

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

Appendix
House Legislative Sentiments
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ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
34th Legislative Day
Wednesday, March 20, 2002

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

Prayer by Reverend Scott Planting, Mission at the Eastward, Farmington.

National Anthem by Cape Elizabeth Middle School 8th Grade Band.

Pledge of Allegiance.

Doctor of the day, Philip Archambault, M.D., Lewiston (retired).

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 424)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

March 14, 2002

Honorable Millicent MacFarland

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Pursuant to my authority under P.L. 1999, ch. 731, Part AAAA, I am pleased to appoint State Representative Robert Duplessie of Westbrook to the Maine Fire Protection Services Commission. Should you have any questions regarding this appointment, please do not hesitate to contact my office.

Sincerely,

S/Michael V. Saxl

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 425)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 18, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

H.P. 1589 The Commission to Study Issues Concerning Land Acquisition in Washington County

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

Sincerely,

S/Sen. Richard Kneeland

Senate Chair

S/Rep. Linda Rogers McKee

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 426)

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

March 18, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 2065 An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness who are Incarcerated Relating to Diversion from Jails and Prisons

L.D. 2075 An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in County Jails

L.D. 2088 An Act to Implement the Recommendations of the Committee to Study the Needs of Persons with Mental Illness Who are Incarcerated Relating to Treatment and Aftercare Planning in State Prisons

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

Sincerely,

S/Sen. Michael J. McAlevey

Senate Chair

S/Rep. Edward J. Povich

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 427)

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

March 18, 2002

Honorable Richard A. Bennett, President of the Senate

Honorable Michael V. Saxl, Speaker of the House

120th Maine Legislature

State House

Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

L.D. 2151 An Act to Extend Unemployment Benefits by 13 Weeks

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

Sincerely,

S/Sen. Betheda G. Edmonds

Senate Chair

S/Rep. George H. Bunker, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 428)

**STATE OF MAINE
ONE HUNDRED AND TWENTIETH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 18, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

- L.D. 1478 An Act to Amend Maine's Growth Management Law and Related Laws
L.D. 1643 An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances
L.D. 2014 An Act to Stabilize Funding for the Air Quality Program within the Department of Environmental Protection

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

Sincerely,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 429)

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

March 18, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

- L.D. 1833 Resolve, Relating to the State Valuation for the Town of Dexter

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

Sincerely,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 430)

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

March 18, 2002

Honorable Richard A. Bennett, President of the Senate
Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

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

- L.D. 1982 An Act to Reduce the Economic Impact of Seasonally Posted Roads

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

Sincerely,

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 431)

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

March 14, 2002

The Honorable Richard A. Bennett, President of the Senate
The Honorable Michael V. Saxl, Speaker of the House
120th Maine Legislature
State House
Augusta, Maine 04333

Dear President Bennett and Speaker Saxl:

The Joint Standing Committee on Criminal Justice is pleased to submit its findings and recommendations from the review and evaluation of the Maine State Department of Public Safety under the State Government Evaluation Act pursuant to Title 3 Maine Revised Statutes, Chapter 35. The committee received several presentations from the department's bureau chiefs and took public comment. The committee finds that the Department of Public Safety is operating within its statutory authority. In addition to its finding, the committee submits a bill, LD 2173, An Act to Implement the Recommendations of the Joint Standing Committee on Criminal Justice Regarding the Review of the Department of Public Safety under the State Government Evaluation Act, to address several immediate concerns identified by the department in its presentation of emerging issues.

Sincerely,

S/Senator Michael J. McAlevy
Senate Chair
S/Representative Edward J. Povich
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-947)** on Bill "An Act to Safeguard Volunteer Firefighters' Regular Employment"

(H.P. 1449) (L.D. 1946)

Signed:
Senator:

EDMONDS of Cumberland

Representatives:

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

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

Signed:

Senators:

TURNER of Cumberland
SAWYER of Penobscot

Representatives:

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

READ.

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

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-937)** on Bill "An Act to Restrict the Availability of Products with Excessive Levels of Arsenic" (H.P. 1447) (L.D. 1944)

Signed:

Senators:

MARTIN of Aroostook
SHOREY of Washington
SAWYER of Penobscot

Representatives:

ANNIS of Dover-Foxcroft
TOBIN of Windham
CLARK of Millinocket
DAIGLE of Arundel
CRABTREE of Hope

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-938)** on same Bill.

Signed:

Representatives:

BAKER of Bangor
KOFFMAN of Bar Harbor
COWGER of Hallowell
TWOMEY of Biddeford
DUPLESSIE of Westbrook

READ.

Representative COWGER of Hallowell moved that the House **ACCEPT** the Minority **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. I would just like to tell you something that is in both these bills first. Both of these committee reports allow the Department of Agriculture to require additional information when registering fertilizer. I think that is a good thing. Furthermore, both committee reports expand the current statutory definition of adulterated fertilizer to include substances that are harmful to animal or human health. Again, this is a current thing. Current law only considers fertilizers to be adulterated, could reject a

registration, only if they are harmful to plants or if they contain substances such as ground hoofs, horns and wool waste. I think we are substantially updating our statutes in either case.

Only Committee Amendment "B," the Minority Report sets an upper limit in statute for the allowable amount of arsenic in these fertilizers and this is a limit of 500 ppm. I believe there is a need for an immediate limit on arsenic driven in part by one particular product now being sold to consumers known as Ironite. This produce which is on our shelves is produced from piles of Arizona mining waste and contains up to 4,000 ppm of arsenic, 3,000 ppm of lead and also some cadmium and mercury. These levels are so high that if a bag of this product were dumped on the ground, the packaging taken away and someone else stumbled upon this pile, it would have to be treated as hazardous waste and disposed of by a licensed professional. This product, again, on the shelves today, has little or no value as a traditional agricultural fertilizer and in fact, the fertilizer designation on the bag is 1-0-0 to indicate the nitrogen, which is added only as part of the processing of mining waste. This is not a product that is utilized by farmers since it is of little or no value.

Ironite is marketed today as a micronutrient fertilizer to the homeowner, typically at large retail outlets like Wal-Mart and Home Depot. It is advertised as a greening agent, but Maine soils are very rich naturally in micronutrients and the acidic conditions in our state make these micronutrients readily available to our plants.

Furthermore, the label for this product does not have any sort of warning about the high levels of arsenic and lead. The consumer is unaware that they are exposing themselves and their children to potentially dangerous levels of these chemicals.

Without the specific arsenic limit proposed in the Minority Report, it is not clear whether arsenic would be prohibited from being registered in Maine. I believe we need to take decisive action to assure that this product will not be spread around the homes of our constituents where their families and their children will be unknowingly exposed to large amounts of toxic substances, including arsenic and lead.

Just a couple of specifics about our state. We have one of the highest rates of bladder cancer in the nation and arsenic exposure is a major factor in this disease. Furthermore, one out of every 10 private drinking water wells in our state already has arsenic levels in excess of any maximum allowable drinking water standards. We also have the seventh oldest housing stock in the nation and many of our homes contain lead paint and lead exposure of our children as a major public health concern. We don't need to aggravate these concerns by allowing the continued use of this particular fertilizer with excessive levels of arsenic and lead.

Finally, you see the 500 ppm standard in the legislation. You should realize that that is far below the 4,000 ppm contained in Ironite. There are other standards out there, all well below 4,000. The maximum concentration for spreading of sewage sludge is 41 ppm. That is in our current rules. The State of California has adopted a standard, which would be 65 ppm for a product like Ironite. Even the Association of American Plant Food Control Officials would assign a limit of 560 ppm for arsenic for a product like Ironite. Given these numbers, I hope you conclude that the 500 ppm standard in this Minority Report is very reasonable and very protective of our public health, yet not affecting traditional fertilizers used by the agricultural community at all. Thank you for supporting this report and providing immediate protection to our citizens from exposure to unnecessary levels of arsenic and lead. Mr. Speaker, when the vote is taken, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the **Minority Ought to Pass as Amended Report**.

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

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Lessard.

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

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

Representative **LESSARD**: Mr. Speaker, Men and Women of the House. To anyone who could answer this, the fertilizers that we talk about, could these be used in home made explosions in the future?

The **SPEAKER**: The Representative from Topsham, Representative Lessard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. To answer that question, no. The fertilizers basically used in explosives are basically a nitrate-based material. This is a different compound than you would find. Ammonium nitrate is the material you are concerned with and this is not that.

Mr. Speaker, may I continue?

The **SPEAKER**: The Representative may continue.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Majority Ought to Pass Report on this. When we discussed this in committee, I felt very uncomfortable with this particular subject matter. It was very clear after the discussion started that this was not easily called an environmental bill, it was more an agricultural issue. We were constantly talking about farmers and fertilizers and how do you apply them and what do they do and so forth. Many of us had never dealt with that issue before. I certainly hadn't. We asked ourselves, why isn't this in Agriculture? It wasn't there, it was in Natural Resources and then, what to do. I agree with my good friend from Hallowell that we found a gap in the state's oversight of fertilizers and that Agriculture only registered them and did not do a quality of analysis on whether they ought to be used. We both agree that gap should be closed.

Where we diverge from this in the committee and again here on the floor is whether or not we are ready right now to ban this particular brand of fertilizer because it contains these levels of arsenic. I will not go through a chemistry lesson, although it is tempting. Just because arsenic is there does not mean it is a problem. I will use this as an analogy for you, a similar, but different element called chromium. If you had chromium in your drinking water, you would make a movie called Erin Brockovich and do very well at the theatres talking about how people are damaged my drinking chromium in drinking water. If you put chromium into steel, you make the spoons, knives and forks you ate breakfast with this morning. You put them in your mouth every day and you make artificial hip joints and so forth with very high levels of chromium; 18 percent, in fact, is what makes steel, stainless steel. If you use more chromium than would contaminate drinking water, but a different type of chromium, you put them in a vitamin pill and you feed them to your children every morning. In fact, if you took a vitamin pill and subjected it to the DEP testing, it would test as a hazardous waste because it contained chromium. My point is just because that element of the earth is there, it does not mean it is in the form that would harm people. It is form that would mobilize it to the environment. The arsenic in this material may not be a problem at all. It may

just be arsenic, no different than chromium in your stainless steel fork is a problem for you this morning.

We felt that the proper solution was to let the agricultural department do what they do. They know farming and we don't. They need to study this and if they feel this should be something that should be restricted in for use in the State of Maine, we would get the information back and, by the way, it would go to the Agriculture Committee, not to Natural Resources to make this decision and we are essentially a year away from knowing that. I urge you to vote against this pending motion. I urge you to elect to have the Agriculture Committee do their job. Let's not leapfrog science and misuse it. At this point it would be doing potential harm to our farming communities and really no benefit to the environment.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. My good colleague from Arundel is right in that this should have been in the Agriculture, Conservation and Forestry Committee, but it is where it is because of the particular bill that was before this body and it had to do with a level of arsenic and the Natural Resources Committee were properly dealing with at that point. However, the choices before us today indicate that it really belonged where we originally thought, which is in the Agriculture Committee.

