research project on this, issues of security and making sure that people are not getting to the plots, that is something that they need to figure out and decide on their own. This is simply an authorization for them if the university or someone within the university comes forward and wants to do a research project on this, this gives them the avenue to do that.

The issue about the mixture of hemp and marijuana, I also find not very convincing when you consider the fact that America is the only industrialized nation where hemp is not legal. All of Canada and Australia allow legal hemp. With the exception of one nation in Europe that I know of, they also have bans on marijuana. Somehow all these countries have figured out a way to allow the cultivation of hemp while at the same time having marijuana being illegal. There are ways to get around this. None of the issues here are insurmountable.

The final part of the bill is also a directive to the Department of Agriculture, the commissioner, to send a letter down to Washington to ask them to look into the issue of hemp and whether there are economic benefits, potentially there, for this product. The Department of Agriculture did initially come in in opposition to this bill. In my discussions with them, with this amended version, they take no position. Their opposition has been abated with this amendment. The objects that they had with outright legalization no longer there, they no longer oppose the bill.

What I would ask, ladies and gentlemen, is simply to keep an open mind on this. I think we have a really exciting potential here in this product. I think it would be great if we, as a state, can move ahead and move forward on this issue and allow some research to be done. The more states act on this issue in a proactive way, the more the United States federal government is going to learn that there is interest out there for this product. So, by sending this bill forward, we can add our voice to the list of

states that have either allowed research or passed resolutions urging the federal government to reconsider cultivation of hemp.

Ladies and gentlemen, thank you for your time. I would very much appreciate your support on this pending motion. Thank you very much.

Representative BULL of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority 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**: The Chair recognizes the Representative from Camden, Representative Dorr.

Representative **DORR**: Mr. Speaker, Men and Women of the House. The fascinating component of this hemp discussion to me is if you look back at the history of the hemp plant and its use and what a valuable fiber it has been through history. It is one of the oldest cultivated fibers on the planet, but it has fallen victim, recently, since its prohibition to anti-drug sentiment. What is interesting about it to me, especially here in Maine, is that it seems to me that hemp really could be considered the poster child for the systematic maligning of a product by a competing industry, which as the petro-chemical and the timber industries competing against it. Because hemp was cultivated in a very rural decentralized way with small regional producers at a time when they were competing with big government and centralized petro-chemical and timber industries. The big industries and the big government were able to prevail and the product was prohibited as a result of heavy lobbying on the part of those industries. It is very consistent with Maine values around independence and rural production and rural self-sustaining economies.

There are excellent arguments to be made that the hemp product can be constructive against deforestation, against the ravages of global warming that we are experiencing right now, it has a growing cycle of only 100 days as opposed to most trees, which take 50 to 100 years to be mature and harvestable. It would be my position to accept the **Minority Ought to Pass as Amended Report**. Let's let the market decide whether or not this is a product that is going to work in our economy. Thanks.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. I look at this amendment as being a jobs bill for Maine. I am on the Agriculture Committee and in first going into this bill I, tongue in cheek, thought it was a marijuana bill. I found out that definitely it is not a marijuana bill. I could see by the time we finished the testimony on the bill there was only one group that spoke in opposition. That was the argument that it is against federal law to grow it. The reason I think it is a job's bill for our farmers is it could bring them in \$400 an acre as a crop that doesn't require pesticides. If it grows near the marijuana you are afraid of, it cross-pollinates. It weakens that cannabis. It is not really an issue in that light. What I look at it for is in the industry where I work, the paper industry, it is an alternative source of fiber. My understanding is from the testimony, the farmers have the equipment on their farms right now to be able to grow this crop and to harvest it and I also understand that my industry is prepared with the equipment we have to turn the fibers into the pulp we need to make paper. Also, by going with this amendment, the University of Maine does have, at Orono, a prototype paper machine, which they built in 1988 that could take this fiber and actually approve it right on site. I think this is a job's bill right from the heart. I urge you to support it.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Standish, Representative Hawes.

Representative **HAWES**: Mr. Speaker, Men and Women of the House. When Representative Bull asked me to cosponsor this bill, I was more than happy to oblige. I have been buying hemp paper for years as an alternative to our normal paper. I would just like to read to you some information that I think might help illuminate the issue.

Imagine a crop more versatile than the soybean, the cotton plant, and the tree put together, one whose products are interchangeable with those from timber or petroleum, one that grows like Jack's beanstalk with minimal tending. There is such a crop, industrial hemp.

For decades, hemp has been afflicted by a counterculture image. Today, the plant is being re-evaluated as a vital agricultural crop on the order of corn, white or cotton. This reassessment is taking place among a strong new coalition whose participants range from multinational corporations to farmers, entrepreneurs and government officials. In fact, the 4.6 million member American Farm Bureau Federation unanimously endorsed the researching and growing of industrial hemp at its January 1996 convention.

This past December the Agriculture and International Trade Committee at the National Conference of State Legislatures, which you may recognize their magazine that they all get. They passed this resolution regarding the cultivation and marketing of industrial hemp. They said that 11 states have passed bills or resolutions supporting the re-introduction of industrial hemp into American agriculture since 1996. Over 30 countries, including all European Union nations and Canada, currently permit and support the cultivation and production of industrial hemp and the marketing of products made from hemp.

Today, industrial hemp products are being sold legally and with profit in the US, with an estimated \$50 million domestic market. I actually have seen it up to \$75 million now. Industrial hemp has a multitude of commercial applications, including food for animal and human consumption, oils and creams for personal care products, textile fiber, building materials and composites, paper, fuel and industrial lubricants and many other uses. Domestic companies such as Ralph Lauren, Daimler Chrysler, the Body Shop and Kimberly Clark are producing hemp-based clothing, personal care products, car parts and paper for sale to American consumers. Demand for these products has resulted in the US becoming the largest importer of foreign-grown hemp-based materials in the world.

Worldwide hemp production has risen 24 percent during 1994 to 1998 to supply this market. Federal barriers to the cultivation and production of industrial hemp prevent American farmers from profiting from this agriculturally based international market.

I would just like to read to you a few words from Henry Ford. You may have seen the picture where he is hitting the car with a hammer. It is a car that was made out of a hemp composite in the late '30s. He said, "Why use up the forests, which were centuries in the making and the mines, which required ages to lay down, if we can get the equivalent of forests and mineral products in the annual growth of the fields? I know from experience that many of the raw materials of industry, which are today stripped from the forests and the mines can be obtained from annual crops grown on the farms."

I would like to reiterate what Representative Bull said about the actual language of the bill. It does indeed define industrial hemp as containing .3 percent THC. This is consistent with NAFTA and GAT, which consider industrial hemp a legitimate crop. It also is equivalent, if you think of non-alcoholic beer, non-alcoholic beer has .4 or four-tenths of 1 percent alcohol. You can ask yourself how much beer would you have to drink to get

drunk on non-alcoholic beer? That would be the analogy to industrial hemp.

In comparison marijuana would contain between 5 and 20 percent THC. Literally if you look at pictures of hemp growing, it grows up to 14 feet tall. They are planted four inches apart and they say after 10 days of planting it, it is like a carpet and that no light can get underneath. Basically it doesn't require any pesticides or herbicides or anything like that.

In conclusion, I would just like to say that as Representative Bull pointed out, it is not a matter of if, but when. I hope that when is soon. It does have the potential of providing us with a highly usable source of fiber, which has many, many potentials. In fact, if you will indulge me for one or two more minutes, imagine this. While the following scenario may sound like a futuristic fantasy, today's projects are the source of tomorrow's reality. A hundred years ago, the idea that so many of today's household products would be made from wood composites and synthetic petroleum would have been a fanciful one.

Imagine a day when you wake up in house whose wall, roof, flooring, insulation and paint are derived from hemp. It is a beautiful morning and you feel great after sleeping on your hemp stuffed mattress and soft sheets and pillowcases spun from hemp fiber. You sink your feet into the hemp rug as you get out of bed and open the hemp drapes.

You jump into the shower where you use soap, shampoo and hair conditioner made from hemp. You step out onto the hemp bathmat, drying yourself with the super absorbent hemp towel. You clean your ears with H-tips, better and cheaper than the old cotton swabs and apply hemp oil, lotion, moisturizer and lip balm. You make a mental note to buy some more hemp toilet paper, recalling how it wasn't too long ago that we were still cutting down trees to flush down the toilet. Opening your closet, you dress in hemp jeans, shirt and jacket and then you put on hemp socks and shoes, tie the hemp laces and grab your hemp wallet, which holds checks and currency printed on hemp paper.

You are hungry, so you walk into the kitchen with its hemp-based linoleum floor. You eat a sandwich made with wheat and hemp-flour bread and a salad with hemp dressing and pour a glass of fresh, organic hemp milk. I am not too sure about that one. After eating, you wash your dishes, using hemp-oil dish soap and a hemp pot scrubber. And you put the dishes away in a cabinet built of hemp fiberboard. Sitting down in the hemp, framed and upholstered couch, you glance at a newspaper printed with hemp ink on hemp-content paper and learn that the hemp industry is now the largest agribusiness and job provider in your state. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I will be brief. There is really not a lot more to say. As was previously stated, there was only a couple of people that showed up to testify in opposition. We did receive some other information from other sources. This bill was opposed by the Department of Agriculture and by Roy McKenney who is the head of the Maine Drug Enforcement. There has been quite a bit of testimony today about all the benefits of growing hemp. I just want to go over some of the reasons why maybe we shouldn't be.

It has been stated that five other states are currently in the process of testing marijuana to see if it would grow. I am here to tell you today that it does grow in Maine. I have seen hundreds and hundreds of plants growing fine. I don't think we need a whole lot of testing. If it ever came about that we wanted to start a agricultural department growing hemp, I think that the tests have already come in. There are a lot of people that have grown it already.

One of the things that I do want to take the time to read. It is a resolve that we have dated March 29, 2001. This resolve came from the International Association of Chiefs of Police. It was duly assembled in the 107th annual conference in San Diego, California. They recognize that it is important to maintain the illegal status of marijuana. The availability of cannabis products poses many difficulties for law enforcement. Failure to act will leave the way unimpeded for the proponents of a legalization of marijuana and that any products made from a sterilized seed or the fiber of a cannabis plant are contaminated with THC, which is a Schedule 1 controlled substance.

It was further resolved that IACP strongly urges the US federal, state and local lawmakers, the National League of Cities and the National Governor's Association to uniformly not support any cannabis/hemp product intended for human consumption.

Law enforcement, the people who end up dealing with the laws that we pass here, are the people who are concerned about this. There are usually unintended consequences. I believe that there may be many in this particular case. I think that when you get ready to take your vote, we need to stop and think about a recent Supreme Court ruling that came in in the last week. They ruled on the other marijuana case that we dealt with here in this state for several months and has now been ruled that that is illegal as well. I think the Supreme Court was 8 to 0 on that. I think that we need to take a hard look at this. Proponents of marijuana will keep coming at us in many different directions, many different ways and I think it is important that this Legislature continue to support law enforcement in trying to fight the war on drugs. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mars Hill, Representative Lundeen.

Representative **LUNDEEN**: Mr. Speaker, Men and Women of the House. I farmed in Aroostook County for 36 years. As we all know, the Maine agriculture is in trouble. I would like to support this Minority Ought to Pass Report and allow the research to be done. 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. I would just like to make a clear distinction between marijuana, the cannabis plant, and the hemp plant. The marijuana plant you do smoke and the hemp plant is used for industrialized products, like paper and clothing. There is a clear distinction between both of these. Thank you very much.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I did vote against this legislation in committee. It is a foot in the door. Sure, hemp produces fiber and it can be used for paper and other products. I can picture fields and forests of hemp. It is inconceivable to me to embark on even research in this regard. The rich Maine history includes our vast spruce fir forests and an agricultural base, which includes a variety of products. To me, hemp is a slippery slope to something less than desirable. Even Thoreau would be disappointed in this discussion. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Like many of you, my grandparents were farmers. My father was a farmer until he was forced off the farm during the depression. I think he would literally laugh if he were hearing these conversations today. Farmers like to hear about returns just like businesses do. When you think of \$400 an acre versus \$70 an acre for sweet corn, he would say that that is a no

brainer, Linda. I think it is a no brainer. I think it requires brains to understand that there is a difference, that is not to infer anything about our committee at all. I was literally on the other side. I was like most people who came into this bill. I am a teacher. I have never smoked a joint in my life. I have never been around anybody who did. I can sure smell it on kids when they come into the school. I know what it smells like. I have never participated in it. I certainly don't condone its use. I don't think it should be legalized. I think, like a lot of things, let's take O'Douls, came into Wayne, Maine, and said they might like to open up a brewery or a factory, whatever they would call the making of that, I might say yes, but I would probably say no to Budweiser. There is a difference.

If we open ourselves up and try to understand that industrial hemp is different from marijuana. Let's just keep that in mind. Guilford's of Maine has already discovered that and has done some research into it. They have done some research into the possibilities into including it in fabric for carpet. They are interested in what would happen with this. We import all of our hemp from Canada and China. We are importing a product, which we could be growing all over this United States.

Let me give you some figures here, which I learned. First of all, hemp is the world's largest primary biomass producer. You can grow 10 tons of it per acre in four months. Maybe this is intimidating to the forestry industry, but that is four times the amount of paper that 20-year-old trees could produce. We could be reminded too that 75 to 90 percent of all paper that was used before 1883 actually came from hemp fiber. The first Gutenberg Bible, the first couple of drafts of the Declaration of Independence.

It has a long and honorable history. If any of you are worried about the possibility of anyone smoking it, get this fact. We have already talked about the THC levels in agricultural hemp being very, very low. Here is something I didn't know. Hemp contains also a relatively high percentage of another cannabis. It is called CBD. It actually blocks the marijuana high. Hemp, it turns out, is not only marijuana, it could be called anti-marijuana. Imagine if O'Douls with .5 percent alcohol also had an ingredient that would make you not want alcohol. Wow! For all the jokes coming around about smoking rope, keep in mind that one does, it would probably keep you away from marijuana. Let's keep our minds open. Let's allow the Department of Agriculture to go ahead with this and see what we can do to help out our struggling agriculture economy. Years ago we didn't think we could grow broccoli. Look what has happened in the county today. Minds can change. It doesn't have to be just monoculture. Diversified agriculture can be done in Maine and agricultural hemp can be a part of it. I hope you will accept the Minority Ought to Pass Report and let's go on to a new agricultural future for the State of Maine.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. There are more than 25,000 known uses for hemp. I was going to tell you about some of those, but the good Representative from Standish, Representative Hawes, listed about 18,000 of them. I won't bother. I do want to go on and mention two things that she didn't. One of those is that hemp can produce more than 10 times more methanol than corn. You can actually make plastic plumbing pipe from hemp, rather than using renewable petroleum products. Another is the hemp can produce as much usable fiber as four acres of trees or two acres of cotton. In fact, almost any product that can be made from wood, cotton or petroleum, including plastic, can be made from hemp. That why there is very powerful lobbying interests who want to keep it illegal. They don't even want you to allow

research into its uses. I want to remind you that by reading the summary of the bill, of the amendment, which replaces the bill, that that is all we are proposing is research. It says, "It authorized, but does not require, the director of the Maine Agricultural Experiment Station to obtain the appropriate federal permits to study the feasibility of growing industrial hemp. It directs the commission of Agriculture, Food and Rural Resources to write to the federal agencies expressing support for research and appropriate regulations to allow the cultivation of industrial hemp if research indicates that it has significant potential as an agricultural crop." You don't have to accept our word that there are 25,000 uses. All you have to accept is that the department be allowed, should it choose to, to undertake a little bit of research. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Michael.

Representative **MICHAEL**: Mr. Speaker, Ladies and Gentlemen of the House. First of all, I would like to acknowledge the previous speakers in today's debate for their high quality of their presentation and also for the extensive research that so many members have done on this issue. It saddens me to be up here today and listen to this possibility of future economic prosperity being dampened by a fear based on outdated information. If you wanted to get high smoking industrial hemp, you would have to smoke a whole truckload of the stuff. You would have to be completely insane to try to do that. I don't think anybody is going to try to do that. There are so many other ways in the State of Maine to get high without trying to smoke a truckload of stuff, especially high-fiber stuff.

Representative Dorr from Camden made some good points about the origins of this paranoia, which there is great evidence that it was initiated by competitors to the hemp plant who had ulterior motives for holding back this agriculture product. It would kind of be like if you had oat bran muffins, the oat bran muffin monopoly pushing out the poppy seed muffins because you could take those poppy seeds and grow them into poppy plants and make heroin out of them. It is about as crazy as that. There is such a phenomenal opportunity present for us if we could just take the lead on this.

I remember years ago sitting on the Agriculture Committee. It was a great committee. We spent much of our time thinking of some way that we could forward the whole agriculture production in this state and make the farmers more prosperous. Back then, you couldn't get the farmers up in Aroostook to plant any broccoli. It was a new idea. It was a new plant. It took a little getting used to. They were used to potatoes. A few of them tried it. We had a legislator here, years ago, who planted some broccoli. He started to have some success with it. Now it is a very successful second crop. I would think that hemp, based on all my shallow research compared to what other people have done, could be a very, very prosperous tool for the people of Aroostook and other areas of the state.

As it has been said, all industrial countries, other than the United States, allow for the growing of hemp. We need to move ourselves forward out of the dark ages and join the 20th Century and take the opportunity by the horns and take it somewhere.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I have been listening to this discussion with great interest. For some unknown reason, one of our proud ships of World War II came to my mind and that was the Yorktown. Do you know that the very person that tried to sell the idea of the flat tops received a very severe court action? As I sit here and listen to people try to convince someone that this operation of raising hemp shouldn't be tried, one reason would be the burden that it

places on one of our state agencies that is charged with keeping law and order. We have other agencies that are charged with other responsibilities. In visiting the Maine fairs and talking with the young people that are interested, there are many, in agriculture in Maine, Maine Future Farmers up in Aroostook County and they are trying to establish a chapter down here in York County and all others. I think of the people I meet at the Common Ground Fair down in Unity. They have a sincere interest in Agriculture and trying to get a living on a Maine farm. I would really encourage you people this afternoon to put aside these doubts and fears and believe that this operation could go forth. It could be managed.

