

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
SECOND REGULAR SESSION
40th Legislative Day
Monday, April 1, 2002

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

Prayer by Reverend Jean E. Austin, St. Philip's Episcopal Church, Wiscasset.

National Anthem by Stearns High School Jazz Ensemble, Millinocket.

Pledge of Allegiance.

The Journal of Wednesday, March 27, 2002 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

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)

FAILED of **FINAL PASSAGE** in the House on March 26, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-515) in NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

Non-Concurrent Matter

Bill "An Act to Provide for Livable, Affordable Neighborhoods"

(H.P. 1596) (L.D. 2099)

Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **NATURAL RESOURCES** and the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in the House on March 26, 2002.

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

On motion of Representative COWGER of Hallowell, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (S.C. 685)

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

March 27, 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 Labor the nomination of Dennis L. Libby of Windham, for appointment to the Maine Unemployment Insurance Commission as a Labor Representative.

Upon the recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry the nomination of Harold N. Larrabee of Knox, for appointment to the Northeast Interstate Dairy Compact.

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

ORDERS

On motion of Representative SKOGLUND of St. George, the following Joint Resolution: (H.P. 1715) (Cosponsored by Representatives: BOUFFARD of Lewiston, CHIZMAR of Lisbon, COTE of Lewiston, GREEN of Monmouth, HEIDRICH of Oxford, MAILHOT of Lewiston, O'BRIEN of Lewiston, SHIELDS of Auburn)

JOINT RESOLUTION RECOGNIZING DR. MERRILL S. F. GREENE OF LEWISTON, ONE OF THE LAST SURVIVING WORLD WAR I VETERANS

WHEREAS, in 1914 the assassination of Archduke Franz Ferdinand of Austria-Hungary touched off the Great War; and

WHEREAS, in 4 years of bloody slaughter, as many as one in 4 young men from Britain, Canada, France, Germany, Russia, Turkey, Austria-Hungary and other nations died in trench warfare, and countless others perished on fronts as far apart as the Italian Alps, African savannahs and Chinese ports, thus gaining the name for the conflict of the First World War; and

WHEREAS, the United States entered the war in 1917, tipping the balance of power in favor of the Allies, resulting in the armistice signed on November 11, 1918 ending World War I; and

WHEREAS, 518 Maine men gave their lives during World War I and thousands more Maine men were injured and disabled in this war; and

WHEREAS, it has come to the attention of the 120th Legislature that Dr. Merrill S.F. Greene, of Lewiston, is a surviving veteran of the Great War and is among the handful of surviving veterans of the original 2,000,000 American men who served; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the Second Regular Session, take this opportunity to express our sincere appreciation to Dr. Merrill S.F. Greene for his dedicated service to the State of Maine and to the United States of America during World War I; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Dr. Merrill S.F. Greene with our best wishes and appreciation.

READ and **ADOPTED.**

Sent for concurrence.

On motion of Representative SKOGLUND of St. George, the following Joint Resolution: (H.P. 1716) (Cosponsored by Representatives: BUMPS of China, COLWELL of Gardiner, NORBERT of Portland, Senator: GAGNON of Kennebec)

JOINT RESOLUTION RECOGNIZING WILLIAM TYLER, ONE OF THE LAST SURVIVING WORLD WAR I VETERANS

WHEREAS, in 1914 the assassination of Archduke Franz Ferdinand of Austria-Hungary touched off the Great War; and

WHEREAS, in 4 years of bloody slaughter, as many as one in 4 young men from Britain, Canada, France, Germany, Russia, Turkey, Austria-Hungary and other nations died in trench warfare, and countless others perished on fronts as far apart as the Italian

Alps, African savannahs and Chinese ports, thus gaining the name for the conflict of the First World War; and

WHEREAS, the United States entered the war in 1917, tipping the balance of power in favor of the Allies, resulting in the armistice signed on November 11, 1918 ending World War I; and

WHEREAS, 518 Maine men gave their lives during World War I and thousands more Maine men were injured and disabled in this war; and

WHEREAS, it has come to the attention of the 120th Legislature that William Tyler, now of Benton, Maine, who enlisted in Winslow, Maine, is a surviving veteran of the Great War and is among the handful of surviving veterans of the original 2,000,000 American men who served; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the Second Regular Session, take this opportunity to express our sincere appreciation to Mr. William Tyler for his dedicated service to the State of Maine and to the United States of America during World War I; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Mr. William Tyler with our best wishes and appreciation.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative SKOGLUND of St. George, the following Joint Resolution: (H.P. 1717) (Cosponsored by Representatives: GERZOFKY of Brunswick, MURPHY of Berwick, USHER of Westbrook, Senator: LEMONT of York)

JOINT RESOLUTION RECOGNIZING LEON DAVIS, ONE OF THE LAST SURVIVING WORLD WAR I VETERANS

WHEREAS, in 1914 the assassination of Archduke Franz Ferdinand of Austria-Hungary touched off the Great War; and

WHEREAS, in 4 years of bloody slaughter, as many as one in 4 young men from Britain, Canada, France, Germany, Russia, Turkey, Austria-Hungary and other nations died in trench warfare, and countless others perished on fronts as far apart as the Italian Alps, African savannahs and Chinese ports, thus gaining the name for the conflict of the First World War; and

