

MAINE STATE LEGISLATURE

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House of Representatives
One Hundred and Twentieth Legislature
State of Maine

Volume III

Second Regular Session

March 7, 2002 – April 25, 2002

First Special Session

November 13, 2002 - November 14, 2002

Pages 1771-2574

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House Legislative Sentiments
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ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
33rd Legislative Day
Tuesday, March 19, 2002

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

Prayer by Reverend Nancy Van Dyke Platt, Saint Matthew's Episcopal Church, Hallowell.

National Anthem by Erskine Academy A Cappella Choir, South China.

Pledge of Allegiance.

Doctors of the day, Ida Page, D.C. and Shelly Page, D.C., West Sumner.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 423)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON JUDICIARY
MEMORANDUM**

March 15, 2002

To: The Honorable Richard A. Bennett, Senate President
The Honorable Michael V. Saxl, Speaker of the House
From: S/Senator Anne M. Rand, Senate Chair
S/Representative Charles C. LaVerdiere, House Chair
Joint Standing Committee on Judiciary

Subj: Government Evaluation Act Review of the Maine Human Rights Commission

This memorandum is to inform you that the Joint Standing Committee on Judiciary has submitted its findings and recommendations from the review and evaluation of the Maine Human Rights Commission under the State Government Evaluation Act to the Legislature pursuant to Title 3 Maine Revised Statutes, chapter 35. The committee finds that the Maine Human Rights Commission is operating within its statutory authority.

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

The Following Communication: (S.P. 811)

**STATE OF MAINE
120TH MAINE LEGISLATURE**

March 11, 2002

Hon. Neria R. Douglass
Senate Chair, Joint Standing Committee on
Legal and Veterans Affairs
Hon. John L. Tuttle, Jr.
House Chair, Joint Standing Committee on
Legal and Veterans Affairs
120th Legislature
Augusta, ME 04333

Dear Senator Douglass and Representative Tuttle:
Please be advised that Governor Angus S. King, Jr. has nominated the Honorable James O. Donnelly of Brewer, the Honorable David N. Ott of York, Alan F. Harding of Presque Isle, the Honorable Andrew Ketterer of Madison and M. Michaela Murphy of Waterville for appointment as members of the Commission on Governmental Ethics and Election Practices. Pursuant to Public Law 2001, Chapter 470, these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,
S/Richard A. Bennett
President of the Senate
S/Michael V. Saxl
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS.**

READ and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

ORDERS

On motion of Representative BLISS of South Portland, the following Joint Resolution: (H.P. 1681) (Cosponsored by Senator FERGUSON of Oxford and Representatives: COLWELL of Gardiner, CUMMINGS of Portland, HALL of Bristol, HUTTON of Bowdoinham, LEMOINE of Old Orchard Beach, SHERMAN of Hodgdon, Senators: BRENNAN of Cumberland, BROMLEY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO FULFILL THE INTENT TO FUND 40% OF THE COSTS OF SPECIAL EDUCATION OR AMEND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT TO ALLOW THE STATES MORE FLEXIBILITY IN IMPLEMENTING ITS MANDATES

WE, your Memorialists, the Members of the One Hundred and Twentieth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the Congress of the United States, as follows:

WHEREAS, the Congress of the United States has found that all children deserve a quality education, including children with disabilities; and

WHEREAS, the Individuals with Disabilities Education Act, 20 United States Code, Section 1400, et seq., provides that the Federal Government and the state and local governments are to share in the expense of education for children with disabilities and commits the Federal Government to provide funds to assist with the excess of expenses of education for children with disabilities; and

WHEREAS, the Congress of the United States has committed to contribute up to 40% of the average per pupil expenditure of educating children with disabilities and the Federal Government has failed to meet this commitment to assist the states; and

WHEREAS, the Federal Government has never contributed more than 12.6% of the national average per pupil expenditure to assist with the excess expenses of educating children with disabilities under the Individuals with Disabilities Education Act; and

WHEREAS, this failure of the Federal Government to meet its commitment to assist with the excess expenses of educating a child with a disability contradicts the goal of ensuring that children with disabilities receive a quality education; and

WHEREAS, the federal grant funds in the State for children zero to 2 years of age represent only 30% of the cost of serving eligible infants and toddlers in the State, and if the federal grants were at the 40% level, the award to the State this year would have increased by \$582,000; and

WHEREAS, the federal grant funds in the State for children 3 to 5 years of age represent only 8% of the cost of serving children 3 to 5 years of age in the State, and if the federal grants were at the 40% level, the award to the State this year would have increased by \$10,086,000; and

WHEREAS, the federal grant funds in the State for children 5 to 20 years of age represent only 9.75% of the State's total special education expenditures of \$225,130,000, and if the federal grants were at the 40% level, the award to the State this year would have increased by more than \$68,000,000; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States either provide 40% of the national average per pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities or amend the Individuals with Disabilities Education Act to allow the states more flexibility in implementing its mandates; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

READ.

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

Representative BLISS: Mr. Speaker, Men and Women of the House. If you look at this Resolution, you will recall that we passed something similar just about a year ago. The federal government has encouraged us and every other state to pay attention to special education. They have told us, in fact, that they will reimburse the states 40 percent of the cost of that special education. The individuals with Disability Education Act appropriation for fiscal year 03 is, in fact, up for Maine from \$31.5 million last year to \$36 million this year. Our estimated cost of special education is \$247 million. Instead of the 12.7 percent that the federal government is offering us as funding, I would like to remind them once again of their pledge to cover 40 percent of the cost. Please join me in reminding them of that pledge.

ADOPTED.

Sent for concurrence.

On motion of Representative KANE of Saco, the following Joint Order: (H.P. 1680)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out, to the House, legislation directing the Department of Professional and Financial Regulation, Bureau of Insurance to adopt rules requiring the issuance of standardized prescription drug cards following the model of the National Council for Prescription Drug Programs by all health coverage providers beginning with cards issued on or after January 1, 2003.

READ.

On motion of Representative KANE of Saco, the Joint Order was REFERRED to the Committee on HEALTH AND HUMAN SERVICES and the Committee on BANKING AND INSURANCE and sent for concurrence.

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

On motion of Representative ROSEN of Bucksport, the following Joint Order: (H.P. 1682)

ORDERED, the Senate concurring, that the Committee on Workforce Investment is established as follows.

1. **Committee established.** The Committee on Workforce Investment, referred to in this order as the "committee," is established.

2. **Committee membership.** The committee consists of 12 members appointed as follows. The President of the Senate shall appoint 4 Senators, one from each of the following joint standing committees: Appropriations and Financial Affairs, Education and Cultural Affairs, Health and Human Services and Labor. The Speaker of the House shall appoint 8 members of the House, 2 from each of the following joint standing committees: Appropriations and Financial Affairs, Education and Cultural Affairs, Health and Human Services and Labor.

3. **Committee chair.** The first named Senator is the Senate chair of the committee and the first named member of the House is the House chair of the committee.

4. **Appointments; convening of committee.** All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee, which must be no later than May 31, 2002.

5. **Duties.** The committee shall hold its meetings at various locations in the States, to be determined by the chairs. The committee shall gather information and request necessary data from public and private entities in order to:

- A. Develop an effective and efficient comprehensive system for workforce development based on the Workforce Investment Act of 1998, 29 United States Code, Section 794d;
- B. Review all state and federally funded programs that directly or indirectly deal with job training, workforce preparedness and support, education or career services;
- C. Develop and implement adequate and uniform outcome measures; and
- D. Develop a comprehensive package of reform legislation to implement a comprehensive system for workforce development.