Let me just explain something here. For almost a decade the State of Maine has been without an inspector for feed, seed and fertilizer. One member of the other body told a poignant story about what happens when what is on the outside of the package is not necessarily what is spread on the field. In other words, he felt that we all have a right to know what is in a package that we are buying. The label should say accurately what those nutrients are. Nutrients do have to be on the outside of the fertilizer package. However, other things, which are not nutrients, but are fillers, so to speak, are not on there. A very disturbing thing has been occurring over the past couple of decades. As this country has become very much aware of the disposal of toxic waste, we have a real problem. We don't know where to put them all. We have slowly been solving that problem, where to put them. Unfortunately the disposal of hazardous waste is enormously expensive. Therefore, people, and rightfully so, have been trying to figure out what to do about the disposal of this hazardous waste. Very quietly something has been happening and that is that fertilizer companies have been purchasing fly ash from companies, residues from steel mills, cement kilns and silver mines, the tailings from silver mines.

What we have learned is that within those waste are some hazardous toxic substances, which now we know is beginning to affect our water supply and more importantly to desecrate precious farmland, especially in the west and in the south west. States throughout those areas are trying desperately to do something about it. Oregon has passed a similar bill to what we are considering today. In fact, as soon as they did, they found that more than 100 fertilizers were in violation of that. This is a really important bill here today, regardless of how you vote.

I want to say that in my position, and having studied this issue over the past year, that I would be going with the Minority Report because it is a stronger report. Let me tell you why. I would like to use an analogy. If you discover upon eating something, that there was something in that that you were allergic to and it was determined that you were allergic to, you would know not to ever consume that again. You would not wait until you found out what other products might contain that or maybe other substances that may be in other foods you consume that you might also be

allergic to. You would stop eating Brussel sprouts. You would stop eating whatever it was that you were allergic to.

Here we have both a good long-term solution, which is in both reports, but we have an emergency situation, which is addressed in the Minority Report. Ultimately in this country we must ban the use of hazardous waste for manufacturing fertilizers. We can't do that, however, until we know exactly how far that is going to go and what kind of affect it is going to have on this country. We also must adopt expanding right to know laws or provisions for all hazardous waste going into fertilizer. We know what is in Ironite. We know that 4,000 parts per million is unacceptable and Maine does have one of the highest rates for bladder cancer and we know that arsenic is something that has been shown to cause that. Toxic waste that have been turned into fertilizer, they are indeed contaminating our farmland, our food supply and our back yards. The good Representative from Hallowell was right. It is really the backyard gardener who will probably pick up a bag of this. Children should not touch it. Adults should not touch it. It should be handled with great care, but children often play in our backyard gardens. I think it is a hazardous waste that we do not want to expose our children to and our Maine citizens to. I hope that you will follow the Minority Ought to Pass as Amended Report. The Environmental Protection Agency right now is working on a proposed rule for arsenic. We will know soon what that is going to be. Until then we have an emergency situation and, in my opinion, and we know of this toxic waste that we have already exposed Maine citizens to. Who knows what we have been the dumping ground for over the past 10 years because we haven't had an inspector. We will have one next year coupled with the Minority Report here and taking this emergency action. I think we are doing the right thing. Thank you very much Mr. Speaker.

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

Representative BERRY: Mr. Speaker, Men and Women of the House. Although I can't carry a supplemental periodic table with me today, I wore mine. Over here is arsenic and over here is lead and over here is mercury. These naturally occurring elements are naturally occurring elements. I think it is time that we start talking about some of the things that occur here and what this material truly is and not what it "supposed" to be. This bill and all of its papers relate to a situation that occurred between the DEP and the State of Maine and Ironite Corporation a year ago and the DEP lost and that is what started this process.

Let's clarify one thing right now. This material is not a material that is produced from sludge or any other material. This material is a naturally occurring product that is mined from the ground and not some other source. For people, in any way, shape or any other manner to indicate that this is other than that is wrong. It is a natural soil supplement and a fertilizer of micronutrients, which furnishes primarily iron to iron deficient soils. Does it contain arsenopyrite? Yes. Does it contain galena? Yes. Does it contain pyrite? Yes, because that is what makes it up. The point that is important here, ladies and gentlemen, is that galena is a combination of lead and sulfur. Some of you may have a mineral collection that contains a chunk of this nice shiny cubic molecule called galena. It is covalently bonded. Those materials are close to each other in the periodic table. Being close to each other and being covalently bonded, this means that they do not break down into ionic materials, which become soluble. They are fixed. It takes the reactions of many things to be able to cause these substances to become free when bonded in that fashion. Arsenopyrite is the same thing. Many of you have samples of pyrite, fools gold. Nice cubic shapes, again, because the cubic shape is based upon one thing

and that is based upon the bonding of the elements that make up that substance. These materials, again, are common. I would tell you that you probably should get rid of all those nice samples of fools gold you have because they also do contain small traces of arsenal pyrite.

Let's talk about risk. The risk related to this material from the Arizona Department of Health Services Offices of Environmental Health, the results of our risk assessment report found that "prolonged use of Ironite does not represent a health risk." Washington State same statement, but testing that was done there was done based upon the USDA and the USEPA standards for risk. Let's talk about oral LD 50. It is the process of actually force feeding materials to organisms, in this case rats, which is a common organism, to find the lethal dose in 50 percent of the population. When this population was continued with this toxic study, 5,000 milligrams per kilogram of rat were fed this material with no adverse affects whatsoever. They all survived. They did not, in any of them, show any clinical signs of toxicity through the 14-day study that was conducted. I would point out to you there is no toxicity here. Therefore, the LD 50 rate of Ironite in rats is somewhere greater than 5,000 milligrams per kilogram of rat. I want you to compare yourselves to the rat, not in form, but in mass. This will give you an idea of how many grams of this material you could accumulate if you were force-fed with that chromium stainless steel spoon this material. I would point out to you that Ironite is 1.25 times safer than the LD 50 of 4,000 milligrams per kilogram of common sodium chloride table salt. I suggest you not eat an overabundance of table salt.

The topic of fillers was brought up. Fillers in fertilizer for many, many, many years have been an interesting study. It is amazing how much sand we use in fertilizer. That is the most common, by far, of all fillers. It is pure sand. When you buy that bag of 5-10-10, 5 parts nitrogen, 10 parts phosphorus and 10 parts potassium, the rest of that 80-pound bag is sand. Unless the formula on the bag also indicates the presence of magnesium, which will probably be shown as 0.2 percent or in the case of the complete fertilizers, so called of 10-10-10 and 20-20-20, which are used on apple orchards in particular. Those materials also contain a macronutrient boron and the reason for that micronutrient is because the soils of Maine do not contain a complete micronutrient base. An apple tree without boron produces apples that are completely gnarled. It must be there. This has to be part of it. You have a choice as an orchardist, you can buy a box of borax and go out and clean your trees, because that will furnish the boron.

Ladies and gentlemen, sensibility in the system is extremely important. I have spent my entire professional career in chemistry and in agriculture and in teaching. One of the things that I have always taught my students is a very important thing. Beware of what you let flow between your ears, because it is very hard to remove it. Ladies and gentlemen, I would request that you not support the motion that is here. Instead, Mr. Speaker, I would move Indefinite Postponement of this bill and all of its papers and request a roll call.

Representative BERRY of Belmont moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

Representative COWGER: Mr. Speaker, Men and Women of the House. I was going to respond to a couple of the things the

Representative from Belmont said, but I will refrain from that. I would encourage you to vote against the pending motion. There is a lot of good in either of the committee reports. We don't want to lose one way or the other on this issue in terms of giving the Department of Agriculture more authority to look at the issue of fertilizer, to look at the scientific assessments. I would encourage you to vote against the pending motion and we can go on and accept one of or the other of the committee reports. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. The good gentleman from Belmont is a very educated individual with a tremendous science background. My question is, and I had this question yesterday and didn't raise it, when we deal with the issues of arsenic and mercury and dioxin and we put it in context in Maine, we know we have a high incidence rate of cancer in Maine. One of the questions and I will throw the question out early is, what is our incidence rate here in Maine of cancers?

The other part of my concern is that I remember two events very recently up in my area, one, which dealt with Waterville. It was a chemical site in the City of Waterville. The good Representative Twomey, I understand what it is like to have one of those facilities pouring waste into your public areas. This particular site was a closed down construction site, which had a great deal of unknown toxic substances on the site, which was very close to a school, the Mitchell School, to the neighborhood that I used to represent when I represented the House of Representatives Waterville and Winslow. A lot of neighborhood children playing in the playground. When the spill was reported, I remember the response by the State of Maine at the time, just to give, again, in context that it is more than just a classroom scientific discussion today. There are real tragedies and real fears. My wife was one of the response team members that went to the City of Waterville as a public health nurse. She had to go house to house to check on the children and the families that were in the area that were petrified that they had been exposed to mercury and dioxins and arsenic and all these things. A lot of people were contaminated and severely traumatized.

I am also reminded of another event which happened recently up in my area in Fairfield where the state had to go in. It was a housing area, semi-development, where these people in Fairfield Center had been exposed to mercury, arsenic, dioxin and toxic substances. Their rate of incidence of cancer was 50 percent higher than the Maine rate, which is also above the national average I believe. We were traumatized for weeks in the paper with the public health officials and nurses and others trying to find out what happened. We know one thing, the area was exposed to sludge and ash in agricultural use, which were using these toxic substances. We know that the paper companies were dumping these awful substances into the stream that was nearby and into the soils.

I guess my question is, ladies and gentlemen of the House, if we don't pass this legislation, does it make our state safer for our children and our children's children or should we start to get serious about cancer in Maine when we know the facts? We know we have a higher incidence rate that affects our population, the people we represent. When are we going to get serious about cancer? I guess the last question that I would leave, and I don't mean to anger members of the AG Committee, I used to chair that committee when I was in the other body. We dealt with some of these issues 10 years ago. We didn't have the will at times to make the tough decisions and I blame myself for that, but I remember when we dealt with pesticides and toxic substances when the AG Committee, then when I was chair, and

not as studious as the good chair from our side that chairs that committee and speaks eloquently on those issues here on the floor, but I remember the Board of Pesticides Control and they didn't do a whole lot when we had these issues. I know there is a vested interest. I am from a farming community and I have a lot of good friends that are farmers. Many of them are members of the other party, good friends of mine. I grew up in Vassalboro.

When you have public health and serious consequences on the one hand and alternate uses of other substances or materials that are not hazardous, why do we have to use these cancer producing chemicals when there are alternatives? I guess I wonder if today's discussion is public health and safety versus the Ironite Corporation. It is time to get serious. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. Arsenic does appear naturally in our environment. The problem is we never look at the accumulative affects of one particular material. Much has been said about risk assessments and depending on who does them and who pays for them, you get a different conclusion. I went to Boston one time to sit in on just that very issue, risk assessments. It is a great way for industry to try to prove their case about why something isn't hazardous or dangerous. Using ash, which we produce in our town to make things for the roads, laden with dioxins, which will sooner or later find its way to a water aquifer is not the way to go. I have done this many, many times for a long time, going up against industry and one of their strengths is you have to be a chemistry professor. You have to have science in order to be able to debate this. This is the first premise that I refuse to accept. I don't need a chemistry lesson in knowing that it is my God given right to have clean air and clean water. I lost a husband to cancer. I wouldn't wish that on my worst enemy. To see a man go from 190 pounds to 80 pounds, no one should have to experience that. I am not relating to that and saying that she feels that way because she lost her husband through cancer. You don't want that for anyone. I can read the science and I can read the parts per million and I know that accumulative affects, no scientist can tell you what the threshold is on anyone. A small child, an elderly person, they cannot take in the same threshold. The burden of proof is put on us, these unscientific people, to prove that something has happened. Why take the risk? Please follow my light. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I hate to say this, but I was not going to speak on this bill. What I heard just a few minutes ago was really amazing to me. I do have somewhat of a scientific background. I went to the University of New Hampshire and studied a lot of sciences. I certainly do remember my chemistry, my organic chemistry, and I thank the good Representative from Belmont for refreshing me on that issue. I also heard the Representative get up from Winslow and talk about cancer and when we are going to deal with that seriously. The last speaker mentioning a tragedy in her family. Ladies and gentlemen of the House, I lost a great many people in my family from cancer, including my mother. I did a lot of studying on the causes of cancer in medical libraries and in journals. One of the things that I firmly believe in is that cancer-causing agents are ubiquitous and are gene specific to individuals. Certain things bring on cancer in people, whether it is stress or whatever. You cannot make a perfect environment. I do not believe in the precautionary principle in setting state policy. If you did that, no amount of anything would be safe if somebody decided to pick it out and say that this may be unsafe.

