

MAINE STATE LEGISLATURE

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House of Representatives
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State of Maine

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ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
51st Legislative Day
Thursday, May 17, 2001

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

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

Prayer by Chief Leroy Jones, Chaplain of the Maine Chiefs of Police, Waldoboro.

Pledge of Allegiance.

Doctor of the day, Heidi Larson, M.D., Cape Elizabeth.

The Journal of yesterday was read and approved.

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

SPECIAL SENTIMENT CALENDAR

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

the memory of Trooper Charles C. Black of the Maine State Police and all other law enforcement officers who have given their lives in the line of duty to protect the citizens of this State. We take this opportunity during National Police Week, and especially on this day, Peace Officers Memorial Day, to express our appreciation to all police officers who have dedicated their lives to making the State a safer place to live;

(HLS 332)

Presented by Representative ANDREWS of York.
Cosponsored by Senator DAVIS of Piscataquis, Representative LESSARD of Topsham, Representative CARR of Lincoln.

On **OBJECTION** of Representative ANDREWS of York, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **ANDREWS**: Mr. Speaker, Ladies and Gentlemen of the House. Today at 11 we are all invited to attend a ceremony honoring police individuals who have given their life in the line of duty. Although I only give the actual name of my first husband, Trooper Charles Black, there are 76 other names on that memorial that made the same sacrifice over the years. One of the names being added this year is to memorialize a police officer that gave his life in the 1800s. These individuals gave their lives enforcing the laws of the State of Maine and protecting the lives of all of us who live in Maine. This is a time to honor them. Yesterday we debated a bill at great length that dealt with the observance of Memorial Day and the importance that we reestablish or connect with all the servicemen who gave their lives in the line of duty to protect this great country.

This is a day to do the same, to remember and honor the 77 law enforcement individuals who gave their life for Maine. As we adjourn today, I ask that this be done in memory of these 77 brave individuals whose names appear on the memorial. Thank you.

PASSED and sent for concurrence.

Recognizing:

Patricia Dudley Condon for her years of service to the people of the State. Patricia started working for the State in 1987 as a fingerprint specialist. She moved to the Department of Human Services later in that year as receptionist at the department's central office. She started working for the commissioner's office in 1988. In 1989 she became the primary contact person for Legislators and members of the public with constituent questions in regards to the Department of Human Services. Over the course of a year, Patt deals with literally hundreds of constituent requests from Legislators, the Governor's Office and the Congressional Delegation. We extend our appreciation to Patt for her dedication to the people of this State;

(HLS 342)

Presented by Representative TUTTLE of Sanford.
Cosponsored by President MICHAUD of Penobscot, President Pro Tem BENNETT of Oxford, Speaker SAXL of Portland, Representative COLWELL of Gardiner, Representative NORBERT of Portland, Representative BRUNO of Raymond, Representative SCHNEIDER of Durham, Senator DAGGETT of Kennebec, Senator TREAT of Kennebec, Senator DAVIS of Piscataquis, Senator SMALL of Sagadahoc.

On **OBJECTION** of Representative TUTTLE of Sanford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. It is indeed a pleasure for me to speak to you today. Have you ever had a constituent problem that you couldn't solve? It was one that kept you awake all night, where you would say to yourself, I wish the person would have come to me earlier. You then remind yourself that sometimes being a legislator usually means that when people come to you for help, you are usually their last resort. I guess this is where Pat Condon comes in. Pat is the primary constituent person with the Department of Human Services. Over the years Pat has helped me and others in this institution with literally hundreds and thousands of constituent requests before the Department of Human Services, the Governor's Office and even the Congressional Delegation. She even helps me with finding contacts with other departments, like the Department of Labor or the Bureau of Revenue Services. I think this recognition is overdue. Being a diabetic she even counsels me on my health. Believe it or not, I even listen to her. It is with a great deal of pleasure and pride that I present this order. I would ask that the Sergeant-at-Arms escort Pat Condon to the well of the House to receive this honor.

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

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. Although I am not on this Legislative Sentiment as a cosponsor, I just have to stand and lend my support to this sentiment. I worked for the Department of Human Services when Pat started her duties in the Commissioner's Office. I can tell you as a coworker and fellow employee in DHS as well as working with me as a legislator, she has just been an invaluable resource. When people call me, I said Pat is the person I go to. I just want to lend my support to this special recognition. She does a super job. Thank you.

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

Representative **KANE**: Mr. Speaker, Ladies and Gentlemen of the House. I just want on behalf of the entire Health and Human Services Committee, which has jurisdiction over the Department of Health and Human Services, to express our

congratulations and our appreciation for making the system work on behalf of all the people we serve. Thank you again.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Men and Women of the House. I also rise to really congratulate Pat. Over the years I have served on the Health and Human Services Committee. She was a source of wisdom and help to me. It has continued even though I have switched committees. She is always there for Maine. She is always there for each and every one of us that has a problem. She gets right back to you and she really explains the problem extensively and that is so very much appreciated. Thank you. God bless you for all the good work you do.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House and particularly Pat. I would like to say that in my brief time in the Legislature, as most of you know, I am in my second term at this point, I have been particularly pleased, and to be honest with you, a little surprised at the quality and the helpfulness of state employees with whom I have had contact. Pat is the best of the best. I have never, not one time, gone to Pat for assistance or help what she has more than fulfilled my expectations of what a state employee should do for the people of Maine. Pat, I appreciate it. Thank you.

PASSED and sent for concurrence.

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

Recognizing:

Joshua Urrutia, a member of the 2001 graduating class of Noble High School, who has earned the distinction of graduating magna cum laude. We send our congratulations to Joshua on this accomplishment;

(HLS 364)

Presented by Representative CHICK of Lebanon. Cosponsored by Senator McALEVEY of York, Senator CARPENTER of York, Senator LEMONT of York, Representative MURPHY of Berwick, Representative MacDOUGALL of North Berwick.

On **OBJECTION** of Representative CHICK of Lebanon, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. This sentiment that the Clerk has read is one of eighteen graduates from District 60, which is Lebanon, Berwick and South Berwick in York County from that institution where in memory I have served on boards and I believe that these young people are some of the finest in the State of Maine and I will say that in previous years I have tried to provide for sentiments to the graduating class. A few years ago, it was number 10. Last year it was 14. This year it is 18. The format here in the journal is little different. They are all separate, but I would extend to them my best wishes for a successful career upon graduation from District 60.

While I am standing, Mr. Speaker, I had intended to make a comment about the previous recipient, Pat Condon. That is the name I know. I have had a privilege to have her help me with situations for constituents in the State of Maine since I have

been here in this body. Like many other departments in Maine that I have had an occasion to work with, when I go to somebody, I expect good service. I expect to have people that are fully capable to take care of whatever their assignment might be. One thought I will leave with you, in my work with Pat Condon involving the Department of Human Services problems, would be a memory in the highest order in ability to serve and address the problems assigned to her. Thank you.

PASSED 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.

An Act to Implement the Funding Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf

(H.P. 241) (L.D. 293)

(C. "A" H-413)

TABLED – May 16, 2001 (Till Later Today) by Representative LaVERDIERE of Wilton.

PENDING – PASSAGE TO BE ENACTED.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. You probably have noticed that we have an interpreter in front today. There is a reason for that. The reason is that this is an extremely important bill for the deaf community. I want to tell you, just briefly, why it is so important. This is one of three bills that will be before you this year on the Governor Baxter School for the Deaf. This bill is the bill that provides the funding for a compensation program for individuals who were abused at the Governor Baxter School for the Deaf.

I want to take a minute and ask you to imagine being an eight-year-old child from Aroostook County. You are unable to hear and you are taken from your home because you need to learn sign language and you are brought to the Governor Baxter School for the Deaf. Your first day there, you are met by a superintendent or a principal who wants to show you who is boss and engages in both physical and sexual abuse of you from the time you are eight until the time you leave that school. I want to ask you to imagine for a moment that you finally by the time you are 12 or 13 get enough courage to talk to your fellow students and all of you secretly put together a letter to the Department of Education of the State of Maine complaining that you have been beaten and you have been sexually abused. You send that letter to the state. A week later you are called into the room and the very person who has been sexually and physically abusing you stands in front of you with the letter and says they referred this to me for action. I am going to give you some action for having done this.

I want you to imagine for a moment being a deaf person who tries time and again to tell the appropriate authorities about what is going on and no one listens. This has gone on for way too long. We have a duty as a state to make amends to those students who were physically and sexually abused at our hand. This is the beginning of that program. It is the culmination of a special study that was done last year and the culmination of many years of work by the Judiciary Committee. I can tell you that this is extremely important to the deaf community.

I ask for your support on a roll call. Mr. Speaker, I would ask that when the vote is taken, it be taken by the yeas and nays.

Representative LaVERDIERE of Wilton **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

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

ROLL CALL NO. 196

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

NAY - NONE.

ABSENT - Baker, Berry RL, Bouffard, Canavan, Dorr, Glynn, Lovett, Mailhot, Matthews, McGlocklin, Mitchell, Muse C, O'Brien JA, O'Brien LL, Paradis, Perry, Quint, Stedman, Wheeler GJ.

Yes, 132; No, 0; Absent, 19; Excused, 0.

132 having voted in the affirmative and 0 voted in the negative, with 19 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

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

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

CONSENT CALENDAR

First Day

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

(H.P. 377) (L.D. 479) Bill "An Act Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-491)**

(H.P. 702) (L.D. 917) Resolve, to Amend the Requirements for Eye Care Services under the Maine Medical Assistance Manual Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-490)**

(H.P. 789) (L.D. 1033) Bill "An Act to Make Child Care More Accessible for Parents in Transition From Welfare to Work"

Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-493)**

(H.P. 954) (L.D. 1268) Bill "An Act to Improve Services to Persons with Mental Retardation" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-494)**

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

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

(H.P. 653) (L.D. 853) Bill "An Act to Ensure Access to Assisted Living Services Programs" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-489)**

On motion of Representative NORBERT of Portland, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

(H.P. 742) (L.D. 961) Bill "An Act to Expand Benefits Under the Elderly Low-cost Drug Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-492)**

On motion of Representative BRUNO of Raymond, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

Representative BRUNO of Raymond asked leave of the House to be excused from voting on L.D. 961 pursuant to House Rule 401.12.

The Chair granted the request.

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-492)** 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-492)** and sent for concurrence.

(H.P. 950) (L.D. 1264) Bill "An Act to Refine the Governance and Funding of the Education Research Institute" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-487)**

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

The Committee Report was **READ**.

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

SENATE PAPERS

The following Joint Order: (S.P. 625)

ORDERED, the House concurring, that Bill, "An Act to Amend the Laws Governing the Suspension and Revocation of Hunting and Fishing Licenses," H.P. 1095, L.D. 1464, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

Non-Concurrent Matter

Bill "An Act to Restore the Passage of Alewives on the St. Croix River" (EMERGENCY)

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

Report "A" (12) **OUGHT NOT TO PASS** from the Committee on **INLAND FISHERIES AND WILDLIFE** and the Committee on **MARINE RESOURCES READ** and **ACCEPTED** in the House on May 15, 2001.

Came from the Senate with Report "B" (11) **OUGHT TO PASS AS AMENDED** from the Committee on **INLAND FISHERIES AND WILDLIFE** and the Committee on **MARINE RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433)** in **NON-CONCURRENCE**.

Representative **BUNKER** of Kossuth Township moved that the House **ADHERE**.

Representative **LEMOINE** of Old Orchard Beach moved that the House **RECEDE**.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I hope that you would again support our delegation, our sportsmen, our guides, our game wardens, our business folks and to continue the strong support this body showed just two days ago. We are asking that we vote down this motion to Recede and to move back to the position that I moved a moment ago, Adhere, and I would ask for all of your support.

This is a tough issue and you guys showed that people do count. You showed us that this is the people's body and this is where the people have the protection of having local control. The Recede motion that is currently before you is to try to offer another compromise. Ladies and gentlemen, don't be fooled here. The local people, whether it is the guides to sportsmen, the business folks, the Native Americans or whatever, they are not a party to this next proposal that is going to be coming before you. I would ask you to stand strong, stay with us and to vote this motion down so that we can move on to the Adhere motion. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I think the arguments that have been put forward by my good friend from Kossuth Township, Representative **Bunker**, have an awful lot of merit. The people in Washington County are greatly concerned about the condition of this waterway and the sustainability of their fisheries. That is why there has been so much emotion over this. I think this particular motion before us right now to look at another proposal does address those concerns. There are two elements here. One element is the concern of the people of Washington County about the survivability of their warm water fisheries. That is an item of concern, which this House has agreed with and addressed by its

very strong vote the other night. I appreciate that and I think those arguments have strong merit and should not be ignored, but rather should be addressed very strongly.

The other element in this argument is truly whether or not we are going to statutorily send into extinction the St. Croix alewives run. These are two diametrically opposed elements. I think that we can address both. What we would like to do is address at least 95 percent of the concerns of the Washington County Delegation and open up enough habitat to study the effects.

I won't go any further than I have, because obviously that is inappropriate. However, I would ask you to consider the possibilities that can lay before us in bringing these two despaired elements together and not simply shutting off the debate here. Therefore, I ask that you support the motion to Recede and Mr. Speaker, when the vote is taken, I do request the yeas and nays.

Representative **DUNLAP** of Old Town **REQUESTED** a roll call on the motion to **RECEDE**.

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. I urge you to allow this motion to Recede to go ahead. The reason is this, if we do nothing and stay the course of the vote we took earlier this week, this body will have gone on record as purposefully shutting down, putting into extinction, a native sea run population, the St. Croix alewives. Do we want to do that? Is that required? I don't believe so. Let us go on and look at another way to get this done that may satisfy the interests involved. Please do not go on record as shutting down a sea run fishery in this state. Thank you.

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

Representative **TRAHAN**: Mr. Speaker, Honorable Members of the House. We have had a long and extensive debate on this. I don't think we have to revisit that debate because it will just be redundant. I would like to clarify a point and ask you to continue with your current position of your previous vote and follow the light from the gentleman from Kossuth Township.

We keep hearing about a run of alewives on the St. Croix River. I have researched this extensively, there is no proof that there was ever a historical run of alewives on the upper reaches of the St. Croix River that we will be putting these fish back into, supposedly. Having talked with the Department of Inland Fisheries and Wildlife and having researched it myself, there is no documented proof of a historical run. I believe to say that we are going to drive into extinction a run of alewives in the St. Croix is a little misleading. The only documented proof of alewives was at Mud Lake at an Indian establishment. As many of you know, Indians would often go down to the shore and catch alewives and return to their established community and then smoke and eat those alewives. Those are the only bones that have been found from alewives. The only proof that alewives were anywhere near the St. Croix. That information, according to the department is inconclusive to a historical run. I ask you, ladies and gentlemen, to continue with your position that you took earlier and support the gentleman from Kossuth Township. Thank you.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I agree that we should not continue debate. We have laid the facts out very well the other day. I just want to respond very strongly. I know it is a very compelling argument to restore a historical run. The good Representative just alluded to

that. Until 1980, until the Canadians blew up some natural barriers, there was not a full natural run up there. That is the problem. The problem is that nature kept them from the full run. Now that some impediments had been removed and now that greater access through the fish ways have happened, that is what precipitated the big run of the late '80s and early '90s that precipitated this body taking action to close that. Don't think that you are going to make a monumental decision here today to stop a historical run. The decision of that was made by this body in 1995. They debated this issue. We debated this issue. I ask you to support your predecessors and also to again support the folks that have not had a say in any of these proceedings. Thank you.

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. I would ask you to please support this pending motion and extend the courtesy to the good chairman from Old Orchard Beach, Representative Lemoine, who has been trying to work on a compromise. We did, even though we cannot discuss any pending actions, there is a goldenrod sheet on your desk. I would ask you to simply look at that and to allow us to go into a posture where we can at least discuss an alternative. I respect the decision that was made on this floor earlier this week and that there was a lot of respect for the Washington County area on this issue. I feel very strongly that there is a potential for middle ground here, but the only way to get to that middle ground and to at least have that open, honest, full discussion on that potential compromise is to accept this pending motion. I ask you to please respect the desires of the chairs of the Inland Fisheries and Wildlife Committee and the chairman of the Marine Resources Committee who are trying to bring a compromise to the floor for full discussion. The only way we can have that full discussion though is to support the pending motion. Thank you ladies and gentlemen.

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

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I just really, really want to give you some facts and to correct a statement I had made earlier in another day's debate. Remember, folks, that the alewives come from a type of fish, which is listed as an aquatic nuisance species. The very definition of a type of fish the alewives is a fish that spends most of their lives in salt water, but migrates into fresh water to spawn. Please, ladies and gentlemen, please oppose the pending motion. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I would ask you to support the current motion. As a member of the Marine Resources Committee, this was a difficult area of discussion for us. There appears that there may be some more compromise. This body as we make laws needs to compromise. We need to talk. That is how good laws come about. This is simply a procedure in order to put a compromise forth for us to discuss. When we came here we said we would do good laws that affect all the state. Let's hear it. If it is not a good compromise, then we have the chance to vote it down. It is simply a procedure to ask that another group of people be allowed to be heard. I don't see the harm in doing that. We still get a chance to vote. We make laws by compromising and listening to other people and truly hearing. I would ask you to support this motion. Thank you.