WHEREAS, the United States entered the war in 1917, tipping the balance of power in favor of the Allies, resulting in the armistice signed on November 11, 1918 ending World War I; and

WHEREAS, 518 Maine men gave their lives during World War I and thousands more Maine men were injured and disabled in this war; and

WHEREAS, it has come to the attention of the 120th Legislature that Leon Davis, now of Barnard, Vermont, who enlisted in Berwick, Maine, is a surviving veteran of the Great War and is among the handful of surviving veterans of the original 2,000,000 American men who served; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature now assembled in the Second Regular Session, take this opportunity to express our sincere appreciation to Mr. Leon Davis for his dedicated service to the State of Maine and to the United States of America during World War I; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Mr. Leon Davis with our best wishes and appreciation.

READ and ADOPTED.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Carroll F. Warren, Sr., of Waldo, who has been named 2002 Citizen of the Year by the Waldo County Sheriff's Association, and in extending our congratulations and best wishes to him;

(HLS 1075)

Presented by Representative BROOKS of Winterport.
Cosponsored by Representative ASH of Belfast, Representative WESTON of Montville, Representative BERRY of Belmont, Senator LONGLEY of Waldo.

On **OBJECTION** of Representative BROOKS of Winterport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the following members of the Jay High School Girls Nordic Ski Team, winners of the State Class C Nordic Ski Championship: Lindsey Adams, Sara Benedetto, Hillary Easter, Laurie Kenney, Meghan Paradis, Monica Adams, Heidi Purrington, Rachel Gagnon, Sara Demillo, Jenna Lord, Ashley Uhuad and Kristen Uhuad; and Coach Randy Easter. We extend our congratulations to the team on its accomplishment;

(HLS 1072)

Presented by Representative PINEAU of Jay.

Cosponsored by Senator WOODCOCK of Franklin.

On **OBJECTION** of Representative PINEAU of Jay, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **PINEAU**: Mr. Speaker, Ladies and Gentlemen of the House. It pleases me to stand up today honoring these young ladies from Jay who performed outstandingly as a team in a sport where your number one competition is your last time. These young ladies exhibited the kind of leadership that will carry them right through the future. Thank you very much.

PASSED and sent for concurrence.

Recognizing:

Roy E. Farmer, of Wiscasset, on his receiving the 2001 Maine Businessman of the Year Award presented by the National Republican Congressional Committee. Mr. Farmer, a former State Legislator and president of the Maine Probate Association, was selected to receive the award for his efforts as a member of the NRCC's Business Advisory Council. We extend our congratulations to Mr. Farmer on his receiving this award;

(HLS 1107)

Presented by Representative RINES of Wiscasset.

Cosponsored by Senator KILKELLY of Lincoln.

On **OBJECTION** of Representative RINES of Wiscasset, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative RINES: Mr. Speaker, Men and Women of the House. It is truly a pleasure to rise this morning to recognize and honor a lifelong resident of Wiscasset. I have had the pleasure of knowing Roy and his family all of my life. Roy graduated from Wiscasset Academy in 1944. After high school he joined the Army where he served until 1947. Upon completing his tour of duty he returned home and enrolled in the University of Maine, graduating in 1951, earning his degree in business administration. That same year he married his wife of 50 years, Joanne Pearson Farmer. They celebrated their 50th wedding anniversary last December with many friends and family. He has one daughter, Kim Farmer Haerberle, son-in-law Robert Haerberle and two grandsons, Matthew and David.

In 1953, he purchased the Hawes Insurance Agency and in 1954 started Roy Farmer Real Estate Agency. In 1963, he joined forces with David Soule to form the partnership of Carl M. P. Larrabee Agency, of which he is currently serving as President.

And that is not all. Roy also has a very impressive public service record. While raising a family and building a very successful business, he found time to hold local, county and state offices. The Honorable Roy Farmer served one term in this body during the 98th Legislature. He also served on the Board of Selectmen in Wiscasset from 1954 to 1959, as a member of Wiscasset School District Board of Trustees for 25 years, five of those as chairman of the board, a incorporator for the Wiscasset Public Library and Bath Saving Institution, past president of the Lincoln County Board of Realtors, 28 years as Register of Probate, two years as County Treasurer and 30 years as Bail Commissioner.

Roy is also an active member of the Wiscasset Fire Society, a Mason, Lincoln Lodge #3 and the American Legion Bradford Sortwell Wright Post.

To top off all his accomplishments, two weeks ago Roy was named the 2001 Maine Businessman of the Year. This award recognizes the top US business leaders who have successfully integrated business and financial success. He was selected to receive the award for efforts as a member of the NRCC's Business Advisory Council.

I started out by saying, I have known Roy all my life. He has always been a friend to me, my family and the community. His kind demeanor and positive attitude always shines in everything he does. He treats everyone with dignity and respect. These are the attributes that have made him so successful in the business community. I look up to admire Roy for all of his accomplishments. I want to thank him and his family for joining us here today. I want to wish him all the best in all of his future endeavors. Thank you Roy for all your hard work. Congratulations.

One last thought, Roy, I do miss the boat trips we took on the Sheepscot when I was much younger, even when the boat broke down and we had to be towed in and especially when you let me drive the boat, much to my mother's dismay. Thank you Mr. Speaker.

