

MAINE STATE LEGISLATURE

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Legislative Record
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
Index

ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
35th Legislative Day
Thursday, March 21, 2002

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

Prayer by Reverend Robert Beaumont, Penney Memorial Baptist Church, Augusta.

National Anthem by Poland Regional High School Band.

Pledge of Allegiance.

Doctor of the day, Lawrence Mutty, M.D., Castine (retired).

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 649)

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

March 20, 2002

The Honorable Michael V. Saxl

Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Speaker Saxl:

In accordance with Joint Rule 506 of the 120th Legislature, please be advised that the Senate today has confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife the nomination of Robert S. Savage of Limington, for appointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife the nomination of Raymond H. Poulin, Jr. of Ripley, for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife the nomination of Tenley A. Meara of Topsham, for appointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife the nomination of Sara A. Dyer of New Gloucester, for appointment to the Inland Fisheries and Wildlife Advisory Council.

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Resolve, to Study the Impact of a Maine-based Casino on the Economy, Transportation Infrastructure, State Revenues and the Job Market

(H.P. 1700) (L.D. 2200)

Sponsored by Representative CARR of Lincoln.

Cosponsored by Senator SHOREY of Washington and Representatives: BUNKER of Kossuth Township, COLLINS of Wells, DUGAY of Cherryfield, JONES of Greenville, McKENNEY of Cumberland, SHERMAN of Hodgdon, Senator: DAVIS of Piscataquis.

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

Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative COLWELL of Gardiner, **TABLED** pending **REFERENCE** and later today assigned.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass pursuant to Public Law 2001, chapter 440** on Bill "An Act to Implement the Minority Report of the Joint Standing Committee on Transportation Regarding the Final Report of the Task Force to Study the Municipal Excise Tax and Other Motor Vehicle Registration Fees" (S.P. 814) (L.D. 2178)

Signed:

Senators:

SAVAGE of Knox

O'GARA of Cumberland

GAGNON of Kennebec

Representatives:

FISHER of Brewer

BOUFFARD of Lewiston

MARLEY of Portland

McNEIL of Rockland

McKENNEY of Cumberland

PARADIS of Frenchville

BUNKER of Kossuth Township

Minority Report of the same Committee reporting **Ought to Pass pursuant to Public Law 2001, chapter 440** on same Bill.

Signed:

Representatives:

WHEELER of Eliot

WHEELER of Bridgewater

COLLINS of Wells

Came from the Senate with the Majority **OUGHT NOT TO PASS PURSUANT TO PUBLIC LAW 2001, CHAPTER 440** Report **READ** and **ACCEPTED**.

READ.

Representative FISHER of Brewer moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative FISHER of Brewer to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-887)** on Bill "An Act to Protect the Rights of Maine Citizens Under Collective Bargaining Agreements" (EMERGENCY) (H.P. 1595) (L.D. 2098)

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 NORBERT of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 1632) (L.D. 2135) Resolve, Regarding Legislative Review of Chapter 21: Statewide Standards for Timber Harvesting in Shoreland Areas, a Major Substantive Rule of the Department of Conservation (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-959)**

(H.P. 1638) (L.D. 2141) Bill "An Act to Amend the Animal Welfare Laws and Increase Funding for Animal Welfare" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-963)**

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

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

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-923)** - Minority (1) **Ought to Pass as Amended by Committee Amendment "B" (H-924)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Administration of Medicine in the School Setting, a Major Substantive Rule of the Department of Education (EMERGENCY)

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

TABLED - March 19, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - Motion of Representative RICHARD of Madison to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-872)** - Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Utility Easements"

(H.P. 1472) (L.D. 1973)

TABLED - March 7, 2002 (Till Later Today) by Representative GOODWIN of Pembroke.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I rise today in opposition of the unanimous committee report, which I don't do very often. I don't think I have ever done this actually. I do this because as a member of Transportation, I am very interested in our Transportation system throughout the State of Maine. The bill before you is not about electric lines, water lines or telephone lines. Railroad officials have agreements, which cover these areas already. They have never gone before the PUC to render a decision. What we are talking about now is giving the PUC for CMP the power of eminent domain instead of licensing agreements over railroad crossings.

The problem with this is that we have a railroad system, the Bangor and Aroostook, which is in bankruptcy court and are looking for a buyer. This legislation will be detrimental to the future worth of their railroad. The Bangor and Aroostook will be worth less because CMP, Bangor Hydro and Maine Public Service would have a definite advantage over their railroad. This is not what we want to do for our transportation systems throughout the State of Maine.