6. **Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

7. **Compensation.** Members of the committee are entitled to receive the legislative per diem and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee.

8. **Report.** The committee shall submit its report that includes its findings and recommendations, including suggested legislation, to the Legislative Council no later than November 6, 2002.

9. **Extension.** If the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension. Upon submission of its required report, the committee terminates.

10. **Budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council promptly shall provide the

committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds.

Reference to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

READ and **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Monmouth Academy Cheering Team, which has won 10 Class D Western Championships and 7 Class D State Championships and in its 1st year in Class C has won the 2002 Class C State Championship. Team members include Erin Eldridge, Kate Grover, Stephanie Savard, Katie Stanchfield, Angela Berube, Katie Brown, Tiffany Doucette, Becky Elliot, Heather Gagne, Emily Gauthier, Ashley McAlister, Kira Bagby, DeEtte Martin, Emily Grover, Manager Kyla Greenier and Coaches Mike Gilbert and Leanne Burnham. We extend our congratulations and best wishes to the team on its accomplishment;

(HLS 1028)

Presented by Representative GREEN of Monmouth.

Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative GREEN of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **GREEN**: Mr. Speaker, Ladies and Gentlemen of the House. It is with great pleasure that I introduce this sentiment for the Monmouth Academy Cheering Team. As you can see, they have not just been a flash in the pan, they have been consistently outstanding year in and year out. There are many people who wonder about cheering as a sport. I merely reference the championships that occurred at the Civic Center. If you don't think that it takes athleticism to do precision work exactly together, then you haven't seen something that you should.

The idea of athletics in school is as a support for the other things that go on. We know that when you work with others as a team, you learn skills that can carry you through life. Certainly to do the precision work the cheering teams do, when you have to depend on others to hold you 12 feet in the air, you learn teamwork. These students work hard. They work all year and they earn their honors and it is a pleasure to have them here today.

PASSED and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Representative COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act Regarding the Clearing of Vegetation in Areas Adjacent to Protected Natural Resources" (EMERGENCY)

(H.P. 1679) (L.D. 2179)

Reporting **Ought to Pass** pursuant to Resolve 1999, chapter 116.

Report was **READ** and **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** and sent for concurrence.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-923)** on Resolve, Regarding Legislative Review of Portions of Administration of Medicine in the School Setting, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1608) (L.D. 2106)

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
ESTES of Kittery
CUMMINGS of Portland
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 "B" (H-924)** on same Resolve.

Signed:

Representative:

WATSON of Farmingdale

READ.

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative RICHARD of Madison to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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. 1566) (L.D. 2071) Bill "An Act to Amend the Law Relating to Growth-related Capital Investments" Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1578) (L.D. 2084) Bill "An Act Regarding Workers' Compensation and Liability Immunity Coverage for Emergency Management Forces" Committee on **NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1107) (L.D. 1476) Bill "An Act to Require Continuing Education in the Cosmetology, Manicuring, Aesthetics and Barbering Fields" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-932)**

(H.P. 1119) (L.D. 1488) Bill "An Act to Require Major Water Users to Provide Public Information About Their Annual Water Withdrawals from Public Water Resources" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-936)**

(H.P. 1283) (L.D. 1746) Bill "An Act to Amend the Workers' Compensation Laws to Provide for a Rebuttable Presumption of Eligibility for Benefits for Hepatitis or Hepatic Disease for Firefighters and Emergency Medical Services Personnel" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-931)**

(H.P. 1493) (L.D. 1996) Bill "An Act to Establish Educational Requirements for Granting Noncommercial Lobster Licenses" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-935)**

(H.P. 1614) (L.D. 2111) Bill "An Act to Authorize County Extension Building Associations to Borrow Money" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-943)**

(H.P. 1615) (L.D. 2114) Bill "An Act to Provide Full Utility of Retired School Buildings" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-940)**

(H.P. 1619) (L.D. 2118) Bill "An Act to Implement the Recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-934)**

(H.P. 1646) (L.D. 2152) Bill "An Act to Allow Qualified Shellfish Harvesters to Continue to Sample Water Quality" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-933)**

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

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

**CONSENT CALENDAR
Second Day**

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

(S.P. 669) (L.D. 1873) Bill "An Act to Amend the Tax Laws" (EMERGENCY) (C. "A" S-444)

(H.P. 1634) (L.D. 2137) Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY)

(H.P. 1643) (L.D. 2148) Resolve, to Require the Maine Fire Protection Services Commission to Report Regarding Methods to Improve the Recruitment and Retention of Firefighters and the Provision of Healthcare

(H.P. 1458) (L.D. 1955) Bill "An Act to Allow Federal Law Enforcement Officers to Enforce Maine Statutes" (C. "A" H-927)

(H.P. 1474) (L.D. 1975) Bill "An Act Concerning Student Threats Against School Personnel" (C. "B" H-922)

(H.P. 1506) (L.D. 2009) Bill "An Act to Amend the Laws Concerning Specialty License Plates" (C. "A" H-928)

(H.P. 1557) (L.D. 2059) Bill "An Act Regarding Site Selection Criteria for Parking for State Facilities" (C. "A" H-916)

(H.P. 1560) (L.D. 2062) Bill "An Act to Clarify the Use of Municipal Rate of Growth Ordinances" (C. "A" H-918)

(H.P. 1571) (L.D. 2076) Resolve, Regarding Legislative Review of Amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding Cutting and Removal of Vegetation, Major Substantive Rules of the Department of Environmental Protection (EMERGENCY) (C. "A" H-920)

(H.P. 1590) (L.D. 2095) Resolve, Regarding Legislative Review of Portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, Major Substantive Rules of the Maine Land Use Regulation Commission within the Department of Conservation (EMERGENCY) (C. "A" H-919)

(H.P. 1613) (L.D. 2110) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 2002-2003" (EMERGENCY) (C. "A" H-914)

(H.P. 1618) (L.D. 2117) Resolve, Regarding Legislative Review of Chapter 691, Section 3-A, Siting Restrictions for New Facilities, a Major Substantive Rule of the Bureau of Remediation and Waste Management within the Department of Environmental Protection (EMERGENCY) (C. "A" H-917)

(H.P. 1639) (L.D. 2142) Bill "An Act to Change the Governing Board of the George Stevens Academy in Blue Hill" (EMERGENCY) (C. "A" H-921)

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

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-925)** on Bill "An Act to Phase Out the Availability of Mercury-added Products"

(H.P. 1501) (L.D. 2004)

Signed:

Senators:

MARTIN of Aroostook
SHOREY of Washington
SAWYER of Penobscot

Representatives:

ANNIS of Dover-Foxcroft
KOFFMAN of Bar Harbor
COWGER of Hallowell
CLARK of Millinocket
DUPLESSIE of Westbrook
TWOMEY of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-926)** on same Bill.

Signed:

Representatives:

TOBIN of Windham
DAIGLE of Arundel
CRABTREE of Hope

READ.