PASSED and sent for concurrence.

Recognizing:

Wilma Libby Whitehouse Rodgers, of Sanford, on the occasion of her 100th birthday, August 16, 2002. Mrs. Rodgers has been active in civic organizations all her life. In 1974, she assumed chairmanship of the Genealogical Committee of the Libby Family and has vigorously and efficiently promoted the

group. We join her family in extending congratulations and best wishes on this very special occasion;

(HLS 1108)

Presented by Representative CLOUGH of Scarborough. Cosponsored by Representative BOWLES of Sanford, Representative TUTTLE of Sanford, Senator CARPENTER of York, Representative CHICK of Lebanon.

On **OBJECTION** of Representative CLOUGH of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative CLOUGH: Mr. Speaker, Men and Women of the House. Today, I would like to honor a great lady from Sanford on her upcoming birthday. On August 16th of this year, Wilma Libby Whitehouse Rogers will be 100 years young.

My "Aunt Wilma" is a delightful, strong willed, self-reliant centenarian who lives alone in her own home and is actively planning her own 100th birthday party, making all the arrangements, sending out the invitations, and making sure that she gets to visit with all of her family and friends on that special day.

After graduating from Lebanon High School in 1920, she taught in the Libby District, West Newfield for one year. She then went to work for the Universal Corporation in Springvale where she was in charge of payroll from 1930 until 1943. In 1943, she was employed by Sanford Institution for Savings, being made Assistant Treasurer in 1952. She retired in 1970 at the age of 67.

She has been active throughout her life in a number of organizations. She is a member of the First Baptist Church of Springvale where she is planning to hold her 100th birthday party, a Past Matron of Clover Chapter No. 138 Order of the Eastern Star in Sanford and past president and life member of the Maine Association of Savings.

In 1974, Wilma assumed chairmanship of the Genealogical Committee of the Libby Family. In this position she spent nearly 25 years assembling data to update the history of the Libby Family and produced Volume II, two books covering the years from 1882 to 1982. This work supplements Volume I of the Libby Family in America, which covers the period from 1602 to 1881. Her basement is stacked with research papers gathered for the 100-year update. Considering that all the work was done by hand, with just a typewriter and a couple of part-time helpers, those of you who have been involved in researching your family history can appreciate the dedication and hard work over that 25-year period.

She has a number of Libby cousins serving in the 120th Legislature. They are Representative, Tom Winsor, Representative Sharon Libby Jones, Representative Paul Waterhouse and my seatmate, Representative Chase.

As I said before, my "Aunt Wilma" is a great lady and it gives me great pleasure to honor her on the occasion of her 100th birthday.

PASSED and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Representative RICHARD for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Secretary of State and the University of Maine System to Develop a Comprehensive Plan for Preserving and Protecting Historical Records and Access to Those Records" (H.P. 1721) (L.D. 2209)

Reporting **Ought to Pass** pursuant to Resolve 2001, chapter 10.

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

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

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

Ought to Pass Pursuant to Joint Order

Representative SAVAGE from the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Amend the Charter of the Winterport Water District" (EMERGENCY) (H.P. 1719) (L.D. 2207)

Reporting **Ought to Pass** pursuant to Joint Order 2001, H. P. 1708.

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

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

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

CONSENT CALENDAR

First Day

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

(H.P. 1651) (L.D. 2157) Bill "An Act Regarding the Requirements for Documenting Pretest and Post-test Counseling for HIV Tests" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 283) (L.D. 361) Bill "An Act to Adopt the Model Business Corporation Act in Maine" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1037)**

(H.P. 1170) (L.D. 1570) Bill "An Act to Update the Property Tax Exemption for Pollution Control Facilities to Promote Clean Production through Pollution Prevention and Toxics Use Reduction" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1029)**

(H.P. 1468) (L.D. 1969) Bill "An Act to Prohibit a Convicted Sexual Offender From Acquiring Custody or Obtaining Visitation Rights Without Adult Supervision" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "C" (H-1033)**

(H.P. 1485) (L.D. 2018) Bill "An Act to Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1032)**

(H.P. 1631) (L.D. 2134) Resolve, Authorizing the Commissioner of Administrative and Financial Services to Purchase Land in Machias, Maine Committee on **STATE AND**

LOCAL GOVERNMENT reporting Ought to Pass as Amended by Committee Amendment "A" (H-1030)

(H.P. 1661) (L.D. 2166) Bill "An Act to Provide Flexibility in the Rate of Interest Charged on Delinquent Taxes" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1028)**

(H.P. 1687) (L.D. 2186) Resolve, to Establish the Task Force to Study the Effectiveness of Stormwater Management in Developed Watersheds (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1034)**

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

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

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

ENACTORS

Emergency Measure

An Act to Restrict the Availability of Products with Excessive Levels of Arsenic

(H.P. 1447) (L.D. 1944)
(C. "A" H-937)

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 12 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 Access to Prescription Drugs for Persons who are Elderly or Disabled

(S.P. 777) (L.D. 2113)
(C. "A" S-506)

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

Representative KANE of Saco **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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 583