The DOT was initially in the bill, but was withdrawn after their opposition to the bill. The Commissioner of Transportation came in front of our committee and talked to us because the Transportation Committee had a lot of concerns. Their biggest opposition to the bill was that we were taking two different companies, a railroad and CMP, that should be negotiating by themselves, putting in legislation and putting them right out of the picture and letting the PUC make decisions that should be done between the railroad and CMP, Bangor Hydro or whoever.

A lot of people have asked why the Transportation Committee is so interested in this and as I stated before, I personally am interested in the transportation system. In the past 14 years the state has paid over \$131 million on rail. I would hate to see legislation go forward that would harm private or state railroads. I urge you to vote against the unanimous committee report and to allow us to continue with the system that we have, which, again, with Representatives on both sides has stated, there has never been a problem and there is really nothing broken. If it isn't broken, let's not fix it. Please follow my light.

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

Representative **HALL**: Mr. Speaker, Ladies and Gentlemen of the House. I have learned two things on the Utilities and Energy Committee. First thing is that that committee deals with complex bills, but generally simple issues. The second thing I have learned is that it is all about money. This bill addresses a simple problem. Both railroads and utilities need continuous rights-of-way. They have both been granted eminent domain rights by the state for public purposes. Most railroads, like most utilities, recognize their public obligations and they cooperate to

grant each other licenses and easements. What happens on the rare occasion when one party abuses its position, its position granted by eminent domain? What happens is a party refuses to negotiate in good faith? That does happen, ladies and gentlemen. The settled law in Maine, as elsewhere in the country, is that the Public Utilities Commission governs utility crossings. However, there is a gap in Maine's law. A utility may appeal to the Public Utilities Commission, but the PUC has no legal power to impose a remedy. That is all this bill seeks to do. It will allow the PUC to impose a remedy. It will level the playing field. There is no presumption of favor to either a utility or to a railroad. There is no federal preemption issue as long as there is no interference with railroad operations. PUC jurisdiction has been upheld everywhere.

My second point is that this is indeed all about money. On one side are the regulated utilities. They represent your money and mine as ratepayers, the money that they gain through electricity bills, phone bill and gas bills. On the other side is a privately owned unregulated company. As long as there are regulated utilities in this state, we have an obligation to look after the people's money.

Some of you know well that I am an advocate for Maine's railroads. I always have been and I always will be. If I thought for one minute that this bill would harm the interests of any railroad in the State of Maine, I would not be standing here. I am standing here because this bill has been extensively worked by the Utilities and Energy Committee. We listened to the objections and the questions of the three railroads and of the DOT. We changed this bill extensively to accommodate their concerns. We could not satisfy one of the railroads. I guess you can't please all of the people all of the time. We did, however, unanimously report out a bill that has the support of every electric utility, every telephone company in this state, which the natural gas companies came to us and specifically begged to be included in this bill. It is supported by the PUC and by the public advocate and it is, of course, a unanimous report of a committee that has worked this bill extensively. I therefore beg your indulgence to support this committee report and let's move forward. Thank you.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I rise simply to say that this is one of those situations where once burned, twice learned. It was last session that I stood in front of you and I asked you to consider the plight that Kennebunk Power and Light had working with a utility drawn on a line in 1903. Again, it was all about money and there was a billion dollar charge for 164, I don't remember the exact number, in order to buy that. The PUC couldn't do anything about it and now we are being asked, trust us. They have eminent domain, trust us. There is a whole group of people in Representative Murphy from Kennebunk's district and a little bit of mine that say, we can't trust you. We trusted you and we counted on the Legislature doing what needed to be done and you let us down.

We also hear a respected member of Transportation stand up and say there is a piece of jurisdiction here and you are trying to override it. There are two committees to be considered and I have a feeling if this were before Transportation, you would see a unanimous report the other way.

I think we need to make sure everybody does have a fair and level playing field, not on how big a company is or how much money the bottom line is going to be or what their stockholders need to see, but what is right for all the people and all the businesses. I would ask you to vote for fairness and I would ask you to also consider the hardworking Transportation Committee

who is asking that you consider their side. I would ask you to vote against the acceptance of this committee report. Thank you.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. I know this is unusual for me to stand, especially with a full committee report out of another body, but I do serve on Transportation and I do think that I have the right to stand and question some of this. I have been trying to follow this. It has been difficult. I tried to play the role of mediator in this issue and tried to find some middle ground because I think that obviously when the committee started out with this issue that the bill had nothing to do with what the end result is. I think the committee of jurisdiction did a wonderful job in looking over the issues of the original bill. They decided the state doesn't have to follow any rules in this area because we don't want to preempt the eminent domain of the state. The problem we have here is railroads have eminent domain as well and for some reason we continued down the road and they found some kind of inkling of some issue with the PUC, which under currently under current law has a right to help negotiate the end result of these things.