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

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. Before I talk about this bill, I first want to give all of us a great deal of credit for all the work we have done in Maine, our great state, to reduce the amount of mercury that has been released into our environment. I want to refresh your memory. In the 118th session, we enacted the strictest air and water discharge standards in this nation and became a national leader with a broad statewide goal of a virtual elimination of this toxic compound in our environment. Onto the 119th session, we moved on to focus on an area where measurable reductions in mercury were readily achievable and we started looking at mercury containing products. We required labeling of several products if they were going to be sold with mercury as one of their components. This included, at the time, thermometers, thermostats, switches and lamps. We also went on to pass a law banning the disposal of mercury containing products along with our ordinary trash. In the first year of the 120th Legislature, just last year, we required notification of any products to which mercury was intentionally added to be sold in Maine. In addition, we, in this body, required notification of all mercury in all products sold to our Maine hospitals and we further banned the sales of some mercury containing products like fever thermometers, dairy monometers and we banned the sale of elemental mercury to our schools.

We have taken the initial action to phase out products to which mercury has been added in our state. Bravo to all of us for what we have accomplished, but we must continue to move forward if we are going to have real and measurable reductions in mercury in our air and water.

What do you see today when you go fishing? Perhaps crystal clear waters and the reflections of the bright blue summer sky, but wait, there is a sign posted at the boat landing warning you to limit your consumption of fish. Look closely, it says, pregnant and nursing women, women who may get pregnant and all children under age 8 should not eat any freshwater fish with the exception of one meal a month of brook trout or landlocked salmon. This warning that we see goes on to say that the maximum consumption for everyone in the State of Maine is two meals per month of freshwater fish with other limitations. These fish consumption advisories are issued by the Maine Bureau of Health for all of Maine's lakes, ponds and rivers and these are based primarily on mercury levels that have been sampled in our fish. These warnings are sad news. I believe that we need to take continuous action to work toward the easing of these advisories, just as we took action to clean up our polluted rivers 30 years ago. The environmental buzzard for this would be the need for continuous improvements.

I ask you to support the bipartisan committee report on LD 2004. We have taken a great deal of work on this bill. It is not the broad-brush approach that we originally heard in our committee. We did not take the original bill that was phasing out of all mercury-containing products, but we instead took a very measured approach. We want to continue the efforts that started last year to phase out specific products known to contain mercury and for which there are affordable and effective alternatives readily available to the consumer and to our businesses. To this end, this bill asks for the sale of new mercury added thermostats to cease by January 2006. This law does not affect any thermostats that we already have installed or any thermostats that we are going to buy for the next four years.

It is also very important to note that in the bill exceptions are made for thermostats required for industrial purposes. There is

an administrative exemption for thermostats with a net benefit to the environment, public health and public safety. This law will not require the elimination of any thermostats that serve special needs, such as the blind or the visually impaired. The 2006 phase out date in this bill coincides with the time that Honeywell was the nation's largest manufacturer of thermostats. It will actually stop making their models containing mercury. If you visit their website, you will see that there are mercury free thermostats across their entire product line serving all their needs and, in fact, Honeywell itself encourages the installation of electronic programmable thermostats because you can save up to a third of your energy costs year after year.

The typical thermostat contains about three grams of mercury in it today. This amounts to 4,300 pounds of this toxic element all across our state. As these thermostats are replaced or changed, we are releasing about 123 pounds of mercury from these thermostats every year. This happens in our landfills or in our waste incinerators. Even if all the thermostats could be recycled as some envision they might be some day, this mercury is only going to be recycled out of state and returned to the state in the form of new thermostats.

I ask you to join with Oregon, which has already passed legislation to ban mercury thermostats and other New England states like Rhode Island who has already enacted similar legislation. Please join with me and the majority of the committee and move Maine one step closer to being mercury free and one step closer to the eventual lifting of our fish consumption advisories. Join me in passing the Majority Ought to Pass as Amended Report and please support the pending motion.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I join with my colleague from Hallowell, Representative Cowger, to pat ourselves on the back about all the work we have done over the last three legislative sessions about reducing mercury in the environment. It is something that we can well be proud of as evidenced by the recent announcement from the Board of Environmental Protection that in the last 10 years we have cut in half the amount of mercury we have released to our own air.

Where we disagree, of course, is on this particular bill and the part of this bill which calls for banning mercury containing thermostats at this point in time. There is another component of the bill, which we agree on completely, which is why it is seen in both committee reports, that continues the study, collect the information from legislation we passed requiring manufacturers to report to the state when they sell mercury containing devices to Maine, report what they sell, how much of it they sell, how much mercury is in those devices and why that mercury is being used. When that report is complete for the 121st Legislature, it will propose exactly where we should be enacting additional bans on products and where we may say that we can't do that at the present time. At the present time, the Majority Report wants to go ahead before this information was collected and to say to ban thermostats today. I believe that is premature. I believe it is counter productive, because the manufacturers voluntary take back program only began in July 2001. They waited that long because we legislatively prohibited them from doing so any sooner. You complain about manufacturer take back programs, remember, we stopped them from doing that. We had to pass rules saying that it was allowed. The industry stepped forward and began the program in earnest. The actual first collections were in August of last year and several hundred were collected last year and they are rolling that program out. That is a free take back program. It does not matter where you bought your

thermostat. You can be a household, a business or whoever you are, you can take it to one of the distributors who have signed up and they will accept your thermostat with no questions asked and take care of it.

The state has for years talked about beginning its own collection program and they are still talking. In fact, they are asking for some bond money to do something further. That is talking while the industry is doing it. The only motivation they have is to continue to sell thermostats. Look at this from their position, if your product is banned, why would you put money into continuing a voluntary take back program? I would think that you would stop and take your efforts elsewhere. With that gap that no one else is collecting thermostats, it means more will be discarded improperly, not recycled. This means that more mercury will be into the environment.

Banning thermostats right now, I believe, is inappropriate because there really aren't good solutions to it. There are not exact alternatives available to them. I had a long explanation for that, which I will not bore you with right now. I had some handouts, which I am asking you to read, but the piece of information that is most important was very recent to me. You will see from the pink handout and e-mail I received at 5:00 last night from Steve Obremski, the President and CEO of the Iris Network, which is formerly known as the Maine Center for the Blind and Visually Impaired. Steve heard about this bill because I called him yesterday after my article had appeared in the *Biddeford Journal Tribune*. A friend called me and said, Representative Daigle, it was not my fiancé, she does not call me Representative, she calls me Honorable, but that will change, are you aware of the Iris Network and I was not. I called them and told them about this bill. I faxed them the language. They have seen the original bill and they saw Committee Report "A," which we are debating right now and they saw Committee Report "B," discussed it at length and he told me why he thought this was a terrible idea. He told me how there are 32,000 reasons why this is a bad idea and that is how many people we have in Maine that are blind or visually impaired. The most challenging thing in their lives these days is to live independently. The onset of electronics is making that more difficult every day. Electronics are so invading our consumer products, that they can no longer operate a stove, because they can't see the digital readout of what temperature it is being set at. They can't operate a microwave oven because they can't see which buttons are being pushed and what they mean. Coffee pots are being replaced with electronic versions that cannot be operated unless you can see and they can't see. One thing they can do today is they can operate a simple round dialed thermostat, even if it wasn't one that was built for them, because you can get stick on labels, which have raised numbers, a person can apply for the thermostat and make it accommodating their handicaps. Even without those labels, they can simply twist it to one end of the stop and then twist it back in the amount they know by their own familiarity with the equipment and can control their own furnace.