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

Representative **HONEY**: Mr. Speaker, Men and Women of the House. I strongly urge you support the present motion. I happen to be the only fishery biologist in this whole body. I will have a lot more to say on this issue at the proper time. Please give the Representative a chance to present the amendment. Thank you.

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

Representative **MORRISON**: Mr. Speaker, Ladies and Gentlemen of the House. I will try to keep it a little briefer today than I did the other night. Some literature to come around from some of the Representatives in here, says alewives are worldwide. This is the first time I have heard the extinction theory, I guess. I hadn't heard it before. It is new. I think the federal government usually gets involved when a species becomes extinct or threatened. We have experienced that down east with the salmon. They get into the genes, I guess, and say this is the genes and say that this fish is specific to that particular river and so forth. I haven't heard anything from the federal government, any concerns or about the alewives becoming extinct in the St. Croix. We are not talking about the snail darter here. If we were, we would all be panicking here and say we would shut everything down and keep the little fella alive. We are talking about alewives. They are worldwide. I heard from somebody, I can't remember who it was, that said, we smoke them, barrel them and give them away to elderly people. That is a nice generous thing to do. From all I have heard, there are all kinds of alewives out there worldwide. There are still alewives in the St. Croix. What we are talking about here is protecting a freshwater fishery that is very important to at least some people up here, down there or wherever, the upper part of Washington County, guides, lodges, restaurants, gas stations, they depend on some income from them. They figure they give me \$5 million worth of income. It doesn't sound like a lot if you are working for National Semi-Conductor or something with higher incomes. These people out there working on the rivers, they are working. They have jobs. This is to me very important. That is one of the reasons I came to the Legislature, to support Maine jobs and Maine incomes. They can support their families. They can pay their taxes. In one case when the budget way back when initially came to us, I voted for that. It did include a couple tax increases. These people have to pay these. They have to earn and make a living.

Jobs are a big thing. The only reason I have heard, I am repeating this again, is why the Canadians want alewives back up in the river, they want to use them for lobster bait. If they are that extinct and that threatened, I suspect people are going to say there aren't enough of them, we can't fish for them, we can't net them or however we want to bail them out of there, because they are threatened. They will shut them down. The Canadians won't be able to use them for sure. I think that is what their intent is. I listened at one of the hearings and that is exactly what the Canadian representative from Nova Scotia, as a matter a fact, quite a difference in distance from the St. Croix even. He came down here and put in a plug for opening it up and threatened to put them up anyway.

Again, the last thing is, I don't think anybody in here can give me 100 percent assurance that alewives will not affect the bass fishery. Somebody used the term nature the other day. I think everything is related. I figure I am part of nature; not just the fish, wild trees, plants, but we are part of it too. A lot of times we have a negative impact on other natural environments and so forth, -we, as people. If we want to go back to nature as a whole and say that we can flatten our cities, put them back into trees and woods and let the animals come back as they were before, times have changed in St. Croix. Sixty-seven years ago when

the dams were put there and the bass, back in the 1800s, were stalked in there, it has become a lucrative probable fishery. I think that should remain. That is a change that has happened. It is there and it is working well. I think we ought to leave it alone. Thank you.

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

ROLL CALL NO. 197

YEA - Annis, Berry RL, Bouffard, Brannigan, Bull, Colwell, Cummings, Daigle, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gerzofsky, Gooley, Green, Hall, Hawes, Honey, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Mayo, McKee, McKenney, Murphy E, Muse K, Norbert, O'Neil, Richardson, Rines, Savage, Simpson, Sullivan, Tobin J, Treadwell, Twomey, Usher, Watson, Mr. Speaker.

NAY - Andrews, Ash, Bagley, Belanger, Berry DP, Blanchette, Bliss, Bowles, Brooks, Bruno, Bryant, Buck, Bumps, Bunker, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Cote, Cowger, Crabtree, Cressey, Davis, Desmond, Dugay, Duncan, Duprey, Estes, Gagne, Glynn, Goodwin, Haskell, Hatch, Heidrich, Hutton, Jacobs, Jodrey, Jones, Kasprzak, Labrecque, Landry, Ledwin, Lessard, Lundeen, MacDougall, Madore, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Mendros, Michael, Michaud, Morrison, Murphy T, Muse C, Nass, Norton, Nutting, O'Brien LL, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Richard, Rosen, Schneider, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Stanley, Tarazewich, Tessier, Tobin D, Tracy, Trahan, Tuttle, Volenik, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Baker, Canavan, Lovett, Mailhot, Mitchell, O'Brien JA, Perry, Quint, Stedman, Thomas, Wheeler GJ.

Yes, 45; No, 95; Absent, 11; Excused, 0.

45 having voted in the affirmative and 95 voted in the negative, with 11 being absent, and accordingly the motion to **RECEDE FAILED**.

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

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

Non-Concurrent Matter

An Act to Establish the Maine Firefighter Training Fund
(H.P. 804) (L.D. 1048)
(C. "A" H-159)

- In House, **PASSED TO BE ENACTED** on May 1, 2001.
- In Senate, **PASSED TO BE ENACTED** on May 2, 2001.
- **RECALLED** from the Governor's Desk pursuant to Joint Order (S.P. 621)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159) AS AMENDED BY SENATE AMENDMENT "A" (S-207)** thereto in **NON-CONCURRENCE**.

Representative **POVICH** of Ellsworth moved that the House **RECEDE AND CONCUR**.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I thought I might explain to you why I am Receding and Concurring because on this LD, LD 1048, we didn't have enough of a fiscal note on this. We only had a \$500 fiscal note on it. We thought we would like to raise that \$500 fiscal note to

\$1.2 million. I urge you to support the pending motion to Recede and Concur.

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

COMMUNICATIONS

The Following Communication: (S.C. 281)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, ME 04333-0003**

May 16, 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 accepted the Minority Ought Not To Pass Report from the Committee on Transportation on Bill, "An Act Relating to Restricted Licenses for Certain Drivers." (H.P. 1087) (L.D. 1456)

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Encourage the Use of Locally Grown Foods in School Food Service Programs"

(S.P. 376) (L.D. 1214)

Signed:

Senators:

MITCHELL of Penobscot
ROTUNDO of Androscoggin

Representatives:

DESMOND of Mapleton
STEDMAN of Hartland
ANDREWS of York
WESTON of Montville
LEDWIN of Holden

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-134)** on same Bill.

Signed:

Senator:

NUTTING of Androscoggin

Representatives:

RICHARD of Madison
SKOGLUND of St. George
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-134) AND SENATE AMENDMENT "A" (S-174)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-134)** 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**.

Senate Amendment "A" (S-174) was **READ** by the Clerk and **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-134)** and **Senate Amendment "A" (S-174)** in concurrence.

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass** on Bill "An Act to Provide for Remediation of Abandoned Landfills"

(S.P. 564) (L.D. 1724)

Signed:

Senator:

MARTIN of Aroostook

Representatives:

ANNIS of Dover-Foxcroft

BAKER of Bangor

TOBIN of Windham

KOFFMAN of Bar Harbor

COWGER of Hallowell

DAIGLE of Arundel

DUPLESSIE of Westbrook

TWOMEY of Biddeford

CRABTREE of Hope

CLARK of Millinocket

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

Signed:

Senator:

SAWYER of Penobscot

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

READ.

On motion of Representative COWGER of Hallowell, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **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.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-205)** on Bill "An Act to Authorize the Bureau of General Services to Utilize Alternative Delivery Methods for Public Improvements and to Amend the Provisions Pertaining to Prebid Qualifications of Contractors"

Signed:

Senators:

PENDLETON of Cumberland

YOUNGBLOOD of Penobscot

ROTUNDO of Androscoggin

Representatives:

BAGLEY of Machias

McDONOUGH of Portland

HATCH of Skowhegan

LESSARD of Topsham

McLAUGHLIN of Cape Elizabeth

MURPHY of Berwick

CHASE of Levant

HASKELL of Milford

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

Signed:

Representatives:

KASPRZAK of Newport

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-205)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-205)** 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-205)** in concurrence.

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Promote Fairness and Equity in Liquor Prices"

(S.P. 136) (L.D. 460)

Signed:

Senators:

BROMLEY of Cumberland

DOUGLASS of Androscoggin

Representatives:

LABRECQUE of Gorham

CHIZMAR of Lisbon

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" (S-168)** on same Bill.

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

COTE of Lewiston

MAYO of Bath

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-168)**.

READ.

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

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

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.

An Act to Adopt a New Interstate Compact Regarding Adults Who are on Probation or Parole

(H.P. 827) (L.D. 1081)
(C. "A" H-162)

TABLED – May 1, 2001 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING – PASSAGE TO BE ENACTED.

On motion of Representative POVICH of Ellsworth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED** House Amendment **"A" (H-482)** which was **READ** by the Clerk.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. House Amendment (H-482) to LD 1081 seeks to allow the State of Maine not to be overwhelmed by federal language on the interstate compact and its attempt to make sure we are still recognized after we move into the interstate compact. Thank you very much.

House Amendment "A" (H-482) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment **"A" (H-162)** and House Amendment **"A" (H-482)** in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT – Majority (11) **Ought Not to Pass** – Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-317)** – Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Require the State to Pay for Veterans' Obituaries and State Flags"

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

TABLED – May 7, 2001 (Till Later Today) by Representative TRACY of Rome.

PENDING – Motion of Representative TUTTLE of Sanford to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

Representative TUTTLE of Sanford **WITHDREW** his request for a roll call.

The same Representative **WITHDREW** his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

On motion of the same Representative, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment **"A" (H-317)** 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-317)** and sent for concurrence.

Bill "An Act to Enhance Storage of Fish and Wildlife"

(H.P. 881) (L.D. 1173)

- In House, Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** on May 14, 2001.

- In Senate, Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in **NON-CONCURRENCE**.

TABLED – May 16, 2001 (Till Later Today) by Representative DUNLAP of Old Town.

PENDING – Motion of same Representative to **ADHERE**.

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

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

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative McKEE from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine"

(H.P. 1353) (L.D. 1810)

Reporting **Ought to Pass** pursuant to Joint Order 1999 (H.P. 1951).

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**.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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

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.

An Act to Amend the Laws that Govern Property that is Exempt from Attachment and Execution

(H.P. 1084) (L.D. 1453)

TABLED – May 14, 2001 (Till Later Today) by Representative LaVERDIERE of Wilton.

PENDING – **PASSAGE TO BE ENACTED.**

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

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)

(C. "A" S-184)

TABLED – May 15, 2001 (Till Later Today) by Representative TRACY of Rome.

PENDING – **PASSAGE TO BE ENGROSSED.**

Representative TRACY of Rome **PRESENTED** House Amendment "A" (H-484), which was **READ** by the Clerk.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. I am offering this amendment to try to have a level playing field for my constituents back home in District 81 and the northern part of the state who haul pulp products to the mills. What this would do is kind of bring them back within a range that would be level to them when the fines occur. Under this current bill, it would be devastating the way the bill is set up for them. I wish you would accept the adoption of this. Thank you.

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

Representative FISHER: Mr. Speaker, Men and Women of the House. The good Representative from Rome has done his job. He has presented an amendment that has been requested by one of his constituents. It is an amendment, which would, in fact, gut the whole bill. This bill has been finely crafted between the department and the committee's support. It has been received after considerably working it, the support of the aggregate folks, the trucking association and the support of the forest products industry. I move that we Indefinitely Postpone this amendment and go on to accept the bill. I would ask for the yeas and nays. Thank you.

Representative FISHER of Brewer moved that **House Amendment "A" (H-484)** be **INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE House Amendment "A" (H-484).**

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 Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. Would somebody, the good Representative who presented the amendment or somebody else, explain what actually the amendment does, the practical affect? I know it does harm to the original bill. We talked about

an equal playing field, but could the equal playing field be explained in more detail?

The SPEAKER PRO TEM: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. I believe what this would do is it would take the 10 percent and anything that is over the 10 percent, the fine would be imposed on that instead of going all the way back on the original weight. Thank you.

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

Representative FISHER: Mr. Speaker, Men and Women of the House. Let me draw a little analogy here to try and answer that question. I am not sure the State Police would like me to say this, but I think they give us a little bit of wiggle room on the interstate. If you are going 70 or 71, they are probably not going to get you. If you are going 80, they will. It would be like me expecting the State Police to start figuring my fine from 73, let us say, rather than the 65, which is the speed limit. What this amendment would do is allow those who were grossly overweight to start figuring in their fines from the wiggle room that they are allowed. The bill, as was written, was to deal with those who are driving our roads grossly overweight, causing immense damage to the roads and causing safety hazards. By enlarge, the trucking industry doesn't want those people on the roads any more than you and I do. I would hope that you would support the motion to Indefinitely Postpone this amendment and go on to support the bill as it was unanimously voted on by the committee.

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

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. It seems like evening. It has been a long week. I am not an expert on overweight bills, but I guess I should be. As I look around the House this afternoon, maybe I am not alone. This is a complex bill. I have been contacted by several of the small truckers in my district who haul wood for a living. After listening to them, I soon began to realize how complex this actually is. When you load wood that is freshly cut or on a wet day, it can be considerably of more weight than wood that has been cut and sat and dried for a period of time or hasn't been rained upon. The fines, to the best of my knowledge, some of them are doubled, tripled and some of them are even quadrupled. I ask you to vote against the Indefinite Postponement.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. I really didn't think we would be getting into a long debate over this issue. This was an issue that the Transportation Committee spent a lot of time on. How we do business in the Transportation Committee is that if we have parties that disagree, we get them all together and we talk. Nine times out of 10 we work the issues out. This is one of those issues that were worked out by all parties involved. We feel that this is the best compromise we could come up with that actually, if there was any group that should be complaining, it should be the sand and gravel guys. They are the ones that do not get the exemptions that the loggers get. I guess that if I was a logger right now, I would probably be pretty happy with the way the bill is written. There is a committee that is looking into the issue. It is not a dead issue. We have all had constituents call us on what part of the bill they did not like. We are getting them involved and over

the summer they will take up the issues that some of the forest products did not like. As of right now, Maine Motor Transport, the forest products industry and the others that the good chair has listed, worked out this compromise and this was fit into our budget, which I will remind you, has a shortfall and hopefully you will pass the bill as the committee has presented it to you. It is a good compromise. Please support the committee report. Thank you.

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 my friend, Representative Wheeler, if we could have some explanation how this bill will or will not affect the truckers that are hauling sand and gravel?

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 Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. As of right now this bill will not address the biggest issue that the sand and gravel truckers have, which is axle weights. I know the good chair isn't listening so I will try to go off track a little bit. That is my main concern too and that will be addressed at some point. This summer, if I have my way, my constituents that have complained about the axle weight will be addressed. Something really needs to be done. The department knows it. The State Police knows it and the committee knows it, but as of right now, this is the best compromise we could come up with to make all parties happy. Thank you.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. It was a unanimous report from the committee. What this bill is trying to do is go after the people who are continuously overloading their trucks. I have talked to a constituent of mine who hauls lumber. He can usually tell when his truck is overweight. It is not a question of we are after the trucking industry that is hauling wood or what have you. We are after the one that is ignoring the law and continuously overloading their truck weights. Please vote for the Indefinite Postponement of this amendment.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Patten, Representative Landry.

Representative **LANDRY**: Mr. Speaker, Ladies and Gentlemen of the House. The trucking industry, I understand. I want to lay a little groundwork for you because we are truckers, my family. Frank and I started the business over 40 years ago and the boys have spun off from that, five sons and a grandson. The cost of a truck put on the road, a log truck, is \$100,000 plus. That is not counting the log body or the chip box or reefer. We do it all. We haul logs, lumber, frozen produce and we haul gravel. The license to put that on the road and the insurance and the workers' comp and road tax, I know because I do the books. You are way up there with your fuel stickers and the four or five gallons to the mile that you get with these trucks. Now and then, by the way, the bottom is falling out of the market, we have to take the price that we can't live with really to pay for these trucks and to pay for the men who drive the trucks. There is no profit here as it is. When they are overloaded, we pay the fine. The reason they are overloaded is so that maybe, just maybe, at the end of the week there will be a little bit of profit for something that the kids want or the grandchildren want or even

Frank and I might get desperate and take something from the business some day.