The problem that we have here, ladies and gentlemen, is the end result isn't what the utility companies want. The utility companies here clearly want the right to eminent domain over the right of the right of way of the rail lines. It is like the State of Maine, the railroad and the utility people all have rights of eminent domain and they all want to be able to impose those rights over the other guys. It just seems really, really frustrating.

A little review of the bill, I asked a bunch of questions and the good Representative before me kind of alluded to it, if it isn't broke, let's not fix it. One of the people testified that this is a bill looking for a problem. In further review, I find that there hasn't been any problems out there whatsoever. Not one single case has gone to the PUC and asked them to resolve any kind of disputes and what have you. We had the good fortune of opening our committee up to one of the CMP folks yesterday to come in and to please plead their case to us so we would have a better understanding. He continually said that these negotiations go on every five or 10 years or whatever the license is. He said that they are now trying to negotiate exorbitant fees that are going to be passed on to you, the ratepayers. I kept trying to nail him down on that and the exorbitant fee may be going from \$100 to \$300 for a license for five years to cross a person's piece of property.

Any of you guys out there ever think that you are going to go negotiate with CMP or Bangor Hydro for an easement so you can do something or your business can do something, I am sure you are going to have a pretty hard road hoping that you are going to cut any deals whatsoever through these organizations. Look at Champion, International Paper and Bangor Hydro and their fights over what piece of property they can run over and whom can they take the property from and run their lines. Do they have to follow a footprint? It really gets out of hand here. The real problem is here that there is not a current problem and it is very clear that there is not a current problem because of the cases and the resolutions that have always historically gone in the past.

You look at the property rights of the railroad. You think of CMP and these other utilities that have a consumer at the other end that is going to pay the bill. Unfortunately, railroads have to run a business. Railroads, when they are fighting for freight or they are fighting for their lives in northern Maine, do not have somebody they can pass the cost on. That is the real problem here. - I tried to step in and offer a resolution and tried to say, look, I think easements are appropriate when they are necessary. Why not let the PUC only get involved, because, ladies and

gentlemen, if you think the PUC has all kinds of time to do things, go in there with a consumer complaint and see if you get any time out of the PUC? See if they go and advocate on your behalf because you got messed up on your phone rates. I am probably the only person in the State of Maine that ever got the PUC to issue a letter to a phone carrier saying that you guys were wrong. If it took me months to do that, you can imagine how much time they have to help the average citizen in fighting easements or problems with these big utilities.

I don't think we ought to be getting a bunch of cases in there. It is very clear to me by the fact that my compromise wasn't accepted and my compromise said, let's issue easements only as the court of last resort. If it ends up in the PUC, let them work out the agreements through licensing and other vehicles and if the easement is truly necessary for financing or whatever, then the PUC has the right to issue that easement. That was firmly rejected. They don't want that. The reason why is they want every single issue between railroads and utilities to be forced through an eminent domain in easements. That is the bottom line here, ladies and gentlemen. They wouldn't be afraid of the language to have that as the court of last resort only when necessary for the best public interest. That is the bottom line. If it ain't broke, don't fix it. I would appreciate you voting against this committee report.

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

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. There is nothing easy about easements, but they are a necessary part of our economic and social development. Most recently we have had a large number of easements granted for gas pipelines. Those gas pipelines have brought economic development to western and southern Maine and they will continue to bring economic development to Maine in the future as they are currently under expansion.

Under existing law, current law, if the two parties cannot reach an agreement, they can go to the PUC and they can ask for an award. When we were looking at the bill that came in front of us, we said, what is the existing law? Why do we need this bill? It turned out that there was some ambiguity about what the definition of the word award is. The PUC said that we don't necessarily know that you need to enact this bill, but we do believe that we have a problem with the definition of award. There is no definition. We said, let's look at the definition of award. If the parties, the previous speaker alluded to the PUC resolving every dispute, I just want to say right now that is not what this statute would say after being amended by this bill. What it would say is if the two parties cannot reach agreement, they can go to the PUC and the PUC may grant a license or an easement. After hearing from the parties, they would have the information necessary to decide which is appropriate. There is nothing in this bill that tells the PUC that they must grant an easement. There is nothing in this bill that says that the parties can't reach agreement. There is nothing in this bill that says that the PUC will look at every single easement in this state.

However, I think it is very important to note that what this bill does is it creates an even playing field for two parties that can't reach an agreement to go to an entity, a quasi-judicial entity, who already has the jurisdiction over the issue, and ask for an award, a result, to solve the problem. Ask yourself, if we don't pass this bill, what is the current status? Lack of a fair playing field. There will be no fair playing field, no level playing field if one party says I need to cross the line and the other party says no.