Most importantly, this sense of independence is what they can most lose of this. I know that we say that there is an electronic version available, as it says in the letter. From \$300 to \$500 they can get a talking thermostat. The overwhelming majority of the people in this situation are over 60 years old, they are unemployed. They are poor. They can't afford to buy a thermostat and rewire their homes. We do not want to have to spend that kind of money if we are buying an in-law apartment for our relatives. The exemption mentioned by the Representative from Hallowell, Representative Cowger, was reviewed by the Maine Center for the Blind and the Visually Impaired and they do not feel that is appropriate. They do not feel that that will make it

okay. They do not feel that the thermostats will be exempted because the process still requires you to go to the commissioner. Who is going to do that if you don't know who is going to live in that apartment? Who is going to retro fit their apartment for a blind person and ask the commission for approval? This language was seen by them.

We are taking away their independence. My point isn't that we shouldn't ban thermostats now or ever, maybe we should ban them, but maybe we should come back next year when the report is complete that we both call for in our committee amendments when they outline this program exactly in context of how much we are dealing with and how well the recycling program is operating and what alternatives there are available. At 5:00 pm last night 32,000 of Maine's citizens who are handicapped spoke and they said, don't do this please. This is new information that the committee did not consider and for that reason, I ask you to vote against the pending motion and think of them. Mr. Speaker, I ask for a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Arundel does bring up an issue and a concern that didn't come up in work session and in hearings for this particular bill. I am sure an amendment would be welcomed.

I signed on with the Majority Report because during our work sessions we heard reports from the scientists and medical community about the impacts of mercury on children's health, the impact on our economy of mercury in our fish, fish warnings and fish advisories. I realized from what we learned in committee that the large majority of the mercury that comes into Maine comes in through the air. We have all heard this in the news. We know that folks have been working hard to get the Midwestern grandfathered energy plants, coal burning energy plants, to either get scrubbers or make a transition to other technology because Maine is the state getting most of the mercury.

One of the scientists who had spoke with us, had done research for the last couple of decades measuring, believe it or not, the blood in loon feathers from the great lakes all the way east to Maine and the eastern provinces. You can guess which loons had the highest percentage of mercury in their blood, Maine's loons. How does the mercury affect the loons? It is not that it is just in their blood, it affects their reproduction. They are just a proxy species for the other wildlife and, frankly, humans that are impacted by mercury. The fledglings from loons in 1987, when they were measured, three-quarters of them were surviving to adulthood. Ten years later, we are down to a third of our loons surviving into adulthood. In one decade we have seen an incredible decline in loon population in Maine. It is one of the symbols of our state. Again, it is only an indicator of the impact that mercury can have on species.

It may be that looking for alternatives to the conventional thermometer is a token effort, but Maine has to make a reasonable effort to reduce its mercury levels if we are going to ask other states to do something to reduce the amount of mercury they are sending through the air to our state and to our children. I strongly support this Majority Report and hope you will too. Thank you Mr. Speaker.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. Just to respond to the good Representative from Arundel, he makes a good point about the need for thermostats for the blind or the visually impaired. I believe the exemption language in the bill will cover that. I believe that because this bill will not go into effect, the ban will not go into effect, until four years from now that we will have ample opportunity to amend this bill if we discover there are unintended consequences. I also would support later on in the House putting an amendment on it when it comes back if that is what we want to do, if you don't feel the language is comfortable here. We have ample time in which to address that, if it is not already covered. I think we can fix that problem.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. Having an incinerator in the middle of my community, we are very unfortunate in the fact that trash comes in from all kinds of communities, batteries and everything is thrown into the mix, and mercury comes out through the stack with the emissions. We never look at the accumulative affects of anything. We permit one thing. They came in and they permitted the incinerator, but they never look at everything else that comes in. This is one way we can take care of this. We can do something about it. There are thermostats that are now being made without it. Each thermostat has three grams of mercury. One gram of mercury can pollute the fish in a 20-acre pond. This is something that you can go home and say that we are trying to eliminate this problem. This is a vehicle to do it. I would also support that amendment, but in public hearing this was not brought up. We did not have access to this at the eleventh hour and we certainly don't want to look the other way for people with disabilities. I trust my chairman and he says this is covered. I believe that and I would hope that you would follow my light on this. This is a very, very important issue. Thank you.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for not having caught this particular piece of legislation on behalf of the Iris Network, of which I am a member of their advisory committee. I follow legislation for two or three other groups and for them, but did not really hone in on this. I agree with the good Representative from Arundel and also the good Representative from Hollowell. I intend to vote for this bill at this point, but I do intend to attempt to cover the issue that has been raised before it comes back to us for a second vote. I would urge you to support now and support in the future with a change. Thank you.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief, as I always am. This is a unanimous committee report. I shows up as a divided report for just one reason and that is the thermostat that is on your wall. The reason I voted on that side is that I believe in having a measured scientific and sustainable system to get rid of all mercury. Last year we passed a notification bill and the DEP has taken that information in now and is going to make a report back to us next session, along with recommendations of how to take care of the mercury. I think we have to build up the confidence in the people of Maine that we are doing the right thing. I think the

way to do that is to have a plan, long ranging, and have it sustainable. 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. 519

YEA - Andrews, Annis, Ash, Baker, Berry RL, Blanchette, Bliss, Bouffard, Brooks, Bruno, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michael, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien LL, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Quint, Richard, Richardson, Rines, Rosen, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Thomas, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Buck, Bumps, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Jordan, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, McKenney, Mendros, Morrison, O'Brien JA, Peavey, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tessier, Tobin D, Tobin J, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Brannigan, Goodwin, Marrache, O'Neil, Povich, Savage.

Yes, 101; No, 43; Absent, 7; Excused, 0.

101 having voted in the affirmative and 43 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-925) 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-925)** and sent for concurrence.

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

Eight Members of the Committee on **LABOR** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-929)** on Bill "An Act Regarding the Payment of Severance Pay"

(H.P. 1551) (L.D. 2054)

Signed:

Senators:

EDMONDS of Cumberland
SAWYER of Penobscot

Representatives:

BUNKER of Kossuth Township
MATTHEWS of Winslow
HUTTON of Bowdoinham
NORTON of Bangor
SMITH of Van Buren
TARAZEWICH of Waterboro

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

TREADWELL of Carmel

DAVIS of Falmouth

CRESSEY of Baldwin

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-930)** on same Bill.

Signed:

Representative:

MacDOUGALL of North Berwick

READ.

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I would like to point out a few things about this bill that I think we all should be aware of. First of all, this bill and the companion bill, which was heard in the Labor Committee, were an honest effort to help the people from a company that was closing its doors and laying off people down in the Sanford area. I commend those two legislators for the work that they did trying to help their constituents. I think it was a very honorable thing that they did.

Unfortunately, this bill does nothing to help those constituents. I am afraid that it will do nothing to help any future constituents of all of us here in this House for the next company that is closing or laying off their people. The reason I say that is because this amendment that we are talking about right now will eliminate bankruptcy as a defense from paying severance pay that is now contained in the law.

When a company declares bankruptcy it is because they have no assets. If there are no assets, there can be no severance pay. I think that we have run into a situation where federal law would be supreme over state law and the severance pay would be in line with all other unsecured debts, the same as any other unsecured debts that there may be claims on and therefore only pennies on a dollar would be paid. Another flaw in the amendment that I see is that it makes the parent corporation liable for the severance pay and makes that retroactive back to October 1, 1975. I think we are liable to be opening up a very serious problem here by making retroactivity and bringing parent corporations in. I think it is going to be very difficult to pierce that corporate shield of the parent company and it is also more importantly going to discourage anybody from coming into the State of Maine and investing in a failing company. We have plenty of those. We read the paper this morning and there is another company closing its doors. I heard also the rumor that there is a company in Rockland that within the year will be moving out of state. We have no shortage of those situations. I think we need to make the business climate in the State of Maine as friendly as possible, not at the expense of the workers, but we need to try to get people in here to invest in these companies that are struggling. This bill does not do that. I would urge you all to vote against the pending motion. Mr. Speaker, I request a roll call.