I know people say that if you don't do it, get out of the business. If you sell a truck, then you pay the internal revenue and you come out with nothing anyway and it is something that we don't have anything else to do. That is our whole life, the trucking industry. We are darn proud of it to, by the way. I don't think that it is really fair. I think the fines are excessive as it is. We even set them up on payment plans, which we thank the state for. I am going to tell you how bad it is, when you do your income tax, you don't even have to cheat on it. You haven't made a profit. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Not to prolong this debate any more than we should, but I guess the two big issues that we really have to remember about is, I carry a CDL license and some of you may have seen me in one of those red, white and blue trucks, I drive one, what the damage in an overloaded truck does to the roads that you and I drive and the safety hazard it is to our families that are in the vehicles on the roads with an overloaded truck that will not handle the brake system that they presently have on it. Again, this is a compromise. It is not the best, but it is not the worst. Let's give it a chance and this summer the committee will be working to try to deal with the problems we have heard outside of the bill. Thank you.

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

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

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

Representative **USHER**: Mr. Speaker, Men and Women of the House. Did the Transportation Committee discuss the trucks over the border? When I travel home every night, a lot more trucks go by me, three or four at a time, and they are not Maine registrations. I was wondering if they were discussed at the meeting?

The **SPEAKER PRO TEM**: The Representative from Westbrook, Representative Usher has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. To answer the question, not specifically. We just dealt with all the variety of trucks that are traveling on Maine roads. To expand on that a little bit, the good Representative from Patten talked about her family being in the trucking industry. We often, on our committee, refer to the people who are in front of the committee as part of the family. It is a fairly steady crew that comes in, including on a daily basis, members of the trucking industry. We have the greatest regard for the trucking industry. They are the backbone of what comes into the State of Maine now. Rail industry is not providing us with the service that we used to get. Most of the goods that come to our houses eventually come there by way of truck. We do have a very high regard for them. There is a great concern over the fact that many of them are operating on the margins. We are not putting these fines where we are putting them to put somebody out of business. What we are trying to do is to make sure that those who are doing business are doing it in a safe fashion and are not damaging the roads that are already in desperate shape. It is the grossly overweight trucks that we are trying to deal with here for safety and protection of our roads and protection of our pocketbooks because the more damage these grossly

overweight trucks cause to the road, the more we have to pay for it. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-484). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 198

YEA - Andrews, Ash, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bull, Bunker, Canavan, Chizmar, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gerzofsky, Gooley, Green, Hall, Heidrich, Hutton, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, MacDougall, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Peavey, Perry, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Thomas, Tobin D, Treadwell, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Annis, Bryant, Buck, Bumps, Carr, Chase, Chick, Clark, Cresse, Dugay, Duprey, Gagne, Glynn, Goodwin, Haskell, Hatch, Hawes, Honey, Jacobs, Jodrey, Kasprzak, Landry, Lundeen, McGlocklin, McGowan, Mendros, Morrison, Nutting, Patrick, Perkins, Pinkham, Quint, Snowe-Mello, Stanley, Tessier, Tobin J, Tracy, Trahan, Waterhouse, Weston.

ABSENT - Bagley, Baker, Belanger, Jones, Lovett, Marrache, Mitchell, O'Brien JA, Stedman.

Yes, 102; No, 40; Absent, 9; Excused, 0.

102 having voted in the affirmative and 40 voted in the negative, with 9 being absent, and accordingly **House Amendment "A" (H-484) was INDEFINITELY POSTPONED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-184) in concurrence.**

HOUSE DIVIDED REPORT – Majority (11) Ought Not to Pass – Minority (1) Ought to Pass – Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Provide Relief from High Fuel Costs"

(H.P. 1177) (L.D. 1600)

TABLED – May 16, 2001 (Till Later Today) by Representative BRYANT of Dixfield.

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

On motion of Representative RICHARDSON of Brunswick, the Bill and all accompanying papers were **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and sent for concurrence.

reporting **Ought to Pass as Amended by Committee Amendment "A" (S-211)**

(S.P. 337) (L.D. 1144) Bill "An Act to Enhance Economic Development Capacity" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-212)**

(S.P. 462) (L.D. 1515) Bill "An Act to Support the Medical Ride Volunteer Service" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-213)**

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. **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

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

(H.P. 333) (L.D. 423) Bill "An Act to Facilitate Implementation of Court Alcohol and Drug Treatment Programs" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-500)**

(H.P. 811) (L.D. 1066) Bill "An Act to Protect Children and Elderly or Incapacitated Adults" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-498)**

(H.P. 1048) (L.D. 1405) Bill "An Act to Encourage Joint Child Rearing Between Divorced Parents" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-499)**

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

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

(H.P. 1051) (L.D. 1408) Bill "An Act to Pay for Cleanup of Contamination at a Waste Oil Disposal Site in Plymouth" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-496)**

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

On motion of Representative STANLEY of Medway, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ.**

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

ENACTORS

Acts

An Act to Provide Complimentary Hunting and Fishing Licenses to Resident Active Military Personnel

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

(C. "A" H-419)

An Act to Protect Sensitive Geologic Areas from Oil Contamination

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

(H. "A" H-448 to C. "A" H-224)

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. 132) (L.D. 456) Resolve, to Increase Access and Support Student Success at Maine's Technical Colleges Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**

- An Act Concerning the Transportation of Juvenile Offenders
(H.P. 271) (L.D. 349)
(C. "A" H-455)
- An Act to Amend the Laws Governing Small Brewery Licenses
(S.P. 121) (L.D. 397)
(C. "A" S-191)
- An Act to Improve the Services of the Saco River Corridor Commission
(H.P. 326) (L.D. 416)
- An Act to Correct an Error in the Bureau of Parks and Lands Statute
(S.P. 144) (L.D. 488)
(C. "A" S-182)
- An Act to Designate Equal Pay Day and to Require the Department of Labor to Report on Progress
(S.P. 145) (L.D. 489)
(C. "A" S-188)
- An Act to Amend the Licensing Provisions for Private Investigators
(H.P. 398) (L.D. 519)
(H. "A" H-430 to C. "A" H-186)
- An Act Concerning Telemarketing
(S.P. 166) (L.D. 585)
(S. "B" S-123 and S. "E" S-173 to C. "A" S-91)
- An Act to Allow Municipalities to Lower Certain Speed Limits
(H.P. 503) (L.D. 643)
(H. "A" H-400 to C. "A" H-357)
- An Act to Provide Funding for Positions to Provide Computer Services to the Blind
(S.P. 191) (L.D. 663)
(C. "A" S-200)
- An Act to Allow Access to Highways for Certain Purposes
(H.P. 544) (L.D. 699)
- An Act to Change the Party Responsible for Payment of a Penalty under the Tree Growth Tax Law when a Subdivision Results in a Parcel of Less than 10 Acres
(S.P. 296) (L.D. 1007)
(H. "A" H-431 to C. "A" S-141)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Reinstate Tax Deductibility of Qualified Long-term Care Insurance
(H.P. 70) (L.D. 79)
(C. "A" H-432)

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

On motion of Representative BOWLES of Sanford, was **SET ASIDE**.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I wish to talk to you about LD 79 for just a moment. LD 79 is a bill that is intended to reinstate the tax deductibility of qualified long-term care insurance. If I haven't lost you already, I will tell you that this is one of those bills that when you listen to the testimony, it makes your hair hurt. I am going to try to make this as simple and quick as I can. LD 79 is an attempt to provide a tax deduction for people who purchase a specific type of long-term care insurance policy. There are essentially two types of policies, I learned during our committee hearing. Ninety-five percent of the policies sold in the State of

Maine are federally qualified policies. Five percent are not federally qualified policies. Presently there are significant tax advantages to people who purchase federally qualified policies.

Here is a little background in this. In 1989, Maine residents were able to take a deduction on their Maine Income Tax for premiums paid for long-term care insurance policies that were certified by the Bureau of Insurance as having met certain standards. At that time, federal and state standards were different and most Mainers purchased policies, which were eligible for federal tax benefits, but not state tax benefits. In 1999, the 119th Legislature passed legislation to change the state's standard to conform to the federal standards. That is where we are now. At the same time, we grandfathered all state certified policies to protect the policyholders. As I stated, roughly 95 percent of the policies sold in the State of Maine are federally tax-qualified policies. UNUM is one of the large providers of these policies and they testified that 99 percent of the policies they sell fall in this category. Trans-America, which is another large provider, testified that they do not even sell a non-federally qualified policy in the State of Maine.

If we enact this bill, LD 79, we will once again establish a situation where we have differing federal and state standards. Federally qualified, the ones that 95 percent of the people have, would continue to be eligible under Maine law, but federally non-qualified policies would only be eligible if the Superintendent of Insurance certified specifically that that policy was a long-term care policy as defined by Maine law.

This presents certain practical difficulties for Maine residents who are covered by long-term care policies purchased in another state, this may be because they lived in another state at the time they purchased the policy or because they are covered under a policy that is provided by their employer who is based out of state. In these situations, even if the policy meets Maine standards, it could not be certified unless the insurer submits to the Bureau of Insurance and the Superintendent elects to certify it. Under the law as it existed prior to 2000, this often caused problems for those insured under such plans.

Here is my primary objection to LD 79. We are confusing and misleading the consumers who purchase state qualified plans only. They think they are going to receive federal tax benefits, when, in fact, they are not. It is true that we will extend to them a state tax benefit, but that state tax benefit is very small in comparison to the federal tax benefit that they are giving up by not purchasing federally tax qualified plans. The situation is likely to become even worse because the Congress right now is considering legislation that will further enhance the federal tax benefits for just those plans that are federally qualified.

My question to you is, why do we want to create a tax deduction in Maine to entice people into purchasing plans for which they are actually going to be hurt in the long run because they are not going to receive federal tax benefits? This is not a bad bill. We are not going to hurt people by passing this. The people who own these policies will receive some benefit, but that benefit is much smaller than the benefit that they would receive if they did not purchase these plans. We are encouraging them to purchase this plan by extending this tax deductibility.

This was a divided report. I apologize for not having spoken when it was on the calendar the first time. It is entirely nonpartisan. The divided report was 8 to 4. The four committee members who voted Ought Not to Pass were two Republicans and two Democrats. I think in all honesty that our committee, you can all relate to this partly because of the crunch that we are under to pass legislation quickly, I think that we probably did not spend as much time and give as much justice to this bill as we should have. Now that I have spent more time and have looked at it, I am more concerned than ever that we are actually not

doing the right thing. I would urge you to consider voting Ought Not to Pass on this and perhaps we would have time then to look at this again and see if we can't do something better for the people of Maine. Thank you.

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

Representative **KANE**: Mr. Speaker, Ladies and Gentlemen of the House. I regret that I was out of the chambers. Our committee was meeting upstairs when this supplement came and therefore was not able to speak early on it. The previous speaker essentially gave a version that turned lemonade into a lemon. My committee has worked for two years on long-term care. One of the things that we discovered in the process of working on long-term care is that the Maine taxpayers are paying a very hefty price through Medicaid for subsidizing long-term care insurance that should and could be carried and subsidized by Maine citizens. The problem is we have not made long-term care insurance accessible, sufficiently accessible. During this process it was a discovery to me to realize that only 5 percent of Maine citizens actually buy long-term care insurance. Up until two years ago, they had the option of purchasing what is called a federally tax qualified program and got a very minimal federal tax benefit, but did have a state tax benefit along with the so-called non-federally tax qualified program.

What I want to tell you is what are called federally taxed qualified programs that are currently covered under both federal and some state tax breaks is not nearly a good deal for the consumer in Maine as a non-federally tax qualified program. Non-federally tax qualified programs offer far more flexible benefits at the same cost. All I was wanting to offer, this was my bill, was to have a free and open disclosure for Maine consumers to know that they can purchase a federally tax qualified program and understand what it does and what it doesn't, but also have equal access to a non-federally taxed qualified program that, in my judgment, is a far better deal for the consumer. What I brought forth was a bill that basically restored for these other consumers who choose to purchase a non-federally tax qualified program, the same modest, minimal tax break that these other programs offer. That is all it is. That was the case made before the Taxation Committee, which voted substantially in support. I hope that you will do a favor for your consumers and vote the Ought to Pass measure reported out by the Taxation Committee and give the consumers a break. Thank you.

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. To anybody on the committee or anybody knowledgeable about this issue, can a consumer on a long-term care plan now take advantage of the federal tax deduction and this deduction if it passes, or do they have the option of only taking one? The second question I will ask is, I heard mentioned about federally approved plans. Just what are the criteria for federally approved plans and how many providers in the State of Maine are providing this package now qualify as federally approved plans?

The SPEAKER PRO TEM: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. I am not an insurance expert, but I found that after

studying long-term care for two years in our committee, I developed a deep appreciation for the need for citizens to be prepared. In answer to the Representative from Bridgton's questions, most licensed insurance agents are able to offer federally tax qualified and non-federally qualified. The federally taxed program emanates from a 1997 Kennedy/Casambaum bill, essentially, which was, in my judgment, an industry bill that gave a minimal tax break to taxpayers. However, in the process it set a standard for eligibility for reception of benefits, which is much higher than in a standard policy. One of the things that I discovered in the process because I was looking to buy to long-term care insurance for myself, is that in a non-federally qualified program that actually I had greater accessibility to benefits at a less severe condition than the federally tax qualified program.

This gets particularly into dementia and Alzheimer's disease. One has to be much more severely impaired with respect to these diseases in order to qualify for a federally tax qualified benefit program. In a standard, they vary the eligibility level. It is much more flexible and, I think, a great deal more consumer friendly. I was amazed because I certainly expected to have the term federally tax qualified to being equal to the good housekeeping seal of approval. If it is federally tax qualified, it must be better. It must be better for the consumer. I discovered that it isn't. I urge people as you look, I hope you all do take seriously your own long-term care insurance needs. That you look at the comparison between those programs. All I am asking for is equal treatment. Thank you.

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. I thank the good Representative from Saco for answering one of my questions. The other one is just as important, if not more important. Can the consumer purchase a health care package that qualifies for both federal and the exemption under this bill or are they stuck to taking one or the other?

The SPEAKER PRO TEM: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize to the Representative from Bridgton because I am not exactly sure of the answer to your first question. If you have a federally qualified plan, I am not sure whether or not that deduction is taken in the figuring of your federal income that is used if you take it before your gross income that you then use to put on your state return or not. I apologize to that. However, the answer to the second question is, yes.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. First let me state that the good Representative from Saco is trying to do a positive thing here. He is trying to help the people who have purchased these policies. There is no argument about that. However, and this is the part that I really didn't want to get into because I know some of you are already headed for the exits and I can understand that. I can't speak to the relative benefits of the insurance policies, one versus the other. There are reasons to purchase, depending on your circumstances, there are reasons why

someone may choose to purchase one plan over another. However, when you do purchase a federally non-qualified plan, you are sacrificing federal tax benefits. Those federal tax benefits are specifically two. One is that right now you have the ability to deduct the premiums that you pay for a federally tax qualified policy in so far as it can be used, lumped in, with your total medical deductions. It can help you meet that criterion right now.

The second benefit that is even more substantial is that when you receive distributions from this policy at some point when you take advantage of the policy benefits, you receive those as federally taxed free income. That is substantial. It is a lot more than a relatively paltry, I don't mean that in a demeaning term, but the relatively small tax benefit that we can offer as a State of Maine, the answer, as I understood the good Representative from Bridgton's question, regarding the tax benefits, is that, no, if you purchase a state tax qualified policy, you cannot access the federal tax benefits and the state tax benefit. If you purchase the federal tax policy, you can access both of those benefits. If the Congress moves in the direction that it is headed now, it is going to pull the premium portion out of the medical deduction and make it a stand alone so that you would be able to deduct the premiums all by themselves. That significantly adds to the advantage.

I think from a tax standpoint, there are substantial benefits to owning a federally tax qualified policy. Mr. Speaker, when the vote is taken, I would request a roll call, please.

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

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

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. One of the points that was made early in the debate, I think is important to consider is that disregarding the tax advantages, if you will, it is the advantages that the non-qualified plan gives to the policy holder when an illness occurs and they become qualified. I think that is the distinction here. I certainly don't pretend to be an expert in it. As I understand it, you are eligible for some of those provisions of the policy quicker and with fewer qualifications on the non-qualified plan.

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

ROLL CALL NO. 199

YEA - Andrews, Annis, Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Buck, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dudley, Dugay, Dunlap, Duprey, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jodrey, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, Mendros, Michael, Michaud, Murphy E, Muse C, Muse K, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin J, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Mr. Speaker.

NAY - Berry DP, Bowles, Bruno, Bumps, Carr, Chase, Clough, Crabtree, Cressey, Davis, Dorr, Duncan, Duplessie, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Kasprzak, Labrecque, Ledwin, MacDougall, McKenney, McLaughlin, McNeil, Morrison, Murphy T, Nass, Nutting, O'Neil, Peavey,

Perry, Pinkham, Rosen, Schneider, Sherman, Shields, Tobin D, Treadwell, Weston, Young.

ABSENT - Bagley, Baker, Belanger, Jones, Lovett, Marrache, Mitchell, O'Brien JA, Stedman, Winsor.

Yes, 99; No, 42; Absent, 10; Excused, 0.