This bill is not about any one particular railroad, but it has already been alluded to that one of our railroads is looking for a buyer. I have heard a lot this year about if it is not broke, don't fix

it. I also think that it is wrong for this Legislature not to address concerns about things that they see coming on in the future. With changing ownership, we cannot have a situation where our utilities are faced with an entity owning swaths of land that cut completely across the state and no remedy to get across those swaths of land. It is not acceptable public policy and I ask you to support the committee report. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I apologize for rising twice, but I feel that I probably should follow up on my good friend from Buxton, Representative Savage. It was mentioned that there were two members of Transportation and two members of Utilities that met to try to come up with a compromise. We met at 8:00 in the morning. It was a very good conversation. We came up with a compromise and all four were in agreement, one being the good Chair of the Utilities Committee, Representative Savage. They said they would go back to their committee and discuss this issue and we did likewise. We followed through with our part of the bargain, but they did not follow through with their part of the bargain. They felt that the Transportation Committee had no business even talking or asking questions about this legislation.

Another point that the good Representative made was that they need this in order to help out with disputes. There isn't a problem right now, folks. They don't need this. They can continue doing business as is without this legislation. That is a false, false statement. All we are doing here if we grant this legislation is granting power of eminent domain to the PUC and to the utilities company.

Also not mentioned was that Verizon, another big utility in the State of Maine, did not even testify against this bill. I had the pleasure of talking to a representative from Verizon and they said that they did not have problems with negotiating easements. Often they may have run into a problem here or there, like you do in any negotiations, but they have always been resolved and they didn't feel it necessary to testify on this bill.

The commissioner of Transportation has worked for eight years, very, very hard to improve relationships with state railroads. They are important to the state's infrastructure. This bill will put in jeopardy the work that has been done for the last eight years by our commissioner. It is not good for our transportation system and the Legislature needs to weigh this when they are voting out this bill by what it will do to our infrastructure that we have worked so hard to improve. Mr. Speaker, I request the yeas and nays.

Representative **WHEELER** of Eliot **REQUESTED** a roll call on the motion to **ACCEPT the 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 Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. LD 1973 was reported out of committee at the first of the month. Last March 7th, this item was tabled by this Representative to afford several members of this body time to bring forward additional data, additional information, to the committee. The data was brought forward to the Utilities and Energy Committee, Tuesday, March 19. The committee met at 1:00 on that date. The committee had in its possession the data provided. The committee bill has not changed in content. Mr. Speaker, I would ask that the Clerk read the committee report and further ask the body to support the bill. Thank you Mr. Speaker.

Representative GOODWIN of Pembroke **REQUESTED** that the Clerk **READ** the Committee Report.

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

Representative LESSARD of Topsham moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative SAVAGE of Buxton **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 Buxton, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. It is unfortunate, in my mind, that this bill has come to the point where the good Representative from Eliot feels the need to malign my personal character. However, he has said that I did not keep my end of the bargain. I wish to respond.

The good Representative from Belmont and I went and spoke with the Representative from Eliot and the Representative from Kossuth Township. All of us had the same concern. We did not want to see what is going on right now. None of us wanted to see what is going on right now. We had some language. We discussed some language. It was language that I would have been perfectly content with. The Representative from Belmont was perfectly content with it and we said that we would bring it back to our committee. I went back to my committee members individually and several of them who I consider to be important players on this particular bill and would have had a particular interest this bill, said to me, no, not interested, no way.

We then had a work session. I was not at the table at the time, but the bill was brought up, the issue of do we want to look at new language? Nobody at the table wanted to look at new language. Most of them already knew what that language was. I had conversations with them. Not everybody on the committee knew what that language was. I came back to the table. The conversation was wrapping up. I did not know what the conversation had entailed, but I said, is there no interest on this committee at looking at new language? The answer was pretty unanimous to me. The Representative from Belmont was there as well.

I never promised that I would ram language down the committee's throat. I don't think I have that power and I don't think that is desirable. I had a unanimous committee report. The committee worked the bill. They worked it hard. They listened to the parties and they came to a conclusion. They think it is good conclusion.

I will wrap this up by saying that there have been a lot of attempts at negotiation. That is what this bill is about, negotiation. Let me tell you, my experience in the negotiations over this bill have led me to the conclusion that this bill is more than necessary. Please vote against the current motion.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I will focus on this motion, but one cannot just simply focus on this motion without addressing the issue of whether this information was transported back to our committee as two of us had promised to do. I did, not just once, but twice. Ladies and gentlemen, this bill is very important. I would also point out here that the Department of Transportation was in our room as this bill was being discussed. They were part of this process. We heard none of this input at that point in time. I have great concern that all of a sudden it becomes something they are unaware of, not true. This bill is needed, ladies and gentlemen. I would ask you

to defeat this motion, move back to the bill, which is a unanimous report out of our committee, which we have looked at now three times on vote. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I hope we don't indefinitely postpone this bill, although I do have some concerns with it. It seems to me that there is a legitimate concern between two committees, both with admirable and distinguished chairs that have presented legislation on this floor in a unanimous fashion before and bipartisan fashion before. I believe that this issue needs to be further studied and looked at. The answer, ladies and gentlemen, it seems to me for someone to table this bill and for the Transportation Committee and the Utilities Committee to sit down, as we do as good people of recognizing our differences, and resolve this issue. I would ask that someone table this bill. Thank you.