I would think of my great great grandfather who lived on the farm on the Chick Road in Lebanon. I can read from the records where he raised flax and was successful at it. I find in some of the records that I have had the privilege to look at in the church that some of the parishioners doubted his ability to raise flax. They didn't think that maybe his move to try it was good practice. He was successful at it. In fact, I have some of the implements made from wood still in my possession that he used in preparing this plant for use in weaving. This afternoon I would hope and suggest that you consider this and allow people to have a chance at something different, something that would bring some profit to Maine farms.

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

Representative BERRY: Mr. Speaker, Ladies and Gentlemen of the House. First of all, a few points that I would like to make after listening to the discussion here today.

There are 11 states at the present time doing research or entering into work with hemp. I would suggest to this chamber that they tap into the agricultural systems of those states, use those states for research. Their climate in some of those states is not much different, nor is their soil much different, especially in Vermont, than exists in the State of Maine. The good Representative from Lebanon, I had written down flax and he mentioned flax. He mentions the oil, Linseed Oil. You talk about a crop that has value, ladies and gentlemen, why aren't we doing more with that crop? It is also a fiber. I think we limit ourselves because of a title of a bill that says, hemp. Hemp has value.

There is a major difference between the two products when we talk about hemp and marijuana. I think that we have available to us in 11 other states right now doing research, I am really very familiar with the research being done in Hawaii, where hemp is being used and proposed as a replacement for sugar cane because the market for sugar has gone down. The price for this crop at the present time, people have said \$400 per acre, ladies and gentlemen, if everyone in this country starts producing hemp, it will not be \$400 per acre. Let's get brilliant about a few things here. One of the things you need to get brilliant about is the diversification of crop. It is one of the things that Aroostook County has worked on, the diversification of crops. The rest of the State of Maine and some parts of it, the town that I grew up in Scarborough, they looked at diversification of crop, their sloop was lettuce, carrots and parsnips for houses.

The best soil in the State of Maine at the present time will never return to agriculture because those towns of Cape Elizabeth and Scarborough chose the route of building houses on the best land in the State of Maine. It was nice and flat. It didn't have any rocks, had great drainage. Isn't that exciting?

Let's focus on diversification in the State of Maine as well. Let's tap into the research that is being done in other places. We don't have to set up a program to do this. We have the accessibility to it. If you want a program, set up a program that shows diversification of crops. Let's just not bring hemp into the picture, let's bring flax into the picture. Let's bring all of those

products into the picture. You cannot erase wood from the picture. That is not going to happen. It takes industrial processing areas to be able process these materials. The first linen mills in the United States were in the State of Maine. All that is left there today is just remnants. You can see those in the Town of Norway or South Paris. If you just ride down the road a little ways from Perham's Store and you can look at what used to be the linen mill. Linen is an excellent fiber and so is Linseed Oil, an excellent oil. It was a base for our paints for years and still is for high-grade paint and other lubricant material.

I would like to change the subject just a little bit here. I know I have a problem with science and I don't know if I passed those courses, but let's talk about crossing plants. Ladies and gentlemen, if you have marijuana and hemp growing in any proximity to each other, they will cross. They are the same family. Their pollen can translate. You can end up hybridizing through natural system. My point here is this, just because they cross, does not make one less potent and the other more potent. The parent is not the process. The seed is the process. Crossing produces seed. It doesn't change the parent. Look at your children and for many of us, thank goodness.

Let's keep an open mind on this. I am willing to keep an open mind on this because I do know the value of diversification of cropland. We do need to do some things. Please, let's ask the agricultural station to investigate the entire process, not just one. We may have to fence it in. I am not sure. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Standish, Representative Hawes.

Representative HAWES: Mr. Speaker, Men and Women of the House. There are just a couple of things that I wanted to add. In World War II, hemp for victory was a process where the federal government encouraged people to grow hemp, not flax, because the Japanese had taken over the Philippines, which had been our prior source for hemp. The rules were suspended, so to speak, and they grew just under 200,000 acres of hemp to support the war effort. I would also like to mention the Maine Rural Economic Development Council's report that we all got a few weeks ago. If you read it, you would see in there that the future, according to this council, is entrepreneurship. Entrepreneurship in a rural economy needs something to work with. What could be more entrepreneurial than a crop that could produce up to 25,000 different products? I would like to say also that the profits from hemp or any other crop, it is dependent upon the imagination of the person. Even though we talk about \$400 per crop, that is the standard in the studies that I have found thus far. Again, if you make lip balm and you sell each little tube for \$1, it is really up to the imagination of the person. That is what I like about hemp. It has so much potential and since 1937 we have not been encouraged to utilize it to its full extent. I would encourage you all to support the pending motion regardless of research going on in other states, this is the first step that we can take as a state. This is it. To wait for other states or to try to get permission of other states, that would be encouraged. I am sure the Agriculture Experiment Station would do that. The fact of the matter is, this is the step that we can take under the current federal restrictions to move forward on encouraging hemp as an agricultural crop in Maine. I would encourage you to support the pending motion. Thank you.

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

ROLL CALL NO. 175

YEA - Ash, Bagley, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chase,

Chick, Clark, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Duplessie, Duprey, Estes, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Haskell, Hatch, Hawes, Hutton, Jacobs, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Muse C, Muse K, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Twomey, Usher, Volenik, Watson.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chizmar, Clough, Collins, Colwell, Crabtree, Cressey, Davis, Duncan, Dunlap, Foster, Gagne, Glynn, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, Mayo, McKenney, Morrison, Murphy E, Murphy T, Nass, Nutting, Peavey, Pinkham, Povich, Rosen, Schneider, Sherman, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Baker, Dugay, Goodwin, Jones, Kane, Koffman, Landry, Marrache, McNeil, O'Brien JA, Stedman, Tessier, Mr. Speaker.

Yes, 83; No, 55; Absent, 13; Excused, 0.

83 having voted in the affirmative and 55 voted in the negative, with 13 being absent, and accordingly the **Minority Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-310) 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-310)** and sent for concurrence.

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

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

TABLED - May 7, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - **FINAL PASSAGE.** (Roll Call Ordered)

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. 176

YEA - Annis, Ash, Bagley, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bruno, Buck, Chase, Crabtree, Cressey, Davis, Duncan, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Murphy E, Muse K, Nass, Perkins, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Tobin D, Tobin J, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Baker, Dugay, Jones, Kane, Koffman, Landry, Marrache, McNeil, O'Neil, Stedman, Tessier.

Yes, 101; No, 39; Absent, 11; Excused, 0.

101 having voted in the affirmative and 39 voted in the negative, with 11 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Bill "An Act to Discourage Environmental Terrorism"

(H.P. 623) (L.D. 823)

(C. "A" H-273)

TABLED - May 4, 2001 (Till Later Today) by Representative CLARK of Millinocket.

PENDING - **PASSAGE TO BE ENGROSSED.**

Representative CLARK of Millinocket **PRESENTED House Amendment "C" (H-424)**, which was **READ** by the Clerk.

Representative POVICH of Ellsworth **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-424).**

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 Ellsworth, Representative Povich.

Representative **POVICH:** Mr. Speaker, Ladies and Gentlemen of the House. I urge the body to reject the pending motion because it points at the fact that the original bill was flawed and needed some fixing. I have read the amendment and I am not satisfied that that flaw could ever be corrected. LD 823 is an example, I think, of the worst attack on First Amendment rights that we have seen in this body for a little while. LD 823, "An Act to Discourage Environmental Terrorism," as we said in the first debates, establishes the Class C crime of environmental terrorizing. A person is guilty of environmental terrorizing if that person commits a crime of violence dangerous to human life or destructive to property or business practices for the primary purposes of protesting the practices of a person or a business with respect to an environmental or natural resource issue. The result is A) to cause an injury to persons or damage to property or business or to B) purposefully cause a significant interruption in business or loss of products that results in loss of revenues or commensurable damages.

I look at it as this. You can terrorize a person, but you can't terrorize a skidder, an inanimate object. The focus of this bill is off. We have a legal entity that helps us. It is called CLAC, the Criminal Law Advisory Commission. They look at some of the most important bills we have before the Criminal Justice Committee. In one of the strongest opinions they have given us this session, "The commission does not favor passage of LD 823. The conduct addressed by this bill can be prosecuted under current law. Legislation could not more clearly raise a First Amendment constitutional issue than by punishing conduct undertaken for the primary purpose of protesting. The commission reiterates its belief that conduct should be prosecuted under the general provisions of the criminal code and that new specific provisions should not be enacted to address conduct that is already covered by the code."

Some of the proponents have said that we want to send a message. I agree. This conduct is not right. Some of the proponents say that these are bad people. Criminals are bad

people. The criminals should be punished. The message, I think, is clearly find these people and prosecute these people and then if you are not satisfied that current law is not sufficient, then change the law. It is not a failure of law. It is not a failure of law enforcement here. It is a failure finding the people that have done that. Mr. Speaker, I would move Indefinite Postponement of House Amendment "C."

The same Representative moved that **House Amendment "C" (H-424)** be **INDEFINITELY POSTPONED**.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "C" (H-424)**.

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 Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Men and Women of the House. The good Representative from Ellsworth, Representative Povich, said that this amendment was drafted up because it was a bad bill. The reason why I put this amendment in is to try to get more people to come to a consensus, bring people that have some questions and some negative thoughts on the bill because there are some things that they did not like in the Committee Amendment or the bill, to propose this amendment and bring those people together so they could like it. It is called compromise, ladies and gentlemen, compromise. We do this every single day, both this body and the other body. All this amendment does is it says that if you are in violation of environmental terrorism and there is injury, in fact, to a person or in the case of crime that is destructive to property or business practices, a threat to public health or safety. I want to say that if you have a business or if you have work that you want to go to day in and day out, would you like your children or your parents or your friends or anyone else to go to work in fear of anything that could happen with environmental terrorism or anything here in the State of Maine?

Yes, I do work in a paper company. Everybody knows that. It is no hidden secret. These people that work in saw mills, when they get wood into the saw mills to cut into lumber, they might have a fear of cutting that into a 2 x 4 or whatever and there might be a spike in there that hits that saw at a right time and that guy might lose a limb or his eye or he might even be killed. If anyone has read the paper today, there are arguments stating that the foot and mouth disease that we are hearing about was done by terrorists over in England. That is why we have a whole epidemic.

The bill that we just voted on about legalizing to grow hemp. Some people might go to that research farm like they did in Orono and really destruct the crop. They do not believe it is the same as their values. Ladies and gentlemen of the House, I am all in favor of protesting. I said that before, but you shouldn't be there if you are going to cause injury to a life or a business. Everybody is going to get up today and say that we do not need this. It is another tool, ladies and gentlemen, that the judge can have. It is another tool. If somebody gets charged with going in and breaking windows of a business and come to find out that 12 or 25 people went and did it because they did not like the business practices in that business, they might be only charged with a misdemeanor. There might be \$100,000 worth of damage to that business. These people are doing it just because they do not like the business practices. Well \$100,000 out of a business, if it is small or big, could be a big amount to happen to the employees of that business.

Day in and day out you hear about job cuts, workers' benefits, well the benefits might not be there if they have to take \$100,000 out because some people went and devastated a

building because they did not like the business practices. I urge you to vote against the pending motion. All this motion does is Indefinitely Postpone the amendment. We are right back to where we were. I urge you to vote against the pending motion. Thank you.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I recognize the attempts of the Representative from Millinocket has made in trying to meet some of the concerns that this bill proposes for people. I just want to say that House Amendment "C" does not meet one of the primary concerns. The concern that was raised regarding what happens if a group of people form a blockade in front of a plant entrance, are they going to be charged with a felony crime. This amendment, as written, says, "In the case of a crime that is destructive to property or business practices, a threat to public health or safety." It does not define how big of a threat or how remote a threat it must be to public health and safety. To put this into perspective, I just want to read to you the two crimes that are already in existing law, 17A-504, unlawful assembly. It is a Class D crime. 17A-505, obstructing public ways is a Class E crime. If a group of people gather in front of a plant entrance and commit the crimes of unlawful assembly or obstructing public ways, the reasons these statutes are in place is to protect people, someone can come along and say this guy is threatening his own health or the health of others by standing in the middle of the road, this amendment does not define how great the threat must be or how serious the threat to health or safety should be. I don't think it does what the Representative from Millinocket intended it to do. Thank you.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. We had a long and lengthy debate on this issue just recently. I will try to be brief. I normally agree with our good chair, Representative Povich from Ellsworth, but I do disagree with him this afternoon on this point. Today I read in the newspaper that early this morning two 14-year-old girls called in bomb scare. You can't terrorize a school. They were charged with terrorizing. You can't terrorize a school, but certainly the students in that school could be terrorized. It is true you can't terrorize a skidder, but the owner of that skidder could very well be terrorized. Thank you. Please vote against the pending motion.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I was absent when this bill came around the first time. I would like to go on record to say that I think it is a horrible bill. Under this bill, I would certainly go to jail because I have spent my lifetime being an environmental activist. I demonstrated with my children at Maine Yankee. I took bus trips to Washington. I have marched to save the moose. My last environmental effort was right in my town against our incinerator, which spewed toxic ash all over our community. I held candlelight vigils at the University of New England. I organized and I feel that that was my right. I never destroyed property, but where does the line cross? Who is to say that because I am in front of the incinerator, now I am an environmental terrorist?

I do have a question, Mr. Speaker. I would like to know if this bill would cover our incinerator that has a big explosion and destroyed a building next door and spewed toxic ash all over our community, which was a health risk to us, I believe that is environmental terrorism. I wonder if they would be covered under this? Could I reverse this and say that environmental

terrorism is when my water is polluted or when there is an endangerment to my public health?

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

Representative **TRAHAN**: Mr. Speaker, Ladies and Gentlemen of the House. To answer that question, I think that the courts would throw that out with a good laugh. They usually look at the legislative intent with a piece of legislation. I think that is a far stretch and it would be thrown out of court.

Recently I, along with some other legislators, distributed four or five cases of environmental terrorism that had been occurring in Maine and around Maine, in New England, and you can see it is a problem and it needs to be addressed. At this point, ladies and gentlemen of the House, I would like to make two points. First of all, those that argue that this is a First Amendment problem, that is what we have our courts for. When issues go to court, the judges will decipher when law enforcement goes too far. They use our Constitution as a judge. They will be the ones determining that. The second point that I would like to make is simple. I would like to cut right to the chase, right to the heart of this issue. What is the difference, ladies and gentlemen, if a terrorist walked into a mall in the name of a religion and dropped a hand grenade on the ground and walks out? What is the difference between the person who spikes the tree with the intent of that spike not being found and it then goes into a mill, is hit by the saw, disintegrates and kills someone. I believe the intent is simple on both parts. It is to strike in small numbers in a way that instills fear in others so that they will stop doing what you don't want them to be doing or to gain attention for your issues. Ladies and gentlemen, this cuts to the heart. Are we going to say that this crime is criminal mischief or are we going to say that it is terrorizing? Ladies and gentlemen of the House, I believe it is terrorizing on both cases. We need a new law and I support the Representative from Millinocket in his amendment and I hope that you will as well so that we can address this growing problem. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. We have had a long debate on this. It seems to be going round and round. On your desk is a green sheet with a number of points on it from Representative Mitchell and myself. I won't read it to you, but if you could read it, that would be great. To reiterate what Representative Povich said, all of what is in this bill of environmental terrorism is already covered under law. All the destruction of property that we keep talking about, the broken windows, the damaged skidder, they are all covered under criminal mischief and aggravated criminal mischief, which is a felony. Any time that a person's safety has been affected, that is covered under assault or aggravated assault, which is a Class C felony.

I would urge you to Indefinitely Postpone this amendment and then Indefinitely Postpone the bill or vote against the bill. We have already covered all these issues under current statute and we need to enforce what we have. Please read the green sheet. Thank you.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I respectfully disagree with the Representative from Waldoboro's answer to the Representative from Biddeford regarding whether a business could be convicted of environmental terrorism. Let me just suggest to you that if a

business was to spill some toxic chemical on your property and that chemical was threatening to public health or safety, I think they would fall smack dab in the middle of a crime that is destructive to property and a threat to public health or safety. I do not agree with the assumption that the legislative record on this is clear as to the fact that that is not our intent. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I don't think we should make these decisions based upon editorials we see in the paper, nor should we make these decisions based upon our emotions. I really think that we ought to look at these decisions that we make here and use logic. I know this is a little counter to what some people think because they are involved in the wood business and the production of paper and so forth. I know we have these kinds of laws now, currently on the books, which will enforce these laws. I just think that we ought to look at the Criminal Law Advisory Commission. Just so you know who that is made up of, it is made up of judges, district attorneys and lawyers who are telling you something. If we don't stop to listen to them for just a minute, then I think we have missed the point. That point is that what you have done here, as they have stated, the legislation could not more clearly raise First Amendment constitutional issues than by punishing conduct undertaken for the primary purpose of protesting.

Let me tell you where the problem is. It is not in this amendment nor in the original bill as it relates to 1A. It is B that basically says it is going to be a crime if I interrupt your business practice. Well there you go with the fact that you can't organize or protest as it relates to labor activity. There you go with you can't organize as it relates to the environment. I don't know. Before this bill was passed in this House, you could do both of those things. As I read this, don't rely upon me alone, rely upon the Criminal Law Advisory Commission, you couldn't do either one of them. Free speech essentially has been taken right off the plate. I ask you to Indefinitely Postpone this motion so we can go and defeat the bill, which unfortunately passed early on. To do anything else would essentially send up into chaos in the courts.