99 having voted in the affirmative and 42 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Expand the Number of Authorized High-stakes Beano and High-stakes Bingo Games

(H.P. 104) (L.D. 108)
(C. "A" H-439)

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

On motion of Representative COTE of Lewiston, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 200

YEA - Annis, Ash, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bunker, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Duncan, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Fuller, Gerzofsky, Glynn, Goodwin, Hall, Hatch, Hawes, Heidrich, Hutton, Jacobs, Kasprzak, Labrecque, Landry, LaVerdiere, Ledwin, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, Mendros, Michael, Michaud, Morrison, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Treadwell, Tuttle, Twomey, Volenik, Waterhouse, Watson, Wheeler GJ.

NAY - Berry DP, Blanchette, Bowles, Bumps, Canavan, Carr, Chase, Clough, Cressey, Daigle, Desmond, Dorr, Dudley, Foster, Gagne, Gooley, Green, Haskell, Honey, Jodrey, Koffman, Lemoine, MacDougall, Madore, McKenney, McNeil, Nass, Peavey, Perkins, Sherman, Snowe-Mello, Stanley, Tobin D, Tobin J, Trahan, Weston, Wheeler EM, Young.

ABSENT - Andrews, Bagley, Baker, Belanger, Davis, Dugay, Jones, Kane, Laverriere-Boucher, Lovett, Marrache, McGowan, Mitchell, Nutting, O'Brien JA, Shields, Stedman, Usher, Winsor, Mr. Speaker.

Yes, 93; No, 38; Absent, 20; Excused, 0.

93 having voted in the affirmative and 38 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act to Increase the Forest Management Planning Income Tax Credit

(H.P. 306) (L.D. 384)
(H. "A" H-427 to 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) as Amended by House Amendment "A" (H-427)** thereto was **ADOPTED**.

The same Representative presented **House Amendment "B" (H-473) to Committee Amendment "A" (H-359)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-359) as Amended by House Amendment "A" (H-427) and House Amendment "B" (H-473) 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) and House Amendment "B" (H-473)** thereto in **NON-CONCURRENCE** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Resolve, to Establish a Moratorium on Aquaculture Leases in Blue Hill Bay (H.P. 927) (L.D. 1241)

Signed:

Senators:

EDMONDS of Cumberland
PENDLETON of Cumberland
LEMONT of York

Representatives:

MUSE of Fryeburg
CHICK of Lebanon
McNEIL of Rockland
ASH of Belfast

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-497)** on same Bill.

Signed:

Representatives:

SULLIVAN of Biddeford
VOLENIK of Brooklin
LEMOINE of Old Orchard Beach
PINKHAM of Lamoine
USHER of Westbrook
BULL of Freeport

READ.

On motion of Representative LEMOINE of Old Orchard Beach, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-497)** 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-497)** and sent for concurrence.

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

On motion of Representative POVICH of Ellsworth, the House **RECONSIDERED** its action whereby An Act Concerning the Transportation of Juvenile Offenders

(H.P. 271) (L.D.
349)

(C. "A" H-455)

Was **PASSED TO BE ENACTED**.

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

The House recessed until the Sound of the Bell.

(After Recess)

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Provide Public Employees Equal Access to Personnel Files

(H.P. 910) (L.D. 1224)

(C. "A" H-319)

PASSED TO BE ENACTED in the House on May 14, 2001.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Representative BUNKER of Kossuth Township moved that the House **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**.

Representative TREADWELL of Carmel moved that the House **RECEDE AND CONCUR**.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. This bill, we have already debated this. I ask for the courtesy to try to move this bill forward. We passed it with a wide margin. We are asking for Committee of Conference to see if both sides can come together on this issue. If not, obviously the item will die between bodies. I would ask for the support we had before and vote against the Recede and Concur.

Representative NORBERT of Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Levant, Representative Chase.

Representative **CHASE**: Mr. Speaker, Ladies and Gentlemen of the House. We have debated this before. There were 58 that voted against this bill. Had everyone understood all of the implications, I think there might have been many more. I have received a communication from the superintendent of schools in one of the schools in my district. I think she poses the problem as well as it can be posed, very nicely. I would like to read that. "The section of this bill that would require written reasons to probationary employees who are terminated or non-renewed is especially troubling. While the wording may well sound reasonable to the casual reader our school committee and administrators see the potential for very significant problems. Specifically, we are gravely concerned about any legislation that will further erode a school committee's ability to make employment decisions during the probationary period, which, as you know, is already too short. We anticipate a great argument about what reasons were good enough if we terminate an employee. There is clearly potential that even more of our limited resources will be spent on lawyers defending us through nuisance claims from disgruntled employees." That is the end of the letter. We are certainly all aware of the tremendous expenses that are before our schools. To add another one, I think is quite irresponsible.

I feel we should Recede and Concur.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. There is a flyer coming around that is a legal opinion that was forwarded to the MSMA that states that the State of Maine already has the shortest probationary period for teachers in the country. This bill would effectively eliminate the probationary period for those teachers hired up through the first two years of their employment. It would make them effectively contract employees with all of the rights of a contract employee. It would be almost impossible to hire a teacher for a probationary period of time for evaluation and then finding that teacher not capable of handling the job, it would be nearly impossible without exhausting a lot of valuable resources to terminate that teacher. It is not good legislation. I would encourage you to vote for the Recede and Concur motion.

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

Representative **HUTTON**: Mr. Speaker, Men and Women of the House. There are some, I think, misconceptions about this bill going around. I, too, have gotten some of the things from my superintendent. The one thing I want to stress is that the probationary period for a teacher is two years. Two years is a long time. The other thing that I want to stress is that we are still an at will state unless you have a contract. No matter what, that probationary period is not eliminated. They still have the right to end the person's employment. All they have to do is simply write a letter, if the employee requests it, saying why. We were given during the public hearing an example of a police officer who was hired on in a town and right towards the end of his probationary period was let go because the town ran out of money. He wanted to have a letter to say that when he went to apply for another job. To some of us it seemed like a simple request to be able to get a letter that said I was fired not because I did a bad job, but just because we ran out of money in the town. I hope that you would vote against the Recede and Concur.

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

Representative **MARLEY**: Mr. Speaker, Ladies and Gentlemen of the House. As a teacher who served in the Legislature, I have to agree with Representative Hutton. What we have passed out talks about a decision not to rehire probationary teachers often means that only that the teacher has not in two years demonstrated that he or she is the best available candidate. We are talking about a teacher shortage in the State of Maine. Maybe that teacher is not going to be appropriate for that decision, but how are we going to have that teacher get better at their position and move to another district and be a capable teacher if they don't have this feedback. I think it is ridiculous to say that requiring a superintendent or a school board to simply articulate the reasons for not rehiring the probationary teachers, it doesn't make sense. We talk about this all the time in this Legislature, common sense. This is common sense legislation. Every one of us should have the right to look at our personnel file. I would agree. Thank you.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. We are dealing with a bill that tries to give equal treatment to public employees. The law today allows an employee in the private sector to be given the reason for termination of employment. Every private employee has that right. Today, you have an opportunity to give that same right to a public employee. That is not asking too much. If we can do it for private employees, why should our governmental entities, our towns or our schools not have that same obligation? There is nothing wrong with speaking the truth. The arguments you have heard that somehow this is going to change the probationary teacher law, no, it will not. It will not give anybody any greater rights to employment than they had before. It will not give an at-will employee any greater rights. What you are doing is giving public employees the same right as any one else in this state to know what the reason was why they were fired or terminated and when they go to the next employer, say this was the reason. They downsized or they had no more room. Whatever it is, they will know what the truth is. I ask you to vote against the Recede and Concur motion.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I do want to respond to some of the comments that have been made that two years is an ample time. I think that may very well be true, but I would like to break it down for you a little bit. For teachers, a school year is basically 175 working days where they actually teach. If you go two years, that would mean 350 days. There is a notification requirement that if you are going to release them, that they be told by the first of April. You have to back that time out, approximately 60 days, leaving you 290 days where they actually work where you can evaluate them. That is 58 weeks. That is not two years where I live. Why would they want reasons? I don't know of any teacher that has ever been let go that hasn't been given evaluations or help to improve. They have had reasons all along. They want reasons so they can litigate. They can add the expense to the local school budget. I would hope that you would support the Recede and Concur.

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

Representative **NORTON**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, am a teacher. In due deference to you, Representative Belanger from Caribou, probationary teachers now are required to have a support team. That support team is given the job of helping the teacher through the first couple of years. If that teacher is not doing the job at the end of

two years, I submit to you that another year in the classroom may not be appropriate anyway. However, I really want to speak to this bill. This bill was not ever intended to refer to teachers anyway, but since the esteemed law firm from Portland has sent this letter, I think it is important for you to know that there are 33 states in this country that currently give reasons to probationary teachers. It does not take their probationary period away. It simply says that if the person who is leaving asks for a reason, they be given one. I also submit to you that if the reason isn't a good one, they may not even ask for it.

I would also like to tell about another incident that I have heard of recently about a school system that is going to lose several teachers at the end of the year due to some kind of military cutbacks. The teachers have been told that they will all be pink slipped at the end of the season. The teachers that the superintendent wants will then be asked back. Any probationary teacher who is at the end of his or her two-year period then, it will look as though that person was not a good teacher, rather than the fact that there was simply a cutback. I think simply giving those teachers a statement saying that there was a reduction in force and that is why the person was not hired back. A reason can be as simple as the fit is not right with our community. It doesn't have to be a long involved reason. There are very simple reasons and I am sure that most of the superintendents in our state are capable of picking up the phone and dialing a superintendent in one of the 33 states that currently gives reasons. This bill, again, has nothing to do with the teacher probationary period other than the fact it is another excuse to go after teachers. I am sorry.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. Disclaimer, I, too, am a teacher. I am going to try another tactic. This is a really good bill. I listened carefully. I guess my concern is, there are two. First, I am going to take the two years not being long enough. I submit to you if your child is in a classroom with a bad teacher, one month is too long. Administrators and the support teams need to immediately get on top of the situation. For me, two years, we don't have a chance to get around to our teachers and we don't have a chance to fully evaluate, doesn't hold water. We are all responsible, veteran teachers, new teachers, administrators, communities and parents to make sure that qualified teachers are in the classroom. The two years is not the concern for me. I do believe that common courtesy says you should know why you are being let go. Yes, there is a shortage, but I do know of teachers who are let go in the first two years because there is no necessary reason given because they have decided to make room for somebody that has just gotten out of college. It happens to be a good friend. It is amazing what can happen in small communities if you know the right people. A simple letter requesting a reason why you are being let go is not pie in the sky.

Somebody has invested four years of college and anywhere from \$40,000 to \$100,000 to receive a BS in Education and they are going to be let go, they ought to be able to know the reason why. Why are we afraid to say that? Because teachers don't deserve due process. Is that the problem? Remember we passed a law to fingerprint. We have a shortage of teachers. We want to change the standard, but let's not give them a reason for letting them go. Let's call two years too short a period of time. I agree with the Representative from Bangor, Representative Norton. It does seem to have the flavor of how else can we go after our public school teachers, the ones that are left with the challenge to educate our most valuable resource.

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

Representative **BELANGER**: Mr. Speaker, Men and Women of the House. I think if we listen carefully, I did say that I thought in most instances the two years, even though it was only 58 weeks, is ample time. I don't know if anyone heard that. I think in most instances it is ample time. This is not about the length of probationary contracts. This is about reasons for letting someone go. I don't think anyone appeared before that committee, I wasn't there, but I would surely love to be corrected if teachers appeared before the committee and said a school was reducing its workforce and would not give them a letter to that effect that that is why they were let go. I would wager that no one appeared before the committee and said that. I think that is a pretty easy thing for schools to do. Most contracts have reduction-enforced language that very clearly sets out the procedure for reduction in force. I don't think this is about going after teachers. This is about giving management an opportunity during a probationary period to let someone go without having to bear the expense of expensive litigation. Once again, I hope you will support the Recede and Concur.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TRACY**: Mr. Speaker, Men and Women of the House. I have the LD 1224 in front of me. It says, "An Act to Provide Public Employees Equal Access to Personnel Files." I guess what we are debating here, ladies and gentlemen, is about teachers. I want to know if this is broad to encompass all public employees or are we just trying to hammer away on the teachers? Thank you.

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 Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I can see that we got this bill kind of somewhat sidetracked because in the eleventh hour, to answer the good Representative's question, the only reason why we are having this debate today is because of the letter that is on everybody's desk. I got that letter a few days ago and I was quite upset because these folks were in the room when this decision was made. They were there and present. To answer the other good question of the good Representative who is making a bed out here on the floor, the police officer that did come was exactly in that situation. He was let go because of budgetary constraints and he could not get a letter. You don't know how difficult it is for somebody to go through law enforcement training and then jump through all the hoops and have extended probation periods similar to teachers and then be let go and the town wasn't willing to give him a letter saying it was a budgetary thing. He has to go and try to get another job. Ladies and gentlemen, can you imagine being a law enforcement officer, a licensed nurse, a licensed doctor, a licensed anything or a licensed teacher and you were let go for a multiple of reasons that may or may not be detrimental to your performance, but the town or the city or the school department that we don't give reasons for people that are let go during a probationary period. That is what this officer ran into. It wasn't that he did a bad job. The town had a policy that said they don't give those things out, so you don't get one. We don't want to have the next person come ask for reasons. You are right. I guess I really want to stress here, ladies and gentlemen, the reason we are asking for a Committee of Conference is because this came up in the eleventh hour. The

other body has obviously presented something in a different format for this body. We are asking to send it back and to ask for a Committee of Conference and let the smart people from both bodies that are diametrically opposed opinions on this get together and see if they can work it out. Hopefully, when it comes back to this body, if it does, the questions and concerns that many of you folks have about this issue may be resolved and we can move forward with this. I just ask for that courtesy.

Representative McKEE of Wayne **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. There used to be a saying in educational circles and I quote, "Parents and teachers unite. Administrators are killing education." I hope that we will not add legislators to the list of killers of education. Thank you.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. All I would add to this discussion is, look at the House Amendment (H-319). This is what we are voting on. It says nothing at all about probationary teachers or changing probation. It has nothing to do with the allegations of this letter that some of you may have seen from one of the lobbying firms. All we are talking about is extending the same privilege to public employees as we are extending to private employees. That is nothing more than fair.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. As the good Representative from Van Buren just pointed out, please read House Amendment (H-319). This seems to be getting a little bit distorted here today. Many in this chamber profess to be business owners. This LD is about fairness. That is all it is about. All private sector employers, many of you in this chamber, have to comply with this law now. If you must comply with it, why isn't that good enough for the state and its political subdivisions to also comply with the same standard? That is all we are asking for. We are getting this way distorted here with this fax that is sitting on your desk just from the educational community. It covers all the public sector, the state and its political subdivisions, the same standard, as the private employers must comply with. That is all it is asking for, fairness. Thank you. Please reject the current motion.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. There have been a couple of comments about who testified on this bill in committee. The bill was presented by the sponsor, Representative Hutton, and the proponents were a member of the Teamsters Union, a representative from AFL-CIO, a person who used to work for a paper mill who had been fired and his wife. The opponents, there was only one opponent and it was the Maine Municipal Association. After the fact the Maine School Management folks, realizing what had happened, came forward and said it was a bad bill for the education community and they would like to see if they could get it turned around. That was the reason why the bill came out on a unanimous report. At the present time, in deference to some information that has come forward, the letter from the lawyers that you all have on your desk that you have read addresses the Committee Amendment, which is (H-319). I

think it is very accurate in the implications of this bill as amended.

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

Representative **NORTON**: Mr. Speaker, Men and Women of the House. There was a representative from Maine School Management present when this bill was taken up in committee and in work session. In fact, he was even asked if this would create a problem for teachers, his reply was, no, not that he could see.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Not to prolong this debate, but when I look at this letter having been on the school board, I can certainly sympathize with the good Representative Belanger and the things that he has to say and, of course, I am a teacher too and have served on those support teams. I will have to say that there is full disclosure throughout that two-year process with a teacher, perhaps unlike some public employees who aren't allowed to see their files. We are allowed to see it all the way through. It is a very supportive process. On another note, we should be revitalizing that certification process so that it works even better. Many of you served on school boards also and this has been a long-standing practice. I am not saying that this letter is wrong or that the committee has made a mistake. There seems to be some miscommunication here. I have great faith in the committee that presents a Majority Ought to Pass Report. They obviously have looked into it long and hard. There may be a reason for us to reject the Recede and Concur and go on to ask for a way in which we can resolve this issue in an amicable way so that we don't see this as a teacher issue. We do have a long-standing practice that is working. I hope that it can be worked out. Thank you.

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

ROLL CALL NO. 201

YEA - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Chase, Clough, Crabtree, Cresse, Daigle, Davis, Dugay, Duncan, Duprey, Foster, Glynn, Gooley, Heidrich, Honey, Jodrey, Labrecque, Ledwin, MacDougall, McKenney, Mendros, Morrison, Murphy E, Nass, Nutting, Peavey, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

NAY - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Hutton, Jacobs, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Murphy T, Muse C, Muse K, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Sherman, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

ABSENT - Bagley, Baker, Jones, Kasprzak, Lovett, Marrache, Michael, Mitchell, O'Brien JA, Stedman.