When we set policy like this, we should have sound scientific background with peer review, not emotions. Certainly I can bring support as I just did with my family and cancer. I would certainly like to see cancer eradicated. Who wouldn't, but this is not going to do that. Let's leave emotions out of it and let's go with pure peer review science. Thank you.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Dorr.

Representative **DORR**: Mr. Speaker, Men and Women of the House. This summer I heard a number of lengthy reports about Ironite and was so pleased when we came into session to see that the Representative from Hallowell had sponsored legislation to address this. This is a classic example of business, big business, using an easy way out to deal with a troubling substance. I think that the State of Maine should stand its ground, not be a dumping ground for hazardous materials. There are countless other ways to enhance our crops and fertilize our soil. What we are looking at is placing the future generations at risk with substances that will be leaching inevitably into the groundwater at unacceptable levels. I would urge you to defeat the pending motion and go on to pass the Minority Ought to Pass Report.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to relate that the Department of Agriculture attended our public hearing and workshop on this matter. They did not support a ban on Ironite fertilizer.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone that might answer, how many bags of Ironite were sold in the State of Maine last year?

The SPEAKER: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Belmont, Representative Berry.

Representative **BERRY**: Mr. Speaker, Ladies and Gentlemen of the House. That is a hard question to answer simply for the fact that Ironite comes in various sizes of bags. The situation there is that I do know that at Home Depot last year, less than one pallet of this material was used in the State of Maine.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Just to comment on a couple of things that were said, I want to be very clear, I don't want to paint this issue with a wide paintbrush here. We are not talking about all industry, all big business. We are talking about a specific company, which has steamrolled its way across America, in and out of court over this issue with lots of money to back it up and a lot of clout in and out of the hallowed institutions of this country. What I am saying here is that we can be duped as well as anybody. Don't allow ourselves, however, to be duped. That is what this report says. We can take the precautionary step here today. I hope you will bear that in mind. There is no effort here to paint all fertilizer companies in this way at all. This is one company and it is doing something that is egregious and we cannot allow it to continue. Thank you.

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

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

ROLL CALL NO. 523

YEA - Andrews, Annis, Belanger, Berry DP, Bouffard, Bowles, Bruno, Buck, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Dugay, Duncan, Duprey, Foster, Goodwin, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Ledwin, Lovett, MacDougall, McGowan, McKenney, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse K, Nass, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tessier, Tobin J, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Ash, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Michaud, Mitchell, Muse C, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

ABSENT - Bagley, Baker, Glynn, Labrecque, Marrache, Rines.

Yes, 56; No, 89; Absent, 6; Excused, 0.

56 having voted in the affirmative and 89 voted in the negative, with 6 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

ROLL CALL NO. 524

YEA - Ash, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Buck, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cote, Cowger, Cummings, Davis, Dorr, Dudley, 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, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Thomas, Tuttle, Twomey, Volenik, Watson.

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

ABSENT - Bagley, Baker, Carr, Glynn, Labrecque, Marraché, McGowan, Pineau, Mr. Speaker.

Yes, 76; No, 66; Absent, 9; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, with 9 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-938)** 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 "B" (H-938)** 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-950)** on Bill "An Act to Establish the Community Preservation Advisory Committee"

(H.P. 1565) (L.D. 2070)

Signed:

Senator:

MARTIN of Aroostook

Representatives:

ANNIS of Dover-Foxcroft

BAKER of Bangor

TOBIN of Windham

KOFFMAN of Bar Harbor

COWGER of Hallowell

DAIGLE of Arundel

DUPLESSIE of Westbrook

TWOMEY of Biddeford

CRABTREE of Hope

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

Signed:

Representative:

CLARK of Millinocket

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-950)** 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-950)** and sent for concurrence.

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-951)** on Bill "An Act to Encourage Regionalism in Municipal Growth Management"

(H.P. 1588) (L.D. 2094)

Signed:

Senator:

MARTIN of Aroostook

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

CRABTREE of Hope

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

Signed:

Representative:

TWOMEY of Biddeford

READ.

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

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER**: 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. 525

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

NAY - Bouffard, Bowles, Buck, Carr, Chase, Clough, Collins, Cressey, Duprey, Foster, Haskell, Jodrey, Kasprzak, Lovett, MacDougall, McGowan, McKenney, Mendros, Michael, Murphy E, Muse K, Perkins, Pinkham, Snowe-Mello, Stanley, Stedman, Tobin J, Tracy, Treadwell, Usher, Waterhouse.

ABSENT - Bagley, Baker, Gerzofsky, Glynn, Labrecque, Marrache.

Yes, 114; No, 31; Absent, 6; Excused, 0.

114 having voted in the affirmative and 31 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-951)** was **READ** by the Clerk.

Representative TWOMEY of Biddeford **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-951)**.

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

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I apologize for not being so very sharp on all these rules. I wasn't going to speak, but it is so important that I wanted

to express what regionalization means to the City of Biddeford and overall what I get from this from our committee. The debate was long. It seems like a really good thing. Who would not want to do regionalization? In the process of being a region, you lose your home flavor. We are called a service center. Biddeford has been a city for a very, very long time. In regionalization, and I think the way that this is going to go with the State Planning Office, is they would like towns to have one fire department, one police station to service many communities. How to sell this is this is going to save a lot of money. It makes a lot of sense. We can take that money and put it for our school budget. It sounds good, but when you really think about it, if you have to build a new fire station to be centrally located to service many communities, how are we going to save money on that. I know that in my fire department this has been talked about a lot. We can share equipment, that makes sense. We share all kinds of equipment, our fire trucks, our camera, the neighboring town of Saco borrows that equipment. That is good way to save money, but the bigger picture here and my fear is, is that pretty soon we are going to be written off. Service centers are going to have this and then we are going to have open space over here and having the State Planning Office in committee, I really feel that their master plan to have us lose our hometown flavor. That is why I want to get on record why I am opposed to regionalization. It is going to take away our right to have our fire departments and our police departments to service our communities. I think down the road this is what we are looking at. While it is voluntary, I do think there is a master plan. Thank you.

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

Representative COWGER: Mr. Speaker, Men and Women of the House. Very briefly, I would encourage anyone who has concerns about regionalization to actually take a look at the bill. Really all that this bill does is it broadens the availability of existing planning grants in the State Planning Office and makes that money available to groups of municipalities who might choose to work together. Today, under current law, these grants are only available to individual communities and should a group of communities or regions decide to want to work together on an issue, this money would not be available to them. That is really the extent of the bill.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House. The biggest problem I have with this bill is it didn't even come to State and Local Government Committee where we do most of municipal government. I do have a great concern that a lot of these bills have been circumvented to other committees for whatever reason I don't know. Maybe bigger is not better. Look at some of our school districts and what it is costing us for them. Thank you.

Representative TWOMEY of Biddeford moved that **Committee Amendment "A" (H-951) be INDEFINITELY POSTPONED.**

The Chair ordered a division on the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-951).**

A vote of the House was taken. 33 voted in favor of the same and 97 against, and accordingly the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-951) FAILED.**

The SPEAKER: A roll call having been previously ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-951). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 526

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

NAY - Bouffard, Bowles, Buck, Carr, Chase, Clough, Collins, Cressey, Foster, Glynn, Haskell, Kasprzak, MacDougall, McKenney, Mendros, Michael, Murphy E, Pinkham, Skoglund, Stanley, Tobin J, Tracy, Trahan, Treadwell, Twomey, Usher, Waterhouse.

ABSENT - Bagley, Baker, Labrecque, Marrache.

Yes, 120; No, 27; Absent, 4; Excused, 0.

120 having voted in the affirmative and 27 voted in the negative, with 4 being absent, and accordingly **Committee Amendment "A" (H-951) was ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-951)** and sent for concurrence.

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

Representative CHICK: Mr. Speaker, Men and Women of the House. On the last vote, if my voting switch had operated properly, I would have voted nay.

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-952)** on Bill "An Act to Establish the Maine Public Library of Geographic Information"

(H.P. 1617) (L.D. 2116)

Signed:

Senators:

MARTIN of Aroostook
SAWYER of Penobscot
SHOREY of Washington

Representatives:

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

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

Signed:

Representatives:

CLARK of Millinocket
TWOMEY of Biddeford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-952)** 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-952)** 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** and the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-939)** on Bill "An Act to Provide for Livable, Affordable Neighborhoods" (H.P. 1596) (L.D. 2099)

Signed:

Senators:

MARTIN of Aroostook
SHOREY of Washington
BROMLEY of Cumberland

Representatives:

BAKER of Bangor
KOFFMAN of Bar Harbor
COWGER of Hallowell
DUPLESSIE of Westbrook
TWOMEY of Biddeford
MORRISON of Baileyville
HATCH of Skowhegan
RICHARDSON of Brunswick
BRYANT of Dixfield
DORR of Camden
MICHAUD of Fort Kent

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

Signed:

Senators:

SAWYER of Penobscot
YOUNGBLOOD of Penobscot

Representatives:

ANNIS of Dover-Foxcroft
TOBIN of Windham
CLARK of Millinocket
DAIGLE of Arundel
CRABTREE of Hope
DUPREY of Hampden
CLOUGH of Scarborough
MURPHY of Kennebunk

READ.

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

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-954)** on Resolve, Regarding Legislative Review of Amendments to Chapter 127, Instructional Program, Assessment and Diploma Requirements, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1633) (L.D. 2136)

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
WATSON of Farmingdale
ESTES of Kittery
CUMMINGS of Portland
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-955)** on same Resolve.

Signed:

Representatives:

SKOGLUND of St. George
STEDMAN of Hartland

READ.

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

The **SPEAKER**: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. You will notice that I am on the Minority Report here on this particular report. I think one of the problems that I have with this whole rulemaking process and the approval of these rules is that we got this bill very late and we really didn't get a lot of questions answered before we had to vote on it. It came out of committee in just a very short period of time. Some of the things that I was concerned about that I didn't feel that I had a chance to explore had to do with the fact that very soon the federal rules dealing with the assessment portion of these rules to comply with the elementary and secondary education act have not yet been received by the state department and therefore, these rules may or may not be in compliance with the federal standards or the federal requirements.