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

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

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. Just to clarify a couple of points before we move on to vote, I think this is a pretty straightforward bill. It is right that the good Representative indicated that it came out of the Vishay Sprague issue down in Sanford. I have to tell you that the committee, in general, wanted to forcibly take direct action against that situation down there and I think everybody in the body can understand why. We have hundreds of people out of work and an out of state international company that doesn't think they have to follow Maine laws is really the crux of the whole problem.

Just to address a couple of the issues, a company wanting to come into Maine and take over one of our failing businesses, the bill does clarify the intent of the Attorney General's opinion that you have to have that company three years before this kicks in. That is not clear in the law right now. I think this three year issue is going to cover the issues that the good Representative talked about and we are clarifying this in this bill so that companies that come in and do acquire some of our companies know that up front that they have three years to make it productive or if they go beyond that three years, they will be obligated to pay severance pay.

The bankruptcy issue is a non-argument folks. I don't know if you understood the argument on the floor here, but basically the situation with the bankruptcy, removing it out of physical calamity basically removes a technicality that allows these companies and parent companies not to pay the workers a nickel. It is not that bankruptcy isn't necessary in some cases. All this does is say that if you go into bankruptcy that automatically does not relieve your company of paying the good workers that have worked for your company for 20 years and more importantly it does not relieve automatically the parent corporations responsibility to pay it. I think as we well know, the company in Sanford, the parent company moving to Israel, well to do multi-billion dollar contracts for the federal government. They have plenty of money to pay our hardworking Maine people in the community after they leave even though they forced our local Maine company almost into bankruptcy, if not into bankruptcy.

Liability, what is important here is clarifying. What we have been doing here, I would say that we are not doing something retroactive 1975. We are clarifying the language that we put into place, this House and this body and the other body and the Governor all put in place, the severance pay law back in 1975. This is just clarifying our legislative intent saying that in 1990 there was a slight change that parent companies are liable for this. I think that is very important because these people from away, whether it is Sappi or GP or Irving or any of these companies that may change hands at the drop of a hat, they think they have no liability to our Maine workers.

The other item is this bill allows our employees to take action. The problem we are having in Sanford is once the state steps in to start an action where the state is the sole arbitrator of any benefits the employees have we think it is important that employees in the state work hand in hand in an action and that they are able to benefit from that. Also, this provides interest and penalties that we found in reviewing this whole situation that there was no incentive in the law for the companies to voluntarily follow the law. They would just as soon sit back and wait and let the state get involved and let all these court suits come and then if they have to pay, they figure they can cut a deal. I think we have placed a very modest interest in the penalty section in here

to encourage people to be good employers. The other item that is failing is they have to report to DOL, Department of Labor, when they have this intent to do this. What we did is we think the employees are just as important in this chain of command of information and we made a requirement similar to DOL that notice has to be made to employees. They know exactly where they stand when they start these downsizing situations.

I think that everything we did here has no direct benefit to Vishay, but it does clarify all the problems that we see in how the problem unfolded down there. As the good Representative says, there is another vehicle to address one other major point and we will be discussing that later. I appreciate all your support on both sides of the aisle. This is a very important bill for me and a very important bill for all of your employees, whether they work north, south, east or west. Thank you.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. This bill and the companion bill presented a very difficult issue to the committee. The severance pay law, which was created and established, I believe, for a couple of reasons, policy reasons. One was to try to bridge that period of time where the laid off worker could find gainful employment. Also, to hopefully act as a buffer within the community and that there would still an infusion of income for the laid off people. In this particular instance, the firm in Sanford, that brought these two pieces of legislation forward, you are talking about very real people that live in the area close to where I live. Also, an employer who appears to be a real culprit. We had faced before us was an instance where an employer purposefully was circumventing the law. Of course, our job here as legislators is not to think and act emotionally, although emotions are part of our deliberations. We can't seem to help that. When you try and craft policy, you can't lead with the emotions. You need to lead with sound principles.

The two things that none of the three reports before you address is, one, the substantial cessation, which is a term that really isn't defined. That is, what is a layoff? What constitutes a layoff? The second item that neither of three reports really addresses is actually helping the employees from the Sanford area that actually brought the legislation forward. Those are two things to bear in mind as you cast your vote this morning.

The question before us and before the committee is is this something that we can craft that moving forward is something that will benefit the people of Maine/ The director of the Bureau of Labor Standards, Michael Frett, when he testified before us, he stated that the vast majority of firms pay their severance in a timely basis within spirit and within the letter of the law.

There was a gentleman who was not able to make the public hearing, but he did leave a letter. There is a portion that I would like to read to you. It is from Maine Machine Products Company. I believe it is located in Oxford. I quote him. "We believe the existing safety net provisions provide for assistance during the unfortunate times that facilitate the tough decisions that have to be made during these times." He goes on to be concerned about the proposed measures, such as the two bills initially presented. The potential for new business and keeping businesses in Maine could be jeopardized in trying to repair that. The gentleman is just referring to the fact that currently there are safety nets in law for unemployment insurance and certainly through the educational structure of retraining through the career centers available to laid off workers. There is a sense of balance here that we are trying to maintain as we go forward.

Also, we have private employers, I think there is close to 700 with over 100 employees that the severance pay law would apply

to. As we listen carefully, we decided as a committee on this particular vehicle before you to not discuss the substantial substation and as was alluded to by our good chair, Representative Bunker. We will address this matter in subsequent legislation that will come before the body.

I felt that in terms of the Majority Report that I have to address. There are two areas where I do depart from that that I think are major are the bankruptcy issue as a physical calamity being rescinded. It really wasn't an issue that brought the bill forward in the first place, not in my view anyway. The linkage to the parent companies is also a direction that I think will involve stockholders and impact those. Those stockholders aren't some rich fat cats. These are our constituents in Maine as well. I am trying to maintain some sort of a balance, but try to put something forward that would say in the State of Maine if you were one of those employers who were going to circumvent the law, you are going to pay dearly for it. If you are a corporate citizen that obeys the law, then you have nothing to fear and I'm trying to craft something that would answer that. In terms of some of the fines, I agree with the majority, although not quite all. I put a little different language in to make it clear that it was the willful intent of the company to be a bad player.

We are the only state in the union, I believe, that has a severance pay law. If it is a law, however, it should be obeyed. That is what the committee tried to grapple with. In my view because two of the main components that the Majority Report has are the bankruptcy exception. Linkage to the parent company, I cannot support that. Again, remember the Majority Report does not deal with substantial cessation, which defines what a layoff is. That really was the crux of the problem for the company in Sanford and it doesn't help those people.

Currently there are legal actions underway to deal with that issue. You could argue that it would be appropriate to see how that all pans out down the road. If there is something that needs to be addressed in the current law, that would be the time to do it once you know how the courts in the AG's Office rule in this matter. I would just urge you to vote with your conscience and I would urge you to vote against the pending motion. Thank you.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to highlight a couple of the matters, which pertain to the Majority Report "A." The severance pay law, of course, applies only to employers who have over 100 employees. It only is available to employees who have worked over three years for that employer at that establishment. We are dealing with a situation that was brought to our attention because of Vishay Sprague closing. That situation is very instructive on how a corporation can attempt to get around following our severance pay law. We did pass in 1999 a law that said that the parent company is responsible. What we have seen happen in Sanford with Vishay is that they came in and bought the company called Sprague Electric and then they proceeded to gradually transfer the operation to their plants in Israel. Vishay Sprague that exists now in Maine is just an empty shell.