Yes, 47; No, 94; Absent, 10; Excused, 0.

47 having voted in the affirmative and 94 voted in the negative, with 10 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, 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 **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Require Alien Big Game Hunters to be Accompanied by a Guide" (S.P. 201) (L.D. 673)

Signed:

Senators:

CARPENTER of York
KILKELLY of Lincoln
WOODCOCK of Franklin

Representatives:

TRAHAN of Waldoboro
HONEY of Boothbay
USHER of Westbrook
PERKINS of Penobscot

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-142)** on same Bill.

Signed:

Representatives:

DUNLAP of Old Town
CLARK of Millinocket
CHICK of Lebanon
TRACY of Rome
McGLOCKLIN of Embden
BRYANT of Dixfield

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

READ.

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

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

ENACTORS

Emergency Measure

An Act to Change the Snowmobile Registration Rates (H.P. 970) (L.D. 1294) (C. "A" H-346; H. "A" H-435)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 16 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide Additional Funding for the Geographic Isolation Adjustment (S.P. 428) (L.D. 1383) (C. "A" S-195)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 124 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Laws Regarding Harness Racing (H.P. 1052) (L.D. 1415) (C. "A" H-441)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Clarify the Laws Governing Lobbyist Disclosure Requirements (H.P. 249) (L.D. 285) (C. "A" H-440)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

ENACTORS

Acts

An Act to Amend the Tax on Mahogany Quahogs (H.P. 838) (L.D. 1110) (C. "A" H-463)

An Act to Increase Certain Civil Process Fees (H.P. 874) (L.D. 1153) (C. "A" H-428)

An Act to Amend the Maine Arborist Licensing Law and Clarify the Expiration Date for Nursery Licenses (H.P. 899) (L.D. 1191) (C. "A" H-458)

An Act to Clarify Certain Laws Relating to the Harvesting of Wild Animals (H.P. 901) (L.D. 1193) (H. "A" H-426 to C. "A" H-292)

An Act to Require the State to Provide Flags for Persons Who Are Listed on the Law Enforcement Memorial Located on State Street in Augusta (S.P. 363) (L.D. 1201) (C. "A" S-192)

An Act to Amend Certain Laws Pertaining to the Maine Land Use Regulation Commission (S.P. 365) (L.D. 1203) (C. "A" S-181)

An Act to Amend the Laws Regarding Investigations by the Commission on Governmental Ethics and Election Practices (H.P. 1020) (L.D. 1369)

An Act to Amend the Membership of the Substance Abuse Services Commission (H.P. 1054) (L.D. 1417)

An Act to Allow the Purchase of Rabies Vaccine by Livestock Farmers (H.P. 1063) (L.D. 1426) (C. "A" H-450)

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

Resolves

Resolve, Authorizing the Department of Human Services to Establish a Prescription Drug Reimportation Program
(H.P. 701) (L.D. 916)
(C. "A" H-383)

Resolve, to Create a Stakeholders Group to Modernize Maine's Clean Air Policy
(H.P. 1047) (L.D. 1404)
(H. "A" H-425 to C. "A" H-301)

Resolve, to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials
(H.P. 1085) (L.D. 1454)
(C. "A" H-445)

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

An Act to Expand Retirement Benefits for State Employees and Teachers Returning to Service
(H.P. 941) (L.D. 1255)
(C. "A" H-437)

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

On motion of Representative BUNKER of Kossuth Township, 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-437)** was **ADOPTED**.

The same Representative presented **House Amendment "B" (H-483)** to **Committee Amendment "A" (H-437)** which was **READ** by the Clerk.

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

Representative BUNKER: Mr. Speaker, Ladies and Gentlemen of the House. House Amendment "B," for the members of the House, is just a technical amendment that repeals some unnecessary provisional law and obsolete provision of the law. It was the retirement folks cleaning up some language from our change that was in conflict.

House Amendment "B" (H-483) to **Committee Amendment "A" (H-437)** was **ADOPTED**.

Committee Amendment "A" (H-437) as Amended by **House Amendment "B" (H-483)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-437)** as Amended by **House Amendment "B" (H-483)** thereto in **NON-CONCURRENCE** and sent for concurrence.

An Act to Protect Against Contamination of Crops and Wild Plant Populations by Genetically Engineered Plants
(H.P. 952) (L.D. 1266)
(C. "A" H-449)

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

On motion of Representative TESSIER of Fairfield, was **SET ASIDE**.

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

An Act to Increase the Maine Turnpike Authority Bond Limit
(S.P. 409) (L.D. 1353)

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

On motion of Representative GLYNN of South Portland, was **SET ASIDE**.

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. This bill raises the bonding authority of the Turnpike Authority to \$210 million without voter approval. This is nearly a quarter of a billion dollars. I find no reason, that I can think of, to raise this bonding authority for this agency to this level. I believe we need to examine their spending practices and encourage them, rather than take on long-term debt to look towards retiring debt before taking on future expenditures. Mr. Speaker, when the vote is taken, I respectfully request the yeas and nays.

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

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

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

Representative FISHER: Mr. Speaker, Men and Women of the House. A couple of years ago when the turnpike expansion was proposed and accepted, the turnpike commission came to us with a request to increase their bond limit and said at that time they may have to increase it one more time and this is it. To complete their jobs, they need the money.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. For those of us that have been working on the turnpike widening and the other issues to deal with improving the Turnpike understand fully the bonding that is needed to complete the widening. It will be paid for by those of us that use it every day. I urge you to support this. This is not going to be paid by the tax dollars of the State of Maine. It will be paid for by the users of the turnpike, which are mainly, in the summertime, out-of-staters. Thank you.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. As a person who uses that turnpike, I have been home two nights this week to meetings and I drive the whole 100 miles of it. I urge you to vote in favor of this piece of legislation. They need to increase their bond issue.

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

ROLL CALL NO. 202

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

NAY - Bowles, Carr, Cressey, Duprey, Glynn, Haskell, Michael, Pinkham, Waterhouse.

ABSENT - Bagley, Baker, Dugay, Goodwin, Jones, Kasprzak, Lovett, McGowan, Mendros, Mitchell, O'Brien JA, Perry, Stedman.

Yes, 129; No, 9; Absent, 13; Excused, 0.

129 having voted in the affirmative and 9 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Extend the Deer Hunting Season

(H.P. 1055) (L.D. 1418)
(C. "A" H-436)

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

On motion of Representative BULL of Freeport, was **SET ASIDE**.

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

Representative BULL: Mr. Speaker, Ladies and Gentlemen of the House. I am not really going to change much with this, but I was just reading the bill and it opens the door to a possibility of a three-month hunting season. I do not think this is a good idea. I will be voting no. I will request a roll call.

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

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

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

ROLL CALL NO. 203

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Crabtree, Cressey, Daigle, Davis, Dudley, Dunlap, Duplessie, Duprey, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Hatch, Hawes, Heidrich, Honey, Jodrey, Kane, Koffman, Labrecque, Landry, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeen, MacDougall,

Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, McNeil, Michael, Michaud, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Stanley, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Bliss, Bull, Cowger, Cummings, Desmond, Dorr, Duncan, Green, Hall, Haskell, Hutton, Jacobs, Laverriere-Boucher, Norton, Pinkham, Quint, Simpson, Sullivan, Thomas, Twomey, Volenik, Watson.

ABSENT - Bagley, Baker, Dugay, Goodwin, Jones, Kasprzak, Lovett, McGowan, Mendros, Mitchell, O'Brien JA, Perry, Stedman.

Yes, 116; No, 22; Absent, 13; Excused, 0.

116 having voted in the affirmative and 22 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-487) - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act to Refine the Governance and Funding of the Education Research Institute"

(H.P. 950) (L.D. 1264)

Which was **TABLED** by Representative RICHARD of Madison pending **ACCEPTANCE** of the Committee Report.

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-487)** 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-487)** and sent for concurrence.

The House recessed until the Sound of the Bell.

(After Recess)

The House was called to order by the Speaker.

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 (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-149) - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Require the Labeling of Certain Genetically Engineered Foods"

(H.P. 698) (L.D. 902)

TABLED – April 25, 2001 (Till Later Today) by Representative McKEE of Wayne.

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

Representative TESSIER of Fairfield moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative TESSIER: Mr. Speaker, Men and Women of the House. I rise in opposition to this bill. First of all, I am opposed to Maine being the only state in the nation to mandate labeling of genetically modified foods. If labeling of genetically modified foods is to come about, I believe it needs to be done at the national level.

Last year mandatory labeling at the national level was considered by Congress. In the end, a decision to not mandate labeling of genetically engineered foods was made. As far as I am concerned, that should have been the end of the issue here in Maine. Unfortunately, this is not the case. For the fourth time, this bill is being brought to the Legislature. And I have no doubt it will be brought back again and again until the proponents get what they ultimately want, mandatory labeling of genetically engineered foods. There is even talk of a state referendum if they don't get it in the Legislature this time.

The interesting thing is that the proponents of this bill are in reality a very small, but very vocal, well-organized group of people who are fervently opposed to genetically engineered foods, without a specific basis, I might add. You will be told many antidotal stories of the dangers of genetically engineered foods and hear of distrust of the federal regulation of these foods. Listen carefully for the scientific proof of these charges, you'll find none. Know also that we have the safest foods in the world due to the hard work of our regulatory agencies.

The second reason I am opposed to the bill is that anti-biotechnology groups are using the issue of mandatory labeling of genetically modified foods to raise consumer fear of bio-engineered foods in America. This follows a systematic pattern used in Europe to fuel a near hysteria of fear of genetically modified foods. The truth of the matter, however, is that the US National Research Council recently surveyed the scientific research on biotech plants and found that nothing has yet shown bio-engineered foods currently on the market to be unsafe.

In fact, no case has yet been reported of human health problems caused by bio-engineered foods. Bio-engineered foods have been around for over 30 years when Norman Borlaug genetically modified wheat in 1970. For this he won the Nobel Peace Prize. As a result of his research, Mexico, India and Pakistan have become self-sufficient in grain products. No harm has ever been reported to humans eating foods from this grain product. That is a thirty-year history.

In closing, may I remind you that three federal agencies share regulatory authority over genetically modified plants. The US Department of Agriculture certifies that a plant is safe to grow. The Environmental Protection Agency confirms that any crop modified to include a pesticide is safe for the environment. The Federal Drug Administration assures that the crop is safe to eat. For most Americans, the oversight by these three agencies in conjunction with a 30-year history of problem free biogenetic foods is enough assurance that mandatory labeling is not necessary. I agree with them.

I would ask that you would join with me in Indefinitely Postponing this bill. Mr. Speaker, I ask for a roll call when the vote is taken. Thank you.

The same Representative **REQUESTED** a roll call on his 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 Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. As the sponsor of this bill, I have a slightly different tact. This bill requires that, if they are selling a packaged or unpackaged food that contains genetically engineered food, a manufacturer, distributor or retailer must label their product by stamp, label or sign as produced with genetically engineered ingredients. There are protections. A retailer is not subject to penalties if the distributor or manufacturer fails to notify the retailer of genetically engineered ingredients. Also, a manufacturer is not subject to penalties if his product is contaminated by a food that contains genetically engineered ingredients for hormones and is not the result of negligence.

Genetic engineering will create or has already created a host of problems: super bugs, super weeds, pollen drift, destruction of healthy flora, fauna, soil and soil microbes, new allergens, a blurring of the line between plant and animal, antibiotic marker gene resistance, seed monopolies and concentration of heavy metals in weakened plant tissues, to name a few.

I would like to address two of these issues. At the public hearing we heard testimony from Jessica Pollard. I would like to read a follow-up e-mail from her on this subject. I will quote it. "As I testified before the committee on this bill, I strongly urge you to pass LD 902, Maine Right to Know. As a student at the University of Maine at Farmington one week away from graduating with one of my majors in science, I am currently conducting research on the antibiotic resistance spread from genetically engineered foods. My partner and I found that the antibiotic resistance genes used in GE goods can easily spread to bacteria, in this case, E Coli, causing those bacteria to be resistant, can't be killed by two antibiotics so far, one of which, streptomycin is commonly used for human treatment. As you might imagine, the implications of our study are that bacteria that come into contact with GE foods can take up the genes, transformation or conjugation, and if those bacteria, be it E Coli or salmonella, infect a person and the person takes antibiotics it will not do any good. Our very weapons against diseases, antibiotics, are threatened by GE foods. The other half of our experiment involved trying the same thing on bacteria that were on vegetables and the same thing happened. It is crucial that LD 902 pass so that vulnerable people such as the elderly, the young, those with immune system problems, etc., can avoid eating GE foods, which could potentially expose them to resistant pathenogenic bacteria. Lest you wonder if our experiment were a fluke, there are several studies, which have shown the same risks. In addition to these concerns, there is also the problem of allergies. Any protein can potentially be an allergen and if foreign proteins are found in foods without our knowledge, there is a danger to people with allergies. For instance, if someone had an allergy to fish and ate a strawberry that contained fish genes and, therefore, proteins, they would have a severe allergic reaction. By labeling GE foods, people with severe allergies could avoid GE foods."

Labeling of genetically engineered foods will be no more onerous than labeling of bottles and cans when we instituted our first in the nation returnable bottle law. At that time, the industry said that the bottle bill would mean that Coke and Pepsi and Ocean Spray would stop selling their products in Maine. It didn't happen then, and it won't happen with passage of this bill. Compliance is not complicated.

This February, the European Union's Parliament approved stricter rules on labeling and monitoring of genetically altered foods, feeds, seeds and pharmaceutical products. Do we want to sell our agricultural products to a world market, especially a European market, that demands labeling and consumer protection, or will we settle for being locked out of that market?

This bill basically requires labeling so that consumers can make reasonable choices about what they eat. This bill is about the right to know what we are eating. If we are truly entering an information age, what information is more vital than what is in our food and how it is produced? If consumer information is not a part of democracy, then is it truly a democracy? Can we depend on manufacturers of genetically engineered products to place consumer protection over profits and, if so, how did genetically modified Starlink corn, classed as animal feed, end up in our taco shells?

Finally, here is a multiple-choice question. Would you rather eat foods sprayed with pesticides, food that is so resistant to pesticides that higher levels of pesticides can be used on it, food that contains internal pesticides or food without pesticides? No matter what your answer is, wouldn't you like to know that at least you have the information to make a reasonable choice?

This is about consumer information and choice. Without labeling, the growing numbers of health and safety conscious consumers will only feel safe buying and eating organic. Those of you who truly believe in the superiority of genetically engineered food will be unable to know with absolute certainty that you are eating the genetic products you value so highly. Men and women of the House, the choice is yours. Please make sure that the choice is also everyone's.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. Sometimes you have to take a strong position on an issue. This is not a particularly popular issue in America and I think I know why. I think Americans are so busy and, frankly, quite well off and we really haven't paid the kind of attention to our food supply that people in Europe have. I want to talk to you about this bill and why it is appealing to me. I have supported it ever since I first got here.

First of all, this bill does what 90 percent of Americans want. Ninety percent of Americans say in poll after poll after poll that they do want labeling for genetically engineered foods. Like the tobacco lobby that came out in force during my first term here to oppose listing the ingredients on a pack of cigarettes. By the way, if you recall and you were here, there are over 100 ingredients in a pack of cigarettes. The forces of the chemical industry are against us here also. The chemical industry is against those 90 percent of us ordinary Americans, but what do we know? Chemistry is tough to understand. It is so easy to pull one over on science illiterate Americans, DDT, MBTE, we can spout off those acronyms, but we are really hard pressed as science illiterate Americans to identify the chemical compound, let alone explain the peculiar characteristics and properties of those chemicals.

Those producers of genetically engineered foods, just tell us simply, just trust us. Trust is a key to the success of any business venture, whether it is tobacco, gasoline or food. One of the puzzling ironies for me that sends up a red flag in this discussion of GE foods is that there is quite a contrast between the enthusiasm of the food producers on the one hand who claim, well, the biologically engineered products are different and unique when they go to patent them. On the other hand, there is similar enthusiasm for claiming that they are just the same as

other foods when asked to label them. Substantial equivalency, they say.

Who is producing these GE foods? America is the leading producer. Canada is second, then Argentina and then for a tiny percentage, China. Folks, this is the first time in the history of the food that we eat that chemical companies have produced the research for those foods and not our universities. Our public land grant universities have always taken the lead on this, but chemical companies have developed these foods. Who won't accept them? Who are those radicals out there, that tiny group who believe they have a right to know? Who is that tiny percentage of people? The entire European union, Japan, Australia, New Zealand, South Korea, Russia, the Czech Republic, Hong Kong, Taiwan, all of those people are refusing to accept genetically engineered foods into their country.

I had an interesting thing to occur at a Board of Agriculture meeting at the University. We were talking about the surplus of blueberries this past session and how important it was to carve a global market for those blueberries. The head of the Blueberry Association talked about the extra expense that they had to go to in order to ship those blueberries to France and Japan. Those countries wanted to know precisely what chemicals were in those blueberries to make sure that they knew what they were getting. You know what? We did that. We bore that expense, because we wanted to carve that market.