There are some sections in this bill that I think really need answers. One of them has to do with permission to have waivers for school systems that cannot conform with the standards that are set forth herein. The waivers can be granted for various reasons. One of which can be financial hardship if they can't afford to put all these things in place in the time allotted. One of the questions that I would have asked had I had the chance is, will the commissioner have the discretion and the resources to provide more money to school systems if it is shown and they all agree that that is the reason why the standards were not put in

place. I am not sure the commissioner would have the discretion nor the resources to meet those requirements if that was the only reason that the rules were not put in place.

Another one is the fact that these rules provide for a certificate to be awarded to students who go through the process, but do not meet the standards. To me, a certificate awarded in this way is a certificate of failure, not a reward for accomplishment of any consequence. The only diploma is in compliance with the rules. The state law says that all students will comply. If some don't, then we are granting them a certificate of failure to comply in my mind. I think this whole matter should be explored further.

Having to do with the impact on applied technology centers, the centers rules must comply with all the rules of the sending schools. I don't think this matter was explored very carefully either. I think sending school can have various rules and requirements. All sending students to those applied technology centers without acknowledging the fact that they may be different and that these schools in order to give diplomas to those students who graduate from these programs, those students have to comply with their own home rule. I just think there are a lot of questions left unanswered in making these rules available at this time and putting them forth. I would encourage you to vote against this particular motion. Thank you.

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

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I would urge you not to vote against this. Back in the 118th Legislature we spent hours and hours and hours on this bill. Finally we passed it and this is a review of what was done. We have looked at many different things. Some things we have changed and some things we have said must continue to be looked at. The full implementation is not until 2009, 2010 and there are waivers provided for those schools that are having financial difficulties meeting some of the problems. I think that the last thing that I would like to say is after we had this hearing the other day on this rules review, a superintendent who was in the audience came to me and said, whatever you do, keep this in place. Learning results is the most important thing we have done for a long, long time. Keep this in place. Don't spoil it now. There are some things that are hard to meet, but we can do it if we work to do. Whatever you do, do keep this in place.

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

Representative **SKOGLUND**: Mr. Speaker, Ladies and Gentlemen of the House. The particulars of this bill are rather complex, but my underlying argument is simple. The learning results is a particular philosophy of education. There are many philosophies of education and to enact one philosophy, one prescribed method of education into state law is a terrible mistake. I urge you not to accept the Ought to Pass recommendation.

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. 61 voted in favor of the same and 52 against, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-954)** was **READ** by the Clerk and **ADOPTED**.

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

Representative **MENDROS** of Lewiston **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-954)**.

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-954). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 527

YEA - Andrews, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Fisher, Gagne, Gerzofsky, Gooley, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Ledwin, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michaud, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Shields, Stanley, Tarazewich, Tessier, Thomas, Tobin D, Tuttle, Usher, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Annis, Bowles, Canavan, Carr, Chase, Clark, Clough, Cressey, Dorr, Duprey, Foster, Fuller, Glynn, Goodwin, Green, Haskell, Heidrich, Jodrey, Kasprzak, Laverriere-Boucher, Lovett, MacDougall, Mendros, Michael, Nass, Peavey, Perkins, Pinkham, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stedman, Sullivan, Tobin J, Tracy, Trahan, Treadwell, Volenik, Waterhouse.

ABSENT - Bagley, Baker, Buck, Etnier, Labrecque, Marrache, Morrison, Twomey.

Yes, 102; No, 41; Absent, 8; Excused, 0.

102 having voted in the affirmative and 41 voted in the negative, with 8 being absent, and accordingly the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-954)** and sent for concurrence. **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

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

(H.P. 1625) (L.D. 2125) Resolve, Regarding Legislative Review of Chapter 50: Variance From Educational Qualifications for Issuance of an Interim Forester License, a Major Substantive Rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation (EMERGENCY) Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1636) (L.D. 2139) Resolve, Regarding Legislative Review of Chapter 90: Registration of Foresters for Supervision of Unlicensed Personnel, a Major Substantive Rule of the Department of Professional and Financial Regulation, Office of Licensing and Regulation (EMERGENCY) Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1498) (L.D. 2001) Bill "An Act to Amend the Law Regarding Severance Pay" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-948)**

(H.P. 1587) (L.D. 2092) Bill "An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain

Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY) Committee on TRANSPORTATION reporting **Ought to Pass as Amended by Committee Amendment "A" (H-949)**

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.

ENACTORS

Emergency Measure

An Act to Facilitate the Closure of Privately Owned Solid Waste Landfills

(S.P. 695) (L.D. 1897)
(C. "A" S-465)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Improve the Safety Provided by the Underground Facilities Protection Law

(H.P. 1520) (L.D. 2024)
(C. "A" H-895)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Change the Standard for Requesting an Adjustment to State Valuation Because of a Sudden and Severe Disruption of Valuation

(S.P. 799) (L.D. 2154)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 395 - Construction Standards and Ownership and Cost Allocation Rules for Electric Distribution Line Extensions, a Major Substantive Rule of the Public Utilities Commission

(H.P. 1609) (L.D. 2107)
(C. "A" H-894)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 1 - Requirements for Written Prescription of Schedule II Drugs, a Major Substantive Rule of the Department of Public Safety

(H.P. 1626) (L.D. 2126)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding Horse Racing

(H.P. 253) (L.D. 289)
(C. "A" H-794)

An Act to Define Undisputed Claims for Covered Health Insurance Benefits

(S.P. 217) (L.D. 782)
(C. "A" S-463)

An Act to Improve the Accessibility and Affordability of Health Care Benefits in the State

(S.P. 622) (L.D. 1804)
(C. "A" S-464)

An Act to Waive the Title Fee for Towed Abandoned Vehicles

(S.P. 740) (L.D. 2064)
(C. "A" S-462)

An Act to Implement the Recommendations of the Blue Ribbon Commission on Postsecondary Educational Attainment

(S.P. 767) (L.D. 2102)
(C. "A" S-460)

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

Resolves

Resolve, to Continue the Study of the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families

(H.P. 1556) (L.D. 2058)
(H. "A" H-903 to C. "A" H-847)

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

An Act to Regulate Lead Smart Renovators and Lead Sampling Technicians

(H.P. 1439) (L.D. 1936)
(C. "A" H-901)

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

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

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

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

The SPEAKER: The Representative may pose her question.
 Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. To anyone who might just refresh my memory, what exactly does LD 1936 as amended do?

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. To answer the question, this bill asks that there be activities taking reasonable precaution to prevent the release of lead into the environment, such as collecting paint scrapings when houses are repainted. It also goes on to list some of the reasonable precautions and some practices that are not suggested, which is pretty much suggestive language in the statute.

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

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

The SPEAKER: The Representative may pose her question.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. Thank you for that update. Would this bill as written further restrict my freedom to renovate my home?

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to the question, not at all.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 528

YEA - Andrews, Annis, Ash, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bull, Bunker, Canavan, Chase, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Schneider, Shields, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Trahan, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Buck, Carr, Collins, Crabtree, Cressey, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McNeil, Mendros, Michael, Nass, Peavey, Perkins, Pinkham, Rosen, Sherman, Snowe-Mello, Stedman, Tobin J, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Berry RL, Bumps, Fisher, Marrache.

Yes, 105; No, 40; Absent, 6; Excused, 0.

105 having voted in the affirmative and 40 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Amend the Pulling Events Laws

(H.P. 1454) (L.D. 1951)
 (C. "A" H-898)

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

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

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

An Act to Increase the Opportunities of Retired State Employees to Enroll a Spouse or Dependents in the Maine State Health Insurance Plan

(S.P. 729) (L.D. 1988)
 (C. "A" S-461)

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

On motion of Representative GOOLEY of Farmington, was **SET ASIDE**.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. On this particular LD the fiscal note on the (S-461), the amendment, the fiscal note states that the bill would expand opportunities for retired state employees. Add dependents to their health insurance plans while the retiree would pay 100 percent of the premiums for the added dependent. Based on current experience, the added dependent would have a significantly higher than average cost and would therefore increase future costs for the state employee health insurance group as a whole. It says that these costs cannot be determined at this time. I am wondering what the cost might be on this? Are we talking a few hundred thousand dollars or a couple of million dollars? That is my question Mr. Speaker.

The SPEAKER: The Representative from Farmington, Representative Gooley has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. It is always difficult for anybody to stand up and explain fiscal notes to this body. I would dare that this is another case of that. The good Representative delineated our frustration as well. I think this is an excellent bill, but what it does do is allow the opportunity of those dependents. I think this is going to save money, quite frankly. I have a great disagreement that this is going to increase any costs in the out years. The folks from that section of our good state, the Department that provides health insurance had great concerns and that the experience may have some affect on the outer years because we are allowing somebody of a more elder age to come back into the health insurance pool. We have made some corrections, great corrections, within the bill, which said basically that I think it is going to be saving us from this point of view because now it says, a good excuse was a trooper could retire tomorrow at 55 years or whatever it was and he could then drop his wife from the insurance coverage because of the cost and have her do whatever she wants and then when it comes time for him to want to put her back on, then I guess the state has to pick her back up

with the full liability of coverage that they currently have. There is a lot of funny things about this. What this bill does is it corrects those kinds of situations. We don't want somebody just to drop the dependents here and then run 10 or 15 years and didn't want to pick up state retirement with a greater cost because of the age. This bill goes a greater step forward to require that they have to show continuity of coverage for 18 months like any cobra situation would do. I think we minimized all of those. The reason why they could not determine the cost is because it is so difficult just to explain it on the floor. I think it would be a great savings, a great benefit, a great service and I think this is a wonderful approach to solving the problem for our folks that have served their time in state government and still want coverage for their dependents.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. I would suggest that we look less at the fiscal note and more at the management that is being provided here. The suggestion that this is going to save money just astounds me. How can we give away additional benefits, whether they are justified or not, and still make a claim that it isn't going to cost us money and prove that it is going to save us money. We have been saving money around here for years and our budget still keeps going up. I don't understand how that happens. Mr. Speaker, there is nothing wrong with the fiscal note process here. The statement is that the cost cannot be determined. I would suggest that the cost is going to be significant. We have a huge unfunded liability in our retirement fund. We have been paying that off for years and will continue to pay it off. The reason is because we keep giving away benefits and don't pay for them. We have changed the Constitution to fix that. The cost of any benefit improvement increase in the retirement fund is big. I can almost guarantee you that. We are not going to save money here. It is always going to cost us money. Thank you.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. This was a unanimous committee report, both Democrats and Republicans voted in favor of this. The cost is indeterminate, but I have received a lot of requests from young people going into teaching. Is it worth it? Isn't the retirement benefit not worth it at the end? If we really want loyal state employees and loyal teachers and want to recruit them into a life's work, then we have to have the retirement benefits. That was a lot of our concern. I think we discussed this at the time. It had a unanimous committee report. I ask that you vote in favor. Thank you.