I know the good Representative Trahan talked about letting the courts decide. Is that fair to our constituents to allow the courts to decide this issue when we, in fact, are being told, the alarm bell has already rung with respect to what the advisory commission says. I don't want to be back here asking this Legislature to pay the legal fees of someone who had to fight against the District Attorney or the Attorney General's Office because a bill was unconstitutional. Let's use some common sense around here and make a determination that this is unconstitutional. What we could go with is 1A and get rid of the business practices, the interruption of business practices. That is really what the rub is between the two competing interests here. Let's get rid of that. If we are going to pass anything, let it be 1A, which talks about causing injury and not that which interrupts the business practice itself. Thank you very much ladies and gentlemen.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. To anyone that might answer, it comes to mind as I listen to this debate, I am concerned about where we headed with this issue although I must say that the Representative from Millinocket, Representative Clark, and others on this issue, I think are trying to deal with an issue, which is real. It is not perceived. I am concerned about the remedy. I think the shotgun is going to take a lot of innocent people as collateral

damage for this law. My question is this, a few years ago we, in Winslow, lost our mill. Everybody knows the story and I have said it on the floor before about Kimberly Clark and my concerns about that company and what they did to the people in Winslow and the State of Maine. It is an interesting scenario as I listen to this debate and look at the legislation and the amendment. The question comes to mind and I would ask of those who support this bill, as we stood there many a night in candle light vigil attempting to reason with an unreasonable multi-national corporation called Kimberly Clark, to look at our mill and our community. We envision the possibility of protest and I did myself, it was to sit down in front of the gates of the mill in the road to block the exit of the equipment that was in that mill that made that mill a mill. We thought about that possibility and I know the union leaders in Winslow gave it a lot of thought, my question to the proponents of this legislation, had we decided at that time to sit down and block the entrance to that mill so that those trucks carrying the machines out of there, if we had blocked that road, could we have been guilty of environmental terrorism, union men and women and children and families, removed by the police and carrying out acts of civil disobedience, which go back to the underpinnings of this nation, the right of protest? We wouldn't have to be here if we didn't have the right of protest. Would we not union men and women have been carted off under this law if it were in effect of environmental terrorism because we were stopping business practices of Kimberly Clark from removing the machinery of that mill that was paid for by blood, sweat and tears of union men and women and the community and the dollars on the local level and the dollars on the state level and the dollars spent by taxpayers on the national level to help that corporation to move to Mexico? I find it ironic. It seems to me that we might have been guilty of environmental terrorism. My good friend from Millinocket and others are real good friends of mine, good solid legislators in this body. I understand what they are trying to deal with, but the scattergun is going to hurt a lot of innocent people. The right to protest is as fundamental to us all as anything.

The SPEAKER PRO TEM: The Representative from Winslow, Representative Matthews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Mr. Speaker, Men and Women of the House. Although I am not a proponent of the bill, I would be willing to attempt to answer Representative Matthew's question. Under the scenario that you have described, it would be up to the District Attorney to charge those people with any crime. If this law had existed and the dates that you described, the District Attorney could have.

Two points that I would like to raise to Representative Tobin of Dexter. I agree with you. My statement was incomplete. You cannot terrorize a skidder. You can certainly terrorize the operator of the skidder. That was my point. If that skidder is burned and there is no one around, certainly an arson has happened. That is a Class A offense. That is 20 years in prison. Regarding the activity described at the Kimberly Clark, I wanted to complete my statement by saying, would the DA of Kennebec County charge those people for environmental terrorism? I had a conversation with the DA of Kennebec County as well as all but one of the other eight DAs in the state on Friday. I was talking to them at their meeting. They were discussing several of the bills that are coming before the body from Criminal Justice. Environmental terrorism was a large part of their discussion. They all hated it. They are in the business of putting people in jail. They don't shy away from putting people in jail if they can.

They don't think that this bill is good. They urge us not to pass this bill. Thank you.

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I would like to also respond to the questions of my good friend from Winslow, Representative Matthews, but with a different interpretation than we have heard before because my reading of the amendment offered this morning where B clearly says that this issue would only apply if there is a threat to public health or safety. I can hardly imagine where the removal of production machinery can be construed by anybody to be a threat to public health or safety. I can certainly imagine what might be. There is a factor here that most of you are not aware of. Approximately four years ago there was a major modification to the Clean Air Act applied nationally. It called for facilities having certain threshold planning quantities of hazardous materials to submit what is called a Risk Management Plan. For example, if you were a large paper mill with a certain volume of a toxic chemical and the volumes were low enough that most major facilities would trigger this, you had to go through a planning process and develop a scenario of what would be the absolute worst case accident that might happen at your facility, not that it would a probable thing, but it would be an extreme act of many, many coincidences that could possibly come to this. If it were to happen, what would be the ultimate impact on the environment?

The major problem with this is that information was made of a public document. What you did here was made a recipe of how to conduct environmental terrorism. If you are a group and your intent is to strike fear into the people, you can now access publicly the information to know where you could go and what storage tank exists and where it is in the facility and if you did blow it up or create a leak or somehow other damage it, what type of consequences would there be to the community. You can be very economical. You don't really have to even work at it. You can say exactly what you want to do. The FBI is very concerned about this. We are anticipating and there have been some cases already proven to be based on terrorism following this public information. Clearly anybody acting in this capacity would be creating a crime that is a threat to public health and safety. That would be the only motive for doing it. It is clearly to me a lot more than simple vandalism knowing that the whole purpose of it is to make people afraid. For that reason, I think we need this bill, this type of thing, in the State of Maine as a statement, especially when the right to know laws are being contorted for this type of purpose. I urge you to vote against the pending motion so we can pass this bill and make an excellent statement of public policy. Thank you.

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

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. I think the question that the Representative from Winslow brought up, Representative Matthews, about under what circumstances one could be prosecuted under this proposed law is not really being developed at its fullest extent. Having looked at it and thought about it for quite a while now, also this particular amendment and how it would change the text of the actual legislation, I would dare say that probably no one will be prosecuted under this proposed law. I don't think it is really enforceable. I would dare say that if we do pass this into law, I may have finally found an easy way to make a lot of money. I would go to law school and become an attorney. Even if I graduated at the bottom of my class, it is completely imaginable that I could find a defense for an individual charged under this proposed legislation. You have to

show intent of the perpetrator, that they mean to strike terror into the heart of the victim. I don't think that you could really convincingly display that.

As an object lesson, I would lay before the House this example of another message that we have sent before the people of the State of Maine. That is the Target Identification Law, which was enacted by the Legislature some years ago after a couple of tragic hunting accidents. The Target Identification Law says that if you knowingly discharge your firearm, not being sure that the target is a game animal, then you are in violation of the Target Identification Law and are subject to prosecution. No one has ever, to my knowledge, been adjudicated under the Target Identification Law. There have been a lot of high profile cases among the few tragic accidents that we have of prosecutions under the Target Identification Law. Imagine now Representative Dunlap being the last graduate of the Maine School of Law and having been appointed as the court appointed council for the poor fella that is involved in this. All I have to say is just tell them that you know it was a deer. That is all you have to say. That is what happened. They say that I know it was a deer. There is no way to prove that the person didn't think they actually saw a deer, therefore, they are let off the hook.

The same thing will happen with this particular legislation whether it is amended with this pending amendment or not. You have to prove that someone was intending to terrorize. If you put two skidders in the woods and somebody writes I love Sally in spray paint on the right one and somebody else writes animal liberation front on the left, which one is the environmental terrorist? That is the problem with this. If it is done as a joke and someone writes ALF on the skidder with a bottle of spray paint and the local constable knows that Matt Dunlap went down to the hardware store and bought all of the orange spray paint so it must be him. Am I going to get prosecuted under this or is anyone going to get prosecuted under this? I know the proposition is that we need to send a message. I would rather send a package. Let's get some enforcement of our laws, our criminal laws, and not render our criminal statutes to being a toothless dog that we are inviting the flouting of by sending empty messages that we don't intend to enforce.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I must vehemently disagree with our previous speaker. I would say to you, ladies and gentlemen, when you take a mallet and a 10-inch spike and you drive it into a tree, your intent is to harm someone. I think it would be very easy to prove that it is going to harm someone. Let me tell you how it also strikes fear into other people besides the one individual who may have the bad day and happens to saw the spike in to and have his leg severed. Every other mill that has bought wood from that woodlot or areas around that woodlot are now going to be in fear that that same organization that spiked that tree on this one man's lot did it on the wood that they bought from that same lot or a lot that was next to it. Ladies and gentlemen, intent when you bring physical harm you intend by placing a spike, which is basically a hand grenade when it is hit by a saw blade in a tree. Your intent is very, very clear. I ask you to think clearly about the previous statement by the Representative from Old Town. I don't believe it was accurate. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. Under this law with this amendment the population of the Town of Jay would undoubtedly be all felons. On February 5, 1988, while we were in the middle of strike in Jay there was a chemical spill at the mill caused by inept

maintenance people. One hundred thousand gallons of chlorine dioxide was released. Fortunately the temperature that day was 5 degrees. Had it been 40 degrees, the cloud would have dispersed and there would have been another disaster in Jay. Under this law when we protested and when we went to the mill to shut the mill down, when we called upon the Chief Executive to come up and do the right thing, we were at the gate ready to storm the plant. Had we stormed the plant or gone any further, I have no doubt we would have all been felons.

Also one of the felons at the time would have been the US Majority Leader in the House of Representatives, Richard Gephardt. He would have been a felon too under Maine law. I think the intent is correct. I think this law goes way too far. I would urge you to defeat the amendment and then to go on to defeat this bill.

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

Representative **LORING**: Mr. Speaker, Men and Women of the House. As a representative of the Penobscot Nation, I would be remiss if I did not stand up and speak on this amendment and this bill. The word environmental terrorism within the title of this bill is inappropriate and misleading. Environmental terrorism when I heard that in the bill title I thought we are finally going to enact a policy making those big corporations and paper companies felons for their devastation of the environment and rape of our forests and natural resources. Needless to say, I was wrong. I heard the words damaging to property, human health and life threatening and violence. Those words do indeed define environmental terrorism. They are descriptive of the devastation, disease and human suffering caused by the paper companies and the big corporations who directly release toxic materials into our water and air. This bill gives them an extra recourse, a special legal remedy to use against those who destroy property or interrupt business while protesting. We already have criminal laws in place to cover property damage or criminal activity. I submit to you that if you pass this special remedy, then you are providing a special right, a special remedy to the paper companies and big corporations that the general public does not have. If you pass this special remedy, then to be fair you must also enact a special remedy for the rest of the people of Maine, including tribes in communities throughout the state who are being affected daily by the release of toxins into their environment. Years of toxic release by these companies have lead to death and devastation in our communities, particularly within the Native communities. Our very culture is on the verge of distinction because of these poisons that are released into our waters and have built up over the years, affecting the fish, plants and animals that are so important to our way of life. Where are the special remedies for our people? Where are the special remedies for Maine people who have been victimized by real environmental terror? The companies who have released and continue to release toxins into our water and air are the real environmental terrorists. They should not be given extra recourse or a special legal remedy. To give them a special legal remedy would truly be dangerous public policy. I ask you to Indefinitely Postpone this amendment and go on to Indefinitely Postpone the bill itself. Thank you.

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

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. I will make this very brief. It seems to me that Jonathan Carter defined what economic terrorism was in the paper. He saw nothing wrong with spiking trees. I will be supporting the Representative from Millinocket, Representative Clark. Thank you.

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

Representative **GERZOFSKY**: Mr. Speaker, Ladies and Gentlemen of the House. This is my first time getting up. I would like to tell you people that don't know me very well that I have been a furniture manufacturer for the last 40 years. I dare say that I have probably ripped open as much wood to glue up for furniture as anybody logging. What you find inside of wood is barbed wire, old taps from some old maple trees, bullets. Everybody that missed that deer that Representative Dunlap talked about hit the tree. Everybody that learns how to shoot, shoots at a tree. In my years, millions of boards of lumber have gone through my hands and I have never ran into a spike. I have run into a lot of dangerous things, things that I have already mentioned. I am against this bill from the top to the bottom. Part A, I don't believe is necessary. I sit on Criminal Justice and we have laws on top of laws on top of laws on top of laws that protect people and property. Part B, I think is dangerous. It takes away my right to demonstrate or to protest when I think that business is doing things against me. I am very sorry that business doesn't want to be hindered in any way. This bill is a business bill. I am against it and I hope everyone here votes against the amendment and against the bill. It is time we put this one to sleep. Thank you.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "C" (H-424). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 177

YEA - Andrews, Ash, Bagley, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McKee, McLaughlin, Michael, Michaud, Mitchell, Muse C, Muse K, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Thomas, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Blanchette, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Jones, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, McGowan, McKenney, Mendros, Morrison, Murphy E, Murphy T, Nass, Nutting, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Baker, Goodwin, Koffman, Landry, Marrache, McGlocklin, McNeil, Stedman, Tessier.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, and accordingly **House Amendment "C" (H-424) was INDEFINITELY POSTPONED.**

Representative **POVICH** of Ellsworth moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

On motion of Representative **CLARK** of Millinocket, **TABLED** pending the motion of Representative **POVICH** of Ellsworth to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned.

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:

Bill "An Act to Discourage Environmental Terrorism"

(H.P. 623) (L.D. 823)

(C. "A" H-273)

Which was **TABLED** by Representative **CLARK** of Millinocket pending the motion of Representative **POVICH** of Ellsworth to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

Representative **CLARK** of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I am not going to reopen the debate again. If we defeat the pending motion we just will do what we can to make this bill good for everybody's interests. That is all I can say because it is not germane to the pending motion. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. I ask you to defeat this motion so that we can move on to the original bill and fix any problems that might be with the bill. Thank you.

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

ROLL CALL NO. 178

YEA - Andrews, Ash, Bagley, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McLaughlin, Michael, Michaud, Mitchell, Muse C, Muse K, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Thomas, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Blanchette, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, McDonough, McGlocklin, McGowan, McKenney, Morrison, Murphy E, Murphy T, Nass, Nutting, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Baker, Jones, Koffman, Landry, Marrache, McKee, McNeil, Mendros, Stanley, Stedman, Tessier.

Yes, 80; No, 60; Absent, 11; Excused, 0.

80 having voted in the affirmative and 60 voted in the negative, with 11 being absent, and accordingly the Bill and all

accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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.

HOUSE DIVIDED REPORT – Majority (8) Ought Not to Pass – Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-288) – Committee on STATE AND LOCAL GOVERNMENT on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Eliminate the Ability of the Legislature to Pass Legislation Imposing Mandates on Municipalities

(H.P. 52) (L.D. 61)

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

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

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. This sounds familiar. I think this is my bill. It has been quite a while. It sounds like a good idea. I think it is. Yes, it is definitely my bill. When you go to your town meetings, at least in my towns people think that somehow or other they pass through citizen's referendums years ago. The law said that we cannot pass mandates out to them unless we fund them. That is a real myth. You have to explain that this is true, kind of. We don't have to fund it if we get two-thirds majority vote in here. As we all know now, things rail through here pretty fast and that doesn't seem to be much of an impediment to sending things out to the people without the money attached. If there is one thing I have heard along with better possibilities for health insurance is don't send us unfunded mandates. Granted since we did pass this law, the number of unfunded mandates has gone down dramatically, but we still send them out. The Maine Municipal Association is fully behind this bill. Ask your towns if they would support this bill. I hope you heard from some of them.

It did get changed in committee. The original bill would say that we cannot pass any bill out of here unless we fund it 90 percent. The Minority Report is to up the bar to three-fourths. Right now it is two-thirds. The Minority Report, I believe, would be three-fourths, which is a big improvement. You ask what types of things we have been sending out. One was just two years ago. We told all the towns that they had to have flags on the Veteran's graves. I was on the committee at the time. It was a 12 to 1. I am all for the veterans. I am one myself. I said, let's not send that out unless we send the money. We couldn't get it out of the committee to send the money. It came down here and I put it on as a floor amendment to send the money with the mandate about these flags. I see somebody this time has got in as a separate bill. We keep doing it. Don't we have the courage to send the money along with our mandates? I think we should. This is what this is about. Thank you very much.

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. This is a good bill. It is a really good bill. I will tell you just a few reasons to support this bill and to vote against the pending motion. The whole state has agreed by way of the referendum in 1992 that mandates imposed on municipalities by the state should be financed by the state. To pass such legislation should require additional effort. Number two reason to support this bill is far too easily, in my opinion, do we burden our towns with our brilliant schemes to control them and then to leave them the task of finding the resources to submit to those brilliant schemes. Third, I believe that this LD will enable municipalities to use the revenue that they generate by local taxpayers for local purposes and not what the state believes towns should fund. In the 119th Legislature 39 mandates as identified by the OFPR were enacted. Of those 39, 35 got the two-thirds vote required to exempt the state from paying for those mandates imposed on our towns. It is a good bill. It is a really good idea. I would encourage you to vote against the pending motion. Thank you.

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

Representative **MCDONOUGH**: Mr. Speaker, Men and Women of the House. With all due respect to my good friends on the other side of the aisle, Representative Perkins and Representative Kasprzak, I submit to the body that this is not a good bill. We heard it in committee. The Legislature, we, representing the people of the State of Maine, need to have some opportunity to thank past Legislatures in their wisdom to put this mandate law on the books. I think it works well and I would ask the men and women of the House to follow the Majority Ought Not to Pass Report on this bill. Thank you Mr. Speaker.

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. 179

YEA - Ash, Bagley, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, McDonough, McKee, McLaughlin, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Patrick, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Stanley, Sullivan, Tarazewich, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

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

ABSENT - Baker, Koffman, Landry, Marrache, McNeil, Murphy E, Quint, Smith, Stedman, Tessier.