No companies currently label. We do have labeling in this country. You can go into Shaw's and you can find the country of origin. You can find the grapes that come from Chile. You can find nutrient information, minerals and salt. How many of you look to see if there is salt, sugar and, yes, processes? Is that pasteurized cider? I just heard that we should be buying pasteurized cider. It is labeled. It is made from concentrate, kosher, wines. How many people stopped drinking wine when suddenly they saw the label, this wine contains sulfides, this may not be good for the health of a pregnant mother? You know what, those labels save some of us. I am here to tell you that those labels saved me.

I do have to search out to buy a bottle of wine that does not have sulfides. I am allergic to both sulfur and sulfides. If I should intake some and I have the allergic reaction, I am prepared every day of my life with an epi-pin. I am allergic not only to that, but anything with aspirin, salicylates and yellow dyes. If I happen to go to Holiday Inn and happen to order cheesecake and it looks very yellow, I don't eat it because I know it has a yellow dye. I have the epi-pin in case I make a mistake. I have come near death because I did not know what I was consuming. I am an avid label reader.

What foods today are genetically engineered? Fifty percent of our soy products, which are pervasive throughout processed foods, soy formulas for babies, a third of the corn crop. Potatoes, thank goodness Maine no longer has new leaf potatoes. It was actually an economic decision. The companies did not want to take the genetically altered potato. Tomatoes, remember the flavor savor tomato. The rats wouldn't even eat them. Not only would the rats not touch a flavor savor tomato, the deer won't even browse in a field that is planted with round up ready soy. They will pleasantly munch on a field of traditional soy.

Just last summer I had my grandchildren home and I wanted to make sure that I didn't feed them things that they shouldn't be eating and just for a discovery, I called all the cereal companies to ask them, which of you use genetically engineered products in your cereals? I can tell you that one of the cereal companies said, can you wait while we connect you to New York? It will take a little while, but we have someone there who can answer this question. Kellogg's freely admitted that they used

genetically engineered corn, although I have recently learned that they have finally decided that they can ship genetically engineered free corn flakes to the European union because they really need that market. All babies these days seem to be told by their doctors that they can eat Cheerios. I would never have given my baby one of those because I would have been afraid they might have choked on it, but all babies seem to like to munch on those things today. I read on the package, it said, whole grain cereal. I called up Cheerios and said, "This must be whole oat cereal." There was a long pause and then they said, "No, it is not whole grain cereal. There are other grains. I said, "Are there any genetically engineered grains in Cheerios?" The answer was, "We can't promise that there isn't." I kept looking. I finally found that Oats have not been tampered with and I could buy old fashioned oatmeal, which a lot of you grew up on and I grew up on and now my grandchildren are growing up on also.

Lest you think that I am a purist, which I am not and anybody who goes to dinner with me at night or looks at my girth would tell that I am not a purist. Quite frankly, even though we grow an organic garden in the summer, we don't have enough through the winter and I find that some organic products are too expensive. I do have to stay on a budget. I am looking for traditionally grown potatoes from the county because I know that they don't have genetically engineered potatoes. I buy from Maine. I am purchasing thing that you would think that someone who knew so much or thought she knew so much about genetically engineered foods wouldn't be buying. I am no purist and neither is my family.

I take great umbrage from some opponents who come to me and say that I am trying to do in the biotechnology industry of Maine. Let me explain something folks, we do have wonderful medical biotechnology industry here in the State of Maine. We are doing a wonderful job, but I want to tell you something, anytime that you get a medication from your pharmacy, it is accompanied by a label. Truth in labeling exists for medications.

One member of my family is actually taking a drug, which contains genetically altered material. Let me tell you about her. She is someone who is very near and dear to me. She is in my immediate family and she has MS. She has two children and she wants to live a long and good life. As she has struggled with MS, she has taken a plethora of medications. Recently her doctor said, I have something new to offer you. This new drug is an interferon beta wonder drug. It is produced by recombinant DNA technology from the mammalian cells of a Chinese hamster, ovary cells, inter which the human interferon, the beta gene, has been introduced. The doctor talked to her about that. He showed her the material. She had grown up in a family whose grandfather worked for Merck Pharmaceutical. We always had the Merck manual that we always read, even before there were labels on medications. My daughter had the opportunity to weigh the risk with the benefits. She chose the benefits of biotechnology.

For those of you who would think that those of us who would like to see the same labels on our food know that we can make the separation. We are not against medical biotechnology. We are not against biotechnology. We simply believe that we have the right to know. Many people will say that labeling will create fear in the consumer. I say that it will just simply create caution. Caution is not extreme. It is just common sense.

In my own case, I have spent half my lifetime checking both foods and drugs for an ingredient, which could prove fatal. Truth in labeling is an issue for millions of Americans who also are allergic to certain ingredients. We have a right to know about allergenicity, toxicity and safety. Doctors, scientists, farmers, leaders, government officials and consumer officials throughout the world have issued urgent pleas to Americans to regard these

genetically altered foods. Our government ignores these pleas and allows industry to continue to rush this technology into our marketplace. The FDA has issued permits for 44 genetically engineered ingredients. It has never conducted one test on any of them. One of the curious things is that some of those products do not even go through FDA. The potato actually goes through the Environmental Protection Agency because the potato is not considered a food. It is considered a pesticide because of its round up ready gene. It tests only the pesticide, which is, in fact a safe pesticide. Round up is one of the most common and truly trusted pesticides throughout America. It is just not one that we want to consume.

We must not rush our way through wholesale, unquestioned acceptance of these foods. We must not only demand that industry be good stewards of these chemicals, but we must demand that our government act responsibly. We can start here. A lot of good things start in Maine. I was really proud today with the press conference about the pharmaceuticals. I know you hear it a lot, but this is another way that we can make a statement. This is not hybridization. This is not crossing a granny smith with a gala. This is something that is truly serious and it is about America's right to know. It is a consumer issue. It is a health issue. It is a personal issue about choice. I hope you will vote to not accept the Indefinite Postponement of this bill. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I am on the Agriculture, Conservation and Forestry Committee. I believe I sat through three hours of testimony on this particular issue. Last term I sat through three hours of testimony on this particular issue. The bill is a little different. It is a very, very important issue to us all. Genetically engineered foods are an important issue to us all. There is no getting around that. I am just going to go through some of the testimony, which was given by some key people in the industry here in Maine to show you how some of the experts and leaders in the agricultural field feel about this particular issue.

The first came from the Maine Department of Conservation. They said that genetic engineering has fired intense debate in the farming community and few agricultural issues even come close to it. If this LD were enacted, Maine would have to undertake all enforcement measures on its own. Enforcing the law would be difficult and expensive. Checking for violations would require sampling and testing a great many fresh and processed products. Lastly, the department feels that labeling of genetically engineered food is best handled on the federal level.

The Maine Farm Bureau said certainly they understand the proponents need for the right to know concerning genetically engineered foods and, therefore, feel that these foods should be labeled, but it should be done at the national level. The opposition to this bill is that labeling should be done at the national level and not the state level.

From the Biotechnology Association of Maine, as consumers we depend on labels to provide the vital information we need and expect on the health, safety and nutrition of the foods we eat. We are opposed, however, to a mandated labeling that establishes misleading and unnecessary labeling requirements. The net effect of this legislation would be to falsely imply that foods improved through genetic engineering are unsafe and inherently different from conventionally grown foods as well as to threaten the future of Maine's emerging biotechnology industry by sending the message that the state is less positive toward the industry and its products.

The Maine Potato Board said that labeling is and should be remain a national issue. To have each state require different

labels on our food products would be a nightmare to maintain and would possibly eliminate smaller population states from accessing certain products. Maine is one of those smaller population states. If the concern for labeling is valid, then it should be Congress and not the Maine Legislature that deals with this issue. Biotechnology is engrained in our society with many of our corn and soybean crops using more biotech acreage than traditional. These products, if labeled, would probably force companies to label everything as a product containing biotechnology because they would not want to take the chance that products were not segregated properly. As time goes on, we will see more and more farmers using tools, such as biotechnology to grow their crops. Do we want to end up with 50 different state standards for labeling on our food products? The answer is, no.

There was Susan Davis, who was with the Nutrition Consulting Services. She said the words genetic engineering on a label won't mean much to the average person and it will raise unfounded concerns. Biotechnology is incredibly complex and although surveys show that people recognize the term, very few understand what it means. Labeling food that has been developed through genetic engineering techniques would further confuse the consumer who was bombarded with mixed messages about nutrition daily. The proposed labeling would imply something is different or potentially risky when there is no science based evidence that this technology poses anymore risk than conventional agricultural methods.

Lastly, from the Department of Economic and Community Development, they said that the state's economic development strategy focuses on growing specific sectors of the Maine economy. This strategy is our game. The Department of Economic and Community Development, it guides us as we attempt to navigate the turbulent waters of economic change. Two important sectors targeted for actions are biotechnology and natural resource based industries. They are opposed to this particular LD.

I would hope that we would all vote for Indefinite Postponement of this bill. Thank you very much.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. I won't take very long, but I just wanted to relate a couple of things. One, it took me about 10 years to figure out that chocolate caused me severe headaches. If a chocolate bar or a brownie or any other food contained chocolate had a label on that said, this food contains chocolate, would that have helped me? No. I would have no way to connect the two. That is one thing that would happen if you have labeling on some of these foods. The average person would have a little trouble making the connection between what might happen to him and what he was eating. It has been estimated that about 60 percent of the food that we eat now has been engineered in some way or another. In addition to that, there has been no empirical or scientific proof that anybody ever died from eating genetically engineered food.

There are a couple of other things you should consider. There have been a number of things that have been developed or invented that have helped mankind tremendously. One of them is chlorine. It has saved millions of lives, even though in some instances it is a toxic chemical. Another one is DDT. It has saved millions of lives, even though it is banned in this country, it is still used in other countries because they have nothing better.

Third, genetically engineered foods, it has caused a lot of people in a lot of countries to stay alive because of the productivity, which has been engineered into the foods. You

should think of those things, I think, before you try to make such an attempt illegal. Thank you very much.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I promise I will do it in three minutes. Last year I was honored, thanks to Representative McKee, to go to Washington DC. Representative McKee was scheduled to go and she allowed me to go. I was seated at a three-day conference in Washington with other legislators from states from here to California. They were all different legislators and different fields and different ages. We had the opportunity to learn about what other states are doing. When I hear the argument that we can't do it on our own, we have to wait for the federal government. That is like the single-payer argument. I have envisioned Maine being leaders. I don't like that argument. I think we can do it. We had Ralph Nader come in and speak. A lot of work that has been done in Europe, they didn't wait for anyone. They organized. What it really comes down to is simple. It is a matter of choice.

Today I had my grandson visit. He is the most precious gift in my life. He is four years old. I always get a note from his mother and father; don't give him too much sugar when he comes over. The coloring in the foods, it makes a difference in how they act. It is a simple thing. Do I want to give him a plate of spinach that is sprayed with herbicides or do I want to give him something that came from the organic store that I know is going to be healthy for him. It is just a matter of choice. It is my choice because he is my grandchild and I want him to have the very best. That is what this is all about. It is about labeling. It is about knowing if someone is allergic to peanuts. They can die. Do you want to eat a tomato that has been cross-pollinated with a peanut and you don't know about it and you can sick? These things are happening. All we are asking is, give us a choice. Give us the facts. Let us make our own decisions, but at least let's get labeling and then if you want to eat the round up ready potato, the Kellogg's corn flakes, the Fritos corn chips, that is your choice. For my grandchildren who are starting out and having their parents care about what they eat, it is a relationship with your food.

When I was in Washington, we were privileged to go to a restaurant that only serves food that is not sprayed. Every entrée, everything that was served to us, there was a connection. The lady who owned the restaurant told us where it came from. She could tell you the farmer that grew it, from the entrée to the dessert, she could tell you. She presented it to us on every step of the way, even the wine. It was amazing. Again, it boils down to choice. If you want to eat the herbicides and the pesticides, that is your choice. There are a lot of us who don't. There are a lot of us who are on this side who are smiling, but I received a lot of phone calls from some of your constituents close to my home, who are very concerned about this issue. All we are asking for is choice.

On motion of Representative NORBERT of Portland, TABLED pending the motion of Representative TESSIER of Fairfield to INDEFINITELY POSTPONE the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews who wishes to address the House on the record.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. I know this is highly unusual, but I want to thank the good Speaker and the Assistant Leader and Majority Leader

for extending me this opportunity and to the members of the committee on this issue. I will be very brief. I do thank you.

I do have some people here that are very special to me. First, I am going to start with the daughter, Melissa Bard, who is Miss Maine. I have tried to get her here and the parents have tried with me to get her here. Melissa is a very bright young lady. She works for Channel 13. She works hard everyday and it was the only opportunity to get her here. Again, I wanted to give this House an opportunity to meet our reigning Miss Maine, who I think acquitted herself extremely well on behalf of all the citizens of the state in the pageant. Paul and Kathy have just a wonderful group of children that have excelled in everything they have done. They are very good friends of mine and they are very good friends of many people in Winslow. It is a great honor for me to have Melissa Bard here. I would ask you to join me in congratulating Miss Maine.

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

HOUSE DIVIDED REPORT – Majority (9) Ought Not to Pass – Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-149) – Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Require the Labeling of Certain Genetically Engineered Foods"

(H.P. 698) (L.D. 902)

Which was **TABLED** by Representative NORBERT of Portland pending the motion of Representative TESSIER of Fairfield to **INDEFINITELY POSTPONE** the Bill and all accompanying papers. (Roll Call Ordered)

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House. This one was a long time coming. In the testimony one individual indicated that 80 to 93 percent of the public through polling was concerned and wanted to know if genetically engineered foods could be put on the labels. One of the Representatives in the committee polled his district and discovered that 90 percent of his constituents wanted to know. The reason they wanted to know, for an example, a chef from Blue Hill wanted to know the food she was buying, if there were genetically modified ingredients. A vegetarian from Winslow wanted to know if there were genetically modified ingredients in his vegetables. One individual indicated that because of his religious beliefs, he couldn't eat certain foods and wanted to know if these were genetically modified foods. This bill just answers the question that people want to know what is in our food. I ask you to please defeat the Indefinite Postponement. Thank you.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I feel like I probably should declare that I have spent my life as a chemist. I do understand the symbols, the names, the formulas, the proteins, the interactions, the allergens and all of the other goodies that are involved here. I would also explain that my base degree is that of an agronomist. One of those dirt people that walks around breeding plants as part of their business as well. My practice has been primarily in chemistry. An Austrian Monk in the mid 1800s decided to grow lunch. The lunch he grew was a crop of peas. In that crop of peas, because he probably didn't have much else to do, other than farm and pray, he noticed that there were differentiations that occurred between certain pea plants. Gregor Mendel brought us a brand new science, unknown, unmodified with no knowledge

whatsoever about what caused this change to occur. He never knew that. That is why we dealt with tall and short, wrinkled and round and all of the other factors that many of you drew punnett squares of during your life.

The process of understanding that genetics was involved and that word was not involved even predates that when we realized that there was this organism that became known as yeast, which if you grew it in the right way, in the right conditions, could produce large amounts of carbon dioxide, which causes leaven bread from flat bread. Today we step forward from that, Watson and Crick in their first visit to the United States and the American Academy of Sciences were laughed out of the room, because they talked about a molecule that they thought was the key. They left and they went back and walked a staircase and in walking that staircase realized that the structure of this thing was DNA, a double helix. They returned to this country and received accolades unbelievable from all over the world. They had found a secret. The secret was that there was a molecule present, which we still didn't fully understand how it behaved, but we knew what it was made of, but at that point in time we still didn't understand what I call the codon, the triunderate of the chemicals that make up that cause a gene, that produces proteins. We are the in product of that gene system. Every one of us is a hybrid. Sorry, but within every single one of us mistakes can happen, changes occur, things go wild and problems enhance.

Someone here today and this evening has mentioned the tomato. Ladies and gentlemen, it took us a long time to figure it was safe to eat the tomato because since the plant is not friendly to the human digestive system, just like potato tops are not, it took a lot of fear overcoming to be done for someone to stand and pick up that red tomato and eat it. Viola, he lived. It was probably the invention of spaghetti sauce.

My wife today lives on recombinant DNA that is engineered into insulin. This material does not contain the allergens that some people are allergic to with pork and beef and that is sometimes present in the extracted insulin. We have developed new strains of material. We found BT, bacillus. The different varieties of that bacillus were able to control the growth of little critters we call worms. That is gene paralyses. That bacteria contains a gene that paralyses the digestive tract of those little rascals as they try to munch out on your food.