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 one issue, when they make this determination, when you do retire, the employee does have to make some kind of election saying that I won't want to put my spouse on or my dependents on and they have to identify them. The important thing to remember is that employee may be working out here at the bank and being provided health insurance, the spouse I am referring to, the dependent may be being provided health insurance outside state government and instead of forcing them to leave the health insurance outside of state government and be on the state plan, we allow them to go out there in 10 or 15 years and not be on the burden of the state health insurance plan for that whole time period and we won't allow them to come back and take the state benefit of being paid 100 percent of their health care for the dependent in this instance

and only after they have proved they have had continual health insurance coverage. What we are saying here is that we are not going to endorse from a state policy level somebody leaving and not paying for health insurance because they think they are healthy for 10 or 15 years and then down the road saying they want to jump on the health insurance plan the state provides for my husband because now I am ill. We are not allowing that. I think it is a very good approach to making sure we have health care insurance and also a very good approach at keeping our risk at a very minimum, because we are insuring that these dependents, whether they are being paid on the state plan or outside of the state plan for many years and have consistency and continuity of insurance coverage and that keeps our concern about people jumping on the plan with great health needs to a very, very minimum. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. I have been trying to get a handle around this for a constituent of mine and I think from what the Representative just said, if a state policeman retired several years ago and at the time his wife had a job and on some health plan, but now he would like to put her on his health plan, but he didn't state that back when he retired, now his wife not covered. Is that right?

The SPEAKER: The Representative from Madison, Representative Richard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. The way the current law is, the answer is no. She is not allowed to get on the state plan in any way, shape or form. This language here is permissive as long as they show that they have continuity of coverage. In other words, they have been insured with a health insurance plan for at least 18 months or greater. This plan should be able to assist those folks that complied with that. I know there is some concern about an election and prospectively I believe there has to be an election made that you have the intent of putting your spouse on the plan when his or her insurance does fail. I will have to research that question a little bit further, but I think we are going a great distance in trying to resolve that issue that you brought forward.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Lessard.

Representative **LESSARD**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, am a retired state employee. I had the good fortune of keeping my spouse on the retirement plan. I do pay a premium. It is a good healthy premium under the group health insurance that the state has. If by accident or whatever in the past if my spouse had been dropped from the insurance plan due to the fact that she had worked for another employer, this in trying to come back into the plan is not permissible. I have had calls from retired state employees who indicated that their spouses had been dropped a few years back and taken employment elsewhere and now they were laid off or the company terminated and now they want to come back into the state plan and they can't do it. The other alternative is to divorce that individual, remarry and then they can get back in. That may be an alternative that some people may use because of the drastic increase in premiums. I just want to state that as an example. Thank you Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUPREY**: Mr. Speaker, Ladies and Gentlemen of the House. To anybody who can answer, is this the only avenue for a retired state worker to add a domestic partner or is there another avenue? Can they add them now? We passed domestic partner health benefits last year. We didn't pass it, but the state health commission did. Is this the only outlet for them to get their domestic partner on board or can they do it now already?

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

Representative **LESSARD**: Mr. Speaker, Ladies and Gentlemen of the House. My understanding of domestic partners is those who qualify can already have insurance. They can get insurance, but a man and wife living together and she has no insurance or was dropped prior because of other employment, but there was a continuous employment by the employee of the state retired and now that spouse wishes to come back because of her employment elsewhere was dropped, she cannot come back with domestic partner standards. That is the policy that we are talking about. This bill here, as I understand it from the Labor Committee, is that to allow those that are about to retire to make a notice to the commission that they intend to have their spouse included. It is an ongoing thing. You can't retroactively go back and pick up those who have fallen through the cracks. That is the fallacy of this bill. I hope we will go further in the next session. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. As I understand this bill, a person who is retiring can name somebody to be their beneficiary, but what happens if they divorced or widowed from that person and find a new partner or get remarried? Is there a stipulation that is going to allow them to replace their new partner, if the old person they designated is no longer around?

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. There are many areas within the health plan that you can do through life experiences, divorce, remarriage and many different situations there where you can change your election and bring people in and out. Once you make a determine that you don't want it, it is irrevocable. You can't get back in. That is what they are claiming here. The day you retire, your wife is out there working for another company or your husband is and they have full benefits and full coverage, it is pretty hard, especially when that other employer is paying the bills to say, no, I have to stay in the health plan in the state because I want to pay an extra \$450 a month for that when my other employer is paying for it. Life events allow and trigger the ability to get in and out.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I think what triggered this was the death of a spouse. Could you put your second spouse on this? I think that is one of things that this covers. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I believe I asked the original question, and the debate has been very interesting. I recognize health care costs as being very high and going higher and in deference to everything that has been said, I will be voting in the affirmative on this particular legislation.

The SPEAKER: The Chair recognizes the Representative from Brooklyn, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. I just want to remind everyone that next year when we have a single-payer universal health care system in place, all debates like this will be irrelevant. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone that might be able to answer, will this potential benefit extend to the spouse of the family members of retired members of the legislative retirement system?

The Chair ordered a division on **PASSAGE TO BE ENACTED**.

Representative CRABTREE of Hope **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 529

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

NAY - Belanger, Crabtree, Duprey, Foster, Hawes, Jodrey, Kasprzak, Labrecque, McKenney, Nass, Perkins, Stedman, Waterhouse.

ABSENT - Bagley, Baker, Bumps, Jones, Marrache, Tracy, Watson.

Yes, 131; No, 13; Absent, 7; Excused, 0.

131 having voted in the affirmative and 13 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies

(S.P. 753) (L.D. 2090)
(C. "A" S-457)

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

On motion of Representative SAVAGE of Buxton, was **SET ASIDE**.

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

Representative SAVAGE: Mr. Speaker, Ladies and Gentlemen of the House. I don't take what I am going to do lightly and I would not do, I assure you if I did not think that it was necessary to be done. I request the yeas and nays.

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

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

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

ROLL CALL NO. 530

YEA - Andrews, Annis, Ash, Berry DP, Blanchette, Bowles, Brooks, Bruno, Buck, Bunker, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dugay, Duncan, Duprey, Estes, Fisher, Fuller, Gagne, Goodwin, Gooley, Haskell, Hatch, Heidrich, Honey, Jacobs, Jones, Kane, Koffman, Labrecque, Landry, Ledwin, Lessard, Lovett, Lundeen, MacDougall, Madore, Marley, Matthews, Mayo, McGlocklin, McKenney, McNeil, Mendros, Michael, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norton, Nutting, O'Brien JA, O'Brien LL, Patrick, Peavey, Perry, Pineau, Pinkham, Povich, Quint, Richard, Rines, Schneider, Shields, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Belanger, Bliss, Bouffard, Brannigan, Bryant, Bull, Canavan, Cowger, Dorr, Dudley, Dunlap, Duplessie, Etnier, Foster, Gerzofsky, Glynn, Green, Hall, Hawes, Hutton, Jodrey, Kasprzak, LaVerdiere, Laverriere-Boucher, Lemoine, Mailhot, McDonough, McGowan, McKee, McLaughlin, Michaud, Mitchell, Norbert, O'Neil, Paradis, Perkins, Richardson, Rosen, Savage, Sherman, Simpson, Smith, Tarazewich, Thomas, Twomey, Usher, Volenik, Watson.

ABSENT - Bagley, Baker, Berry RL, Bumps, Marrache, Tracy, Mr. Speaker.

Yes, 96; No, 48; Absent, 7; Excused, 0.

96 having voted in the affirmative and 48 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The House was called to order by the Speaker.

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

UNFINISHED BUSINESS

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

JOINT ORDER - Relative to Directing the Joint Standing Committee on Legal and Veterans Affairs to Report Out Legislation Regarding Malt Liquor Testing

(H.P. 1621)

- In House, **PASSED** on February 20, 2002.

- In Senate, **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

TABLED - March 14, 2002 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - **FURTHER CONSIDERATION**.

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

Bill "An Act to Allow Mechanics Licensed by the Manufactured Housing Board to Install and Maintain Oil Tanks"

(S.P. 686) (L.D. 1888)

- In House, Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** on March 5, 2002 in **NON-CONCURRENCE**.

- In Senate, Minority (2) **OUGHT TO PASS** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-466)** in **NON-CONCURRENCE**.

TABLED - March 15, 2002 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

Resolve, Directing the Department of Public Safety, Maine Emergency Medical Services, Medical Direction and Practices Board to Review and Update Protocols for Training Basic Emergency Medical Technicians to Administer Epinephrine (EMERGENCY)

(H.P. 1536) (L.D. 2039)

(C. "A" H-864)

TABLED - March 15, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - **FINAL PASSAGE**.

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 2 against, and accordingly the Bill was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

The House recessed until 3:00 p.m.

(After Recess)

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

SENATE PAPERS

Bill "An Act Regarding the Withdrawal of Lake View Plantation from School Administrative District No. 41"

(S.P. 815) (L.D. 2188)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-479)** on Bill "An Act Regarding the Local Governance of School Administrative Units"

(S.P. 791) (L.D. 2143)

Signed:

Senators:

MITCHELL of Penobscot
NUTTING of Androscoggin
ROTUNDO of Androscoggin

Representatives:

RICHARD of Madison
DESMOND of Mapleton
WATSON of Farmingdale
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 Not to Pass** on same Bill.

Signed:

Representative:

SKOGLUND of St. George

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-479)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-479)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-479)** in concurrence.

Divided Report

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act to Regulate Professional Boxing"

(H.P. 1487) (L.D. 1990)

Signed:

Senators:

SHOREY of Washington

YOUNGBLOOD of Penobscot
BROMLEY of Cumberland
Representatives:

THOMAS of Orono
MORRISON of Baileyville
DUPREY of Hampden
RICHARDSON of Brunswick
BRYANT of Dixfield
CLOUGH of Scarborough
DORR of Camden
MURPHY of Kennebunk
MICHAUD of Fort Kent

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-958)** on same Bill.

Signed:

Representative:

HATCH of Skowhegan

READ.

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

Divided Report

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** on Resolve, Regarding Legislative Review of Chapter 220: Methodology for Identification of Regional Service Centers, a Major Substantive Rule of the Executive Department, State Planning Office (EMERGENCY)

(H.P. 1641) (L.D. 2144)

Signed:

Senators:

SHOREY of Washington
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

Representatives:

THOMAS of Orono
MORRISON of Baileyville
HATCH of Skowhegan
DUPREY of Hampden
RICHARDSON of Brunswick
BRYANT of Dixfield
CLOUGH of Scarborough
MICHAUD of Fort Kent
DORR of Camden

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

Signed:

Representative:

MURPHY of Kennebunk

READ.

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

The Resolve was **READ ONCE**.

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Permit Small Game Hunting on Private Property on Sunday in Unorganized Territory"

(H.P. 1698) (L.D. 2196)

Sponsored by Representative McGLOCKLIN of Embden.
Cosponsored by Representatives: CARR of Lincoln, DUNLAP of Old Town, FOSTER of Gray, MICHAUD of Fort Kent, PINEAU of Jay, Senators: CARPENTER of York, KILKELLY of Lincoln, President Pro Tem MICHAUD of Penobscot.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent for concurrence.

Pursuant to Joint Order

Joint Standing Committee on State and Local Government
Representative McDONOUGH for the **Joint Standing Committee on State and Local Government** pursuant to Joint Order 2001, H.P. 1597 asks leave to report that the accompanying Bill "An Act to Create the Office of Program Evaluation and Government Accountability"

(H.P. 1695) (L.D. 2193)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Private and Special Law

Representative KANE for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Implement the Recommendations of the Commission to Study Assisted Living"

(H.P. 1697) (L.D. 2195)

Reporting **Ought to Pass** pursuant to Private and Special Law 1991, chapter 36.

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

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

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

Ought to Pass Pursuant to Joint Order

Representative RICHARDSON from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for Biomedical Research and Development Equipment and Infrastructure"

(H.P. 1696) (L.D. 2194)

Reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1610.