YEA - Andrews, Annis, Ash, Belanger, Berry DP, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clough, Collins, Colwell, Cowger, Crabtree, Cressey, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Duncan, Dunlap, Etnier, Fisher, Foster, Fuller, Gagne, Gerzofsky, Glynn, Goodwin, Gooley, Green, Hall, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jodrey, Jones, Kane, Kasprzak, Labrecque, LaVerdiere, Laverriere-Boucher, Ledwin, Lemoine, Lessard, Lovett, Lundeen, MacDougall, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan,

McKenney, McLaughlin, McNeil, Michael, Michaud, Mitchell, Morrison, Murphy E, Murphy T, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Quint, Richard, Richardson, Rosen, Savage, Schneider, Sherman, Shields, Simpson, Skoglund, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Bagley, Baker, Buck, Clark, Cote, Duplessie, Duprey, Estes, Koffman, Landry, McKee, Mendros, Peavey, Rines, Smith, Tuttle, Twomey.

Yes, 134; No, 0; Absent, 17; Excused, 0.

134 having voted in the affirmative and 0 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Providing for the Supply of Water to the City of Brewer (S.P. 794) (L.D. 2147)
(S. "A" S-510 to C. "A" S-498)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Provide Funding for the Office of the State Fire Marshal and the Maine Fire Training and Education Program (H.P. 1704) (L.D. 2201)

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

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. A year ago we had placed a one-year, one-time surcharge on house insurance or any structure covered by fire insurance and pulling this bill, this does that again for another year in the amount of \$983,000. I would like to have someone from the committee explain to me, looking through the language, that there is an assessment, which insurance policy holders are going to have to pay, of almost \$1 million, but there is a provision in here for a credit against premium taxes. If someone could please explain that unusual arrangement for us?

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House and the good Representative from Kennebunk. This is another year extension to keep the Fire Marshall's Office afloat and the Fire Academy afloat. It is actually a loan from the Insurance Industry of about \$1 million, which will be offered to them as a credit in 2003. We feel it was a reasonable attempt. I think there is little impact upon the insurers, maybe 20 cents a policy. The Fire Marshall's Office, as you know, is very important. It inspects all of our public facilities, daycare centers and nursing homes. They have to be up and running. This is the vehicle we recommend. It is a unanimous report out of the Committee on Criminal Justice. I hope that answers the question. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I think we heard last year that no General Fund monies go to the Fire Marshall's Office, which I think is a major mistake given the services they provide. We were told that we were in this crisis because the overall premiums are flat. I think the reason for that is that as people grapple with their family budget, over the years they dramatically have increased the deduction in an effort to keep that premium down. On that effort of theirs to control costs, we are now going to lay almost a \$1 million surcharge on them when some of those monies should be coming from the General Fund. Mr. Speaker, I request a roll call.

Representative **MURPHY** of Kennebunk **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I would further clarify this issue of costs. The projections for the fire insurance premiums are quite low and the industry did indicate to us that the actual amounts coming in the next cycle would be a lot higher. I don't think you will find that premiums will go up for the homeowner's policy on the fire insurance. Again, in this business once in a while you have to have a leap of faith. We are very comfortable. No one spoke against this item. It did have a good public hearing. I feel comfortable and I hope you will support the unanimous report on this item.

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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 584

YEA - Andrews, Annis, Ash, Belanger, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Collins, Colwell, Cowger, Cummings, Daigle, Davis, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Haskell, Hatch, Hawes, Heidrich, Honey, Hutton, Jacobs, Jones, Kane, Labrecque, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lovett, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McLaughlin, McNeil, Michaud, Mitchell, Morrison, Murphy E, Muse C, Muse K, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rosen, Savage, Schneider, Sherman, Simpson, Skoglund, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tobin J, Tracy, Trahan, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Young, Mr. Speaker.

NAY - Berry DP, Bowles, Bruno, Bumps, Clough, Crabtree, Cressey, Duncan, Foster, Glynn, Goodwin, Gooley, Hall, Jodrey, Kasprzak, Ledwin, MacDougall, McKenney, Mendros, Michael, Murphy T, Perkins, Pinkham, Shields, Stedman, Treadwell, Waterhouse, Weston, Winsor.

ABSENT - Bagley, Baker, Buck, Clark, Cote, Duprey, Estes, Koffman, Landry, McKee, Peavey, Rines, Smith, Tuttle, Twomey.

Yes, 107; No, 29; Absent, 15; Excused, 0.

107 having voted in the affirmative and 29 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Emergency Measure

Resolve, Establishing the Blue Ribbon Commission to Address the Financing of Long-term Care

(H.P. 1436) (L.D. 1933)
(H. "B" H-1019 to C. "A" H-910)

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. 110 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 126: Immunization Requirements for School Children, a Rule of the Department of Human Services, and Portions of Chapter 261: Immunization Requirements for School Children, a Rule of the Department of Education, Major Substantive Rules Jointly Adopted by the Department of Human Services and the Department of Education

(H.P. 1624) (L.D. 2124)
(C. "A" H-1026)

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. Am I correct in understanding that this means that this legislation will prohibit any child from being allowed back into public school without the government forced vaccinations regardless of religion or philosophical reasons?