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 Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

REPORTS OF COMMITTEE

Divided Report

Twelve Members of the Committee on **INLAND FISHERIES AND WILDLIFE** and the Committee on **MARINE RESOURCES** report in Report "A" **Ought Not to Pass** on Bill "An Act to Restore the Passage of Alewives on the St. Croix River" (EMERGENCY)

(H.P. 287) (L.D. 365)

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro

CLARK of Millinocket

PERKINS of Penobscot

TRACY of Rome

McGLOCKLIN of Embden

BRYANT of Dixfield

CHICK of Lebanon

VOLENIK of Brooklin

PINKHAM of Lamoine

McNEIL of Rockland

ASH of Belfast

Eleven Members of the same Committees report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-433)** on same Bill.

Signed:

Senators:

CARPENTER of York

LEMONT of York

EDMONDS of Cumberland

PENDLETON of Cumberland

Representatives:

DUNLAP of Old Town

LEMOINE of Old Orchard Beach

USHER of Westbrook

HONEY of Boothbay

MUSE of Fryeburg

SULLIVAN of Biddeford

BULL of Freeport

One Member of the same Committees reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-434)** on same Bill.

Signed:

Senator:

KILKELLY of Lincoln

READ.

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

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I hope that you vote against the pending motion and go on to accept Report "B" Ought to Pass as Amended. This bill has something of a story behind it. I am sure there will be plenty of debate. I won't steal anyone's thunder on it. Essentially what has happened is that we are talking about two fish ways on the St. Croix River, which were closed by statute in 1995 in reaction to a collapse in the bass fishery in Spednik Lake in the late '80s. What we are looking at now is legislation that would conditionally reopen them allowing an influx of Alewives into the St. Croix watershed south of Spednik Lake at the level of our per acre or 90,000 fish. This is a number that has been reached through scientific agreement from the biologists in that area. They have come and testified before the joint committees.

The issue here that we are trying to address is a restoration of a native fish species. The conflict that you are going to hear about this afternoon really deals with whether or not we believe that fish should be restored to the watershed or should it not be restored in favor of nonnative species that were introduced much later. I am of the position that we should really look at a restoration of a native fish species for the betterment of the entire watershed in that area. I urge you to not vote to accept the Ought Not to pass report, but rather to vote to accept the Ought to Pass as Amended Report "B." Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Old Orchard Beach, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I also rise to ask that this body not adopt the Ought Not to Pass report, but instead we adopt the Ought to Pass as Amended report. I apologize to the members. It is late in the afternoon. I know we have had a lot of lengthy debates. There are a number of important facts about this decision that need to be understood. I have tried to provide that to the members through the distribution of a number of pieces of paper this afternoon. Let me bring them in quick order to your attention as information regarding the alewives itself so that you can understand what we are talking about. There is short map that we can understand where those dams are. There is a testimony given at the committee level given from the commissioner of Inland Fisheries and Wildlife in support of an Ought to Pass action. There is testimony of the Department of Marine Resources commissioner in support of an Ought to Pass motion. There is a copy of a memorandum of understanding that was entered into by a number of the players in this area including the Province of New Brunswick, the Department of Natural Resources and Energy, the Maine Atlantic Salmon Commission, the US Department of Fish and Wildlife Services, the St. Croix River Commission was also involved in that. This is a memorandum of understanding that is not signed by the commissioner of Inland Fisheries and Wildlife and the Department of Marine Resources because they do not currently have the authority to do so. It is also the document that establishes a 90,000 per year fish run that was part of the agreement of the parties. That run, as the good Representative from Old Town, Representative Dunlap indicated, is based on good biology and is an indication at the end of that chart as to what that biology is based on an acreage of the surface water is at issue, the number of these fish, these alewives that can survive appropriately in that acreage. There is also a short document in front of you on a Lake George study that was done in Maine in the Lake George, a landlocked body, in which a study was done over about a decade where alewives were introduced and the impacts on that lake were monitored. The bottom line

result of that controlled experiment was that there was no negative impact on the existing fish species. In fact, several of the species did better with the introduction of alewives. I understand the minutia of this is that some of the alewives actually eat a different type of plankton than do smelts. It allowed the plankton to blossom and better feed that basic water fish for the rest of the population.

Another item that is not before you is the testimony that we received from Georgia Pacific, which was neither for nor against the bill, but they did add this. They said, "We fear being placed in a no win circumstance if Maine lawmakers require that one standard be adhered to if a government on the other side of the river compels a different standard." The Canadian government as you can see from the memorandum of understanding is committed to at least a minimal fish run of alewives on the St. Croix River.

Finally, I know I am throwing a lot of information at the members, you have received this afternoon a number of distributions regarding apparently negative impact that Vermont feels it will suffer if alewives are allowed into some of their lakes. Please note that I have been at the Department of Marine Resources and asked them to contact Vermont. They have done so to find out exactly what is going on. I have this information for the body. It is this. The Vermont website is referring to the impacts of landlocked alewives. It may not be clear to the general public that this is the case because the site uses the word alewives to refer to landlocked alewives. All of the studies and lakes that they use as references are for landlocked alewives and not natural alewives. There is a large difference in the impact between alewives and a landlocked alewives. The information from Vermont is inapplicable to the decision before this body. I would suggest that the studies for Maine's Lake St. George is applicable and that the biology on this question is clear. I ask the body to reject the Majority Ought Not to Pass Report. Thank you.

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

Representative TRAHAN: Mr. Speaker, Honorable Members of the House. I would like to address some of the issues that were brought up earlier. I would like to begin with biologists. Our committee, we had extensive debate on this issue on several occasions. Some of it was heated and some of it was very passionate. You can easily look at the divided report to see the towns that are represented on each side of this issue. It appears to be an eastern Maine versus a southern Maine issue. I believe that might be a little bit true. I will go on to explain why later, but I first would like to address the biologist's issue. We had two biologists from the Inland Fisheries and Wildlife Committee come before us. We had an extensive ability to ask them questions. One questions in particular that really stuck out to me, was Senator Woodcock's question when he asked the biologists two questions. Do you want alewives in this St. Croix River system? If you had your choice, would you want them in the river? Their answer was no. We went to go on and ask them further, why they were here? Why they were compromising? They went on to explain that this was a compromise. Ladies and gentlemen of the House, I will give you a number of issues that were brought before that involved wildlife, caribou, togue in Moosehead Lake and in my district salmon in Damariscotta Lake. All of those were sold to us as a great thing, but they ended up being a complete flop. I say to you that when you compromise biology, you will always lose.

The second thing that I would like to address is the restoration of the alewives run in the St. Croix. Ladies and gentlemen the St. Croix has several dams on its system. It was once a small river. If you are going to restore a alewives run,

then you must take all of the dams out of the river and then you will have restored the run as we did when we took out the Edwards Dam. The entire system is different than it was 150 years ago. This argument, in my opinion, is not valid. Our agreement with the Canadian government and the federal government, I would like to read from that agreement that is being forced on us. First, I will say to you what we received in the committee from the Canadian government. They said to us, do this or else. We will do it. We will truck a mover and we will dump them. That was a threat.

The second threat that we got was from our own federal government. I will read from a document that we received on April 2 in committee. "By continuing to prohibit fish passage for alewives at the rate prescribed, the State of Maine, Department of Inland Fisheries and Wildlife risk being declared in diversion and would become ineligible to participate in the Sport Fish Restoration Program. The ineligible status will continue until funds for fish way construction at current market prices are returned or until the fish way again becomes operational. The current annual apportionment of sport fish restoration funds to Maine is approximately \$2.4 million of which 75 percent goes to the Department of Inland Fisheries and Wildlife and the remainder to the Department of Marine Resources." You can now understand why these two departments want this so badly. They have millions of dollars tied up in this.

Ladies and gentlemen, this is 38-year-old agreement. I have reviewed the agreement and there are several ways out of it. We were threatened by the Canadians and by our own federal government. That is not any way to set biology policy, policy about our environment, ladies and gentlemen, that could very well destroy one of the premier salmon and bass fisheries in this state. I ask you to ignore any threats from Canadian government and from our federal government and to quote something I said in committee when our committee chair said that some members of our family once bucked the federal government and now they are refugees. Ladies and gentlemen, I would prefer to be a refugee, then to buckle under that kind of pressure and be in the pocket of the federal government.

Another issue, the study, the study was on a landlocked pond with a different species in that pond than in the St. Croix River system. The real problem is with the bass fishery. I read from that very study for you, ladies and gentlemen, about the bass in the St. George. "Small mouth bass are an important sport fish in Lake George as in the rest of Maine, but their numbers are not as high as in some other waters. Planning board observations documented less spawning activity than might be expected for a lake the size of St. George. Fewer adult fish were observed than in other lakes with similar size and fewer fry. I would say to you that you cannot compare alewives in the St. Croix to a pond that doesn't even have a decent bass population and then apply it to this situation. The study goes out the window too.

Landlocked alewives that is another huge reason that we cannot support this legislation. There is a very healthy landlocked alewives population in the St. Croix River. I have caught fish in the St. Croix with alewives packed in their stomachs. Everyone there knows it including the department. What kind of affect, ladies and gentlemen, will it have to add sea run alewives to waterway with landlocked alewives? I have asked that question repeatedly to the commissioners and no one has an answer. They do not know the impact. Ladies and gentlemen, there is a little bit more to this story. Landlocked alewives got there somehow. They ran up these streams and got trapped. They are alewives and they will have a huge impact when you add them to the regular sea run alewives.

Last, but not least, Vermont has landlocked alewives and they have listed the landlocked alewives with their five most

dangerous nuisance species along with water chestnuts, milfoil, zebra mussels, purple lustripe and then alewives. I say to you, ladies and gentlemen, the risk is too great for a fragile eastern Maine economy and I ask you to support the people of rural Maine. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. You have before you three reports of committee. I suggest to you that you could have a fourth committee. That committee could be made up of the entire delegation from Washington County. Six House members including Representative Soctomah from Peter Dana Point and we also have a member from the other body. None of us were signed onto this piece of legislation, but we all went to the hearing and the work sessions, including the doubled up session after this became a two-committee setup. We went to all of them. We were in opposition to this from the get go. We have a good thriving fishery, quality fishery, with both bass and salmon. It presently exists in all East and West Grand Lake waters. This was not always the case.

There was a time in the early '90s when we had no fishing at all. We have heard that time after time from the fishermen who traveled from Washington County down here to the hearings. There is no agreement among the fisheries scientists themselves as to the possible harm to existing fisheries if the alewives are allowed into the upper waters even if the potential harm was minimal. Why would we risk such a venture?

In Lake St. George, if you do the math on that study, they only put 2,000 alewives into that lake. They are suggesting to allow 90,000 alewives to enter into the St. Croix system. Right now the Canadians control at Mill Town, New Brunswick, which is opposite Calais, they have the fish way at the Calais end of the St. Croix. They allow an opening, which will let all the alewives go, not that want to go north. They travel 12 miles until they hit the dam structure in Woodland, Maine. It was in 1995 that we decided that we had to close the fishery and close the inlet going above that 40-foot dam. How long has the dam been there? That dam was put in in 1902. It is 40-feet high. There was no such animal as a fish way in 1902. They completely blocked the river from the American side to the Canadian side. A fish way was presented in the river in 1965. For a period of 100 years or more, there were no alewives above woodland. Before a fish way went in at Grand Falls, there were no fish going north. Fish can't swim over rocks. They had to put fish ways in to get them into there. They found out that alewives going north destroyed the fishery. It makes no sense. It never made any sense.

The Inland Fish and Wildlife stocking report is available to anyone who wants it. In Washington County on May 4, 2000, in Big Lake, which is part of Grand Lake Stream Plantation, 1,500 landlocked salmon were put in Big Lake. They were 6 to 8 inches long. On June 6, in Flipper Creek, which is on Indian Township they put 200 brook trout from 10 to 12 inches long. On May 17, in East Grand, they put 12,000 landlocked salmon 6 to 8 inches long. On October 17, they put 6,000 brook trout 4 to 6 inches long. On November 16, in East Grand Lake, they put 8,096 brook trout at 4 to 6 inches long. On May 10, in West Grand, they put 8,000 landlocked salmon at 6 to 8 inches long. On May 25, on West Grand, they put 2,000 landlocked salmon in at 6 to 8 inches long. On May 3, on Grand Lake Stream, they put in 400 brook trout a foot long. On May 18, in Grand Lake Stream, they put 30 landlocked salmon in that are 18 to 20 inches long. On May 25, in Grand Lake Stream, they put 40 more landlocked in at 18 to 20 inches long. On June 1, they put 950 brook trout in at 8 inches long. On June 1, my birthday, they put another 30 landlocked salmon in at 18 to 20 inches long. On

June 23, in Grand Lake Stream, they put 2,200 fry, that is landlocked salmon fry. Those are the little critters we put in in hopes that they will grow. On September 28, Greenland Pond, 750 brook trout. In Huntley Indian Township Reservation, we put 200 more brook trout in there. In Lambert Lake on May 11, they put 450 more landlocked salmon. On October 17, 2000, 1,000 brook trout. These are all 6 inches long.

If we are going to support and allow alewives to go north of Woodland and Grand Lake Stream into these bodies of water they eat everything in there. You have to understand that we have piranhas in South America and we also have piranhas in North America. They are called alewives. They are eating machines. They eat everything in the body of water. This is why the fishery was destroyed in the early '90s and this is why we put the gates in at the Georgia Pacific Woodland Fish Way. There is no reason for us to spend enormous amounts of money to raise salmon to be 18 to 20 inches long and take them up and put them in these bodies of water to die for lack of nourishment and food if we are going to allow alewives to go north and eat everything in there.

We, in Washington County are asking you folks to defeat allowing alewives going north above that dam. Mr. Speaker, I thank the body.

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

Representative **MORRISON**: Mr. Speaker, Ladies and Gentlemen of the House. A couple comments made earlier, I didn't see or hear any fisheries biologists testify at the first hearing. We wondered why at the time? Apparently I missed the second hearing and apparently some biologists must have testified. Why they weren't at the first hearing I don't know, but a little suspicion comes in. Another point, the departments testified in favor. As an example, it is unfortunate that we get to distrust, but the Atlantic salmon issue down east were we have five rivers in Washington County alone now listed on the endangered species list, the consequences of which we are yet to see or experience. I think it is going to be disastrous myself. The federal government played games with us and wasn't right up front with us. They didn't share their scientific information with us that they claimed that they had. The state had to sue to get the information, which is kind of ironic, sue your own government to get the information. This past, within the last few months, this winter sometime, Senator Collins had intercepted an e-mail exchanged in the Washington, DC area that amongst the agencies that said that the real reason they had listed those rivers were they were being threatened with a lawsuit with the environmentalists. They were a little upset. The agencies in Washington, DC who are apparently in support of the alewives thing, along with the Canadian government, along with our Marine Resources Department and the Inland Fish and Wildlife Department, possibly for reasons that Representative Trahan has already pointed out. He was fully involved in these committee hearings all the way and he was well aware of it. I certainly respect the information that he has passed on.

For 60 or 70 years the dams were on the St. Croix. In the '80s the fish ways were put in place. In the early '90s, as has already been testified, the fisheries in Spednik Lake, the bass fisheries declined. Somebody said it is because of the raising and the lowering of the water levels. If you lower the water level too much, it would affect the spawning beds of the bass. Somebody pointed out in one of the hearings that we had those dams there for 60 or 70 years raising and lowering the waters. The bass fishing was good. The only factor that I could figure out and I heard that made a difference in the bass fishery were the alewives getting up through. I would be happy to have anybody else point anything out to me. I am willing to listen, and

that is what I did. That was the only factor. In 1995, we closed the gates at the dam and the alewives did not go through and bass fishing improved. I came to a simple logical solution. It seemed as though the alewives had an impact on that.

The feed, one of the things the alewives feed upon is zooplankton. It is the same thing that freshwater smelts feed upon. Alewives are an important saltwater forage fish. The freshwater smelt, I consider, the most important fish in the state. It is the beginning of the food chain for all fish in the freshwaters, whether it be bass or salmon or togue, which I happen to enjoy fishing for. The fishing is good up above those dams at this time. The alewives for years above the dams, I am sure they went up through there, but for 60 or 70 years we didn't have the dams. They weren't going up through there and the bass were introduced and it has become a lucrative business. It is a \$5 million industry for the guides, lodges, restaurants, the gas stations and other businesses in that area down east.

Without actual scientific knowledge, this is the point that somebody said based on science, I did ask one of the fisheries biologists and this is before this came even to hearing, I was at the IF & W meeting for another reason and I knew this gentleman, a very competent man, I said that I know nothing about the alewives and I didn't. The only thing I know about the alewives is I have never seen one except in pictures. I asked him, I have to find out about the alewives. What do you know about them? He said that we really haven't done enough studies on them yet. We don't know the impact. That makes me concerned. I don't like to take a chance and say, oops later on that maybe a disaster happens up there and it affects the livelihoods of these families. That is what we are talking about here. We are talking about the livelihoods of families. This is how they make their living.

People who did show up at the hearing whom I placed a lot of confidence in are the people who live and work on those rivers. The Representative of the Passamaquoddy showed up. They weren't excited about the alewives getting up through there. They live and work on those rivers a lot. All the guides, they are out there constantly and it is not easy work. One guide that I saw come out from the hot summer sun, I told him he should have put some more sun block on or whatever, parboiled. He is out there and it is hard work. They are out there working and they are making a living. You take that living away from them, I guess we could increase the Department of Human Services budget and put them on welfare or something. I think they want to work and I like to see people work. I would like to see them make a living. I don't like to see us jeopardizing the living of anybody. I think that is what it is going to do.

Representative Trahan has also referred to already the only extensive scientific research I think I have heard about done by the Fisheries Department in Vermont. They don't have too many good things to say about the alewives in that. I would think that the Island Institute with the information they passed around this morning, I appreciate that, the last paragraph says, "The current bill is a workable and safe compromise. There is allowance for altering the escape or even closing the barriers if there is harm to the bass fishery and the number of fish allowed into the watershed is capped at 90,000." The big word is if and that is frightening.

I think it was on this particular bill, I think it was Senator Kilkelly that had an amendment or something that would have probably made sense and say let's take some time and do some studying on this and find out what we know about the alewives and what kind of impact they might have up there before we let them up through. It is kind of late once they are up there and they have done the damage.