Representative **BOUFFARD** of Lewiston moved that the Bill be **TABLED** until later in today's session pending the motion of Representative LESSARD of Topsham to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

Representative **BERRY** of Belmont **REQUESTED** a roll call on the motion to **TABLE**.

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

Subsequently, Representative **BERRY** of Belmont **WITHDREW** his request for a roll call.

Subsequently, the Bill was **TABLED** pending the motion of Representative LESSARD of Topsham to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Ordered)

An Act to Amend the Pulling Events Laws

(H.P. 1454) (L.D. 1951)

(C. "A" H-898)

TABLED - March 20, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - PASSAGE TO BE ENACTED.

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

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

BILL HELD

An Act to Create the Washington County Development Authority

(S.P. 541) (L.D. 1672)

(C. "A" S-468)

- In House, **PASSED TO BE ENACTED.**

HELD at the Request of Representative McDONOUGH of Portland.

On motion of Representative McDONOUGH of Portland, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED.**

On motion of Representative RICHARDSON of Brunswick, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-468)** was **ADOPTED**.

The same Representative presented **House Amendment "B" (H-967)** to **Committee Amendment "A" (S-468)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-468) as Amended by **House Amendment "B" (H-967)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-468)** as Amended by **House Amendment "B" (H-967)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

The House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

SENATE PAPERS

Bill "An Act to Provide Maine State Retirement System Representation on the State Employee Health Commission" (S.P. 817) (L.D. 2198)

Committee on **LABOR** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** in concurrence.

The following Joint Resolution: (S.P. 818)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO LIFT SANCTIONS AND ESTABLISH PERMANENT, NORMAL TRADE RELATIONS WITH CUBA

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

WHEREAS, the relationship between the United States and Cuba has long been marked by tension and confrontation, and further heightening this hostility is the 40-year-old United States trade embargo against the island nation that remains the longest-standing embargo in modern history; and

WHEREAS, there has been significant change in relations between Cuba and the United States since 1962, when the prohibitive trade sanctions were imposed; and

WHEREAS, the export ban was imposed during a period of much fear caused by the threat of nuclear attack due to the Cold War between the former Soviet Union and other communist regimes and the United States; and

WHEREAS, that threat no longer exists and it is no longer United States policy to prohibit trade with a communist country, as we already have heavy trade with China and are establishing trade with countries like Vietnam; and

WHEREAS, with complete normalization of trade relations, Cuba could become a \$1 billion market for United States agricultural producers within 5 years, making it our 3rd largest market in the Americas after Mexico and Canada; and

WHEREAS, agriculture in Maine has developed into a diverse industry and could greatly benefit from the market opportunities that free trade with Cuba would provide. Maine is the largest producer of brown eggs and wild blueberries in the world and ranks 8th in the nation in the production of potatoes and 2nd in the production of maple syrup. It ranks 2nd in New England in milk and livestock production; and

WHEREAS, rather than depriving Cuba of agricultural products, the United States trade embargo succeeds only in driving Cuba's purchasers to competitors in other countries that have no trade restrictions; and

WHEREAS, the United States has much to gain by trading with Cuba, not only in agriculture but also in many other sectors of the economy and culture; and

WHEREAS, the Cuban people also have much to gain and are more likely to move toward liberty as they see our way of life and the success of our free market system; now, therefore, be it

RESOLVED: That We, your Memorialists, urge the Congress of the United States to lift trade sanctions and establish permanent, normal trade relations with Cuba; and be it further

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

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

READ and **ADOPTED**.

On motion of Representative **WATERHOUSE** of Bridgton, the House **RECONSIDERED** its action whereby the Joint Resolution was **ADOPTED**.

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

Representative **WATERHOUSE:** Mr. Speaker, Men and Women of the House. I don't know if this issue has received any debate on the floor. I certainly haven't heard any. We have a congressional or a federal policy dealing with the Cuban situation. I don't know if this issue came before the committee of jurisdiction that has authority over this. I certainly don't want to be on record for supporting this. I ask for the yeas and nays.

The same Representative **REQUESTED** a roll call on **ADOPTION**.

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 Montville, Representative **Weston**.

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

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

Representative **WESTON:** Mr. Speaker, Ladies and Gentlemen of the House. Can anyone answer if this particular piece deals with the sale of brown eggs to Cuba? Is this what this is about?