Where are we going? Ladies and gentlemen, we are moving toward the future. Approximately 80 percent of the food we raise is eaten by some critter that it is not intended for. To try to control some of that, what we have to do is to spray. We talk about control and we talk about pesticides. We talk about inserting a gene. For years agronomists tried to find a way to cause corn to fix nitrogen. We even went to the extent of shooting genetic material into corn seed to try to get it to change. That is actually how desperate we were to try to get a crop that didn't require high amounts of nitrogen because it could fix nitrogen like the legumes do. We have developed a rice crop that is called golden rice. Yet during a major disaster in India, the Indian government decided they did not want to feed their people because of a crop that contained a genetically engineered material and they chose to let people die and that is exactly what happened.

Today, we have over 1 million people who die of Vitamin A deficiency, most of them kids. Golden rice contains the genes from two daffodils and a bacterium. Those genes produce beta-carotene. They also fix iron. This crop, golden rice, is a crop that is now being experimented with extensively and being grown to feed people who are deficient in Vitamin A because of the ability to fix this important vitamin through beta-carotene. I would

ask people, do you want to be able to feed the future population of the earth or shall we put a control?

The requirements that we are asking here and the future of where we are going with this process, this is a brand new farming technology. This is not a big secret. In 1999, 33 percent of our corn acreage, 50 percent of our soybean, 55 percent of our cotton acreage of this country was of a trans-genetic type variety.

Let's go back just a little bit here in history also. At the University of Nebraska and at other universities in the west, we had a major problem at one time. That problem was we could not control wheat rust. These universities were growing tremendous crops and year after year infecting them with wheat rust hoping that they would find a survivor plant. Year after year the crop died. One day, looking at a field of dead wheat as a worker plowed the field under again, he looked down and one plant of wheat lived. Every plant of wheat that we grow today contains the genetic material that we engineered into the rest of the varieties. We didn't engineer it in through genetics, as we look at the problem today. We engineered by hybridization. We have taken a giant step forward, people, from hybridization. That is what has happened here. It is sad to say that many people look at this, I don't believe, from the stand point of the reaction that I hear here and in other places in what I study and read that it is not genetic engineering. I will come back to that in a moment.

I would like to address another thing that has been mentioned here several times. We always hear about two things and how bad genetic engineering is. One of those things that has been mentioned here has been the infamous soybean that contained and was derived from a protein that is contained in Brazil nuts that cause an allergen reaction in people who are allergic to nuts. What is failed to be mentioned, ladies and gentlemen, is that product never made the market. It never made the market. It was eliminated. Why? Because through the testing process, they determined that that allergen was present. That production ceased. The testing is there. There are regulations that are set by our government. I think it is important for people to understand that.

The other infamous one is the monarch butterfly. Let's clarify something here too. If you force feed, as was done by the scientist whose work is talked about, a monarch butterfly caterpillar, the pollen from BT corn, I will guarantee you that caterpillar will die, but there is also an interesting thing. That is the fact that monarch butterfly caterpillars do not like corn pollen. It is too large and too heavy. Its drift rate from corn plants is very, very short. More monarch butterflies are killed by cars than are killed by BT corn, with no question. Think of that as you drive down the road this summer and see them. The next one that splats, you took it out.

I would just like to come back to a point that I mentioned prior. To do that, I want to read two things. One of them is from a book entitled *Stolen Harvest*. It is not the corporations that will control our lives and rule the world. Lastly, from a book entitled *Genetic Engineering: Dream or Nightmare?* This was 1999, a gentleman named Ho wrote this. He said, "Genetic engineering biotechnology is an unprecedented intimate alliance between bad science and big business, which will spell the end of humanity as we know it, and the world at large." There is a war that is occurring. That war that is occurring is between biotech and a group of individuals that if they are successful, will destroy the production of food. It primarily has nothing to do with genetic engineering. It has to do with a basic hatred. If we do not increase production of food, we will cause the real thing to happen, that hatred for capitalism and for globalization.

Ladies and gentlemen, it is not necessary to label food. If you choose to label organic, you have made the choice to label organic. You can buy organic, but this process is not necessary. I would urge you to follow my light and the recommendation of Indefinite Postponement of this bill and all of its papers. Thank you very much.

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. Just a few closing comments. Certainly I am no match for the good chemistry teacher from Belfast. I appreciate his remarks. However, I have to say that I want you to know that you can tell from some of the remarks that people who are asking for truth in labeling are being cast as people who are against everything except organic. I know a lot of the good farmers from Aroostook have to use pesticides and insecticides and herbicides in order to do what they do, which is to produce food for hundreds and hundreds of people. I am sure they would like not to have to do that because it costs a lot of money. I buy those foods. I know what I am buying if I don't buy organic. I am buying traditionally produced foods.

I do want to correct something, if I may, that the good Representative said. Genetically engineered foods are different from hybridized foods. We are not talking about hybridization here. We are talking about genes from bacteria, viruses, plants and animals that have been transferred into the DNA of a host organism without regard for genetic boundaries. You can go from a flounder to an apple if you want to. You can go from, as my daughter takes, a hamster's ovary cells to a human being. We are just saying we ought to know. We ought to know that when we buy canola oil, most of which is produced in Canada with genetically engineered crops that most of the canola oil is genetically altered. Our salmon, our catfish, our trout, soy, tomatoes and, yes, unfortunately, many formulas that mothers rely on, Carnation, Enfamil, Prosobe, Similac, Isomil, Infamil Soy. These are all genetically engineered infant formulas. Thank goodness for some of those that aren't. You can call and find out which ones are not. Thank goodness for Gerbers. Gerbers has chosen not to put any genetically engineered materials into its baby food. That is pretty widely known among mothers.

I also want to correct one other thing that has to do with what the good Representative said about India. India, like a lot of other countries, India is not really considered a third world country and that is really too bad what happens there, but the supply of food is not the problem. We have plenty of food. This discussion is not about feeding the world or a scarcity of food. We are already, folks, producing one and a half time the amount of food needed to provide everyone in the world with adequate food and nutrition. It is about distribution. It is about the haves and the have nots. One in seven people suffer from hunger unnecessarily. For every dollar that we have given to Africa in aid, they pay back to us \$6.32. It is a staggering \$836 million every day. We could do away with hunger simply by forgiving some of these debts.

In closing, I want to say three things. We are being treated like innocent babies. Just trust us children. We are being treated like children. Don't ask us to label. It will scare you. Have you ever read the ingredients on the back of a jar of mayonnaise? Finally, our intelligence is being insulted. Don't ask us to label. You won't understand. It is too complicated. Don't let them pull the wool over your eyes. Vote to not to accept the Indefinite Postponement. Thank you.

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

Representative HAWES: Mr. Speaker, Ladies and Gentlemen of the House. I stand here today to urge members of

this body to support the mandatory labeling of genetically modified foods and to defeat the pending motion.

Time after time surveys show that the people of Maine and across the country want to know what food they buy contains material. Let me just read you some of the towns from which we heard. We received a staggering amount of testimony on this, West Paris, Otisfield, North Waterford, Searsmont, Wilton, Oxford, Farmington, Hudson, Belfast, Bass Harbor, Camden, Wayne, Unity, South Paris, Albany Township, Norway, Farmington, Gouldsboro, Brooklin and Northport.

Dr. Martha Hebert, a pediatric neurologist, writes and I quote, "Today the vast majority of foods in supermarkets contain genetically modified substances whose effects on our health are unknown. As a medical doctor, I can assure you that no medical profession would attempt to perform experiments on human subjects without their consent. Such conduct is illegal and unethical. Yet manufacturers of genetically altered foods are exposing us to one of the largest uncontrolled experiments in modern history."

Anti-genetically modified food activists around the world have leveled much of their ire at the US, which produces the bulk of the world's genetically modified foods. Biotech firms, detractors maintain, have been developing and deploying genetically modified crops without adequate testing or public debate. The three government bodies that oversee the industry, the FDA, the Department of Agriculture and the EPA are lax in their scrutiny and regulation, they say.

Our government relies almost entirely on testing carried out by the chemical and pharmaceutical companies, which have spent billions of dollars developing these foods in order to make profit. This clearly raises questions about inherent biases.

The FDA has ignored the concerns of its own experts. According to files uncovered in 1998 during a lawsuit against the FDA, some of the government's own scientists felt strongly that more testing was needed. They warned of a profound difference between the types of unexpected effects from traditional breeding and genetic engineering.

Monsanto's recombinant Bovine Growth Hormone (rBGH) was approved for commercial use in 1994 despite warnings from scientists that rBGH-derived milk constitutes a cancer hazard for humans. Since 1994, rBGH has been banned in every industrialized country in the world, except the United States.

In the US, biotechnology corporations are trying to turn the burden of proof on its head, creating a situation in which their risky technologies are deemed safe until proven otherwise.

The FDA, for one, has long maintained that most GM foods are substantially equivalent to unmodified foods and are thus not subject to FDA regulation. So far in the US, producers do not have to label GM foods. The result is that you, as the consumer, don't know what you are eating and you don't have the option of choosing not to buy foods with genetically modified ingredients. If you happen to get sick from GM food, no one will be able to trace your illness back to its source.

Maine can become a leader by passing this legislation. In years past, Maine became a leader by passing the bottle bill, as you heard earlier, requiring labels of soft drinks that carry a Maine 5 cent label. The simplicity of altering the computer labeling software in this day and age allows the modification of labels to require minimal effort on behalf of industry. If industry is so happy and proud of their GM products, which they will say will feed the world, why do they fight so hard against labeling?

Marc Lappe and Britt Bailey, authors of *Against the Grain: The Genetic Transformation of Global Agriculture* write: "Industry has decided to silently invade food market shelves by denying any visible identifiers of genetic engineering. The net effect is to subvert the normal process of consumer choice by

suppressing the knowledge needed to freely choose. The cornerstone of such a privilege is labeling."

Until two or three weeks ago, I was not aware of just how common these ingredients are until a representative from the Maine Grocers' Association alerted the Agriculture, Conservation and Forestry Committee that 70 percent of the products on the shelf at the local grocery store contain genetically modified material. Do you want to be able to consciously choose to purchase or not to purchase these foods? The people of Maine do. We received numerous letters and e-mails supporting mandatory labeling of genetically modified food.

I urge you to defeat the pending motion and go on to pass LD 902. 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. 204

YEA - Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Bruno, Buck, Bumps, Bunker, Carr, Chase, Clark, Clough, Collins, Colwell, Crabtree, Cressey, Daigle, Davis, Desmond, Duncan, Dunlap, Duprey, Fisher, Foster, Fuller, Glynn, Gooley, Heidrich, Honey, Jodrey, Kane, Labrecque, Ledwin, Lundeen, MacDougall, Madore, Marrache, Mayo, McGowan, McKenney, McLaughlin, McNeil, Mendros, Morrison, Murphy E, Murphy T, Muse K, Nass, O'Neil, Paradis, Perry, Pinkham, Richard, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stanley, Tarazewich, Tessier, Tobin D, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Annis, Ash, Brooks, Bryant, Bull, Chick, Chizmar, Cote, Cowger, Dorr, Dudley, Dugay, Duplessie, Estes, Etnier, Gagne, Gerzofsky, Green, Haskell, Hatch, Hawes, Jacobs, Jones, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, McDonough, McGlocklin, McKee, Michael, Michaud, Muse C, Norbert, Norton, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Sullivan, Thomas, Tobin J, Tracy, Tuttle, Twomey, Watson.

ABSENT - Andrews, Bagley, Baker, Blanchette, Canavan, Cummings, Goodwin, Hall, Hutton, Kasprzak, Landry, Lovett, Matthews, Mitchell, Nutting, O'Brien JA, O'Brien LL, Stedman, Volenik, Mr. Speaker.

Yes, 74; No, 57; Absent, 20; Excused, 0.

74 having voted in the affirmative and 57 voted in the negative, with 20 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-201)** on Bill "An Act to Prohibit the Misbranding of Genetically Engineered Food" (S.P. 569) (L.D. 1733)

Signed:

Senators:

KNEELAND of Aroostook
NUTTING of Androscoggin
KILKELLY of Lincoln

Representatives:

LANDRY of Patten
LUNDEEN of Mars Hill

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:

McKEE of Wayne
 VOLENIK of Brooklin
 HAWES of Standish
 PINEAU of Jay

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-201)**.

READ.

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

On motion of Representative TESSIER of Fairfield, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

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

Representative TESSIER: Mr. Speaker, Men and Women of the House. Just as I was opposed to mandatory labeling, I am opposed to this bill for voluntary labeling as well. What harm can voluntary labeling do, you might ask? I will reply, a lot. There are several issues that I have with this bill. First of all, this bill has been carefully crafted so as not to have a fiscal note. How can it not have a fiscal note when we are setting up an entirely new program and it costs \$200 to test any products where there is a complaint about compliance? I asked the OFPR this question. Their response to me was, based upon the wording of the bill OFPR and the Department of Agriculture assumed there will be no testing for compliance. If there is no testing for compliance, therefore, no fiscal note, there must be no enforcement of this bill. If we are not planning to enforce this bill, then why are we passing it? That is indeed the question. Why are we passing a bill that we do not expect to enforce? Perhaps we feel that there aren't enough laws on our books, we need another one to add or perhaps we just want to pass a law that presents bio-engineered foods in a negative way and don't care if it gets enforced or not.

My second comment refers to a report to the subcommittee on basic research of the Committee on Science at the 106th Congress dated April 13 of last year. This report states, among other things, that much of the opposition to agricultural and biotechnology is politically motivated and not scientifically based. Notwithstanding the scientific consensus that new crop varieties and foods developed using agricultural biotechnology are at least as safe as those developed using conventional breeding. Well-funded anti-biotechnology activists have been effective in using science to spread unfounded fears about these products. In the words of Dr. Cook who testified before this committee, "What needs to be more widely recognized is that raising doubts about safety is only a route to carry out a more fundamental, social, economic or political agenda? What better way to generate a ground swell for labeling or even outright elimination of GMO foods, than to raise doubts in the minds of people about safety, when safety is not really the issue.

When Norman Barlaug, the noble prize winning agronomist was asked recently to explain the opposition to agricultural biotechnology, he simply said, it is political. It is not scientific. A

couple of times this evening I have heard about the safety of organic foods. Testimony given to this same group said that the most potentially damaging claims of activist group, this was reported by Dr. Cook, I don't have his full name, raises doubts about the safety of foods from bio-engineered plants, despite overwhelming scientific evidence that these doubts are unfounded. It is interesting to note, therefore, that among agricultural biotechnology's most ardent critics is the organic farming industry. The irony of this was noted by Dr. Salias who told the subcommittee there was not question that organic produce is potentially more dangerous than genetically engineered plants. In particular, insect damage creates tissue that is easily invaded and colonized by fungi that produce a variety of micro-toxins. In addition to higher levels of certain micro-toxins, data suggests that organic foods are also more likely to contain harmful bacteria, such as E-Coli. Organic and natural food producers supply only 1 percent of the nation's foods, but the centers for disease control have traced approximately 8 percent of the confirmed e-coil cases to such foods.

Thirdly, this bill, along with the other two anti-bio-genetic bills brought forward this year, sends a message directly to researchers of bio-genetic plants that Maine does not want them. While the truth of the matter is that only a very small group of Mainers feel this way, but are able to make their way through the legislative process by being very well organized, very vocal and very persistent.

Five yeas ago, it came to be recognized that Maine's economy was overly dependent on maturing manufacturing industries such as papermaking and shoe manufacturing. We watched an out migration of these valuable manufacturing jobs as company after company moved overseas or to another part of the country. Even though we knew that these industries were likely to leave Maine, we had done very little to plan on replacement jobs well paying jobs.

In the meantime, most other states long ago had moved into the so-called new economy of high tech business. Maine, however, was close to dead last in investing in the infrastructure that would spawn these high tech businesses, the jobs of the future.

The Maine Legislature then recognizing this, created a Joint Select Committee on Research and Development. It was the catalyst that started Maine's movement into the R & D economy. Five years later we see a state that has prepared itself to move into the new economy. Millions of dollars have been poured into the University System to provide the educational basis of the R & D economy. The Maine Technical Institute was created to provide financial support to private companies and research labs. A regional high tech business incubator system is being created. A total of seven of them. One of Maine's targeted research industries is agriculture and forestry. Close to \$1 million has been spent on the high tech agriculture incubator where no doubt biogenetic research on plants will take place. I would ask you, how successful do you think we will be in attracting researchers to this incubator if we pass laws that we know are geared to be specifically anti-biogenetic plants?

Does it make sense to spend hundreds of thousands of dollars building a business attraction incubator while at the same time we are passing laws that discourage these businesses from coming to Maine?

Men and women of the House, this bill will make us the only state in the nation with a voluntary labeling bill. I see it as an incremental step towards mandatory labeling of genetically modified foods. It sets in statute a law that now can be changed with one word, voluntary to mandatory. It would make us the

only state in the nation with a mandatory labeling law, if that were to happen.

Most importantly, it sends a clear message to researchers that Maine is an unfriendly place to work, and worse yet, that we don't want them here. In closing, I would ask you to keep in mind that not a single case has ever been reported of human health problems caused by bio-engineered foods. Please join with me in defeating this bill. Mr. Speaker, I request a roll call.