We wanted to do two things in this bill. Number one, principally we want to eliminate the bankruptcy defense. In other words, a parent company cannot come in, take over the country, drain the life out of it and then file that company in bankruptcy and be exempt from severance and eliminate severance benefits for the employees. That we want to take away. The other thing we want to make clear is that the parent company that comes in and takes everything out of that direct Maine company will be responsible to the employees of that company for the severance pay. We are making this clear. The intent of this law is to make

the severance pay work and not lead to these sophisticated parent companies a chance to take the life out of a Maine company and then just leave a shell here and nothing for the employees. We ask you to make this severance pay do what it is supposed to do and vote in favor of the pending motion.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. First, I want to thank our good chairman who presented this bill and our report very well and my good friend, Representative Smith, from Van Buren. Ladies and gentlemen, I just want to put this issue in simple terms. The owner of Vishay Sprague makes \$12 million a year, received \$13 million in stock options and what they want to do is tell the gentleman, the workers, men and women in Sanford and North Berwick and in southern Maine who have worked 30 years and 36 years or 40 years in that company that you get nothing. That is the issue. That is the issue in a nutshell. We have been back making the severance pay law stronger, more applicable to the current situation. When there was a misinterpretation, clarifying it so that we can get scoundrels that make millions of dollars and don't want to give people that work 36 years one penny. That is what severance pay is all about. Thank you Mr. Speaker.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. As has continuously happens with every labor bill that comes before us, we want to paint the big bad business versus the small employee guy who is making a living driving that pickup truck. The fact of the matter is that this bill does not solely apply to out of state parents, at least not the way I read the bill. This applies to every company in Maine, whether it is Maine based or whether it is based out of state or out of country. In the global economic world that Maine is in right now, we are deemed to have a poor business climate in the State of Maine. This is a type of bill that just makes it worse. This morning we come in and we hear Hathaway factory is shutting down. We hear other rumors of other factories shutting down. The manufacturing ability of the State of Maine is declining and yet we continuously attack business in this state.

I understand and I don't agree with the actions of one company here. I don't agree with their actions, but to subject the entire Maine business community to this type of legislation is wrong. This just drives another nail in the coffin to businesses that we are trying to welcome into the State of Maine, to bring more jobs to the State of Maine. It is easy to spout all kinds of rhetoric about that big multi-billion dollar company wherever they are and their stock options all this other stuff you hear about, but the fact of the matter is there are 300 employees in Sanford Maine who lost their job. That is what we ought to be dealing with. We ought to be dealing with, how do we find those people work? How do we get another company to come in here and take their place, not a bunch of rhetoric that says they are the bad guys, these are the good guys, so we are going to help them. That is not the way it works. Working people of the State of Maine enjoy a good relationship with many and most of their employers. There are bad apples everywhere on both sides. I don't want to make the business climate in Maine any worse and that is what this bill does.

It is easy to say it is that company from away, but you know what? Maine employers, Maine based companies, fall under this piece of legislation. It is a bad piece of legislation and we ought to defeat it.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I had not intended to rise on this, but I am a cosponsor of this bill that the good Representative from Sanford, Representative Tuttle, put in to try to make a difference for his folks and for the folks that I represent in the blue-collar community of Gardiner and for the folks out in Winthrop and the folks up in Corinna, Dexter and all throughout the state. I am sensitive to the business climate here too. I am certainly very sensitive. We are trying to grow jobs on both sides of the aisle. I think it is inescapable, one of the earlier speakers touched on this, Maine has a severance pay law. That is the law. That is not kind of an optional thing that you may want to conform to or you may not want to conform to. It is the law and the people of Maine support that law. They support it in Gardiner and they support it in Sanford. They think it is fair. They think that if you work for a company for 36 years and you bust your hump and you get arthritis and you get repetitive disease syndrome, carpal tunnel, the people of Maine think that that you worked hard for that company and you deserve severance pay. Maybe we are the only state, maybe we are one of five states. Don't know what that number is. I don't care. I know the people of Maine, where I live, think that is fair.

One of the earlier speakers, I think the good Representative from Berwick, said that this bill will not accomplish providing help or justice for our Maine workers. I disagree, but one thing is for sure, if we do nothing, it won't accomplish justice or equity or help. One thing is for sure that if no severance pay is delivered to, I think it is closer to 1,000 workers down at Vishay Sprague, that they won't be able to take that extra few dollars and buy a new pair of sneakers for their kids that may be long overdue. If we do nothing, one thing is for sure, that is that the 55 year old retired worker who has been down there working hard for those 36 years who needs medication for their high blood pressure or their cholesterol or whatever it is, they may not have those few extra dollars to be able to purchase that medication. That is for sure.

Yes, it is true. The vast majority of firms in Maine are good companies. You have them in your districts. I have them in my districts. They are good companies. They follow this law. They obey this law, because they care about their workers. I would suggest that is absolutely the reason we ought to pass this bill. What a message to those good corporate citizens to say that we are glad that you did it. You did the right thing, but the other bad actors don't have to do it. We are going to penalize you for following the law. I think that is a terrible message to the good working companies and corporations in the State of Maine. I just think it is a terrible message. The message will be that it is okay to be a scofflaw. That is not a message that I support. Thank you Mr. Speaker.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. Just to be clear as to what I meant was the Majority Report, nor the two Minority Reports will address the current workers from Vishay Sprague. My concern is that this Majority Report will affect Maine workers into the future, should it pass and that is, will it affect the business climate in the State of Maine, which will impact investment and the potential opportunities for Maine workers for higher wages and benefits. I would urge you not to vote for the Majority Report. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I hadn't known if I was going to speak on this issue today. It is a very emotional issue for me. I usually have the

ability to overcome that, but in this case I find it very difficult to stand before you today and express to you the gravity and the concern of people that I have known for most of my life. Many of the people we are talking about, I went to school with them and many of them have worked at the company all of their lives. They worked for Sprague Electric. It was a great employer. It helped build my community. I am getting calls as the good Representative from Sanford, Representative Bowles, is. You are 55 years old. You have done the same job all your life and they tell you they are going to retrain you for what. You are thinking about retirement. I am sensitive to the business climate in Maine. I have tried in my 20 years as a legislator in this body to work hand in hand with my local chamber of commerce. Many of you know, serving with me, I have always felt that in my service on the Taxation Committee and other committees, been very sensitive to the needs of our business and industry so we can keep our young kids, instead of seeing them leave the border in droves.

I think sometimes you have to set the record straight and set a precedent. I think the Majority Report does that. This bill doesn't do everything that I had originally intended, but I think it is a step in the right direction. We are attempting to codify the law. As many of you know, in reading the law, there is much confusion and I think the Majority Report has attempted to codify the law to make it more specific so that the Department of Labor and the Attorney General and others will actually find out what the law does. I think it does this. I know as we said that most corporations are good citizens. We work with them every day, but there are a few, and I repeat that, like Vishay Sprague that are manipulating the law to avoid treating the employees fairly. I think the majority amendment reflects a balance to help Maine workers while recognizing the economic threats that business face. As has been mentioned before Vishay Sprague has given workers a maximum of six weeks severance pay while many people I know of worked there for over 35 years and I see them every week and that is why I am speaking to you today.