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 15 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Resolve Pursuant to the Constitution
Public Land**

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

(S.P. 805) (L.D. 2168)
(C. "A" S-511; S. "A" S-513)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding Child Care Facility Laws

(H.P. 1523) (L.D. 2027)
(C. "A" H-972)

An Act Relating to the Treatment of Persons with Mental Illness Who are Incarcerated

(H.P. 1563) (L.D. 2068)
(C. "A" H-1020)

An Act to Increase the Cap on Funds Available through the Regional Economic Development Revolving Loan Program

(H.P. 1709) (L.D. 2203)

An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds

(H.P. 1712) (L.D. 2204)

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 Require Agencies to Provide a List of Certain Paperwork Required of Maine Businesses

(H.P. 1543) (L.D. 2044)
(C. "A" H-1016)

Resolve, to Further Protect Endangered and Threatened Species Through Better Communication

(H.P. 1603) (L.D. 2104)
(C. "A" H-1018)

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

An Act to Expand Family Life Education Services in Maine Schools

(H.P. 1180) (L.D. 1603)
(C. "A" H-1024)

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 Relating to Subdivision Review and Title Search Procedures

(S.P. 779) (L.D. 2119)
(S. "A" S-487 to C. "A" S-472)

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

On motion of Representative TOBIN of Windham, 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: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I asked for this roll call for one reason. I believe that on certain issues the people who elected you should know how you feel. On this particular issue if you believe that the State Planning Office and special interest lobbying groups can make better decisions for your municipality in your hometown, better decisions than the people that elected you, then you should vote yes. If you believe that the people that elected you know what is

best for their community, then you should vote no. Thank you Mr. Speaker.

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

Representative COWGER: Mr. Speaker, Ladies and Gentlemen of the House. I do hope you will join with us and support the enactment of this legislation. Just to remind the members of this body, we voted to accept this report, 85 to 47. I believe that this bill does not in any way take away the ability of a local municipality to make their own decisions regarding land use. This merely provides the framework under which a definition of a subdivision, definition of the numbers of lots of a subdivision statewide does not take away any authority to regulate how subdivisions are approved in your local towns or how zoning is done. It doesn't impede on that at all. I don't believe this is any infringement on local control whatsoever. I hope you support enactment. Thank you.

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. 585

YEA - Ash, Berry RL, Blanchette, Bliss, Bowles, Brannigan, Bryant, Bumps, Bunker, Canavan, Chick, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gerzofsky, Gooley, Green, Hall, Hawes, Honey, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, Matthews, Mayo, McDonough, McGowan, McKee, McLaughlin, Mendros, Michaud, Mitchell, Muse C, Nass, Norbert, Norton, Nutting, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richardson, Rines, Savage, Simpson, Snowe-Mello, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Usher, Volenik, Watson, Winsor, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bouffard, Brooks, Bruno, Buck, Bull, Carr, Chase, Chizmar, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Davis, Duncan, Gagne, Glynn, Goodwin, Haskell, Hatch, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, Lundeen, MacDougall, Marrache, McGlocklin, McKenney, McNeil, Michael, Morrison, Murphy E, Murphy T, Muse K, Peavey, Perkins, Pinkham, Richard, Rosen, Schneider, Sherman, Shields, Skoglund, Stanley, Stedman, Tobin D, Tobin J, Treadwell, Twomey, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Young.

ABSENT - Bagley, Baker, Cote, Dugay, Duprey, Estes, Koffman, Landry, Madore, Smith, Tuttle.

Yes, 78; No, 62; Absent, 11; Excused, 0.

78 having voted in the affirmative and 62 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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.

Bill "An Act to Implement the Minority Recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands"

(H.P. 1600) (L.D. 2101)

- In Senate, Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED**

and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973)** in **NON-CONCURRENCE**.

- In House, House **RECONSIDERED** its action whereby it to **ADHERED** to its previous action whereby the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY** was **READ** and **ACCEPTED** on March 27, 2002.

TABLED - March 27, 2002 (Till Later Today) by Representative **COLWELL** of Gardiner.

PENDING - Motion of Representative **CARR** of Lincoln to **RECEDE** and **CONCUR**. (Roll Call Ordered)

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

Representative **BULL**: Mr. Speaker, Men and Women of the House. Very briefly, to bring you up to date on this bill. This House previously accepted the bipartisan Majority Ought Not to Pass Report on this bill. I would ask that we would stick with that stance and vote against the motion to Recede and Concur.

What this bill does is it puts into statute for the first time language of right of first refusal for people who own leases, if they are a landowner and are looking to sell that land upon which they have the lease. If the large landowner wishes to sell that land, this bill would put into statute language that would say that they would first have to offer that land for sale to that leaseholder. As far as I know, this is an unprecedented action that would be taken. As far as I know, there is no other place in Maine statute that puts into statute language calling for a right of first refusal. During the testimony on this bill we heard vigorous opposition to this language from not only the obvious suspects in this case, the large landowners, but also, interestingly enough, environmental organizations who see the right of first refusal as very problematic to their attempts to establish conservation easements and to work for land conservation. Again the bipartisan majority of the Committee on Judiciary looked at this bill and decided this was not a good precedent we wanted to be setting. We voted Ought Not to Pass on this.