I would also like to quote one little paragraph on one of the pieces of information that Representative Trahan passed around from the Vermont fisheries. "The implication of alewives establishing in Lake Champlain are serious. The multi-million dollar salmon restoration run by Vermont, New York and the US Fish and Wildlife Service could be in jeopardy. Direct competition from alewives could negatively impact native fish communities, including smelt, yellow perch and other important forage fish, which are game fish." That is exactly why we can't afford to jeopardize these smelt populations. That is too important to freshwater fisheries.

We are talking about the Canadians. The only thing I heard in the hearing are the Canadians are in favor of it. They are the ones that want it. The only reason I heard they want it is for baitfish for lobsters. I understand that lobster fishing is important, but I dare say that that freshwater fishery, we are not talking about a great deal of area actually if the alewives depend on their survival by allowing them to go up into the upper St. Croix, the alewives are in trouble anyway. What has happened on all the other rivers and all the other rivers and all the other bodies of water where we have millions of alewives out there? We are talking about protecting one small little corner of the earth where there is an important economic impact.

The Canadian acreage is around 1,800 acres of water. On the American side, we are talking 18,000 acres. It is a big lake with good flowage and so forth. That is 18,000 acres to 1,800 acres. As one person from the Princeton area pointed out that why should our waters be used as a spawning ground for Canadian baitfish? I didn't hear anybody from the American side or from any American community say that we want the alewives up there because we are going to use them for whatever. The only thing that I heard was the Canadians wanted it for baitfish for lobster. That is scary. The Canadian government, as has already been stated, threatened to, if we don't pass this, they are going to truck them up and dump them in anyway. Well, I guess we could knuckle under that scare and say we had better do it. There could be problems on the border if this kind of thing continues.

A couple more points here. I don't want to go on too long because I am sure a couple others might want to speak on this. The testimony of Lee E. Perry, limits spawning escapement of alewives to four adults per acre of habitat above Grand Falls and below West Grand and Spednik Lakes, which we remain closed to alewives. To me that indicates a little concern. Why close West Grand Lake? I think Representative Trahan again pointed that out. We are going to keep them out of West Grand Lake and Spednik Lake, where they had the problem back in the early '90s, because the alewives were in there. There must be some concern there. Why not let up in the Grand. Like Representative Trahan said, let's put fish ways through all the dams and let them go, put them up through. There is some concern there. They want to find out. We are going to be the experiment down there. If this goes through and it happens, let's hope the experiment works. If it fails, it is a disaster for families down in that area of the country.

Attempts to change Maine laws to permit alewives in the St. Croix, I guess that one particularly was raised a flag, that one in Commissioner Perry's statement. There are concerns.

One last thing, the Coastal Conversation Association of Maine, again, I appreciate their assistance also. Here is their statement. "However, the best available science indicates that sea run alewives pose not threat to any river, lake or stream system in Maine." I would like to know what scientific evidence there is. Like I said, they did an observation study, I guess, in Lake St. George. It was quite different than the upper St. Croix. Other than that, as I was told by a fisheries biologist and

Representative apparently was old that the biologists really aren't sure. That is scary. That is why I think we can't afford to take the chance. I have been voting this way in this body because I try to be as fair as I possibly can. I know all my votes don't go the right way. However, I say we go from end of the state to the other. This is one state. I know we talk about two Maines, but it is one state. There are a couple of issues that come up and affect town and state lost on the vote. I support it. One was the school funding in the South Portland area and trying to cushion the blow that that will have on those kids in that area.

The other, of course, I had a concern with the young gentleman from Kittery who would like to open his motorcycle shop on Sunday. Like I said, it is a long distance between Kittery and where I live. It is part of Maine. It is still part of Maine and they are Maine people. That is what we should be concerned about. That is what I think everybody in this state and everybody in this body is concerned about. You get a feeling sometimes that we are only 35,000 people in the whole county. You have twice as much as that in two or three cities in the state. We are a small population and we are a good place to maybe try to experiment on. That is what it seems to be doing here. We are going to experiment down there. We are going to try something. I have some very uneasy feeling about it. I have too many questions and too many concerns. It is taking too big of a chance, in my opinion. I really would ask this body to vote no against restoring the alewives in the upper St. Croix.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I rise today as one of the southern districts of the state that fishes the eastern lakes of the state, especially the St. Croix River, since I was five years old. If we weren't debating so much right now, I would be up with my father fishing. As it be, we are here. I have to just tell you that the good Representative from Pembroke brought up the stocking list and gave away all the good fishing spots in Washington County. If we introduce alewives, we won't have to worry about that. We might as well stop stalking and let the alewives take over and you will have no more good salmon fishing on the St. Croix River, Spednik Lake, Lambert Lake, Grand Lake and Big Lake. They are all connected. I don't know how many of you have had the opportunity, but you could take a boat from Kossuth Township, Pleasant Lake, right behind the good Representative Bunker's house and you could make it to Grand Lake. You put one alewife in there and they multiply like rabbits and they will be all through every lake in the State of Maine before you know it. Birds will pick them up and drop them. We just don't need to do this. The last experience I had with alewives is I was stuffing them in a bait bag on my lobster boat. That just goes to show you that they are trashy fish. They are not good for anything. Let's leave them out of the lakes. Let's let Mother Nature take her own courses. Please support the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr. Speaker, members of the House. Alewives are a little fish, but a big topic in Washington County and today here in Augusta. Man has altered the St. Croix River so much now that we have questions about what is right for the river and the eco-system. All we need to do is take a hard look at what affect any decision is made will have on the life of this river. To make this issue more complicated, the St. Croix River is jointly managed by the State of Maine and New Brunswick. In 1980, Maine and the United States entered a treaty with the Passamaquoddy Tribe. One segment of this land

claims treaty was an issue about wildlife and fish. If a decision or an action is made by Maine or the United States that affects the population of wildlife and fish, the tribe must be consulted and must be part of the negotiations in a government-to-government dialog. This type of dialog is to have the tribal chiefs and council sitting down and talking the Executive or his designee and reaching a compromise on the issue. There is also a part of the law that states the Maine Tribal State Commission must look at any changes, which affect the fishing population and report back to the tribe and the Legislature with their findings. What does the tribe want? Before any decision is made to alter this river system, again, we want studies completed, just as we asked for five years ago and start the dialog. We need to know the effect of this special river system and remember that no two rivers are alike. I believe this will calm the fears of many and the treaty agreement will be followed. The tribe feels very strongly about this issue and the consultation process that is being decided today.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. The alewives day has come and it is almost gone. I appreciate you putting up with the alewives lobster bill of 2001. I have been through this before in 1995. What is really, really frustrating for the folks down home and in all your areas, whether it is in Aroostook County or in southern Maine or in the western part of the state is that we represent and set policy for the people of Maine here in this body. What is really, really frustrating is we can see on the documents laid on your table that the decisions that you are about to vote on here were not made down east. They were not made with the Washington County delegation. They were not made with the guides. They were not made with the sportsmen. They were not made with the business people. They weren't made with the voters. It was decided because Canada did not like the actions that we had to take in 1995 to restore our fishery. I want you to know, ladies and gentlemen, that this body debated this issue back in 1995. We made this policy decision to block alewives in the St. Croix watershed. Ladies and gentlemen, you can take all the biologists in the world and put them in this room, they will not tell you that it didn't work. It worked. It has restored our fishery down there.

I sat with 12 game wardens. They are not allowed to come speak on a policy issue, ladies and gentlemen, this decision was made in Augusta, Washington and Canada without our Native Americans and without the local folks involved. If they are going to make a decision like you, that will happen tomorrow in your corner of the state, I will guarantee you and you will want me to be up here standing there to support you when somebody comes into your backyard and makes the decisions for you.

What is really, really important about this is back in 1995 we made these decisions because at some point back in the '80s they blew up this natural barrier and suddenly we had 3 million alewives running up the river and suddenly our inland fisheries were being devastated. In 1995 we finally woke up, the guides in the back of the boat and the game wardens and the biologists all did a lot of research and they said that is the cause folks. Sure enough, we closed them off. Since 1995, one gentleman from Canada has been fighting this battle nonstop. He has had several meetings in Washington County over the years. He is the only one that would show up and hundreds of our local folks would show up and oppose it. Finally, they pushed the right buttons in the Washington end of it and in Augusta and they got the players at the table. Look at that agreement, people. Do you see anywhere on that list of a memorandum of agreement where it says that any local person was involved to help make that

agreement? This agreement was made from away. I want this body to make sure.

The other this is, go walk the halls, ladies and gentlemen, we can't bring up our guides. We can't bring up our business people. We can't bring up our sportsmen and have them help us lobby this bill. Quite frankly, we don't have any paid lobbyists. We, the people in this chamber, are our people's paid lobbyists. We cannot afford to have somebody from southern Maine or from away or from Washington out in the hall being paid to sway you on this vote on the right science and the wrong of science. To get back to the game wardens, when you take 12 game wardens in Washington County, Penobscot County, Washington County and Hancock County sitting around that table and you ask them point blank without management interfering and you say, is this a good thing? Everyone around that table, back in January or February when we sat around the table, said, no, don't let them back into our river. I trust our people. I trust our guides. I trust our sportsmen. I trust our legislative delegation. I trust our game wardens. I trust the biologists that have been fighting this for the last 10 or 15 years. Ladies and gentlemen, this is where the policy is made. I would ask each and every one of you to support this. I have talked to many of you. I have commitments out of many of you. I hope you stand up and support the commitments to our people down east. I will be there when you need it. 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. I would like to compliment the good Representative, Representative Bunker from Kossuth Township for his eloquent speech and the rest of them that have laid out the good case scenario on this. I was at the public hearings. I would just like to cast my line out to give you a little feedback on what I have heard from the good people from the other part, the other world or the other state, however we would like to call the good people from Washington County. We are playing with their livelihood. If I am correct, I heard the figures of a \$5 million loss to their economy if we should not do what we are going to do here, accept the report Ought Not to Pass. I wholeheartedly believe what each and every individual told me that made their trip from Washington County all the way down here to Augusta. They eloquently laid out the case scenario and told us exactly what the problem was. They really, truly have no say in what it transpiring in Washington County as far as public hearings. I would urge you to accept the Report "A," Ought Not to Pass. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Levant, Representative Chase.

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

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

Representative CHASE: Mr. Speaker, Men and Women of the House. If anything happens to this bill other than Ought Not to Pass, what are the implications that might arise from not having participated in the discussion with the Indian Nation under the treaties? Are there some problems there if anything should happen here other than the bill failing?

The SPEAKER PRO TEM: The Representative from Levant, Representative Chase has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative SOCTOMAH: Mr. Speaker, Ladies and Gentlemen of the House. I believe if there is not dialog, that

segment of the land claims is going to be void, which would question the whole document.

In 1995, when the blockage was first put up, I do believe there was part consultation with the tribe, not full consultation. When this issue came up several years afterwards, there was a meeting in Calais and quite a few guides and local fishermen and fishery biologists were there. The fishery biologist, it seems like, were sitting at each end of the aisle, not agreeing with each other. The tribe took a stance there. We wanted, at that time, if a decision was made for studies to be done, that was ignored. Again, during this session when the bill first came up, we asked that we want to be part of the process. We would like to have studies done before any more impact is done on our water systems. Thank you.

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

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House. I am sorry. I don't get up very often. One last point in case somebody is concerned about eagles. We did get some information come around on the eagles and the osprey. They won't survive without the alewives. We had a young lady, an environmentalist, I consider myself an environmentalist, you don't have to belong to a particular group, but I am concerned about the environment and I want to take care of it. She gets before the group and she said that eagles feed upon these. The eagles down that way are so skinny, because they don't have any alewives. I was ice fishing this winter on Big Lake. A friend of mine caught about a 3 pound pickerel and threw it on the ice and we went away, safe enough for an eagle, and an eagle did come down and pick up a 3 pound pickerel and took off with it. It was a pretty scrawny eagle I would say.

To my understanding, Washington County has the second largest population of eagles outside of Alaska or anywhere in the United States. I would guarantee, if we want to raise a bet on it or something, take a busload of legislators down and I can guarantee you that I can show you an eagle without even getting out of the bus on a tar road on Route 1 down in Calais, right next to the St. Croix, guaranteed. I wanted to throw that out. A few legislators will settle this issue. If I take you down and we see an eagle, alewives are out. If we don't, put them in. I guarantee you will see an eagle and I will win. The eagles are there. They are in great health. They are plentiful and we can see them anytime you want. I thought I might add that just in case. The eagle is always a good one to use, the endangered species as it was. It has been taken off that list. We certainly have plenty of them in Washington County. There is plenty of feed for them down there too. Thank you.

Representative MUSE of Fryeburg inquired if a quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. It has been my privilege over my time here in the Legislature to have served on two committees that are directly involved with the issue that is under discussion. My first experience about Grand Lake Stream was the instillation of screens and a dam. This afternoon there has been remarks made about the salmon fishing on Grand Lake about the best in Maine. My understanding is it is considered world-class salmon fishing. Over the time for serving on these two committees, by myself, and the fact that I have served on other committees over my life, I realized that the force behind this suggestion of sending

these alewives up the St. Croix was coming, as they would say, from a fur piece.

What I would like to say this afternoon would be to those people in Washington County that I have listened to the testimony on two committees. It varied quite a bit. I experienced some things that I had never experienced in my life in the conduct of those committees, but I would have to believe that I am urged with a situation that I was satisfied with. Here this afternoon we are talking about the people that earn a living down there, the guides, also I will talk to the fact that during the committee hearings and on the telephone from Washington County, I probably have gotten as many phone calls about this issue as anything I have ever encountered while I have been a legislator. To my knowledge, what I believed would be in the agreement from the 1980s with the tribes has not been completed. There were a number of these people that came to the hearings and I talked to them and they talked with me. As I stand here today, I don't believe that part of the agreement has been completed. I want you to know that in Washington County, not for the first time since I have served here, I support issues across the State of Maine and if someone calls me from somewhere in the State of Maine, I have never refused to do what I could to answer their questions. It might not have been satisfactory, but certainly this afternoon this is a very important issue and I would ask that you would not vote to send these fish up the St. Croix. Thank you.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I will be brief. I think that we were talking about this issue of the watershed in Washington County and why we are making this decision here in Augusta and the decision is not being made in Washington County. It is because these are submerged lands. They are great ponds. They are under the stewardship and ownership of all the people in the State of Maine, not just the citizens of Washington County, not that that diminishes our concern for their livelihood or their conditions. It does not. I think that we do need to bring a certain amount of balance to this discussion about what that watershed is going to look like in terms of its ecology and that is where this debate begins.

In 1995, when we closed the fish way, the two fish ways we are talking about are also the ones in this particular legislation, the Grand Falls Fish Way and the Woodland Dam Fish way. That was brought in as a floor amendment to a bill that really dealt with funding toward fish ways in general. I don't remember the exact bill. This was a floor amendment that would close the fish ways. The collapse of the bass fishery is not chronological to that closing. It happened years earlier. The 2.6 million alewives population in Spednik Lake occurred in the mid '80s. We are talking about a pretty long spread of time. I would implore you to not consider the high spike in the population of alewives to be somehow in concert with the opening of the fish ways and the collapse of the bass fishery. One of the things that has not been discussed is the fact that there were draw downs in Spednik Lake of up to 14 feet, which not only affected the spawning, but also affected the feed, because the feed tends to rest at the top of the water. When you open the dam, it is the top of the water that moves out first. Not only did you have a high population of alewives and alewives fry, but you also had a diminished food supply that they were competing for. There really was a conspiracy of circumstances, I think, that contributed to the collapse of the bass fishery in Spednik Lake.

However, this bill has nothing to do with Spednik Lake. Regardless of the outcome of this legislation Spednik Lake remains closed. The Vansboro Dam Fish Way will not be open

to alewives. The hobgoblin of alewives, which has been illustrated by what happened on Spednik Lake is not even a reality under this bill. We are really talking about the two dams at Woodland and at Grand Falls.

There was also another factor that was involved here, which was the improvement of the fish way at Mill Town. I also got a lot of phone calls from Washington County from the guides who said that we really need your help on this. I have been very open minded about this from the start. I said that if you can show, scientifically, that there were no alewives as you assert above the Mill Town Dam, ever, that it is a dead issue. They said they would get that information. The information they brought to the committee was a couple letters from guides who were in their late 90s who said that they have never seen alewives in the St. Croix watershed. That is anecdotal information, but it is hardly scientific information. In fact, scientifically it is the exact opposite. Depending on condition of fish ways and fish passages on the St. Croix, if they were operating, they were alewives in the St. Croix.

The small mouth bass was introduced right after the Civil War. It is not a native species. It is a valuable fishery. There is no question about it. My friend from Baileyville, Representative Morrison, mentioned a biologist that he did not see at the public hearing. We specifically requested they come to the committee because there were some questions about what their position was on the status of alewives in the watershed. There was some conflicting information about whether they were able or unable to bring information to the committee based on their scientific opinions, regardless of the fact that this is really a policy decision, not a biological one. We asked them to come to be honest and frank with us. They said, frankly, if we had it our way, we would leave everything just the way it is. Looking at the situation, looking at what the requests are and what the habitat can sustain, the agreement in the amendment, four alewives per acre, is very workable and shouldn't harm the fishery at all. In fact, if you look at other rivers in Maine, which have alewives, like the Kennebec and how they come up little Cobbossee Stream and they actually truck them over the dam to get them in for feed for bass, it is sort of watershed to watershed how these fish would interact with each other. I think we can look at the Lake St. George Study and say that generally speaking things can interact well, but, again, it is important to note that watersheds are all different and that is, I think, the root of some of the confusion here about what could happen down east versus what happens in Lake St. George or it could happen on the Kennebec River, Penobscot River or any other river in the state given the lakes that feed those rivers.