The same Representative **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 Farmington, Representative Gooley.

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. This bill is something that some of us in this room have come a long ways to be in support of because previous to this, in other years, we were not in support of this voluntary labeling. This bill permits the use of a label on any food product or food ingredients that indicates that the product is free of or made from certain acid technology, genetic engineering or bioengineering, in accordance with rules adopted by the Department of Agriculture, Food and Rural Resources.

I would also like to say that there is an amendment with this particular bill. The amendment designates the rules authorized as routine technical rules and changes the implementation date to January 1, 2002. It also allows a food, 1 percent or less, of which consists of genetically engineered ingredients to be labeled as free of genetically engineered ingredients. In the voluntary aspects of this, there is a big advantage for Maine businesses. There is a niche market out there for genetically engineered foods. Farmers will have an opportunity to take advantage of that. As far as the mandatory portion goes, Vermont passed a mandatory bill a couple of years ago. The court threw it out and Vermont spent \$200,000 on that particular legislation.

There are a number of organizations that supported this. I do want to mention some of them, the Maine Grocers Association supports it. The Maine Farm Bureau supports it. Oakhurst supports it. Rite Aid supports it. The New England Grocers Association and the folks from Hannaford said, "We believe that as drafted this bill provides useful information for customers to make an informed choice about the foods they are purchasing and consuming. The bill permits the placement of a label on any food product designated that the food product or food ingredient is GMO free, thereby giving the consumer useful information when making a choice to seek out GMO free food. The bill avoids the pitfalls of requiring a special label on products for sale in the State of Maine that would not necessarily be available in other markets." That is very important point.

Also, Hannaford also believes that this approach could become a marketing advantage for GMO free products since the consumer interested in purchasing those products would be specifically looking for this GMO free label. Hannaford supports the efforts of the sponsors in crafting this bill. There has been a lot of time and energy expended on this bill. There has been a lot of discussion. I think we have a good one here. It is good legislation and I hope that you will support the Majority Ought to Pass as Amended Report. Thank you.

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. To anybody who could answer in as much brevity as possible, maybe with a yes or no, can this be done now on a voluntary basis?

The **SPEAKER**: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Yes, it certainly can, which is originally why I thought this is very, very silly to have voluntary labeling. In fact, you can find some packages of things here and there that do say, GMO free. What this actually will do, however, it creates some uniformity. You will see that my name is not on the voluntary. I am going to tell you why. I am going to follow Representative Gooley's light and vote for voluntary labeling. I am for labeling, voluntary, mandatory, semi-mandatory or whatever, just simply to start. I do think that what the bill is trying to do is to make it somewhat uniformed so that when the consumer does see it, it is not startled by something that is unusual or horrifying or scary.

The reason I was not on the report was because here in the State of Maine we do have over 3,000 members of Maine organic farmers and gardeners. We have the largest membership in the entire United States. It really pains me to hear organic people, they are farmers, folks, 250 of them. They work just as hard as traditional farmers. The Department of Agriculture represents both of them, organic and traditional. It really hurts me as Chair of the Agriculture Committee to hear anyone malign in any way a farmer. It is a hard life. I have lived it and many of you have too. I came of the report because it took out a sentence that would require a new program of labeling for the organic people. The organic people, just by virtue of what they do, don't need to have that by federal rule. It means that it has no genetically engineered ingredients. The industry held on so tightly, even when I said I am for this bill, but please leave this sentence in. They said that it really didn't matter whether it comes in or stays in or goes out. It just sort of muddies it. I said to leave it in then, it honors the organic farmers here. They wouldn't. They didn't care enough about my vote to do that. It really showed me a lot about the industry that day, folks. You know, I am going to vote for it anyway. I am going to vote for volunteering in labeling. I hope you will too. Farmers can certainly do it now, but this is an effort, and believe you me, they won't like it. They won't like voluntary. They don't want anything about this out there. I hope you will accept the Majority Ought to Pass as Amended Report. Thank you.

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

Representative **HAWES**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, will be changing my vote to support this. It is not what I hoped would happen and as Representative McKee pointed out, there was a sentence in there that would have exonerated all of the cost of this program because certified organic farmers would have automatically been included as an entity that would be able to voluntarily label their food as GMO free. By removing that, I guess I am getting my first lesson in dealing with the bigwigs, so to speak. I will vote for this. It hopefully will help. At least we will know which ones aren't. Speaking of markets, we have here the hemp plus waffles that you can purchase from Canada that are labeled as GMO free. I will go off the Ought Not to Pass report and go onto the Ought to Pass. Thank you.

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

ROLL CALL NO. 205

YEA - Annis, Ash, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Carr, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Gagne, Gerzofsky, Glynn, Gooley, Green, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michael, Michaud, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Quint, Richardson, Rines, Savage, Schneider, Shields, Simpson, Smith, Snowe-Mello, Stanley, Sullivan, Thomas, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Winsor, Mr. Speaker.

NAY - Belanger, Berry DP, Berry RL, Bowles, Bruno, Buck, Bumps, Chase, Clark, Clough, Crabtree, Cressey, Duprey, Foster, Fuller, Haskell, Jones, Labrecque, Ledwin, MacDougall, Marrache, McKenney, Mendros, Morrison, Murphy E, Murphy T, Perry, Richard, Rosen, Sherman, Tarazewich, Tessier, Tobin D, Tobin J, Treadwell, Waterhouse, Wheeler EM, Wheeler GJ, Young.

ABSENT - Andrews, Bagley, Baker, Blanchette, Canavan, Cummings, Goodwin, Hall, Hutton, Kasprzak, Landry, Lovett, Matthews, Mitchell, O'Brien JA, O'Brien LL, Skoglund, Stedman.

Yes, 94; No, 39; Absent, 18; Excused, 0.

94 having voted in the affirmative and 39 voted in the negative, with 18 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (S-201) 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-201) in concurrence.

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Amend the Laws Governing Registers of Deeds"

(H.P. 991) (L.D. 1328)

House INSISTED on its former action whereby the Bill and accompanying papers were COMMITTED to the Committee on STATE AND LOCAL GOVERNMENT on May 16, 2001.

Came from the Senate PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252) AS AMENDED BY SENATE AMENDMENT "A" (S-214) thereto in NON-CONCURRENCE.

On motion of Representative McDONOUGH of Portland, the House voted to RECEDE AND CONCUR.

Non-Concurrent Matter

Bill "An Act to Require the State to Pay for Veterans' Obituaries and State Flags"

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

Minority (2) 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-317) in the House on May 17, 2001.

Came from the Senate with the Majority (11) 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.

Non-Concurrent Matter

Bill "An Act to Enhance the Observance of Veterans' Holidays"

(H.P. 937) (L.D. 1251)

Minority (1) OUGHT TO PASS AS AMENDED Report of the Committee on BUSINESS AND ECONOMIC DEVELOPMENT READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-465) in the House on May 16, 2001.

Came from the Senate with the Majority (11) OUGHT NOT TO PASS Report of the Committee on BUSINESS AND ECONOMIC DEVELOPMENT READ and ACCEPTED in NON-CONCURRENCE.

On motion of Representative RICHARDSON of Brunswick, TABLED pending FURTHER CONSIDERATION and later today assigned.

ENACTORS

Emergency Measure

An Act Adopting and Implementing the National Crime Prevention and Privacy Compact

(S.P. 545) (L.D. 1691)

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I have only had an opportunity to quickly peruse LD 1691, but it appears that the main features of it deal with non-criminal fingerprinting and the FBI database. I have been trying to follow the progress of the bill, which I think is coming out shortly dealing with fingerprinting. I am wondering if maybe it is premature that this bill is before us.

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

On motion of Representative NORBERT of Portland, TABLED pending PASSAGE TO BE ENACTED and later today assigned.

Emergency Measure

An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws

(S.P. 546) (L.D. 1692)

(C. "A" S-187)

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

On motion of Representative DUNLAP of Old Town, TABLED pending PASSAGE TO BE ENACTED and later today assigned.

Emergency Measure

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

(H.P. 1319) (L.D. 1781)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act to Make the Laws Affecting Certain Bridges Consistent with Federal Law

(H.P. 1204) (L.D. 1626)
(C. "A" H-470)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 3 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Establish a Clean Government Initiative

(S.P. 256) (L.D. 886)
(C. "A" S-194)

An Act to Change Certain Educational Requirements for Licensed Social Workers

(H.P. 768) (L.D. 987)
(C. "A" H-466)

An Act to Facilitate the Implementation of the Enhanced 9-1-1 Emergency System

(H.P. 1098) (L.D. 1467)
(C. "A" H-442)

An Act to Amend the Licensing and Survey Requirements for Residential Care Facilities and Congregate Housing Services Programs

(H.P. 1158) (L.D. 1558)

An Act to Increase the Penalties for Animal Cruelty

(H.P. 1232) (L.D. 1679)
(C. "A" H-423)

An Act to Amend the Finance Authority of Maine Act

(H.P. 1259) (L.D. 1694)
(C. "A" H-467)

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)

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

Resolves

Resolve, to Create a Study Commission to Develop a Comprehensive Plan to Reduce Toxic Emissions and Expand Plastics Recycling

(S.P. 600) (L.D. 1775)
(C. "A" S-193)

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

An Act to Revise the Health Insurance Benefits Available to Retired Legislators

(H.P. 1092) (L.D. 1461)
(S. "A" S-196)

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

On motion of Representative MICHAEL of Auburn, was **SET ASIDE**.

The same Representative moved that the rules be **SUSPENDED** for the purpose of **RECONSIDERATION**.

Representative BRUNO of Raymond **OBJECTED** to **SUSPENDING** the rules for the purpose of **RECONSIDERATION**.

Representative MICHAEL of Auburn **REQUESTED** a roll call on his motion to **SUSPEND THE RULES** for the purpose of **RECONSIDERATION**.

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 to Suspend the Rules for the Purpose of Reconsideration. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 206

YEA - Cressey, Davis, Duprey, Mendros, Michael, Shields, Smith, Twomey, Volenik, Waterhouse.

NAY - Annis, Ash, Belanger, Berry DP, Berry RL, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Crabtree, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Haskell, Hatch, Hawes, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Simpson, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Usher, Watson, Weston, Winsor, Young.

ABSENT - Andrews, Bagley, Baker, Blanchette, Canavan, Cummings, Daigle, Goodwin, Hall, Hutton, Kasprzak, Landry, Lovett, Matthews, Mitchell, O'Brien JA, O'Brien LL, Perry, Skoglund, Stedman, Wheeler EM, Wheeler GJ, Mr. Speaker.

Yes, 10; No, 118; Absent, 23; Excused, 0.

10 having voted in the affirmative and 118 voted in the negative, with 23 being absent, and accordingly the motion to **SUSPEND THE RULES** for the purpose of **RECONSIDERATION** **FAILED**.

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

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. My intent in presenting this legislation was to point out the inequities that exist in our present benefit system in the Legislature. Considering the press that this issue has received, I would say that I have been successful beyond my wildest dreams. However, the press, in this case, has incorrectly portrayed this as providing more benefits. The original story in the Lewiston paper contained all sorts of misinformation. Had the writer been more accurate in her lead sentence, perhaps her copy desk would not have come up with the incorrect sub-headline, *Legislators Vote to Improve Their Own Health Coverage*. This simply is not true. There are no changes from the existing coverage in this bill. All that is involved is making access to the existing plan more equitable. The bill is simply an equity matter. As the law exists, a legislator has to have served only five years and be 62 or older when leaving legislative service in order to be able to participate in the state retiree health system. My bill increased the eligibility from five years to eight years, an increase that requires more service time to be eligible. I also cleaned up the inequity in the current law that we corrected two years ago for all other state employees. That inequity was the 62-year-old age requirement. Someone could have served in this Legislature for 20 years and leave office at age 60 and be ineligible to continue coverage. All this bill does is rectify this inequity so that any legislator could be eligible for the state group plan if he or she met the eight years of service. The benefit would begin at age 62. Thank you.

Representative BUNKER of Kossuth Township moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative TRACY of Rome 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 Biddeford, Representative Twomey.

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I think this is a good bill. Are we going to fall under pressure because of the press? I can defend this back home. We don't get enough pay for coming here. What is wrong with getting paid and compensated for doing good work? Why can't we stand up and say we are politicians? We are public servants. We are giving up our lives to come in here to do good work. Why can't we get paid for doing good work? I can defend this. I am not scared of any press. I have not received any phone calls about this. You can defend it by saying they are paying for it. This isn't a freebee. They have the option to buy it and they are going to be paying for it. I am sick and tired of walking out of here and being under pressure because of some bad press. I can defend every vote I make. I can defend the fact that we come here and we put in 14-hour days. We talk about minimum wage. We talk about fair labor practices and we are the ones working for less than minimum wage. Let's get some gumption in this House. I just am afraid that what we are about to do is because we are under pressure. I haven't received one phone call. I can defend this. I think this is a good bill. Thank you.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. I think perhaps my good friend, Representative Twomey, had a little too much birthday cake. That aside, I happen to

agree with her wholeheartedly. I don't see this as a pay increase in any way, shape or form. We are opening the door and affording members who have served eight years the opportunity to buy into an insurance plan. I have yet to hear anybody explain why that is a bad thing. I hope that we can go on and pass this bill. I thank Representative Buck for introducing it. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative MENDROS: Mr. Speaker, Men and Women of the House. For anybody who cares to answer, I want to know the difference between a legislator who serves his eight years between the ages of 22 and 30 and a legislator who serves their eight years between the ages of 54 and 62?

The SPEAKER: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Augusta, Representative Madore.

Representative MADORE: Mr. Speaker, Men and Women of the House. In response to the good Representative, one is younger than the other.

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, Men and Women of the House. Does the policy that Representative Buck was advocating, if somebody has served six years, does that eliminate them?

The SPEAKER: The Representative from Falmouth, Representative Davis has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I believe it does.

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. 207

YEA - Annis, Belanger, Berry DP, Berry RL, Bruno, Bumps, Bunker, Carr, Chase, Chick, Chizmar, Clough, Collins, Colwell, Cote, Crabtree, Davis, Desmond, Dugay, Duncan, Dunlap, Duprey, Estes, Etnier, Gagne, Glynn, Gooley, Haskell, Hawes, Heidrich, Honey, Jacobs, Jones, Koffman, LaVerdiere, Ledwin, Lemoine, Lundeen, Madore, Mailhot, Marley, McDonough, McGlocklin, McKenney, McNeil, Mendros, Michael, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Neil, Paradis, Patrick, Peavey, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Simpson, Snowe-Mello, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Waterhouse, Weston, Winsor, Young, Mr. Speaker.

NAY - Ash, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bryant, Buck, Bull, Clark, Cowger, Cressey, Dorr, Dudley, Duplessie, Fisher, Foster, Fuller, Gerzofsky, Green, Hatch, Jodrey, Kane, Labrecque, Laverriere-Boucher, Lessard, MacDougall, Marrache, Mayo, McGowan, McKee, McLaughlin, Michaud, Morrison, Murphy E, Muse C, Pinkham, Sherman, Shields, Smith, Tessier, Tuttle, Twomey, Volenik, Watson.

ABSENT - Andrews, Bagley, Baker, Blanchette, Canavan, Cummings, Daigle, Goodwin, Hall, Hutton, Kasprzak, Landry, Lovett, Matthews, Mitchell, O'Brien JA, O'Brien LL, Perry, Skoglund, Stedman, Wheeler EM, Wheeler GJ.

Yes, 84; No, 45; Absent, 22; Excused, 0.

84 having voted in the affirmative and 45 voted in the negative, with 22 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

On motion of Representative RICHARD of Madison, the House **RECONSIDERED** its action whereby Bill "An Act to Encourage the Use of Locally Grown Foods in School Food Service Programs"

(S.P. 376) (L.D.
1214)

Was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-134) and Senate Amendment "A" (S-174)**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-134)** was **ADOPTED**.

On further motion of the same Representative, **Committee Amendment "A" (S-134)** was **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Madison, Representative Richard.

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. This is merely a correction. Senate Amendment (S-174) includes everything that was in Committee Amendment "A." Thank you Mr. Speaker.

The Bill was **PASSED TO BE ENGROSSED as Amended by Senate Amendment "A" (S-174) in NON-CONCURRENCE** 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 Saco, Representative Kane who wishes to address the House on the record.

Representative **KANE**: Mr. Speaker, Men and Women of the House. With respect to Roll Call 175 on 5/15, I wish to vote yea. With respect to Roll Call 176 on 5/15, I wish to vote yea. With respect to Roll Call 200 on 5/17, I wish to register a vote of yea. Thank you Mr. Speaker.

On motion of Representative BUCK of Yarmouth, the House adjourned at 9:28 p.m., until 9:00 a.m., Friday, May 18, 2001 in honor and lasting tribute to the honor of Trooper Charles C. Black of the Maine State Police and to all police officers who have dedicated their lives to make this state a safer place to live.