There is other language in another bill that did come forth from the committee on leases held on land in the northern Maine woods chared by the good Representative from Greenville, Representative Jones. That bill has already been enacted by this House. We are looking at the issue. We have addressed some of the concerns brought forth by leaseholders in the northern Maine woods, but the majority of the committee felt that this was a bad precedent to be setting. I would ask you to vote against the motion to Recede and Concur. Thank you Mr. Speaker.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote for the Recede and Concur for a right of first refusal. A lot of these people in my area buy camps and some of them are worth \$100,000 or \$120,000. They go there in summertime. Not only are they people from my area, but they are from the southern part of the state and out of state also. They have these camps in northern Maine. They put these camps up there for a summer home and also as a retirement home. If the company does not have a policy of first refusal and the land goes up for sale, what are these people supposed to do? Are they supposed to tear everything off that land that they have now? They have improved the land, which they have leased. They made sure that all the trees are cut back nice. They garnished the fronts of the water. They made sure that most of the camps are up to date and up to building code throughout the LURC jurisdiction. A lot of these camps are homes, some of these people have homes on leased land. Millinocket was part of

leased land. The Town of Millinocket was leased land through Great Northern Paper.

I want to give you a little scenario. When I bought my house this year, I had to sign a letter to Great Northern Paper to release the deed because they are still under leased land. I know it is a little bit different from the Town of Millinocket saying that if Great Northern Paper sells the land, then we don't own that lot. That is a little bit different. If you go up toward the lakes up there and these other places throughout Maine and if you have a camp or a house and that company comes in and says we are selling this to the highest bidder, ladies and gentlemen, you know that it is either an investment group to make money for those people or some kind of other land that they use. Don't get me wrong here, I approve of people going and buying land to use if for harvesting lumber and using it for the papermaking process. When you have a camp or a house on that land and you spent most of your life savings building that and the company comes in and says we are buying that and you don't have the right of first refusal to that, there is something wrong. When you vote today, let's protect your neighbors, your relatives or maybe even yourself and vote for the Recede and Concur. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. The issue here is fairly simple. I think that my good friend from Millinocket has done a pretty good job spelling it out. The issue is when a lease was issued many, many years ago to somebody who is either a mill worker or someone who worked for a particular company or just somebody who came into a lease, whether or not that lease actually means anything. I have been to some of these camps and they are pretty amazing. I have some good friends from Millinocket who have built a camp and what Representative Clark has described is not inaccurate. These people live in Millinocket. They have a fairly small home, but their camp is a very nice camp. It is truly a camp. It has gas lights and everything, but they put a lot of money into it over the last 35 or 40 years. When those leases were initially offered, they were done partly as employee incentives or something that the company did for its employees. As these companies have changed hands over the years, many of the companies are no longer interested in being in this business and they see the property values as being a liquid asset. The leaseholder winds up being left out in the cold. I think that this particular motion addresses protecting those property owners. This is real property we are talking about here. Regardless of who holds the lease or the title to the property, someone who has built a camp has invested their life savings or some component thereof in establishing real property, which then becomes utterly worthless to them. I think that is absolutely shameful. I think we should do what we can to protect the leaseholders. I understand the concerns of my good friend from Freeport about giving protections to conservation and various groups and environmental organizations and striving to protect some of these areas. However, I think that if we are going to leave the private property owners out in the cold, that end is only impeded, not forwarded by not doing this. I urge you to support the pending motion.

On motion of Representative NORBERT of Portland, **TABLED** pending the motion to **RECEDE** and **CONCUR** and later today assigned. (Roll Call Ordered)

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "C" (H-839) - Minority (6) Ought Not to Pass - Committee on LABOR on Bill "An Act to

Make the Unemployment Insurance Program More Responsive to the Needs of Today's Workforce"

(H.P. 944) (L.D. 1258)

TABLED - February 27, 2002 (Till Later Today) by Representative BUNKER of Kossuth Township.

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

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. We have before us a bill that is going to do some very bad things to the Unemployment Comp Fund. First of all, I would like to go over a little bit of history of this fund and where we are today. When I first came to the Legislature, the Unemployment Comp Fund was in shambles. It was on the verge of insolvency. In the 118th Legislature we talked considerably about it and in the 119th Legislature we did something about it. We enacted a solvency provision which levied some pretty heavy taxes on the business community of the State of Maine. The Comp Fund early on was running on the low point of about \$60 to \$90 million through the winter months when the layoffs were pretty high in the state. There was about \$60 to \$90 million in the fund. This year the fund has maintained a balance of about \$400 million through these winter months. It is expected to climb above that. The fund is now fairly healthy. In January of this year as a result of the money that now is in the fund that was paid by the employers of the State of Maine there was about a 30 percent reduction in unemployment assessments. I think that was very justified to give some of that money back to the people that paid it.

The bill before us now will start to raid the fund. You are going to hear, I am sure, some arguments that it is justified, but I think what we have to consider is some of the things that were done in the 119th Legislature to make this fund solvent. One of the major issues is the fact that the legislation required a fiscal impact study be done before any changes were made to the benefits payable out of the fund. I would ask anybody on the Majority Report if that impact study has been done. If it has, I have not seen it.