It is an ecological decision that we are making here. It is a fish species that has been shown to be a native fish species. It does have a significant place in the ecology. It is not just simply a trash fish. It is a vital part of the food chain. I think that if you are looking at a comparison between warm water fish species and cold water fish species, it is apples and oranges. The interactions, generally speaking in this type of watershed, do indicate that this is a very workable agreement. I urge you to not accept the Ought Not to Pass report and accept the Ought to Pass report. There are safeguards in it. There are provisions for monitoring and reports to the committee of jurisdiction far into the future so we can make sure that the collapse that is being threatened here does, in fact, happen. Thank you.

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

Representative MUSE: Mr. Speaker, Colleagues of the House. We started this about an hour ago. Hopefully we are close to the end. If you weren't confused when we began, you certainly should be now. I rise today as an angler, as a

sportsman and as a conservationist. I own a camp in down east Maine and I spent hours wading the waters in that part of the world with my seatmate, the good Representative and mediocre angler from South Portland. I know the area. I know most of the guides. I have heard and responded to their concerns by e-mail, by phone and by fax. I think we all have. It would be very easy for me to take the side of, you know its not broke, so let's don't fix it, but I can't. There is a much bigger picture here and it is one that should consider a basic posture. It should think about a basic role that we play when we are forced to make a choice without adequate data. We have heard hours and hours and hours of testimony from experts. What they have had to say has been rampid with would haves, could haves, should haves, might haves and might be. In other words, we don't have adequate information. If we did, you wouldn't see the split that we see, 12 to 11. Once again, whatever choice we make it going to one of poke and hope and the only thing that is certain is that it will be years before we know if our choice was right or wrong.

Spednik Lake was a case of hardworking lawmakers acting with the information that they had on hand, no more than we have on hand today. I would suggest that the choice at that time was very possibly the wrong one made for the right reasons. Today we have an opportunity and it is an opportunity to do the right thing for the right reason. The reason should follow this path. Without adequate information, we must move in a direction that is natural. Very simply, alewives were native. They were an integral part of the ecosystem. To quote the good Representative Wheeler who spoke earlier, "Let's let Mother Nature take her own courses." I urge you to let the alewives run. Thank you Mr. Speaker.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. What, you may ask, am I standing up for? What would I add to this debate? Well, I am going to tell you. During the 118th I sponsored legislation to get rid of alewives in Tripp Lake in Poland. Why did I do that? I did that because the fishermen in my town asked me to do that. Alewives were becoming a real problem in Tripp Lake. Alewives are meant to be in saltwater or freshwater combinations. I oppose letting them spawn up the St. Croix River. Alewives should not only spawn in freshwater and must return to saltwater. They are aquatic fish. In the 118th and with that bill, I had listened to a lot of experts and I learned a lot. We asked the state to please stop stocking Tripp Lake because the alewives were eating the other babies to the fish. The alewives were taking over. Alewives also have a problem when they are in freshwater for any length of time and don't return to the saltwater because they become diseased. They could hurt the ecology of the lake. I have a real deep fear that this might happen to our St. Croix River. I think you have heard some great testimony here today. Today Tripp Lake is a vibrant lake. It is healthier and other fish have been able to come back. I am asking you to please not allow the passage of this bill and vote against allowing alewives to spawn up the St. Croix River. Thank you.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. Following up from the good Representative from Fryeburg, Representative Muse, when it comes time for me to vote on this bill I asked myself one simple question and that is, what is the original, as natural as possible, state of the St. Croix River and whether or not by allowing the alewives up the St. Croix whether this would be an introduction or a reintroduction of a species. All the evidence shows that this would be a reintroduction of a species that is indigenous to this area. By

allowing these alewives back up into the St. Croix that this would be an effort to move back to as natural a state as possible in the river before we came along and started doing whatever we do. I urge you to vote against the pending motion so we can move on to accept the Majority Ought to Pass Report. Thank you ladies and gentlemen.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. Please, the natural state of this fish is in saltwater. It is an aquatic fish. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative **USHER**: Mr. Speaker, Men and Women of the House. I guess we have heard everything that we want to hear about alewives. I am not having fish chowder for supper. Like the good Representative from Lebanon, I serve on both committees, the Fish and Wildlife Committee and the Marine Resources Committee. When we heard this legislation, we heard it jointly. A couple weeks later the Fish and Wildlife Committee met and held their own workshop. We had it separately. At our workshop we had three biologists come to speak before us. They all gave their comments related to this. We also had three tribal members sit up front and answer questions. We also had a Maine guide get up. We also had the chairman of the International Commission. The information they gave us wasn't very convincing to me because, I, too, have fished down in that area and was very concerned about the fisheries. As the result of that committee meeting, I voted no. I voted against letting the alewives come up there. About two weeks later, the Marine Resources Committee met and held a workshop. At that committee hearing there was only biologist that spoke to us. The proposal was a little bit different. I sat on both of the committees. The proposal was a little bit different and there was some different requests made from the committee. The results of that, there was a little security added to it. The security was that they do a study every two years to make sure this doesn't affect the fisheries in the area. The results of that meeting was, yes, like a lot of us, I changed my mind and I voted yes. I concerned me because my past experience and when two committees hold a meeting on a bill, then they should work it together. I spoke to the chairmen on both committees and I urged them, the results were different in both committees, to please consider having a workshop together. I don't know if anyone else did, but I know I did it more than once. Finally we got together as one committee. The results of that, with the security clause in there that we study this every two years and two years after that, made me convinced that we should give this a trial. It is only up for two dams. It is not all the way up to the lake that is being concerned about by everyone. My vote, again, was changed to yes, let them come up the river.

The SPEAKER PRO TEM: 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. 180

YEA - Andrews, Ash, Bagley, Belanger, Berry DP, Blanchette, Bliss, Bowles, Brooks, Bruno, Bryant, Buck, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Cote, Cressey, Daigle, Davis, Desmond, Dorr, Dugay, Duncan, Duprey, Estes, Gagne, Glynn, Goodwin, Haskell, Hatch, Hawes, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kasprzak, Labrecque, LaVerdiere, Ledwin, Lessard, Lundeen, MacDougall, Madore, Matthews, McDonough, McGlocklin, McGowan, McKee, Mendros, Michael, Michaud, Morrison, Murphy T, Nass, Nutting,

O'Brien LL, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Povich, Richard, Richardson, Rosen, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Tarazewich, Tessier, Tobin D, Tracy, Trahan, Tuttle, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Annis, Berry RL, Brannigan, Bull, Colwell, Cowger, Crabtree, Cummings, Dudley, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gerzofsky, Gooley, Green, Hall, Honey, Kane, Laverriere-Boucher, Lemoine, Lovett, Mailhot, Marley, Mayo, McKenney, Mitchell, Muse C, Muse K, Norbert, O'Brien JA, O'Neil, Rines, Savage, Sullivan, Thomas, Tobin J, Treadwell, Twomey, Usher.

ABSENT - Baker, Bouffard, Koffman, Landry, Marrache, McLaughlin, McNeil, Murphy E, Norton, Quint, Stedman, Mr. Speaker.

Yes, 97; No, 42; Absent, 12; Excused, 0.

97 having voted in the affirmative and 42 voted in the negative, with 12 being absent, and accordingly Report "A" 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 Speaker resumed the Chair.
The House was called to order by the Speaker.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative TUTTLE from the Committee on LEGAL AND VETERANS AFFAIRS on Resolve, Authorizing the Department of Defense, Veterans and Emergency Management to Accept Land for a Veterans' Cemetery in Southern Maine

(H.P. 1348) (L.D. 1803)

Reporting Ought to Pass pursuant to Joint Order (H.P. 1292).

Report was READ and ACCEPTED.

The Resolve READ ONCE.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 363) (L.D. 1201) Bill "An Act to Require the State to Provide Flags for Persons Who Are Listed on the Memorials Located on State Street in Augusta" Committee on LEGAL AND VETERANS AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (S-192)

(H.P. 856) (L.D. 1128) Resolve, Directing the Department of Corrections to Include in its Plan for a Long-term Care or Hospice Facility Administered by the Department of Corrections Resources and Costs Necessary to Provide Long-term or Hospice Care to County Jail Inmates and Presentence Detainees Committee on CRIMINAL JUSTICE reporting Ought to Pass

(H.P. 271) (L.D. 349) Bill "An Act Concerning the Transportation of Juvenile Offenders" Committee on CRIMINAL JUSTICE reporting Ought to Pass as Amended by Committee Amendment "A" (H-455)

(H.P. 899) (L.D. 1191) Bill "An Act to Amend the Maine Arborist Licensing Laws" Committee on AGRICULTURE, CONSERVATION AND FORESTRY reporting Ought to Pass as Amended by Committee Amendment "A" (H-458)

(H.P. 952) (L.D. 1266) Bill "An Act to Protect Against Contamination of Crops and Wild Plant Populations by Genetically Engineered Plants" Committee on AGRICULTURE, CONSERVATION AND FORESTRY reporting Ought to Pass as Amended by Committee Amendment "A" (H-449)

(H.P. 1063) (L.D. 1426) Bill "An Act to Allow the Purchase of Rabies Vaccine by Livestock Farmers" Committee on AGRICULTURE, CONSERVATION AND FORESTRY reporting Ought to Pass as Amended by Committee Amendment "A" (H-450)

(H.P. 1284) (L.D. 1747) Bill "An Act Regarding School Funding Based on Essential Programs and Services" Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-457)

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 or 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 INLAND FISHERIES AND WILDLIFE reporting Ought Not to Pass on Bill "An Act to Establish a Primitive Firearms Season for Deer"

(S.P. 210) (L.D. 775)

Signed:

Senators:

CARPENTER of York
WOODCOCK of Franklin

Representatives:

DUNLAP of Old Town
CHICK of Lebanon
CLARK of Millinocket
HONEY of Boothbay
USHER of Westbrook
PERKINS of Penobscot
TRACY of Rome

BRYANT of Dixfield
McGLOCKLIN of Embden

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-175)** on same Bill.

Signed:
Senator:
KILKELLY of Lincoln
Representative:
TRAHAN of Waldoboro

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

READ.

On motion of Representative DUNLAP of Old Town, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act Relating to Restricted Licenses for Certain Drivers"

(H.P. 1087) (L.D. 1456)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409)** in the House on May 14, 2001.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative FISHER of Brewer, the House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Enhance and Protect Disclosure of Confidential Property Tax Information"

(S.P. 533) (L.D. 1654)

Signed:
Senators:
GAGNON of Kennebec
KNEELAND of Aroostook
Representatives:
GREEN of Monmouth
STANLEY of Medway
GAGNE of Buckfield
McGOWAN of Pittsfield
BUCK of Yarmouth
BOWLES of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-185)** on same Bill.

Signed:
Representative:
McLAUGHLIN of Cape Elizabeth

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

READ.

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

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-461)** on Bill "An Act Relating to Personal Privacy and Governmental Information Practices"

(H.P. 1234) (L.D. 1681)

Signed:
Senators:
RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford
Representatives:
LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta
MENDROS of Lewiston

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

Signed:
Representatives:
WATERHOUSE of Bridgton
SHERMAN of Hodgdon

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-461)** 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-461)** and sent for concurrence.

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** and the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-460)** on Bill "An Act to Revise the Sewer Lien Laws"

(H.P. 381) (L.D. 483)

Signed:
Senators:
FERGUSON of Oxford
TREAT of Kennebec
CARPENTER of York
RAND of Cumberland
McALEVEY of York
Representatives:
SAVAGE of Buxton
RINES of Wiscasset
CRABTREE of Hope
PERKINS of Penobscot
McGLOCKLIN of Embden
DUNCAN of Presque Isle
BLISS of South Portland

HALL of Bristol
BERRY of Belmont
LaVERDIERE of Wilton
BULL of Freeport
JACOBS of Turner
MITCHELL of Vassalboro
MUSE of South Portland
SIMPSON of Auburn
MADORE of Augusta
WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

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

Signed:
Representative:
GOODWIN of Pembroke

READ.

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

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. This bill was a jointly referred bill from both Utilities and Judiciary. I was assuming that the chair of Utilities was going to make the motion, but we will, in fact, make the motion **Ought to Pass as Amended** by Committee Amendment "A."

The Bill was **READ ONCE**. Committee Amendment "A" (H-460) 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-460)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Allow Maine Technical College System Faculty and Administrative Units to Participate in a Defined Contribution Plan"

(H.P. 930) (L.D. 1244)

Signed:
Senators:
EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:
BUNKER of Kossuth Township
CRESSEY of Baldwin
MacDOUGALL of North Berwick
TREADWELL of Carmel
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:
Representatives:
MATTHEWS of Winslow
DAVIS of Falmouth

READ.

On motion of Representative BUNKER of Kossuth Township, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-200)** on Bill "An Act to Require a Position to be Filled in the Iris Network"

(S.P. 191) (L.D. 663)

Signed:
Senators:
EDMONDS of Cumberland
TURNER of Cumberland
SAWYER of Penobscot

Representatives:
BUNKER of Kossuth Township
MATTHEWS of Winslow
TREADWELL of Carmel
DAVIS of Falmouth
MacDOUGALL of North Berwick
HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro

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

Signed:
Representative:
CRESSEY of Baldwin

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200)**.

READ.

On motion of Representative BUNKER of Kossuth Township, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-200) 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" (S-200)** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 409) (L.D. 1353) Bill "An Act to Increase the Maine Turnpike Authority Bond Limit" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 545) (L.D. 1691) Bill "An Act Adopting and Implementing the National Crime Prevention and Privacy

Compact" (EMERGENCY) Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 544) (L.D. 699) Bill "An Act to Allow Access to Highways for Certain Purposes" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 981) (L.D. 1305) Bill "An Act to Consolidate the Laws Regulating Transient Sellers and Door-to-door Home Repair Transient Sellers" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1054) (L.D. 1417) Bill "An Act to Amend the Membership of the Substance Abuse Services Commission" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 768) (L.D. 987) Bill "An Act to Change Certain Educational Requirements and Make Title Changes for Licensed Social Workers" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-466)**

(H.P. 838) (L.D. 1110) Bill "An Act to Eliminate the Tax on Mahogany Quahogs" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-463)**

(H.P. 1204) (L.D. 1626) Bill "An Act to Make the Laws Affecting Certain Bridges Consistent with Federal Law" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-470)**

(H.P. 1259) (L.D. 1694) Bill "An Act to Amend the Finance Authority of Maine Act" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-467)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **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 **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Preserve Public Access and Job Opportunities in the Maine Woods"

(H.P. 409) (L.D. 530)

Signed:

Senators:

- KNEELAND of Aroostook
- NUTTING of Androscoggin
- KILKELLY of Lincoln

Representatives:

- LANDRY of Patten
- LUNDEEN of Mars Hill
- PINEAU of Jay
- 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-459)** on same Bill.

Signed:

Representatives:

- McKEE of Wayne
- VOLENIK of Brooklin
- HAWES of Standish

READ.

Representative LUNDEEN of Mars Hill moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. This is a bill that I sponsored for the second time this year. There were some modifications from the last legislative session. I would ask you to vote against the Majority Report and go on to accept the Minority Ought to Pass Report. I am very proud of this legislation. I have not been here, not a whole long time, but five years. I have lived through the debate in this chamber and in several legislative committees dealing with the challenges of how we, as a state should be involved an to what degree we should be involved directing the use of Maine's vast wilderness areas.

It has become clear to me over the years that there are four results that we want to see from our great woods. One is a continuing supply of wood and fiber products to supply Maine's lumber and paper mills far into the future. Second, we want to see jobs based on this renewable natural resource. Third, I think we all want to see some sort of limited development to help maintain the wilderness character of Maine woods. Fourth, we all want to see public access for recreational and sporting opportunities in our woods. There have been numerous and frequent sales of significant portions of Maine woodlands and there have been concerns that have arisen that these goals that I hope we all hold in common might be lost.

Sales of Maine woods that were announced in 1998 amounted to actually more than twice the land area of the entire State of Delaware. Out of state land and timber companies to a greater and greater extent, investment companies, not really tied to our timber industry alone announced the purchase of over 4,000 square miles in 1998. Concerns mounted, at least in my mind, wondering if the new owners would be as good stewards of the land as the former owners and if the new owners would supply the fiber and timber supply from all their land or if they would indeed use the land for something other than growing trees.

As an example, Diamond Oxidental, which sold 790,000 acres of land in a 10-year period ending in 1997 split off their highest and best used land and sold those to individual homeowners taking them out of production forever. If the concerns are for maintaining the jobs in the Maine woods, maintaining our timber and fiber supply, maintaining public access, that is why I put forth this legislation known as the Maine Woods Act. I am sure you haven't heard much about this. There hasn't been much support. There hasn't been much opposition. Really this is my attempt to pull together the virgin viewpoints and to develop a solution that is tolerable rather than preferable to many of us.

In a nutshell, the Maine Woods Act would allow the state to go and purchase large tracts of productive working forest with bonds that would be issued by the Maine Woods Board. The intent is to pay back the cost of these bonds by continuing to actively manage the forestlands while continuing to provide forest products. The fundamentals of this bill is flexibility in the land management through the creation of the relatively

independent Maine Woods Board, which consists of several commissioners, the Treasurer of State, the Attorney General and three private citizens that have expertise in forest issues. This board will have the flexibility to purchase land easements and then whether to actually lease areas for cutting or actually get involved directly for providing a forest products supply.

It is my vision that this board would continue to utilize existing private activity and, in fact, develop additional private jobs to help work our vast forest lands. The Board would have a fiduciary responsibility to not only meet the bond payments, but to also cover the expenses and administration costs for the board. Furthermore, there would be a payment equal to real estate taxes paid by the board to either the municipality where the land is located or in the case of LURC jurisdiction to the state's general fund. This payment in lieu of taxes is critical because it is a very different model than typical state ownership of land.