I can tell you that when my wife and I do our shopping on the weekends, it is a pretty sobering experience. In the 25 years I have been involved in government on the municipal level and state government, I don't think I remember a more difficult time for people in my community. In the '50s when Goodall Sanford closed in my town, one half of the town was put out of work in a matter of weeks. My town refused to die. I am hoping that with this bill's help, with the Majority Report, that we will do so again. That is why I am asking for your vote today.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. I think it is important to reiterate two points. If you vote to pass this bill, you have not helped the workers of Vishay Sprague. This bill does nothing for them. What you have done is you have created another bad business climate in Maine. When we hear about the Hathaway Shirt Factory this morning on the news, what will even entice someone to come in and take over that plant if they have to be subjected to this type of law? I dare say that nobody will want to take over that factory in Waterville if you pass this law. Thank you Mr. Speaker.

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

ROLL CALL NO. 520

YEA - Ash, Baker, Berry RL, Blanchette, Bliss, Bowles, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr,

Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, McDonough, McGlocklin, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Murphy E, Muse C, Nass, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Rosen, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

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

ABSENT - Bagley, Bouffard, Brannigan, Goodwin, Marrache, O'Neil, Povich, Savage.

Yes, 88; No, 55; Absent, 8; Excused, 0.

88 having voted in the affirmative and 55 voted in the negative, with 8 being absent, and accordingly Report "A" Ought to Pass as Amended was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-929) 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-929) and sent for concurrence.

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 812)

JOINT RESOLUTION RECOGNIZING THE MAINE BANKERS ASSOCIATION AND THE MAINE ASSOCIATION OF COMMUNITY BANKS

WHEREAS, the membership of the Maine Bankers Association and the Maine Association of Community Banks has been serving the needs of Maine's communities and citizens for over 180 years; and

WHEREAS, the associations' member banks and their more than 10,000 employees have contributed millions of dollars, and hundreds of thousands of hours, to enhancing the quality of life in Maine's communities; and

WHEREAS, the associations' Maine Banks of Promise campaign continues the support of the Maine Promise and the Communities for Children programs as part of America's Promise campaign, which benefits children around the country by furthering the 5 fundamental resources: an ongoing relationship with a caring adult-mentor, tutor or coach; safe places and structured activities during nonschool hours; a healthy start; a marketable skill through effective education; and an opportunity to give back to the community through community service; and

WHEREAS, this Legislature joins the Maine Bankers Association and the Maine Association of Community Banks in

recognition of these bankers who have been nominated for special recognition of their volunteer efforts as 2002 America's Promise Volunteers, including John C. Marsh, Jr., Vice President and CRA Officer, Bath Savings Institution; Jayne Crosby Giles, Commercial Loan Officer, Camden National Bank; Christopher Wajer, Collections and Security Officer, Damariscotta Bank and Trust; Alvin W. Butler, Assistant Vice President, Commercial Banking Officer, First Citizens Bank; Kim Hamblen, Assistant Vice President, Credit Underwriting, First National Bank of Bar Harbor; Stephen deCastro, Vice President, Commercial Banking, Fleet Bank of Maine; Kelly Christie, Manager, Application Support, Forum Financial Group LLC; Charles A. Wootton, Senior Vice President, First National Bank, Damariscotta; Anna Lyon, Assistant Vice President, Marketing Director, Franklin Savings Bank; Irene Oldfield, Vice President, Gorham Savings Bank; Karen Chapman, Assistant Vice President, Manager and Retail Services Officer, Katahdin Trust Company; Mary A. Hammond, Assistant Vice President and Personnel Officer, Kennebec Savings Bank; Brad Paige, Vice President Commercial Services, Kennebunk Savings Bank; Diane J. Chiarantona, Vice President, Sales Officer and Global Treasury Management, Key Bank; Jeanine Ross, Mortgage Development Officer, Machias Savings Bank; Angela T. Butler, Assistant Vice President Commercial Loans, Merrill Merchants Bank; Mary Ann Brown, Vice President, Retail Credit Administration; Katherine Wyman, Regional Sales Manager, People's Heritage Bank; Jerome M. Bshara, Executive Vice President and Treasurer, Sanford Institution for Savings; Karen Hart, Marketing Officer, Skowhegan Savings Bank; Susan Saunders, Assistant Vice President, Project Manager, Union Trust Company; and Ray Teixeira, Regional Sales Manager, United Kingfield Bank; and

WHEREAS, the contributions of the Maine Bankers Association and the Maine Association of Community Banks and their employees through participation in America's Promise and other worthwhile community programs support the State's youth at critical times in their lives, allowing America's dreams to take shape; now, therefore be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the Maine Bankers Association and the Maine Association of Community Banks for their commitment and contributions to the community and in strengthening the State's long tradition of service to others; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the Maine Association of Community Banks and the 2002 America's Promise Volunteers.

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

The House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Bill "An Act to Provide Funding for Conservation Education"

(S.P. 813) (L.D. 2180)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 723) (L.D. 1964) Bill "An Act to Amend Certain Laws Administered by the Department of Environmental Protection" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-475)**

(S.P. 800) (L.D. 2159) Bill "An Act to Amend the Charter of the Corinna Water District to Allow for the Appointment of Trustees" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-474)**

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

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

LABOR

Bill "An Act to Provide Equity to Adoptive Parents with Respect to Parental Leave"

(H.P. 1688) (L.D. 2187)

Sponsored by Representative BAKER of Bangor.
Cosponsored by Representatives: BROOKS of Winterport, McGLOCKLIN of Embden, McKEE of Wayne, NORBERT of Portland, PEAVEY of Woolwich, TWOMEY of Biddeford, Senators: CATHCART of Penobscot, LONGLEY of Waldo.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

NATURAL RESOURCES

Resolve, to Establish the Task Force to Study the Effectiveness of Stormwater Management in Developed Watersheds (EMERGENCY)

(H.P. 1687) (L.D. 2186)

Sponsored by Representative BAKER of Bangor.
Cosponsored by Senator TREAT of Kennebec and Representatives: BROOKS of Winterport, COWGER of Hallowell, DAIGLE of Arundel, DUPLESSIE of Westbrook, KOFFMAN of Bar Harbor, McKEE of Wayne, THOMAS of Orono, TWOMEY of Biddeford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Representative TUTTLE for the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 3: Maine Clean Elections Act and Related Provision Amendments, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1684) (L.D. 2183)

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

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

Sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative RICHARDSON from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Implement the Recommendations of the Returnable Container Handling and Collection Study"

(H.P. 1685) (L.D. 2184)

Reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1389.

Report was **READ** and **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** and sent for concurrence.

Representative BUNKER from the Committee on **LABOR** on Bill "An Act to Amend Maine State Retirement System Statutes"

(H.P. 1686) (L.D. 2185)

Reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1591.

Report was **READ** and **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** and sent for concurrence.

Ought to Pass Pursuant to Public Law

Representative McKEE for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Rule-making Authority of the Department of Conservation Regarding Timber Harvesting in Shoreland Areas"

(H.P. 1678) (L.D. 2181)

Reporting **Ought to Pass** pursuant to Public Law 1999, chapter 695, section 4.

Report was **READ** and **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** and sent for concurrence.

Ought to Pass Pursuant to Joint Order

Representative TUTTLE from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish a Centralized Voter Registration System for the State"

(H.P. 1683) (L.D. 2182)

Reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1622.

Report was **READ** and **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** and sent for concurrence.