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

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1610 on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$25,400,000 for Economic Development"

(H.P. 1691) (L.D. 2190)

Signed:

Senators:

SHOREY of Washington

YOUNGBLOOD of Penobscot

Representatives:

THOMAS of Orono

MORRISON of Baileyville

HATCH of Skowhegan

DUPREY of Hampden

RICHARDSON of Brunswick

BRYANT of Dixfield

CLOUGH of Scarborough

DORR of Camden

MURPHY of Kennebunk

MICHAUD of Fort Kent

Minority Report of the same Committee reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1610 on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$29,400,000 for Economic Development"

(H.P. 1692) (L.D. 2191)

Signed:

Senator:

BROMLEY of Cumberland

READ.

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

The Bill was **READ ONCE**.

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

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

Divided Report

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1610 on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for the Construction of a Civic Center and Auditorium in Eastern Central Maine"

(H.P. 1690) (L.D. 2189)

Signed:

Senators:

SHOREY of Washington

YOUNGBLOOD of Penobscot

Representatives:

THOMAS of Orono

MORRISON of Baileyville

HATCH of Skowhegan

DUPREY of Hampden

RICHARDSON of Brunswick

BRYANT of Dixfield

DORR of Camden

MICHAUD of Fort Kent

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Joint Order 2001, H.P. 1610** on same Bill.

Signed:

Senator:

BROMLEY of Cumberland

Representatives:

CLOUGH of Scarborough

MURPHY of Kennebunk

READ.

Representative RICHARDSON of Brunswick moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative CLOUGH of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned. (Roll Call Ordered)

Divided Report

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass pursuant to Joint Order 2001, H.P. 1586** on Bill "An Act to Amend the Laws Governing the Unlawful Sale of Personal Sports Mobiles and the Registration of New Snowmobiles"

(H.P. 1694) (L.D. 2192)

Signed:

Senators:

SHOREY of Washington

BROMLEY of Cumberland

YOUNGBLOOD of Penobscot

Representatives:

THOMAS of Orono

MORRISON of Baileyville

HATCH of Skowhegan

DUPREY of Hampden

RICHARDSON of Brunswick

CLOUGH of Scarborough

DORR of Camden

MURPHY of Kennebunk

MICHAUD of Fort Kent

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-960)** pursuant to Joint Order 2001, H.P. 1586 on same Bill.

Signed:

Representative:

BRYANT of Dixfield

READ.

Representative RICHARDSON of Brunswick moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. As you can see, this is a small divided report, 12 to 1. I would just state clearly that there is a problem with ATVs and snowmobiles being sold within the state and this bill tries to address that. I think the Majority Report goes too far. It goes into the town clerk. It goes into trying to get to the point of where people buy their machines. I request that you vote against

the pending motion and vote Ought to Pass with Committee Amendment "A." Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. To anyone who may answer, what is the jest of the Majority Report as opposed to the Minority Report?

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. To answer that question from the good Representative from Old Town, Representative Dunlap, just strip sections 5 and 6 of the bill. That is the requirement that the town clerk seek verification that this snowmobile has actually been purchased by a dealer. That is really the differences between the two. In order for enforcement to occur, especially along the border of this state, with Canada and New Hampshire, we are going to need that kind of verification from the town clerk. I hope that answers the question and I further move we table this matter until later in today's session.

The SPEAKER: The Chair would answer that the Representative is out of order. Once a matter has been debated, it can't be tabled.

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative RICHARDSON of Brunswick to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned.

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-961)** on Bill "An Act to Strengthen Energy Conservation"

(H.P. 330) (L.D. 420)

Signed:

Senators:

FERGUSON of Oxford

TREAT of Kennebec

CARPENTER of York

Representatives:

SAVAGE of Buxton

RINES of Wiscasset

CRABTREE of Hope

PERKINS of Penobscot

BERRY of Belmont

McGLOCKLIN of Embden

DUNCAN of Presque Isle

BLISS of South Portland

HALL of Bristol

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-962)** on same Bill.

Signed:

Representative:

GOODWIN of Pembroke

READ.

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

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

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. I respectfully request that you deny voting on the amendment, Committee Amendment "A" (H-961) and that you defeat that motion and we will go on to Committee Amendment "B" (H-962) on the same bill. I would like to continue. After a very lengthy debate on LD 420 in Utilities where we spoke to every department in government and every department in government came forward and wanted to get their department included in the process of collecting all the money and spending it for conservation. Early on in the debate, I asked everyone present to do a little homework and come in and prove to that conservation and removal of money from ratepayers was in their best interest and that removal of that money to put into a collective department container and then to put it out in an unknown method in an unknown way and if they could prove that to me, I would vote with them.

I believe that the only way that we are going to return any money in this session to our folks back home is to defeat this motion and repeal it completely so that we do not deduct from the ratepayers any money that is piled up in kiddies here in Augusta waiting for someone to sell them a magic light bulb. The administrative cost of the light bulb program, let's be honest, I can't see where there was any benefit to the ratepayer. We have a residential bundle up program, they got 391 installations in one year for the total of \$213,000. Administrative costs, the direct cost, interest cost on 391 installations is not a very good use of money from ratepayers. We have a power platinum program that was designed to provide CMP with police department resources through a competitive bidding process. Administrative costs were \$24,000. Energy claiming in the current quarter was zero and the total year was zero. There were no savings to anybody. We have a strategic platinum program. The platinum program encourages customers whose maximum demand is in excess of 400 kilowatts to improve the efficiency of their use of electricity. The program started March 4, 1997 and installations is zero. The total program since 1997 was 20. We have a residential lighting efficiency program. The program goals are to make compact fluorescent lamps available to Central Maine Power Company's residential customers at an affordable price and to encourage residential customers to purchase and install compact fluorescent lamps. The program is designed to extend the company's price discount for bulk purchases. Each bulb is estimated to save 67 kilowatts per year based on a survey of participants completed in November 1997. The useful life of a bulb is estimated to be 10,000 hours or seven years. The sale for these bulbs in the current quarter is zero. The sales in the current year was zero. It must be a real good program. Annual savings from current installation of light bulbs is zero for the current quarter and zero for the year. We have an industrial customer lighting retro kit program. The retro kit program offers customers energy efficient lighting products at a subsidized cost to eligible customers. The sales in the current quarter is zero. The sales in the coming year is zero. The program total is \$1,110. The energy savings, annual savings, from current installed in kilowatts is zero in the current quarter and zero in the current year. The benefit is there, \$750,000 to the utilities.

Mr. Speaker, men and women of the House, as I said earlier, we are going to leave here in a week or 10 days and I would suggest to you that you could go home and tell your folks that we did something really good for them. We stopped deducting money from them to go into conservation programs and we will go back 10 or 12 years that have done nothing for them, but they

continue to take it out on a monthly rate. It is an enormous amount of money coming into the system and I ask this body to defeat the present motion and accept mine. Thank you Mr. Speaker.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. The good Representative from Pembroke is right about a number of things that he said. The existing status of conservation programming in this state is not acceptable and that is why the committee in a 12 to 1 report is recommending that it be changed. The committee, including the good Representative from Pembroke, Representative Goodwin, worked very hard. Representative Goodwin is exactly right. We heard from every department in government. We spent a lot of time considering all the options and I am very proud of the committee and I am very proud of the work that they put out. I ask you to support it. Thank you.

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

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

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

ROLL CALL NO. 531

YEA - Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Colwell, Cote, Cowger, Crabtree, Daigle, Davis, Desmond, Dorr, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeon, Madore, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McNeil, Mitchell, Murphy E, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Simpson, Skoglund, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - Andrews, Bouffard, Bowles, Buck, Carr, Chase, Chizmar, Clark, Clough, Collins, Cressey, Duprey, Goodwin, Gooley, Heidrich, Jodrey, Kasprzak, Labrecque, Landry, MacDougall, McKenney, Mendros, Michael, Morrison, Pinkham, Sherman, Shields, Smith, Snowe-Mello, Stanley, Stedman, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Waterhouse, Wheeler EM.

ABSENT - Bagley, Baker, Bliss, Cummings, Dugay, Estes, Glynn, Haskell, Lovett, Marraché, McLaughlin, Michaud, Murphy T, Muse C, Muse K.

Yes, 98; No, 38; Absent, 15; Excused, 0.

98 having voted in the affirmative and 38 voted in the negative, with 15 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-961)** 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-961)** and sent for concurrence.

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

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

ENACTORS

Emergency Measure

An Act to Facilitate Water Well Drilling if Necessitated by Emergency Drought Conditions

(S.P. 795) (L.D. 2150)
(C. "A" S-469)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

Resolve, Regarding Legislative Review of Chapters I to IV: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services

(H.P. 1547) (L.D. 2050)
(C. "A" H-905)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolves

Resolve, to Reduce Pollution of Androscoggin Lake by Repairing and Altering the Existing State-owned Barrier on Dead River in Leeds

(H.P. 1465) (L.D. 1962)
(C. "A" H-902)

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

ENACTORS

Acts

An Act to Create the Washington County Development Authority

(S.P. 541) (L.D. 1672)
(C. "A" S-468)

An Act to Clarify the Status of Henderson Brook Bridge

(S.P. 703) (L.D. 1905)
(C. "A" S-471)

An Act to Clarify the Application of the Freedom of Access Laws to Certain Proceedings and Records of the Maine Technology Institute

(S.P. 712) (L.D. 1914)
(H. "A" H-915 to C. "A" S-452)

An Act to Amend the Animal Health and Disease Control Laws

(S.P. 724) (L.D. 1965)
(C. "A" S-470)

An Act to Amend the Laws Regarding Public Health

(H.P. 1525) (L.D. 2029)
(C. "A" H-904)

An Act to Amend the County Jail Prisoner Support and Community Corrections Fund

(S.P. 810) (L.D. 2175)

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

An Act to Aid Implementation of the Maine Medical Marijuana Act of 1998

(S.P. 183) (L.D. 611)
(C. "A" S-451)

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

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

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

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

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

ROLL CALL NO. 532

YEA - Ash, Baker, Berry RL, Brannigan, Brooks, Bryant, Bull, Canavan, Chick, Colwell, Cowger, Cummings, Daigle, Dorr, Dudley, Duplessie, Duprey, Etnier, Fuller, Gagne, Gerzofsky, Green, Hall, Hawes, Hutton, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, MacDougall, Marley, Matthews, McDonough, McGlocklin, McKee, McLaughlin, McNeil, Mendros, Michael, Mitchell, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perkins, Perry, Pineau, Quint, Richard, Rines, Savage, Shields, Simpson, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Blanchette, Bouffard, Bowles, Bruno, Buck, Bumps, Bunker, Carr, Chase, Chizmar, Clark, Clough, Collins, Cote, Crabtree, Cressey, Davis, Desmond, Duncan, Dunlap, Fisher, Foster, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Kasprzak, Landry, Ledwin, Lessard, Lundeen, Madore, Mailhot, Mayo, McKenney, Morrison, Murphy E, Murphy T, Nass, Pinkham, Povich, Richardson, Rosen, Schneider, Sherman, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bagley, Bliss, Dugay, Estes, Haskell, Lovett, Marrache, McGowan, Michaud, Muse C, Muse K, Skoglund, Young.

Yes, 73; No, 65; Absent, 13; Excused, 0.