The creation of the Maine Woods Board is not to go out and aggressively seek out land for purchase, but instead to be a tool should an opportunity arise between a willing seller of private land and the applicability of that land for future productive and viable forest use. We, as a state, presently have no tool to purchase any land such as this on a timely basis. The creation of the Maine Woods Act that you have before you would provide this tool and have it at the ready and that it may be that we never need this instrument, but I think it would be nice to have in our toolbox. There is a requirement that all land acquisitions would contain a recorded deed restriction, which would allow for the use of this land for forest product production in perpetuity.

Keep in mind with this type of deed restriction at the time of purchase by the state the prevention of harvesting activities cannot be changed at the discretion of any future Legislature or cannot be changed by any citizen's initiative petition drive. This act was not meant to conflict in any way with the Land for Maine's Future Fund. The Land for Maine's Future Fund, as you know or may not know, cannot be used for the acquisition of land for which the primary use value has been and will be as commercially harvested or harvestable forest land. That is direct from statute. It is a productive forest land. It is the only land envisioned for purchase by the Maine Woods Fund.

I also want you to keep in mind that there is no direct appropriation of state funds. This is designed to be a self-sustaining and self-funded program. There is no fiscal note on this bill.

I will sum up and just ask you to support a new tool, something new to think about. It might not pass tonight. I don't have any grand visions. It is a new tool to help preserve public access to Maine's great expanses of productive forest land while at the same time providing increased security for jobs in the woods. I truly believe we have here an opportunity to save a part of Maine's heritage and that is our working forests for all future generations to enjoy. Mr. Speaker, when the vote is taken, I would ask for the yeas and nays.

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

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

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. This sounds like a nice idea. I think if you are one of those people that like public ownership, it is a good idea. However, this essentially would parallel what we already have in the Maine Forest Service. It would require that we hire some people to run this. I assume it would be foresters or people who are knowledgeable to do this. It would essentially

take and put the private landowners in the state in competition with the state. In my opinion, that is a bad idea.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. This is the second time that we have heard a little different story. This time around it is a little different approach, but it is basically the same as what was offered two years ago. Although I realize that the good Representative has put a lot of work and thought into this bill, it still carries the same problems the way I see it in that it would be very bureaucratic and it would be very cumbersome and it would be really against free enterprise. There is nothing wrong with free enterprise. Today, the working forest in Maine is alive and well. Yes, there are those who will criticize what is happening in the Maine forests, but overall there is much that can be said about maintaining a working forest that is in the free enterprise way. I would just like to say that the commissioner of Conservation spoke to us on this particular bill and that the Department of Conservation does not support this particular bill at this time. Also, the Maine Forest Products Council did not support it either.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative CARR: Mr. Speaker, Men and Women of the House. Just a quick point following up on some of the testimony of the commissioner of the Department of Conservation stated that this would put the state in a position of buying and harvesting wood for profit in competition with some of our landowners that we presently have. This would also create a \$200 million bond, which creates a new land's board and it would be in conflict with parks and lands. It would also have an affect on Maine's bonding. It would also need some front-end seed money to get this off the ground in the neighborhood of \$6 or \$8 million. I just wanted to bring those facts out as well. Again, I, too, want to thank the Representative from Hallowell, Representative Cowger. I know that he did put a lot of work into this and he actually does believe in what he is doing. It is just that in this time and place, I don't think we are quite ready for a project such as this. Thank you Mr. Speaker.

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. 181

YEA - Andrews, Annis, Belanger, Berry DP, Bliss, Bouffard, Bowles, Brannigan, Bruno, Bryant, Buck, Bumps, Bunker, Canavan, Carr, Chase, Clark, Clough, Collins, Colwell, Crabtree, Cressey, Daigle, Davis, Desmond, Dugay, Duncan, Duprey, Estes, Fisher, Foster, Fuller, Gagne, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jacobs, Jodrey, Jones, Kasprzak, Labrecque, LaVerdiere, Ledwin, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Matthews, Mayo, McDonough, McGowan, McKenney, Mendros, Michael, Michaud, Morrison, Murphy T, Muse C, Muse K, Nass, Nutting, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Pinkham, Richard, Richardson, Rosen, Savage, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Ash, Blanchette, Brooks, Bull, Chick, Chizmar, Cote, Cowger, Cummings, Dorr, Dudley, Dunlap, Duplessie, Etnier, Gerzofsky, Green, Hatch, Hawes, Hutton, Kane, Laverriere-Boucher, Lemoine, Marley, McGlocklin, McKee, Mitchell, Norbert, O'Brien LL, Povich, Rines, Simpson, Skoglund, Smith, Sullivan, Thomas, Twomey, Volenik, Watson, Mr. Speaker.

ABSENT - Bagley, Baker, Berry RL, Hall, Koffman, Landry, Marrache, McLaughlin, McNeil, Murphy E, Norton, O'Brien JA, Quint, Stedman.

Yes, 98; No, 39; Absent, 14; Excused, 0.

98 having voted in the affirmative and 39 voted in the negative, with 14 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**.

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-191)** on Bill "An Act Regarding Direct Sales from Maine Breweries"

(S.P. 121) (L.D. 397)

Signed:

Senators:

WOODCOCK of Franklin
BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

CHIZMAR of Lisbon
COTE of Lewiston
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 Not to Pass** on same Bill.

Signed:

Representative:

LABRECQUE of Gorham

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-191)**.

READ.

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

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I don't expect to get too far with this, but I do want to have you understand why I am on the Ought Not to Pass side of this issue. This is a bill that will allow small breweries a year to make up their minds whether or not they want to be a big brewery.

Let me back up and explain to you that in the area of beer making we have small and we have large. We have no in between. It has been designed that way for some time. There have been efforts in the past to create a middle field. It is felt that if you produce 500,000 gallons of beer, that is the small microbrewery, if you will. If you go over this limit, then you become a bigger brewery. It is at that time that you do have to begin to buy and invest in your business because you will obviously need to have bigger baths and so forth. This is one of

the reasons why we have not had the middle road. I just ask that you consider this because what this bill will now do is it will allow a brewery, a small brewery, who has reached its 500,000 gallon level and feels that they would like to go on, but isn't really sure, an opportunity to make that decision in a year. To me, it is a boundary issue. It is sort of what we always have. If you live on the boundary I don't care what that boundary is, whether it is a town, school boundary or whether it is your district boundary, there is always something better on the other side. Thank you ladies and gentlemen.

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. Is the small brewery 500,000 or is that 50,000 gallons?

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 Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, Ladies and Gentlemen of the House. The answer is 50,000 gallons.

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

The **SPEAKER**: A division 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.

A vote of the House was taken. 117 voted in favor of the same and 10 against, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-191)** 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" (S-191)** in concurrence.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-195)** on Bill "An Act to Fully Fund the Geographic Isolation Adjustment" (EMERGENCY)

(S.P. 428) (L.D. 1383)

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland
WESTON of Montville
LEDWIN of Holden

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

Signed:

Representatives:

STEDMAN of Hartland

ANDREWS of York

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-195)**.

READ.

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

The Bill was **READ ONCE**. Committee Amendment "A" (S-195) 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" (S-195)** in concurrence.

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

Ought to Pass Pursuant to Joint Order

Representative TUTTLE from the Committee on **LEGAL AND VETERANS AFFAIRS** on Resolve, Directing the State Auditor to Amend the Campaign Finance Reporting Form for Candidates to a Form Similar to the Form Used in 1994

(H.P. 1350) (L.D. 1807)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1246).

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

The Resolve **READ ONCE**.

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

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

Ought to Pass Pursuant to Joint Order

Representative TUTTLE from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act Regarding the Laws Governing the Department of Defense, Veterans and Emergency Management and the Commission to Recognize Veterans of the Vietnam War in the State House Hall of Flags" (EMERGENCY)

(H.P. 1351) (L.D. 1808)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1340).

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

The Bill **READ ONCE**.

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

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

Ought to Pass Pursuant to Joint Order

Representative BAGLEY from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Repeal Certain Boards and Commissions"

(H.P. 1349) (L.D. 1806)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1208).

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

The Bill **READ ONCE**.

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

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

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

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-182)** on Bill "An Act to Correct an Error in the Bureau of Parks and Lands Statute"

(S.P. 144) (L.D. 488)

Signed:

Senators:

KNEELAND of Aroostook

NUTTING of Androscoggin

Representatives:

McKEE of Wayne

LUNDEEN of Mars Hill

PINEAU of Jay

GOOLEY of Farmington

FOSTER of Gray

CARR of Lincoln

JODREY of Bethel

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

Signed:

Representatives:

VOLENIK of Brooklin

HAWES of Standish

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-182)**.

READ.

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

The Bill was **READ ONCE**. Committee Amendment "A" (S-182) 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" (S-182)** in concurrence.

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

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation" (H.P. 76) (L.D. 85)

Signed:

Senators:

RAND of Cumberland
McALEVEY of York
FERGUSON of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-462)** on same Bill.

Signed:

Representatives:

WATERHOUSE of Bridgton
SHERMAN of Hodgdon
MENDROS of Lewiston

READ.

Representative LaVERDIERE of Wilton moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: 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. I ask you to consider moving on to the Minority Ought to Pass Report. This bill is dealing with land rights and essentially governmental takings when the government devalues by more than 50 percent. For the greater good, the government has the power to take property away from homeowners, families and businesses for governmental use even if this land is not for sale, even if this action is against the wish of the landowner. In order to protect the rights of the individual, eminent domain powers of the government require that these takings of land be compensated by a fair market value. This is the Maine citizens only recourse and ability to be made whole if their land or their home is taken away and it provides for them the ability to relocate and hopefully re-establish themselves somewhere else nearby and enjoying the same quality of life they once had prior to the governmental regulations. Creating a financial cost for the government in these actions also create an awareness by officials of the financial damage that is sometimes caused to the individuals. Likewise, governmental officials need to prioritize the costs, the viability and the other alternatives to affecting these people's lives.

The definition of zoning and land use regulations for the greater good in recent times has drastically changed. One used for separation of major uses local zoning and state land use regulations have been used to eliminate current uses of property and devalued property. The Maine resident and homeowners in many cases are powerless and end up losing not only their property rights, but also their financial future and the ability to sustain themselves in their very own home in their town.

By way of example, I would like to inform the members of the House of a situation that I was personally involved in in dealing with the wiping out of a residential neighborhood in the cash

corner neighborhood of my town of South Portland. This is an example of where a local zoning, guided by the State of Maine Comprehensive Planning Laws, resulted in governmental actions that caused harm to the individual in the interests of the greater good. Twelve families in the Cash Corner neighborhood of South Portland had their residential uses terminated to make way for an industrial park.

In the late 1800s the land was used for farming and for homes. Following the introduction of zoning, the land was zoned to a district in South Portland known as District I, which is mixed use zone of residential and commercial uses. This allows for homes to be built and businesses to locate along with them in this area. Approximately 300 families lived in this neighborhood and many of us go back several generations. During the 1960s and 1970s, some large businesses located into the area and many of the residents who worked at the businesses located in Cash Corner did so to be close to their work. During the 1980s several of the businesses wanted to expand, however. This was the however. The majority of the land was built on and was occupied by homeowners that had settled there and that is where our problems began.

This area in Cash Corner where my family lived was the first row of houses next to the expanding warehouses. One business approached the owners of 12 homes seeking an opportunity to purchase the homes to make way for the expanding industrial park. As they went from house to house, they found that the people who lived there didn't want to move. Their houses weren't for sale. Dissatisfied with the answers, the businesses approached the local town leaders and informed them that if the land was not made available, they would need to relocate their business and the local economy with them out of South Portland. In response to these pressures, our local city council rezoned the area from a mixed use zone to an INR zone, heavy industrial, non-residential. The purpose of the zone change was to eliminate residential allowances in the area and that was the effect. Many of the homeowners in this neighborhood had extra house lots, which were approved in the original subdivision and were never built upon. They were told in a letter by the city that our right to build upon these house lots was terminated. Additionally, we were told by the city that if our homes burned down, we would be denied a building permit and the right to rebuild. We were also told that we were no longer eligible for building permits to construct garages or sheds.

This was one of the original neighborhood in South Portland and most of the homeowners were retired and on fixed incomes. The Cash Corner neighborhood in South Portland is a middle class blue-collar neighborhood. As you could imagine, panic set into our neighborhood. A pair of realtors went through our neighborhood a week after the rezoning offering residents 40 cents on the dollar to owners to purchase their property. These residents told people, among them were my parents with myself present, that we should take what we can get and leave now because when the expansion comes, the holdouts will get less. We were in an absolute no win scenario. If our families stayed, they were left vulnerable by zoning restrictions, which took away our right to expand, renovate and actually even use our home. If we left, our property was so devalued through governmental actions, our family would have had to start over someplace else without even the full realization of our only major asset, our home.

One of our neighbors had to sell their home and it was on the market for sale prior to the rezoning. She was a senior citizen who had just placed her husband in a nursing home and was looking to relocate into a lower maintenance apartment or condo. Her home was on the market for \$85,000 prior to the rezoning. Following the rezoning, financially and physically, she was able

to remain in her home. She was forced to sell to her highest and best offer, \$40,000. This is an example of someone that would be affected positively by this bill.

In my families personal example, my mother had been diagnosed with Alzheimer's Disease and my father was just retiring. Neither wanted to move because they had both lived in their home their entire adult lives. My grandparents lived two house down on the same street and my parents built this house when they were married following World War II to take care of them. I was the fourth generation resident of my family to live on this street. My plans were to build a home on our spare house lot so that I could continue to take care of my parents like they did theirs. Like my neighbors who had similar stories, our whole way of life and our ability to relocate, even though that was not our wish, was absolutely taken away and stolen from us through ruthless government actions.

The reason why I have gone through this example with such vivid detail, I appreciate your attention to it, this illustrates that these public policy decisions are not theoretical problems. These situations are very real. The people have faces known to all of us and it happens in all jurisdictions. It happened to one of your members, Representative Glynn from South Portland. This is but one example of how many that I have personally witnessed just in my hometown alone has been affected. What can happen to my family, can happen to your family, can happen to my constituents and can and will happen to your constituents that you represent.

I offered a similar bill to this in the 119th Legislature. That bill received a divided recommendation from the Judiciary Committee along with the support of a little less than half of the House of Representatives. The major concern that was raised during the work session and the floor debate was the issue of retroactivity with regard to past violations of governmental agencies. This current bill addresses this concern by specifying that this legislation is not retroactive. I repeat, it is not retroactive. It would only be applied to future takings that meet the specified criteria. Correction of past mistakes and taking by governmental authorities is out of the scope of this proposal. This bill looks only forward to protect the things like what happened to my family and my constituents doesn't happen again. I urge very much your consideration of this proposal. I think that if the government, through regulation, devalues property by more than 50 percent, then that cost factor should be on the table for consideration. I believe financial damage beyond the scope of what is acceptable has occurred and with the great responsibility that local jurisdictions in the state have come to very real and very firm responsibility to make good on their actions. I respectfully request that you turn down this Ought Not to Pass motion and move on to the Minority Ought to Pass Report. Thank you.

When the vote is taken, I 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: The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. I appreciate the good Representative from South Portland bringing this bill forward to us. This bill has been brought forward to us. This bill has been brought forward to the Judiciary Committee in the 117th, 118th, 119th and now in the 120th Legislature. Each time we looked at that, we have come to the same conclusion. In 1995, as a result of a similar bill, there was an extensive study done on this question. As a

result of that intensive study by neutral parties, it was suggested that we develop a land use mediation program. That program was put into affect. It is in effect now and it provides an opportunity for people who feel aggrieved by actions of municipalities of the state an opportunity to bring their concerns to that mediation board and have it mediated. I would point out to you that if you turn down the Majority Ought Not to Pass Report and go on to the Minority Report, you will be facing a very significant price tag and a mandate that will apply to all municipalities. This is not a good idea. It will cost huge amounts of money for the state and, frankly, will allow a tremendous amount of litigation on speculation. I think my house would have been worth this much if that hadn't happened. Therefore, I want X amount of dollars. It encourages speculation. It is not good policy for the State of Maine. It is not broken, it doesn't need to fixed. I would urge you to accept the Majority Ought Not to Pass Report. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I will refrain from saying that I didn't plan on speaking on this tonight, but I was going to sit here and wait to see what was said. Having said that, I have heard these arguments in the past and the good chair of our committee, Judiciary, is correct, we have had this bill up here since I have been up here in the 117th. I constantly hear that refrain about the impact of municipalities and so forth and so on. I have this comment from the US Supreme Court in a case dealing with the regulatory taking and I laminated it and I carry around with it all the time, either in my pocket or on the desk. I am just going to briefly quote what it says here. It is pertinent to what the good Representative before me said. "We realize that our present holding will undoubtedly lesson to some extent the freedom and flexibility of land use planners and governing bodies of municipal corporations when enacting land use regulations. Such consequences necessary flow from any decision upholding a claim of constitutional rights. Many of the provisions of the Constitution are designed to limit the flexibility and freedom of governmental authorities in the just compensation clause of the Fifth Amendment is one of them. As Justice Holmes aptly noted more than 50 years ago, a strong public desire to improve the public's condition is not enough to warrant achieving the desire by a shorter cut in the constitutional way of paying for the change." 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. 182

YEA - Ash, Belanger, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, Michaud, Mitchell, Muse C, Nass, Norbert, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Smith, Sullivan, Tarazewich, Tessier, Thomas, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bowles, Buck, Bunker, Carr, Chase, Clough, Collins, Crabtree, Cressey, Davis, Dugay, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Ledwin, Lovett, MacDougall, McKenney,

Mendros, Michael, Morrison, Murphy T, Muse K, Nutting, Peavey, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Berry RL, Hall, Koffman, Landry, Marrache, McLaughlin, McNeil, Murphy E, Norton, O'Brien JA, Quint, Skoglund, Stedman.

Yes, 84; No, 52; Absent, 15; Excused, 0.

84 having voted in the affirmative and 52 voted in the negative, with 15 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.