I would like to know a couple of other things also. One of the provisions of this bill would be to pass a law to make unemployment comp available to part-time employees without defining what a part-time employee is. How many hours does that individual work per week, per month or whatever? What if a part-time employee has more than one job? Let's say they have two jobs and they lose one of them? Are they entitled to unemployment comp benefits? There are too many unanswered questions here. I don't think that we should be passing a law telling the Department of Labor to go develop the rules and then come in the first session of the next Legislature and change this law or vote to accept or not accept those rules that have been developed. This is not the way to run this Legislature, I don't think. I would appreciate it if you would vote against the pending motion and let's go on to pass the Minority Report.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. We had the UI debate last year, as you recall. We went through that whole debate when we had no anticipation of any additional funds. We were talking about the \$400 million that were available in the UI Trust Fund. During that debate, we were thinking of using some of that 30 percent of the tax reduction that our employers got this January 1st from the last fall's revisiting of the rates and to use it for a Part-time Unemployment Fund so there would have been a balance between benefits and roll backs

in contributions by employers. We tabled it and brought it back to committee and worked on it again this year. As of the 9-11 issue when many of you folks realized that the federal government came forward with a 13-week extension and other federal funds. Part of that is the Reed Act Fund. The Reed Act Fund is federal money, \$32.5 million being sent to the State of Maine under the Reed Act. Under the guise of the Reed Act they can use it for various uses, one of which is increased benefits. It is very supportive. Both your Senators at the US level in this state supported the language to add in the language to provide benefits for part-time workers. Many of you folks know that the part-time workforce are women, about 70 percent of the part-time workforce in the State of Maine.

Last year, and as I mentioned a few seconds ago, we did roll the schedule that employers pay from is an array system. The good Representative indicated that a great amount of work was done in the past and they set up an array system. That array system allowed the schedule because of the funds in that trust fund came to a level, which allowed about 20 weeks of benefits rolled back from "F" to "C" and "F" to "C" equated to about 30 percent for employer contribution savings at the employer level. With this bill, with the Reed Act funds, we will again see a roll back of another 25 percent in tax employer saving out of this action. Whether we put the part-time workers in it or we don't. We don't see any real fiscal impact until 2008 if there is any and it looks to be very minimal at that time. Twenty-four states are currently providing part-time benefits. We realize as the service community grows in the State of Maine and the manufacturing sector is decreasing that most of our employers are moving into a part-time workforce. We know that that is the thing of the future. That is unfortunate, but we do think that benefits for part-time workers is a timely thing and it is here.

The other thing about part-time workers is, don't think that these part-time workers can work during the summer at McDonald's and then suddenly claim unemployment benefits. This is not the case. The case is each and every one of these part-time employees have to meet the full-time wage earning requirements. That means more than not that this is an employee that worked for somebody for many, many years, the business either closed or had to downsize and laid her or him off a 35-hour job or something like that. They served in this job because it was convenient to take care of the kids when they got home or they had to take care of an elderly person in the family or they had other requirements within their life needs that required them to work part time and they couldn't under current law, without lying, go out and draw unemployment while they are laid off unless they were saying they were looking for full-time work. This is a very narrowly focused bill. It is on the part-time sector that meet full-time requirements. I would ask for your support in that area. The \$32 million additional money from the federal government will be taking care of that. If we are successful here, you will see an amendment later that will require some report backs. I appreciate your support. We have argued the points for and against earlier. I would appreciate your support as in the past.

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

Representative DAVIS: Mr. Speaker, Men and Women of the House. Just briefly, let's keep in mind that business is taxed for this Unemployment Fund and that they recently were assessed a greater tax to make the fund nice and healthy. This is for disasters that happen, which are happening around Maine now with companies moving out of state. I also would like to remind you what happens to someone that has three jobs or four part-time jobs, if he gives up the fourth job, is he entitled? That is one

of my own children. My oldest son had, at one time, four jobs. He never got unemployment compensation or asked for it. I think you are getting into a convoluted maze of regulations if you vote for this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative McLaughlin.

Representative MCLAUGHLIN: Mr. Speaker, Men and Women of the House. I rise to remind you that times have changed. Our economy has changed. Our labor force has changed and our families have changed. This bill enables us to responsibly keep up with those significant changes. Seventy percent of our part-time workers are women. In Maine women's employment is concentrated in the wholesale and the retail trade sectors, the same sectors with the largest proportion of part-time workers. Part-time workers have become an essential component of both the workforce and the support of Maine families. Remember, times have changed. The Unemployment Insurance Program is not fulfilling its purpose with respect to our part-time workers. These workers meet all the same eligibility requirements for unemployment benefits. They lost their job through no fault of their own. They had enough earnings to be eligible, but they are only available for part-time work. We live in a society where it is increasingly necessary and difficult to balance work and family. Many people make the responsible decision to work part-time to meet the needs of their families. When these part-time workers lose their jobs, their families need unemployment benefits just as desperately as the families of full-time workers do. We have been presented with an opportunity to remedy this inequity, to acknowledge and respond to the changing nature of our workforce, our economy and our families. The Reed Act distribution must be used within the Unemployment Insurance System. It specifically states it may be used to cover part-time workers. We need to take advantage of this opportunity. The time to cover part-time workers is here. It is now. Thank you.