73 having voted in the affirmative and 65 voted in the negative, with 13 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (10) Ought to Pass pursuant to Joint Order 2001, H.P. 1610 - Minority (3) Ought Not to Pass pursuant to Joint Order 2001, H.P. 1610 - Committee on BUSINESS AND ECONOMIC DEVELOPMENT on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 for the Construction of a Civic Center and Auditorium in Eastern Central Maine"

(H.P. 1690) (L.D. 2189)

Which was **TABLED** by Representative RICHARDSON of Brunswick, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass** Report. (Roll Call Ordered)

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

Representative **PERRY**: Madam Speaker, Ladies and Gentlemen of the House. This is a very important bill to northern, eastern and central Maine. We are here for a chance to send it down to the Appropriations Table to fight against all the other worthy bond issues. That is all we are looking for. I hope I can count on your vote. Thank you.

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

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

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

Representative **ANDREWS**: Madam Speaker, Men and Women of the House. Has this bill been submitted in response to legislation that we have not seen go across our desk, ie. local option sales tax? Question number two, is it generally the policy of the state to pay for civic centers or community buildings when any area desires it? Thank you.

The **SPEAKER PRO TEM**: The Representative from York, Representative Andrews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Perry.

Representative **PERRY**: Madam Speaker, Men and Women of the House. I will do my best to answer that question. Yes, I would say this perhaps is in response to local option. A year ago that bill was introduced. We worked on it over the off season. We have worked on it more during this new session and came up with the best product we could craft and it didn't appear as though there was strong consensus in favor of local option so we started looking at other ways to fund this project.

The auditorium serves all of eastern and northern Maine. Bangor subsidizes the auditorium and civic center to bring in conventions and conferences from out of state. All the money that is raised is through sales tax, meals and lodging, gas tax, people traveling. It all goes to the state. It is actually a net expense for the City of Bangor to operate an auditorium, let alone build it, but the net gain goes to the state and is distributed back to the entire state. I think it is really a good investment. I would once again ask you to support it. Thank you.

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

Representative **BLANCHETTE**: Madam Speaker, Ladies and Gentlemen of the House. I rise today to do something that a number of my colleagues are not going to expect me to do. I am going to ask you to vote against this issue. This issue is not what we need in Bangor. This is going to end up being double taxation on my people, if, in fact, an auditorium/civic center is built with

this \$15 million bond issue. A new auditorium/civic center is estimated to cost in the neighborhood of \$30 million. The \$15 million, if this bond issue is tweaked out of the Appropriations Committee, if it comes in Bangor, my taxpayers are going to have to go out and borrow an additional \$15 million to construct an auditorium to serve northern Maine. That is one concern that I am not comfortable with.

The other is I have not seen any wording in this legislation that says an auditorium/civic center would be located in Bangor. This is a wide-open placement issue. It is not in the best interest of the taxpayers that elected me to come down here and fight for them. I am not happy with it. I am more comfortable with the local option tax. It is not a mandate on anybody. All the local option wanted to do was ask permission. This is not asking permission of anybody. All we are asking is for the state to borrow \$15 million and where it is going to end up, I don't know. I urge you to vote against this and if it dies, then so be it. Thank you.

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

Representative **CLOUGH**: Madam Speaker, Ladies and Gentlemen of the House. I would like to draw your attention to another aspect of this bill. When this bill came before our committee, it was presented as an option that could be continued in coming years so that we could do a similar bond for Augusta, Lewiston, Portland and whoever might want one in the coming years and make this an annual adventure. It is bad precedent. We shouldn't start it. I would ask you to vote against the pending motion.

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

Representative **BROOKS**: Madam Speaker, Ladies and Gentlemen of the House. It gives me a great deal of pleasure to rise today to support my neighbor from Hampden, Representative Duprey, in this particular bill. I have long been against the local option tax proposal. At this stage I still haven't changed my mind, but this is an alternative to that. I say let us put it on the Appropriations Table and let it fight among all the other bond issues.

Anyone who has attended any of the basketball games at the Bangor Auditorium certainly would hate to see it lose. If, in fact, the Bangor Auditorium is to be replaced some day, I don't see it being replaced under a local option tax. If, in fact, a new auditorium or civic center in Bangor is going to cost \$30 million, then this is a great huge giant step in that direction. Let us find another benevolent character like we did when donated a university ice arena and name it after someone, if we need that second \$15 million to make this work. The tourism industry in eastern Maine is in desperate shape. I know that for a fact. We need a mechanism to draw people to eastern Maine. We need a new civic center. We need a new auditorium. I am one of the few, perhaps, in this room who attended one of the first programs at the Bangor Auditorium when it was first built when Gene Autry came up and performed with Pat Butrum. We stood outside the auditorium and threw snowballs at him and I lost my patrol boy badge at St. Mary's School because I got caught. I haven't changed a bit since I was in the fifth grade at St. Mary's, except the Nuns don't slap me with straps anymore.

I am here to say today that we need a shot in the arm in Bangor. We need an opportunity for us to be able to have a facility that we can promote. I was the president of the Maine Press Association not very many years when we put on a function in Bangor and what we discovered is that we didn't have a facility large enough for a banquet for 300 to 500 people that would still allow for separate meeting rooms. We didn't have a

modern facility and still don't have a modern facility where you can play legal Olympic sized hockey games in Bangor. If you attend the University of Maine hockey games like I do, you know the interest there is in the State of Maine and the facilities in the Portland area, the Cumberland County Civic Center, they do have that advantage. I say, let's move ahead with this. Let's give the people of the State of Maine an opportunity to vote on a bond that will give Bangor something to sell. Thank you Madam Speaker.

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

Representative **DUPREY**: Madam Speaker, Men and Women of the House. Thank you for giving us the opportunity to at least get this in front of this body, whether it passes or not, at least we have had the opportunity to share this with you. In the Bangor area where our backs are against the wall, we have to replace the auditorium. I promised the Speaker that I wouldn't mention local option, so I am not going to, but our hands are against the wall on a lot of things. This was the only thing that I thought we could probably do to maybe give it a chance to help them out.

This is an economic development bill, because it will create jobs. It will bring tax money to the area. This is not a Bangor bill. It doesn't mention Bangor in the bill because the first community that comes up with \$15 million can get the auditorium. It is not a Bangor bill, but anywhere in eastern or central Maine. Bangor just happens to be the only one who could do it. Any other community who would want to do it, I wish I could get it in Hampden, personally. I don't think it could happen. If Bangor couldn't afford it, we could.

Representative Brooks, I really appreciate those kind words. You know, the first session I was probably a destructionist, but this session, I seem like I am getting along a lot more. The Representative from Bangor, Representative Perry and I have worked real hard together on this. The Representative from Winterport, Representative Brooks and I have too. This is a 10 to 3 committee report, bipartisan. We all worked together on this. This is a committee bill. This is not a Hampden bill or a Bangor bill. It is a business and economic development bill.

I have done the right thing on a lot of votes this session, whether it be booster seats, medical marijuana, I broke from a lot of things that my party has done because I thought they were the right thing. I think this is the right thing when it comes to eastern and central Maine development. I never thought I would be standing up supporting bond issues, but this is the right thing. Thank you Madam Speaker.

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

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

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

Representative **MICHAEL**: Madam Speaker, Ladies and Gentlemen of the House. Does anyone know if Portland or the County of Cumberland received any state bonding assistance for the Cumberland County Civic Center when it was built?

The SPEAKER PRO TEM: The Representative from Auburn, Representative Michael has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hampden, Representative Duprey.

Representative **DUPREY**: Madam Speaker, Men and Women of the House. I don't believe they have. The purpose of this bill is a service center bill. It is designed to set a precedent where Lewiston needs the Bates Project redone. The state could look at economic development and maybe work on that. The

Portland Waterfront needs to be done. Maybe it could look at a bond issue to develop the Portland Waterfront. It is something for economic development. As the worst business climate state in the country, we need to do something for economic development and I think this is a start. It is telling the people of Maine that, yes, we do need business. Thank you.

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

Representative **TUTTLE**: Madam Speaker, Men and Women of the House. In reference to the question about the civic center, my understanding is that the Portland Civic Center is a private corporation.

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

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

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

Representative **PEAVEY**: Madam Speaker, Men and Women of the House. To anyone who can answer it, would this \$15 million bond be paid back by the State of Maine or by the people of Bangor?

The SPEAKER PRO TEM: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Madam Speaker, Men and Women of the House. To answer the question of the good Representative from Woolwich, Representative Peavey, the state will pay back these monies. What we are trying to do here is partner between a community and what the state will do. Instead of the state stepping in and providing all the funding, we are challenging that community to match the funding that we would provide to them. It is a partner for that economic development that the good Representative just spoke about. Also, I think it is important, we had one of the basis for our decision here is that we had a report from the Libra Foundation on civic centers and convention centers and that sort of thing. They talked to us about all the money that we were losing here in the form of tourism dollars, state revenues as a result of the fact that many people don't come to Maine who would like to come here with their trade service shelves because we don't have the facilities. That is one of the concerns that we had and that is why we tried to address it with this bill. One of the things that impressed me here was the Representative from Hampden, Representative Duprey, I asked him during the work session, would he be willing to allow a \$15 million to be floated first, say for southern Maine, as opposed to his particular area. He said, yes, so long as we had that opportunity sometime in the future. That impressed me enough to think that he deserved the chance to at least compete at the Appropriations Table level with this bill with his community at this time. I hope that answers the question.

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

Representative **SNOWE-MELLO**: Madam Speaker, Ladies and Gentlemen of the House. I stand here today and ask you to please vote against the Majority Ought to Pass. The reason why is I believe this is going to set a precedence. Lewiston/Auburn has long wanted an auditorium. If you have ever come to Lewiston/Auburn, which is the second most populated city in this state, we have decided that we need to do this locally and not come to the state. I believe this is a local issue. We have talked many a time that we should have an auditorium or a convention center, because it would be very good for the economy in our

area. Please, don't support this because I really do believe that it is setting a precedent. Next year we can come back and do this, but probably we are not going to do because we want to do the right thing. Thank you.

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

Representative **BROOKS**: Madam Speaker, Ladies and Gentlemen of the House. If I may just for a moment respond to the question that was asked a few minutes ago about, have we done this elsewhere? If you think back about a number of the bond issues that we have done, they have been done in areas. I think of the Eastport area where we did the pier. I think the Loring Development Authority as well. There are a number of bond issues that we vote on every year, roads, bridges and highways and airports. Those are all regional. This has more to do, not with the City of Bangor, call it eastern Maine as a whole. We have done things for Bangor International Airport. We have done things for the Portland Airport. I think that this is an opportunity for us to challenge eastern Maine and to give the area an opportunity to begin to rebuild, an opportunity for a shot in the arm, an investment to give back so that we give them a boost and some help. Again, I remind you of all those other areas of the state that we have assisted. I hope that you will think of that and follow my light when we vote on this. Thank you.