SENATE DIVIDED REPORT – Majority (9) Ought to Pass as Amended by Committee Amendment "A" (S-71) – Minority (4) Ought Not to Pass – Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Facilitate the Creation of Boat Launch Sites in the Maine Land Use Regulation Commission's Jurisdiction"

(S.P. 350) (L.D. 1164)

- In Senate, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

TABLED – May 8, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – ACCEPTANCE OF EITHER REPORT

On motion of Representative McKEE of Wayne, the Bill and all accompanying papers were **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

HOUSE DIVIDED REPORT – Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-370) – Minority (2) Ought Not to Pass – Committee on BANKING AND INSURANCE on Bill "An Act to Ensure Access to Health Insurance"

(H.P. 1256) (L.D. 1703)

TABLED – May 9, 2001 (Till Later Today) by Representative O'NEIL of Saco.

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

Representative O'NEIL of Saco **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 Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. I will give you a little background on this bill. It is an 11 to 2 report out of Banking and Insurance. It is kinds of gratifying to bring this forth because we have been frustrated time and again this session with trying to meet the needs of

those going without health care coverage in the state. This does a little bit to further that end.

What it does is it defines domestic partners and provides coverage for domestic partners under certain circumstances where they meet specific criteria that qualify them as committed in a relationship. It had broad support at the public hearing, although there were some concerns, it was not a love in. The concerns were met and the end result is that this bill will enable more people in the small group market where this is a problem, where people are not getting coverage, it will allow those folks to get coverage where the employer or where the business wishes to offer the coverage. I urge your acceptance of the Ought to Pass as Amended Report.

The **SPEAKER**: 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 the House to consider defeating this bill. This bill is unnecessary regulation. Currently, businesses have the ability to offer domestic benefits if they choose. Many employers in Maine choose to do that. In fact, I work for a company that, in fact, offers this as a benefit. It was a negotiated benefit.

What this bill does do is it is a mandate. It is requiring something to be done that isn't required to be done today. It is going to raise the cost of health care because when you mandate things, that is what happens, health care increases and when health care increases you, in fact, aren't making more people available to something, you, in fact, are making less. What is going to happen is the effect of this mandate is you are taking discretion away? You are taking away the ability to bargain. You are raising the cost of health care and in the end, what have you really accomplished as members of the House of Representatives? My answer to that is nothing.

People have this ability now. You are not giving them anything that they don't have. You are giving them a mandate. You are giving them an increase. I ask you to really consider the options that employers have right now. Offering health care is not something that is required. A business doesn't have to offer health care insurance to its employees. That is a benefit. Likewise, you have the option to be able to go into the individual marketplace right now and pick whatever policy that you like. You have these options now. Pass more mandate legislation and more people are going to be uninsured and will further exaggerate a very bad situation. When the question is asked to you when you go home, after we have adjourned, what has the House of Representative in the 120th Legislature done to decrease the cost of health care? The answer is going to be nothing. So far, that is what we have done. We have done nothing to decrease the cost of health care. We have only added to the cost. I urge you to consider defeating this motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. I won't take long. I just wanted to clarify a couple of points on which the Representative from South Portland was helping. The first is in reference to what we are requiring. We are requiring nothing, Mr. Speaker, and hope the members understand that. This is an offer should the employer wish to pick it up. It would be paid for entirely by the employer if the employer wished to pay for it. In more cases than not nowadays that is at least shared with the enrollee. In most cases, according to the testimony we heard from the people who did not have this available to them and asked for it in the small group market, that is the way it would work.

The second point about raising costs, this would not raise costs at all, unless people chose to pay for it. If they chose to pay for it, we assume they would do so of their own volition.

The third point about it being available now, not really. There are individual policies out there available at great expense, but we heard over and over again from the small group, by a small group I mean employers of two to 50, who are unable to get this coverage from the carriers writing in Maine. An individual policy is just not a pragmatic option as \$1,000 or \$1,200 a month premium. This would fill a big gap because they could likely get the coverage for half that, anyway.

Lastly, in reference to it being available now by employers. We have distributed information, a veritable who is who of fortune 500 companies who have provided this sort of thing. They realize it is the right thing to do and it is good for their business in attracting good health. The list has been distributed to you by the Representative from Portland, Representative Dudley.

Mr. Speaker, I would submit that in this state we have heard from an employer, forget the fact that UNUM Insurance Company is an insurance company, a principle employer in Maine long recognized as a good place to work who offered this benefit under their self-insured plan. They had an interesting story. A few years ago UNUM merged with Provident. Provident is a southern company. It is kind of conservative and coming from Tennessee not nearly as progressive in some of their employee policies, whether it is daycare, leave or flextime as was Portland. It was really a takeover of Provident over UNUM, but about the only thing on which Portland won or UNUM won over Provident was this benefit. They were not willing to go to the mat and try to take this away from the many satisfied people who had it.

I just wanted to clear up those misconceptions and really urge everybody in this place to help some folks out and support this bill.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. This bill does many things for the State of Maine. First of all, it helps businesses. Businesses have asked that we be sure that we offer or make sure that their insurance companies must offer a plan if a business so desires. There are businesses who feel that this is a recruiting and retention benefit for employees.

You have before you on your desk a list of Fortune 500 companies who offer domestic partner health benefits. I am not going to read them all to you, but among them are Coca Cola, Ford Motors, General Motors and Hewlett Packard. Those are not exactly your fly by night companies. They are companies that have made it. They understand that all employees have dignity.

There is also a misconception that this is a gay bill. It is not. We, the committee, with the help of the Catholic Church, with the help of business groups, with the help of insurance carriers, have defined domestic partnership. Two-thirds of people taking part in this are heterosexual couples that live together for one reason or another. I can give you one. I know of a friend who lost her husband to cancer and the place he worked will not give her lifetime insurance if she marries before the age of 55. Because of the cost of insurance and because this was part of their retirement plan before he was claimed by cancer, she has made the commitment to man, but is not getting married until after she turns 55 for a purely financial reason, the cost of health insurance.

I would disagree with the Representative from South Portland. We have done something because we have agreed

with the help of all those groups that came together, including the Catholic Church, including those insurance companies, that we define domestic partner. It is defined as two adults who are mentally competent, unmarried, committed to each others welfare and have lived together for at least one year. That is the definition. Everybody is treated fairly.

There were several bills on the table. Some by members on the Minority Report who would have defined anybody living together, that would have really raised the cost of insurance. There has to be a commitment. I ask you to join the majority of the Banking and Insurance Committee. I ask you to join the Maine businesses who came forth and said to make sure we are all working under the same plan. Allow us to offer this with our insurance company. If you are doing business in Maine as an insurance company, you must offer this. Please support the Majority Ought to Pass Report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative DUPREY: Mr. Speaker, Ladies and Gentlemen of the House. To anybody who cares to answer, I hear a lot of talk about insurance companies always being profit hounds and always trying to make a big profit, if there was a profit to be made, why isn't it offered already? Why isn't this insurance offered right now? If it was profitable, I beg to say that it would be offered right now.

The SPEAKER: The Representative from Hampden, Representative Duprey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the good question of the good Representative from Hampden, Representative Duprey, in fact, this insurance is already offered. It is available in the marketplace proving why this bill is completely unnecessary and is going to drive the cost of insurance up because it is going to be taking away options. It is going to require that it be out there as opposed to letting it be a market driven and a consumer driven thing, which it is today, which is if employees and an employer want, it is available. If they don't, they have to option to say no.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. It is late and, frankly, this is one fight that I had intended to stay out of, but the answer to the previous question by the good Representative is, I don't think really addresses the question that preceded it. This particular type of insurance has been offered in the State of Maine by the largest insurance company, Anthem Blue Cross and Blue Shield. It has been offered by some others. There is a difference between an insurance being offered and an insurance being required, mandated or whatever. This bill is saying that you have to offer this type of insurance to your employees. It does not say that they will or will not take it. That is a situation that can be negotiated between you and your employees. It is a mandated offer. It is not a mandate. We will hear about mandates. There are two of them, unfortunately, that we will be debating before we adjourn, whenever that particular date is. We have two mandate studies that the Banking and Insurance Committee will be discussing before the week is over. This is entirely different than those. This did not go to the Bureau of Insurance for a mandate study. It is a mandated offer. It is strictly an offer.

There is something else that I would like to draw to the attention of the members of this chamber this evening. That is that the amended bill that you have before you was presented to us by the Catholic Diocese of this state. They were very upset, quite unhappy, with the original piece of legislation, LD 1703. They appeared at the public hearing. They said that they would get back to us with the wording of what took place in California, I believe it was San Francisco, I may be wrong and somebody can correct me. The wording that was used in that particular local many years ago on this particular topic was what you see in front of you with the amendment to LD 1703 given to us by the Catholic Diocese.

Ladies and gentlemen, this is not a great departure. Let us move forward tonight and let us accept the 11 to 2 Majority Ought to Pass as Amended Report on LD 1703. Thank you for your indulgence.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUPREY**: Mr. Speaker, Men and Women of the House. To anybody who would care to answer, I am reading in the bill, item D, it says a requisite for consideration for domestic party must be the sole partner of the policy holder and expect to remain so. Could somebody tell me what would happen if the person committed domestic partner adultery? Would they lose their benefits?

The SPEAKER: The Representative from Hampden, Representative Duprey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Dudley.

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. The way the bill is written it requires that the individual receiving the benefit from their employer to extend to their domestic partner, it requires them to sign an affidavit. It requires them to basically swear a certain set of things, among which is that they are sole partners. There isn't anybody else involved in the relationship. Hopefully that answers the question of the Representative from Hampden.

There are three immediate things that I can think of that Cigna Health Source, Aetna US Health Care and Anthem Blue Cross and Blue Shield have in common. The first, and most obvious, is they are all large HMOs operating in the State of Maine. They would also all be required under this bill to offer domestic partner benefits to anybody purchasing a policy. They also, all of them, offer their employees these same benefits. They each extend domestic partnership benefits to their employees. They do this for two reasons. The first is it is good business sense. In today's tight labor market, businesses need to do everything they can to attract qualified, excellent employees. They recognize this along with many other Fortune 500 companies, a list of which you have had delivered to you tonight. They recognize that it makes good business sense. They also know that couples, be they married or unmarried, be they heterosexual or same sex, are healthier than individuals. It is cheaper. These people are cheaper to cover than other people. They want their employees to be in relationships because it is cheaper to insure them.

My next point is that Maine small employers are at a disadvantage. You have seen the list again of large employers around the county, many of whom are in Maine who can offer these benefits to their employees. Unfortunately Maine's small employers, the Representative from South Portland is correct, unless these small employers in Maine want to buy policies on

the individual health insurance market, which is a very expensive product and increasingly expensive, they can't realistically offer these policies to their employees. In order to allow Maine's small businesses to compete with these larger players, most of which are based out of state, we ought to give them the same option, the same ability to bring in qualified employees through their employee benefit programs. Thank you Mr. Speaker.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I don't operate a Fortune 500 company, but I do have over 400 employees in the State of Maine. We have been offering domestic partner benefits for over two years. Out of those 400 employees that I have, we have 12 that take advantage of domestic partner benefits. Out of those 12, 11 are straight, so-called straight. If the fear is that this is a gay rights issue, I am here to tell you it is not true. Eleven out of 12 who take advantage in my companies are straight couples. I want you to think about that. If you have been following the census report in the 1990s, domestic partnerships have grown by 70 percent. Only one in four families now, the so-called nuclear family, has a mother, father and children. Seventy percent growth has been people who live together who choose to cohabitate. I think that is a very telling statistic in the 21st Century. I think we are going to see more of it. This is not a mandate. It does not increase health care costs at all. If a business chooses to offer this to their employees, they will have that benefit. That is all this bill does. I ask you to support this bill and while we have not done anything to lower health care costs, this bill may actually lower health care costs because it is a lot cheaper to provide a benefit for two people. The premium is a lot less for two people than if each one is a single benefit. The combined rate is much less for two versus doing each one alone. I hope you follow my light and accept the Majority Ought to Pass Report.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DAVIS**: Mr. Speaker, Ladies and Gentlemen of the House. To Representative O'Neil, in the bill LD 1703, it says in the summary that this bill requires health carriers to offer policies, provide coverage to domestic partners of health plan members under the same terms and conditions as coverage of spouses of health plan members. Isn't that a mandate? I am trying to have this language explained to me. It says required. Isn't that a mandate?

The SPEAKER: The Representative from Falmouth, Representative Davis has posed a question through the Chair to the Representative from Saco, Representative O'Neil. The Chair recognizes that Representative.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. In conveyance of an answer to the Representative from Falmouth, I believe I am in line 22 of the summary, I am looking at the amendment, which is (H-370). It requires health carriers to offer policies providing coverage. The operative word there is in the second line, the word offer. It is where they offer to this benefit to spouses that they will offer like benefits at like costs for partners who meet the criteria set forth in the bill and who are ready, willing and able to pay for it.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

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

The SPEAKER: The Representative may pose her question.

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, but probably to Representative O'Neil, how many insurance companies are there in Maine and how many insurance companies do not already offer this? It sounds like quite a lot of insurance companies are offering it to employers in Maine. My question is, how many insurance companies are there that are not offering it right now?

The **SPEAKER**: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. In answer to the question from the Representative, we have Cigna, Aetna, Anthem and the remnants of Tufts and Harvard as presented to us in the small group market. You have individual with small group and large group and then above that the so-called self-insured plans. In the areas we are looking at, group and individual, none are offering it other than through specific individual policies that people can get on their own in which case it wouldn't involve a partner at all. That is really the only recourse that they have as it was presented to us.

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

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. I guess I don't understand the difference between a mandated offer and a requirement. We require people of the state to wear seat belts or there is a consequence. They are required to have their cars inspected. They are required to everything in a very long list. I am wondering what the difference is between a requirement and a mandate? Could someone explain more clearly to me a mandated offer, which seems to be an oxymoron? Thank you.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. The difference here is that a mandate in most circumstances is a mandate that we are imposing on purchases of health insurance. Let me think of an example, chiropractic care. We have a mandate in the State of Maine for chiropractic care. Everybody purchases insurance in the State of Maine must have chiropractic care element in it. A mandated offer is just a mandate on the insurer. It tells the insurer that anybody coming to them wishing to purchase domestic partnership benefits will be sold it. They have to sell it to them if it is asked for. It is a mandate on these particular insurers.

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. 183

YEA - Ash, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Canavan, Chick, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Dorr, Dudley, Dunlap, Duplessie, Estes, Etner, Fisher, Fuller, Gerzofsky, Green, Hatch, Hawes, Hutton, Jacobs, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, Michaud, Mitchell, Murphy T, Muse C, Norbert, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Simpson, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Young, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bowles, Bumps, Bunker, Carr, Chase, Chizmar, Clark, Clough, Crabtree, Cressey, Davis, Desmond, Duncan, Duprey, Foster, Gagne, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Jones, Kasprzak, Ledwin, Lovett, MacDougall, McKenney, Mendros, Michael, Morrison, Muse K, Nass, Nutting, Pinkham, Schneider, Shields, Snowe-Mello, Stanley, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Andrews, Bagley, Baker, Berry RL, Dugay, Hall, Koffman, Labrecque, Landry, Madore, Marrache, McLaughlin, McNeil, Murphy E, Norton, O'Brien JA, Quint, Sherman, Skoglund, Stedman.

Yes, 80; No, 51; Absent, 20; Excused, 0.

80 having voted in the affirmative and 51 voted in the negative, with 20 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-370) 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-370)** and sent for concurrence.

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

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Chick who wishes to address the House on the record.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. LD 383, had I been present, I would have voted yes. LD 1665, had I been present, I would have voted yes.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Revise the Health Insurance Benefits Available to Retired Legislators

(H.P. 1092) (L.D. 1461)

PASSED TO BE ENACTED in the House on May 14, 2001.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-196)** in **NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

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

BILLS HELD

Resolve, Establishing the Committee to Study and Make Recommendations to Enhance the Governance of the Allagash Wilderness Waterway (EMERGENCY)

(S.P. 585) (L.D. 1761)

(C. "A" S-162)

- In House, **FAILED OF FINAL PASSAGE.**

HELD at the Request of Representative **DORR** of Camden.

On motion of Representative DORR of Camden, the House **RECONSIDERED** its action whereby the Resolve **FAILED FINAL PASSAGE**.

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

On motion of Representative COWGER of Hallowell, the House **RECONSIDERED** its action whereby Bill "An Act to Further Reduce Mercury Emissions from Consumer Products"

(H.P. 1224) (L.D. 1665)

Was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-417)**.

The same Representative **PRESENTED House Amendment "A" (H-471)** which was **READ** by the Clerk.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. This is the amendment I promised earlier today that would exempt drugs from the mercury reporting bill and it addresses the concerns that were raised earlier today on the floor.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to just show my appreciation to my colleague from Hallowell, Representative Cowger, for introducing this amendment, which has the effect of saying that if a drug or medical treatment is approved by the Food and Drug Administration that it is exempted from the bill, which we are about to pass. We are not trying to say that we, in Maine, have any smarter idea about regulating drugs than the FDA. Thank you.

Representative **TRAHAN** of Waldoboro **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-471)**.

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 Adoption of House Amendment "A"

(H-471). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 184

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

NAY - NONE.

ABSENT - Andrews, Bagley, Baker, Berry RL, Goodwin, Hall, Hutton, Koffman, Labrecque, Landry, Lovett, Madore, Marrache, McDonough, McLaughlin, McNeil, Murphy E, Norton, O'Brien JA, Quint, Skoglund, Stedman, Tuttle, Wheeler GJ.

Yes, 127; No, 0; Absent, 24; Excused, 0.

127 having voted in the affirmative and 0 voted in the negative, with 24 being absent, and accordingly **House Amendment "A" (H-471) was ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-417) and House Amendment "A" (H-471)** and sent for concurrence.

On motion of Representative **PERKINS** of Penobscot, the House adjourned at 9:13 p.m., until 9:30 a.m., Wednesday, May 16, 2001.