ROLL CALL NO. 534

The **SPEAKER**: The Representative from Montville, Representative Weston has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I do happen to know the answer to that question, because as you know, Gardiner is a hot bed of agricultural activity. I had supper the other evening with the good Senator from Aroostook, Senator Kneeland, a member of the other body, and this is actually his Resolution. He put it in on behalf of the brown egg producers and the potato producers and the grain producers and the broccoli producers and felt that it was important that our agricultural community in the United States and particularly in the great State of Maine had an opportunity to do business everywhere in the world. Thank you Mr. Speaker.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I don't mean to belabor the point, but the Joint Resolution Memorializing the Congress of the United is to life sanctions and establish permanent and normal trade relations with Cuba. That is what the statement is here. In full disclosure, I might add that it is in my personal interest to do that, if I thought it was something that I would like to do, because I am a cigar smoker and they make some of the greatest cigars in the world, but I still think we should vote against this measure. Thank you.

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

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

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. If we can trade with China, which has a rather scarce record on human rights, then why can't we trade with Cuba? If somebody could answer that, please.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the question from the Representative from Falmouth, he is absolutely right. The good Representative from Bridgton, who is rarely incorrect, is incorrect in this case, as well. We do have trade relations with China. There is absolutely no reason in the world why we should be subjecting the common people of Cuba to not having the benefits of our trade.

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

Representative **PARADIS**: Mr. Speaker, Ladies and Gentlemen of the House. Living closely to Canada, I know for sure that they have long ago discarded this counterproductive measure and are profiting in trade with Cuba, also cultural exchanges. It is a favorite vacation spot as it was for this country before Castro came along. I don't think he poses any threat right now. He probably did when he was aligned with the Soviet Union, but the Soviet Union is no more. We consider them among our friends now. I think for the people of Cuba that this is a good resolution. I applaud the good Senator for bringing this forth.

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

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Goodwin, Gooley, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lundeen, MacDougall, Madore, Mailhot, Marley, Mayo, McDonough, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Michael, Mitchell, Murphy E, Murphy T, Muse C, Muse K, Norbert, Norton, Nutting, O'Brien LL, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Richard, Richardson, Rosen, Savage, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Thomas, Tobin D, Tobin J, Tracy, Trahan, Tuttle, Twomey, Volenik, Watson, Weston, Young, Mr. Speaker.

NAY - Bowles, Clough, Cressey, Dunlap, Duprey, Foster, Gagne, Glynn, Kasprzak, Mendros, Nass, O'Brien JA, O'Neil, Peavey, Schneider, Treadwell, Usher, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bagley, Baker, Bumps, Green, Jones, Landry, Lovett, Marrache, Matthews, Michaud, Morrison, Povich, Quint, Rines, Sherman, Tessier.

Yes, 114; No, 21; Absent, 16; Excused, 0.

114 having voted in the affirmative and 21 voted in the negative, with 16 being absent, and accordingly the Joint Resolution was **ADOPTED** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 667) (L.D. 1871) Bill "An Act to Conform Maine Tax Law to the Federal Mobile Telecommunications Sourcing Act" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-481)**

(S.P. 720) (L.D. 1922) Bill "An Act Concerning Rules of the Bureau of Parks and Lands" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-480)**

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

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

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-968)** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003" (EMERGENCY)

(H.P. 1574) (L.D. 2080)

Signed:

Senators:

GOLDTHWAIT of Hancock

CATHCART of Penobscot

MILLS of Somerset

Representatives:

BERRY of Livermore

MAILHOT of Lewiston

TESSIER of Fairfield

BRANNIGAN of Portland

ETNIER of Harpswell

JONES of Greenville

NASS of Acton

BELANGER of Caribou

ROSEN of Bucksport

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

Signed:

Representative:

WINSOR of Norway

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-968)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-968)** and later today assigned.

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

Resolve, to Study the Impact of a Maine-based Casino on the Economy, Transportation Infrastructure, State Revenues and the Job Market

(H.P. 1700) (L.D. 2200)

Which was **TABLED** by Representative COLWELL of Gardiner pending **REFERENCE**.

On motion of Representative RICHARDSON of Brunswick, the Resolve was **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and the Committee on **LEGAL AND VETERANS AFFAIRS**, ordered printed and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-872)** - Committee on **UTILITIES AND ENERGY** on Bill "An Act Regarding Utility Easements"

(H.P. 1472) (L.D. 1973)

Which was **TABLED** by Representative BOUFFARD of Lewiston pending the motion of Representative LESSARD of

Topsham to **INDEFINITELY POSTPONE** the Bill and all accompanying papers. (Roll Call Ordered)

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. I know we debated this well earlier today, but I do have to, at the request of some folks, read something into the record here to clarify some of the issues. I think we laid out things well for and against. I think the appropriate action here is obviously to keep the existing laws current. If there is a need for a change, let the public utilities folks come forward when a problem exists.