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

Representative **PERRY**: Madam Speaker, Ladies and Gentlemen of the House. When I started off this debate, I kept my remarks, intentionally, very short. If anyone doesn't like this bond, they are going to get another chance when it comes back from Appropriations and we are going to need a two-thirds vote to approve it. Right now all we are asking is for the opportunity to send it to the Appropriations Table and make our case there. If we get it through and we are successful, it will come back to the floor of the House and it will need a two-thirds vote to pass it then. I am just asking that we are given the opportunity to make our case in Appropriations. Thank you.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I don't often speak twice on a bill that is before us, but this one I feel very passionately about for a number of reasons. I applaud the good Representative from Hampden, Representative Duprey for bringing this forth. It is commendable. I cannot support it for a number of valid reasons. I know if it makes it through Appropriations, I am not willing to gamble with that argument, it very well might make it and I am not happy with that. I know if a \$15 million bond is granted through Appropriations, the people in my town that elected me to the Legislature to represent them will never get the chance to vote as to whether another \$15 million bond is put out by the duly elected Bangor City Council. It will be a done, slam dunk deal, to bring basketball back to the Bangor Auditorium. That is not the only cost the Bangor taxpayers, which I am one, are going to incur. My taxes are going to go up 85 cents a thousand on a \$15 million bond, right now if they go out and borrow it. Plus, as a taxpayer, I am running about \$640,000 deficit on the Bangor Auditorium as a taxpayer as it stands right now. I can't do that. I won't vote for it. I won't vote to send it to Appropriations because I am very afraid it might pass through there and I couldn't handle it. Thank you.

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

Representative **DUPREY**: Madam Speaker, Men and Women of the House. I really apologize for prolonging this debate. I know everybody wants to get home. It is snowing out. In talking to the Bangor City Council, they want this. They can't have the other option. They want this, because it gives them half. If this doesn't pass, then they have to pay the whole, \$30 million by themselves. They get half or they get nothing. We are just trying to help them out. Bangor City Council is all for it. Thank you.

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

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

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

Representative **CHICK**: Madam Speaker, Men and Women of the House. There have been considerable discussions about a project in Bangor and my concern here this afternoon and this question would be, how will it affect or encroach on Bass Park, if anyone here would care to answer?

The SPEAKER PRO TEM: The Representative from Lebanon, Representative Chick has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Perry.

Representative **PERRY**: Madam Speaker, Men and Women of the House. I would like to assure the past president of the Agricultural Fair Association, that the people of Bangor want to rebuild a new auditorium that will not interfere with the fair or the harness racing. Thank you.

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

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

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

Representative **TUTTLE**: Madam Speaker, Men and Women of the House. I think I am confused here. Has the City of Bangor, the council or the mayor, taken an official position? Have they taken a vote on this bond issue?

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

Representative **BLANCHETTE**: Madam Speaker, Ladies and Gentlemen of the House. To answer the good Representative Tuttle's question, there has been no official vote taken by the Bangor City Council to go out to bond an additional \$15 million. If I may request permission to speak a third time, while I am up.

The SPEAKER PRO TEM: Hearing no objection, the Representative may proceed.

Representative **BLANCHETTE**: Madam Speaker, Men and Women of the House. I guess I need to say once again, and I don't know how to put it any plainer, the City of Bangor cannot afford to go out and borrow \$15 million. There is no guarantee, has not been written, will not be written until they decide where they are going to locate a new auditorium/civic center that, in fact, the 150 year old Bass Park race track will be in existence. They have not made that decision. I need a commitment before they can tear down 150 year old racetrack that they are not going to do that, before I can support anything. The existing auditorium and Bass Park stands on something like 36 acres of land. They want to place the feeling and the sentiment from the duly elected officials in Bangor that the best position would be in the middle of the oval track. It is going to disrupt the agricultural fair that is

over 100 years old. The harness racing industry that feeds all of the racing industry throughout the State of Maine is going to interrupt their training and their feeding program.

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

Representative **POVICH**: Madam Speaker, Men and Women of the House. This is very interesting debate. As a good neighbor to the City of Bangor, having spent a great deal of my childhood there, 40 plus years ago. I have a great fondness for the City of Bangor. I want to do the right thing. The good Representative from Bangor, Representative Blanchette, and the good Representative from Bangor, Representative Perry, is also a good friend of mine. I am torn here. I would like to pose a question and the question would be, has the greater Bangor Area Chamber of Commerce taken a position? If they have not taken a position, wouldn't it be prudent of us to commit this to the committee of jurisdiction to garner a position? Maybe we don't have time to do that this session, but certainly in the next Legislature there will be time enough. I object to these items coming to us so late in the session. It is too fast. Again, I want to do the right thing and I want to do everything I can to support the City of Bangor on what they desire. It is good for the City of Ellsworth. We don't exist in a vacuum in this state. The sales tax we collect when we buy a 7 percent meal at Miller's Restaurant helps people in Poland and Lebanon and all over the place. The question I would pose would be has the greater Bangor Area Chamber of Commerce taken a position on this issue?

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

Representative **PERRY**: Madam Speaker, Men and Women of the House. The City of Bangor had started with plans to replace the auditorium and civic center a couple of years ago in community meetings. Overwhelmingly the city agreed with the residents that replacement was by far the best option. Trying to rebuild that old place wasn't going to work. It would be throwing good money after bad. The mechanism that the City of Bangor hoped to use was local option. They have got the support of the community, the Chamber of Commerce, the city council and everyone in our area was in favor of replacing this with a new construction through local option. Local option appears that it does not have a life here. This bond issue came up very quickly. There has not been any formal process to get the Chamber of Commerce to vote to get it on board. I have been working on this bill, myself, personally, for the City of Bangor for several weeks, daily. I know that the City of Bangor is in favor of this bill. They want to have their chance to go in front of the Appropriations Committee and fight for an opportunity to send this bill back to the floor of the House. At that point, if it is not worthy of making the cut, it will take a two-thirds vote to pass it. I think it could be easily dispensed with if this body does not feel it is a wise investment. At that point, I would speak of the economic benefits and the reasons why I think it is a wise investment. Today, I just want to get it to Appropriations. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Blanchette. Having spoken three times now requests unanimous consent to address the House a fourth time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **BLANCHETTE**: Madam Speaker, Ladies and Gentlemen of the House. This indeed did go before the Chamber of Commerce in the City of Bangor, but not the bond issue. Never the bond issue. I need to drive that point home. They

went to the Chamber of Commerce. The executive committee and the majority of the merchants in Bangor wholeheartedly endorsed a local option sales tax or a debt avoidance tax as it was later renamed. Never at any time in this discussion was a bond issue that will ultimately result in Bangor taxpayers having to float another bond for \$15 million was it ever discussed, has it ever received approval from any merchant in time. I don't have a problem with going back and asking the merchants that belong to the Chamber of Commerce if, in fact, they would be in favor of this. They were not in favor of the City of Bangor, and I served on that council for a good many years when we debated replacement of this auditorium. The Chamber of Commerce was not, at any time, in favor of Bangor building this on our tax dollars alone. I have some questions and I think there would be some opposition from the business community in Bangor if we were going to go out and float another bond for \$15 million to erect an auditorium that serves central and northern Maine, not exclusively Bangor. Thank you for your patience.

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

Representative **DUNLAP**: Madam Speaker, Ladies and Gentlemen of the House. A couple of points here. First of all, I have heard a number of proposals surrounding this product. Some I have found interesting, others I have found amusing and others I have found downright outlandish. Nonetheless, I think that if you divulge nothing else here tonight, we have certainly come to an understanding that this is a pretty important project and we ought to leave our options as open as possible. For that reason, I will be supporting the pending motion. I would like to remind you that we are not necessarily speaking about Bangor, the City of Bangor or Bass Park or anywhere else. The title is, construction of a civic center and auditorium in eastern/central Maine. That could very well be Old Town. We can build a heck of a civic center for \$5 million and I would be happy to have a very modest \$10 million consulting fee attached to this. Thank you.

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

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

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

Representative **BOUFFARD**: Madam Speaker, Men and Women of the House. This question is directed directly to the Representative from Ellsworth, Representative Povich, since this bill does say that an auditorium could be built anyplace in eastern or central Maine, Ellsworth is kind of eastern, central of Maine. Can the Town of Ellsworth afford to build a civic center of this magnitude?

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

Representative **POVICH**: Madam Speaker, Men and Women of the House. I am going to respectfully duck that question by indicating geographically that Ellsworth is the crossroad to Down East Maine.

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

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

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

Representative **MENDROS**: Madam Speaker, Men and Women of the House. I am curious as to how much money has been spent in the past in southern Maine building, say bike paths in Brunswick or other projects like that with taxpayer money as compared to this \$15 million to do something for northern Maine.

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

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

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

Representative **WATERHOUSE**: Madam Speaker, Men and Women of the House. Is it not so that counties have bonding authority? If that is so and Bangor cannot afford to bond out \$15 million or whatever they are asking for, cannot the county of Penobscot do that seeing as how this will be in their area?

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

Representative **DUPREY**: Madam Speaker, Men and Women of the House. The answer to the Representative's question, if this does go in Bangor, in speaking with the members of the Bangor City Council, they have no intention of asking the Bangor city residents to pay \$15 million. They have corporate sponsorships. They have private investment lined up. They do not intend for Bangor to foot the entire bill. They have plans in the works to help them raise that money locally. It does not have to tax the Bangor taxpayers as some people may have suggested. This bill is supported by the Maine Service Center Coalition. Service centers do a lot for the economy. They generate millions and millions of dollars, but they get very little back in revenue sharing because it goes to the poorer communities. This is a chance for revenue sharing. If Bangor were to get this bond passed, they do not have to accept this.

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

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

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

Representative **WATERHOUSE**: Madam Speaker, Men and Women of the House. To anybody who can answer this question, if this funding from other sources, other than taxpayer funds, is not forthcoming, is it not the state's good favor in credit responsible to this debt?

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

Representative **DUPREY**: Madam Speaker, Men and Women of the House. This is the last time I will stand up. They cannot get the money unless the money is raised locally first.

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

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

ROLL CALL NO. 533

YEA - Annis, Baker, Berry RL, Brannigan, Brooks, Bryant, Bunker, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duprey, Fuller, Gerzofsky, Hatch, Kane, Koffman, Ledwin, Lundeen, Marley, Mayo, McDonough, McKee, Mendros, Mitchell, Morrison, Norbert, Paradis, Patrick, Peavey, Perry, Pineau, Quint, Richard, Richardson, Rines, Rosen, Savage, Schneider, Sherman, Thomas, Tobin J, Watson, Mr. Speaker.

NAY - Andrews, Ash, Belanger, Berry DP, Blanchette, Bouffard, Bowles, Bruno, Buck, Bull, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Cote, Crabtree, Cressey, Daigle, Davis, Duncan, Duplessie, Estes, Etnier, Fisher, Foster, Gagne, Glynn, Goodwin, Gooley, Green, Hall, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kasprzak, Labrecque, Landry, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, MacDougall, Madore, Mailhot, McGlocklin, McKenney, McLaughlin, McNeil, Michael, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, O'Brien LL, O'Neil, Perkins, Pinkham, Povich, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Tobin D, Tracy, Trahan, Treadwell, Tuttle, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bagley, Bliss, Dugay, Haskell, Lovett, Marraché, Matthews, McGowan, Michaud, Muse C, Muse K, Norton, Young. Yes, 47; No, 91; Absent, 13; Excused, 0.

47 having voted in the affirmative and 91 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass Report was NOT ACCEPTED.**

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Subsequently, the Minority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 1699)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the House, legislation regarding reimbursement for stolen lottery tickets.

READ and PASSED.

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 MITCHELL of Vassalboro, the House adjourned at 5:13 p.m., until 9:00 a.m., Thursday, March 21, 2002.