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 1689)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the House, a bill amending the membership requirements for the Board of Trustees of the Maine Veterans' Homes to require the inclusion of a female veteran.

READ and **PASSED**.

Sent for concurrence.

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

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

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 Update the Department of Defense, Veterans and Emergency Management Laws

(H.P. 1288) (L.D. 1752)

(C. "A" H-837)

TABLED - March 5, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative TUTTLE of Sanford, 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 "C" (H-946)** which was **READ** by the Clerk.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. What the amendment does is it corrects a cross reference we found in engrossment that reestablishes the River Flow Advisory Commission that was inadvertently repealed in a public law that we passed last year.

House Amendment "C" (H-946) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-837) and House Amendment "C" (H-946) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-945)** on Bill "An Act to Facilitate Compliance with Spill Prevention Requirements and Authorize Reimbursement for Certain Oil Spill Remediation Expenses" (H.P. 1513) (L.D. 2016)

Signed:

Senators:

MARTIN of Aroostook
SAWYER of Penobscot
SHOREY of Washington

Representatives:

ANNIS of Dover-Foxcroft
KOFFMAN of Bar Harbor
COWGER of Hallowell
DAIGLE of Arundel
DUPLESSIE of Westbrook
TWOMEY of Biddeford
CRABTREE of Hope

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

Signed:

Representatives:

TOBIN of Windham
CLARK of Millinocket

READ.

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

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. This bill allows the DEP to take over enforcement EPA regulations. The EPA regulates small gas stations, filling stations. I call them your mom-and-pop shops that have above ground tanks. The EPA, as I said before, are the ones that regulate these. They have no problem with them. The State Fire Marshall are the ones that go around annually and inspect these stations. The concern is that they are supposed to have an SPCC Program on file. What the DEP tells us that they want to do is go around and make sure that these small mom-and-pop stores have these on file. I can't for the life of me understand why a Fire Marshall is there why he can't ask to just see the file. By the way, DEP will need \$650,000 to do this. I urge you to vote against this.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. The good Representative from Windham is absolutely right. The federal EPA is responsible for ensuring that not only gas stations, but also bulk storage facilities have federal oil spill prevention or SPCC plans. The problem is that the federal EPA doesn't come here very often to inspect these plants. They have a lot of things going on and they don't inspect to see

that there is a plan in place and that the provisions in that plan are being enforced. I think our groundwater in this state is at a great deal of risk if we don't properly manage our petroleum facilities. This bill merely gives the DEP the authority to go out and inspect for compliance with plans that are developed and to ensure that plans are on site. I would urge you to support the bipartisan Majority Report. The cost of this bill is there is a position that has already been approved in the budget for the coming fiscal year. It comes out of other special revenues. This does not affect the general fund whatsoever. The other costs can be absorbed by the department. I don't believe there is a significant cost to this program at all. On behalf on Maine's groundwater, I urge you to support the Majority Report. Thank you.

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

Representative **TOBIN**: Mr. Speaker, Men and Women of the House. Seeing that there are just two of us on the Minority Report and the other Representative is gone, I feel that I have to get up and say that the DEP told us that they would inspect and all that they would be looking for was to see if they had that file. If that is all they are really going to do, that is one thing, but I can't imagine that the DEP will go into these mom-and-pop stores without going over the plan and making them update it every three years. The cost of these plans, as I understand it, runs about \$6,000.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Just to give further technical information regarding this issue, the threshold for requiring this plan is a single tank, 660 gallons or larger or a combination of any number of tanks that total 1,320 gallons or larger. If you are a business that has a couple of 500-gallon tanks or so, you trigger this. Certainly any reasonable size fuel station will trigger this requirement. It does have another full-time person working for the DEP. I understand my good friend from Windham's concern.

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

A vote of the House was taken. 58 voted in favor of the same and 37 against, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-945)** 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-945)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-944)** on Bill "An Act to Establish a Pilot Project Program to Provide Incentives for Multimunicipal Development"

(H.P. 1559) (L.D. 2061)

Senators:

MARTIN of Aroostook
SAWYER of Penobscot

Representatives:

ANNIS of Dover-Foxcroft
BAKER of Bangor
TOBIN of Windham
KOFFMAN of Bar Harbor
COWGER of Hallowell
CLARK of Millinocket
DAIGLE of Arundel
DUPLESSIE of Westbrook

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

Signed:

Representatives:

TWOMEY of Biddeford
CRABTREE of Hope

READ.

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

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

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

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

ROLL CALL NO. 521

YEA - Andrews, Annis, Ash, Berry RL, Blanchette, Bliss, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McKee, McLaughlin, Michaud, Mitchell, Morrison, Muse C, Nass, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Quint, Richard, Richardson, Savage, Schneider, Sherman, Shields, Simpson, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Trahan, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Belanger, Berry DP, Bouffard, Bowles, Buck, Chase, Clough, Collins, Crabtree, Cressey, Dugay, Duprey, Foster, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, MacDougall, McKenney, McNeil, Mendros, Michael, Murphy T, Muse K, Nutting, Peavey, Perkins, Pinkham, Rosen, Snowe-Mello, Stedman, Tobin J, Tracy, Treadwell, Twomey, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bagley, Baker, Brannigan, Carr, Clark, Glynn, Lovett, Marrache, McGlocklin, McGowan, Murphy E, Perry, Povich, Rines, Skoglund, Young.

Yes, 91; No, 44; Absent, 16; Excused, 0.

91 having voted in the affirmative and 44 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-944)** 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-944)** and sent for concurrence.

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

ORDERS

On motion of Representative COWGER of Hallowell, the following Joint Order: (H.P. 1693)

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources report out, to the House, legislation regarding the petition and hearing process relating to dams.

READ and PASSED.

Sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-941)** on Bill "An Act to Amend the Motor Vehicle Laws"

(H.P. 1406) (L.D. 1844)

Signed:

Senators:

SAVAGE of Knox
O'GARA of Cumberland
GAGNON of Kennebec

Representatives:

FISHER of Brewer
BOUFFARD of Lewiston
WHEELER of Eliot
BUNKER of Kossuth Township
MARLEY of Portland
PARADIS of Frenchville
MCNEIL of Rockland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-942)** on same Bill.

Signed:

Representatives:

WHEELER of Bridgewater
COLLINS of Wells
McKENNEY of Cumberland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-941)** 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**.

Representative WHEELER of Bridgewater **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-941)**.

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 Passage to be Engrossed as Amended by Committee Amendment "A" (H-941). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 522

YEA - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Colwell, Cote, Cowger, Cummings, Daigle, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hutton, Jacobs, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Richard, Richardson, Savage, Simpson, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Chase, Chizmar, Clough, Collins, Crabtree, Cressey, Davis, Duncan, Duprey, Foster, Gagne, Glynn, Goodwin, Gooley, Haskell, Hawes, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Landry, Ledwin, Lundeen, MacDougall, Madore, McKenney, Mendros, Michael, Morrison, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Quint, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bagley, Baker, Brannigan, Carr, Clark, Dugay, Jones, Lovett, Marrache, McGlocklin, Murphy E, Perry, Povich, Rines, Skoglund, Young.

Yes, 71; No, 64; Absent, 16; Excused, 0.

71 having voted in the affirmative and 64 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-941)** 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 HASKELL of Milford, the House adjourned at 4:42 p.m., until 9:00 a.m., Wednesday, March 20, 2002 in honor and lasting tribute to Chester "Sonny" Abbott, of Milford.