Two things, this is difficult for me, but two documents have been provided for me. One is from the Public Utilities Commission, which basically said they held no position on this bill, neither for nor against. I know it may be on the original bill, but it very clearly says it is a fight between two eminent domain utilities and really the fight is over value and over what the value of those rights are and what they are to the respective people. I think this is a fight between two utilities and what the value of these licenses and crossings are.

The second one is there was a comment made that the Public Advocate was in favor of this because there was some alluding to that this is a great thing to help our ratepayers and the public and all that. I do agree that both these utilities have public interest that we all have to protect, but the Public Utilities Commission, the letter dated today says, "In response to your request and after a check of our file, I can confirm that the Public Advocate's Office submitted no testimony favorable or unfavorable in respect to LD 1973." In lieu of that, folks, I would ask that you support the Indefinite Postponement.

The SPEAKER: The Chair recognizes the Representative from Hope, Representative Crabtree.

Representative CRABTREE: Mr. Speaker, Ladies and Gentlemen of the House. I am reluctant to take more of your time on this issue, but this is an important piece of legislation, which deserves your support and with your indulgence, I would like to explain why. This is not about electric utilities. This is not about gas utilities. This is not about water or telecommunications utilities. This is not about railroads. This is about the public interest.

I would like to explain why. Over the past 100 years or so, railroads have been given rights of eminent domain to acquire private property to employ for the public benefit. In the ensuing 100 or so years other public interests have become available, other essential services have become available. One of the necessary consequences of the railroads is that they ended up owning very long, very narrow strips of land, which bisected this state for its entire breadth and its entire width. As these other essential services became available, public interest demanded that they be able to cross that railroad property in order to provide essential services on both sides of the track. For reasons which I don't understand, but I lie totally at the feet of the railroads, it has become a very cumbersome, expensive and lengthy process for the telecommunications, water, electric and gas utilities to cross the railroad property. That entire cost has been born by, not the utilities, but by the customers of the other utilities. What we have here is more than one essential service, more than one public interest that needs to be met. We have railroads, essentially, with a stranglehold on the public interest.

What this legislation does and all of this legislation does is it says that if two parties striving to meet the public interest cannot come to agreement with regard to access across the rail lines, then the issue may be taken to the Public Utilities Commission, who is in a perfect position to determine the public interest, and if

the Public Utilities Commission determines that it is in the public interest, it may grant an easement across the railroad's facilities.

The telecommunication, the water, the electric and the gas utilities will not benefit from this legislation. The only interest that will benefit from this legislation is the public interest. That is why it is a unanimous committee report out of the Utilities and Energy Committee and that is why it deserves your support. Thank you very much Mr. Speaker.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. Unfortunately we had to stop debate and have a rest in between because we basically have to go back and rehash over what we did this morning. I remind you that this Legislature is being asked by this bill to mediate a problem, which rightly belongs between the utilities and the railroads themselves. The Maine Legislature should not be asked to step in and to mediate.

As present law, they can go before the Public Utilities Commission. The only thing they are trying to change now is the right for a license to be changed for to an easement. The only one that gains out of that is not the public, it is the utilities. I urge you to vote the Indefinite Postponement of this bill and all its accompanying papers and to allow the Legislature to act as a Legislature, not a mediator.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House. I think we should move carefully before making this change. So far eminent domain has been a sacred cow in this state. It is used by the cities and it is used by DOT exclusively now. We are looking at giving that to the PUC, which as an earlier Representative pointed out, it is not very easy to get a response out of the Public Utilities Commission. I haven't had much luck over the years either. If we are going to give it to the PUC, why not give it to the Environmental Protection Agency or why not give it to all the other agencies and just let government run amuck? We are altering the status of government here. We are expanding government in ways, which could possibly take away the rights of individual people. For instance, say you have a house and in the backyard CMP wants to put a telephone pole there in the middle of your yard to go through and bring power to somewhere else. Right now they have to negotiate with you in order to do that. You have certain rights. When this passes, they can bypass you entirely and just go to the PUC and get an exemption and the telephone pole sits right in your property and then someone comes along and wants to buy your house. They say they love the house, but we will have to get rid of the pole. You say that you can't because we don't have any rights there. The power company owns the pole and the location through the easement. I think we should think carefully about this. I actually hope we do kill this bill so we can talk about this over the summer. We can have studies. There are a lot of things we can do before you change a status like this in ways that you cannot regain that status and power for the citizens.

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

Representative SAVAGE: Mr. Speaker, Men and Women of the House. Whatever this bill does or doesn't do, it is nothing new for the PUC to have eminent domain power. They have it now over gas utilities. They have it now over electric utilities. It is not new for the PUC to exercise eminent domain power on behalf of those sorts of utilities. Thank you.

The SPEAKER: A roll call having been previously ordered. The pending question before the House is Indefinite

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

ROLL CALL NO. 535

YEA - Ash, Bouffard, Brooks, Bunker, Canavan, Clark, Collins, Desmond, Estes, Fisher, Kane, Kasprzak, Lemoine, Lessard, Lundeen, McDonough, McNeil, Mendros, Michael, Muse C, O'Neil, Paradis, Perry, Stanley, Sullivan, Tarazewich, Tracy, Trahan, Tuttle, Usher, Wheeler EM, Wheeler GJ.

NAY - Andrews, Annis, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bowles, Brannigan, Bruno, Bryant, Buck, Bull, Bumps, Carr, Chase, Chick, Chizmar, Clough, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Etnier, Foster, Fuller, Gagne, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, MacDougall, Madore, Mailhot, Mayo, McGlocklin, McGowan, McKee, McKenney, McLaughlin, Mitchell, Morrison, Murphy E, Murphy T, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Richard, Richardson, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stedman, Thomas, Tobin D, Tobin J, Treadwell, Twomey, Volenik, Waterhouse, Watson, Weston, Winsor, Young, Mr. Speaker.

ABSENT - Bagley, Baker, Gerzofsky, Jones, Landry, Lovett, Marley, Marraché, Matthews, Michaud, Quint, Rines, Tessier.

Yes, 32; No, 106; Absent, 13; Excused, 0.

32 having voted in the affirmative and 106 voted in the negative, with 13 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 Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 536

YEA - Andrews, Annis, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bowles, Brannigan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Canavan, Carr, Chase, Chick, Chizmar, Clough, Colwell, Cote, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Duprey, Etnier, Foster, Fuller, Gagne, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Koffman, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, MacDougall, Madore, Mailhot, Mayo, McGlocklin, McGowan, McKee, McLaughlin, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Patrick, Peavey, Perkins, Pineau, Pinkham, Povich, Richard, Richardson, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Smith, Snowe-Mello, Stedman, Thomas, Tobin D, Tobin J, Treadwell, Volenik, Waterhouse, Watson, Weston, Winsor, Young, Mr. Speaker.

NAY - Ash, Bouffard, Bunker, Clark, Collins, Desmond, Estes, Fisher, Hatch, Kasprzak, Lemoine, Lessard, Lundeen, McDonough, McNeil, Michael, Paradis, Perry, Stanley, Sullivan, Tarazewich, Tracy, Trahan, Tuttle, Twomey, Usher, Wheeler EM, Wheeler GJ.

ABSENT - Bagley, Baker, Gerzofsky, Landry, Lovett, Marley, Marrache, Matthews, McKenney, Mendros, Michaud, Quint, Rines, Tessier.

Yes, 109; No, 28; Absent, 14; Excused, 0.

109 having voted in the affirmative and 28 voted in the negative, with 14 being absent, and accordingly the **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-872)** 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-872)** and sent for concurrence.

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

SENATE PAPERS

Bill "An Act to Address the Unfunded Liability of the Maine State Retirement System and the Equity of Retirement Benefits for State Employees and Teachers" (EMERGENCY)

(S.P. 819) (L.D. 2199)

Came from the Senate, **REFERRED** to the Committee on **LABOR** and ordered printed.

REFERRED to the Committee on **LABOR** in concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the Committee on **LABOR** on Bill "An Act Concerning Disability Retirement Benefits under the Maine State Retirement System"

(S.P. 816) (L.D. 2197)

Reporting **Ought to Pass** pursuant to Joint Order 2001, S.P. 86.

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

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

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

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

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

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** pursuant to **Public Law 2001, chapter 440** - Minority (3)

Ought to Pass pursuant to **Public Law 2001, chapter 440** - Committee on **TRANSPORTATION** on Bill "An Act to Implement the Minority Report of the Joint Standing Committee on Transportation Regarding the Final Report of the Task Force to Study the Municipal Excise Tax and Other Motor Vehicle Registration Fees"

(S.P. 814) (L.D. 2178)

Which was **TABLED** by Representative **COLWELL** of Gardiner pending the motion of Representative **FISHER** of Brewer to **ACCEPT** the Majority **Ought Not to Pass** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 675) (L.D. 1878) Resolve, Authorizing the Commissioner of Administrative and Financial Services to Lease the Interests of the State in Property at the Long Creek Youth Development Center in South Portland Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-482)**

(H.P. 1324) (L.D. 1784) Bill "An Act to Lower Costs in the Small Group Market" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-970)**

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

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

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

On motion of Representative **BRYANT** of Dixfield, the House adjourned at 5:12 p.m., until 9:00 a.m., Friday, March 22, 2002.