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

Representative MACDOUGALL: Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the current motion and I would like to give my reasons why. The Unemployment Compensation Fund is funded solely by Maine employers. It was suggested by the good House Chair, the Representative from Kossuth Township, Representative Bunker, earlier that the Reed Act dollars could be available to help fund this. The thing I wanted to point out about the Reed Act dollars is it is one-time money and there needs to be a full discussion on how to use the money to best help Maine employees with training and education to further bolster those who are unemployed to transition them to other employment. There is also within the Unemployment Compensation System itself some needs to help with the administrative arena of servicing the unemployed better, but there are many places and many things that can vie for that particular one-time money. When the discussion of solvency came up in the past few years, as was mentioned earlier, to raise the taxes was not to expand the benefits, but to get to solvency and there was to be a study of the financial impact if you did expand benefits. Not for next year, but for 10 years out. It is much more long term. This one-time money, should we use this to fund the expansion of part-time benefits, will dissipate will over time and will ultimately fall on the employer's wallet.

As far as the employers saving money and having a roll back on their taxes into this comp system, this is a very good thing. As you know, many employers have been impacted from a bunch of things in the economy, 9-11 not being the least of them. It was kind of a slow economy at the present and somewhat uncertain

going into the future. Many businesses are right now very marginal. An opportunity to save some money there may help them keep health benefits intact or keep from reducing them, help with expansion plans or to maintain the status quo with the number of employees they currently have. It is very, very important.

Also, this will have an impact on municipal budgets, school budgets and non-profits. With this Reed Act money, ladies and gentlemen, I really would like the opportunity as time goes on to come up with an appropriate use of that one-time money to formulate some kind of approach that is pro-active and long term in nature that will help the employees of Maine. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I am very, very proud of the fact that this bill is here and to be the sponsor of this LD. Ladies and gentlemen, as I look around this chamber, we are a diversified body. We have men and women and more and more women are serving in state government each and every day and that is a good thing. The issues of justice and fairness and parity and equity are things that we as Americans believe strongly in. For all of the reasons that have been mentioned in support of this bill, let's get on with it. This bill is about simple fairness. Ladies and gentlemen, when you talk about the issues of the solvency, I was here during that fight during that solvency. I was here when benefits were cut. Ladies and gentlemen, it is time for the other side of the equation. Let's join a large number of states that now currently recognize the importance of part-time workers. Let's join the rest of the nation and let's do what is right. Thank you.

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

Representative **SMITH**: Mr. Speaker, Ladies and Gentlemen of the House. Just two quick points I want to make. First of all, the employers of our state are paying the unemployment assessments for part-time workers as well as full-time workers. The money is being paid into the Unemployment Fund because of the part-time workers. When we talk about fairness, if funds are being paid because of their employment, then it is only fair that they should have access to those benefits.

The other thing is that this bill will most particularly help those households where both spouses have to work, particularly the households where the wife has the job of not only taking care of the children, but also is looking to supplement the income. This is where the fairness comes in. This is where we know there is a real impact on families here. A person only has those hours to work part time to supplement the family income. If they are laid off, then they should be entitled to have access to the unemployment. This is the fairness we are looking for for those families and those working wives to be able to get the benefits that are being paid for them. Thank you.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. Just to follow up on a couple of things that have been mentioned. The Reed Act money is one-time money. The Department of Labor in the note that they put out recently said that with part-time unemployment benefits that that money will be consumed within about three years, by about the year 2006. When that happens, if we have this legislation on the books, there is no other way to get the money to fund it except to go back to those employers again and tell them they have to ante up some more money. We keep doing that to the employers of the State of Maine time after time after time. I would ask the

question, has the fiscal impact study that is required by the law been done? If it has, what are the results of that study?

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

Representative **TREADWELL** of Carmel **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. 586

YEA - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Quint, Richard, Richardson, Rines, Savage, Simpson, Smith, Stanley, Tarazewich, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

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

ABSENT - Bagley, Baker, Cote, Estes, Koffman, Landry, Skoglund, Tuttle.

Yes, 76; No, 67; Absent, 8; Excused, 0.

76 having voted in the affirmative and 67 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "C" (H-839) was READ** by the Clerk.

Representative **BUNKER** of Kossuth Township **PRESENTED House Amendment "B" (H-1027) to Committee Amendment "C" (H-839)**, which was **READ** by the Clerk.

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. This amendment goes to the concerns of the good Representative from Carmel, Representative Treadwell. It requires a look at this expanded benefit in 2008 to see what impact and to bring documentation and data back about benefits and how many served and how it is working. We do want to have that amendment in place to have a review at the time that in 2008 or greater it may have some small impact and we were sensitive to that and that is what this amendment does. Thank you.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate the good Representative from Kossuth Township, Representative Bunker's concern about this study being done in the year 2008, but that still does not satisfy the question of the impact study that was required to be

done before we pass this legislation. I would request that we vote against the pending motion.

The Chair ordered a division on the motion to **ADOPT House Amendment "B" (H-1027) to Committee Amendment "C" (H-839)**.

A vote of the House was taken. 58 voted in favor of the same and 56 against, and accordingly **House Amendment "B" (H-1027) to Committee Amendment "C" (H-839) was ADOPTED**.

Committee Amendment "C" (H-839) as Amended by House Amendment "B" (H-1027) thereto was ADOPTED.

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

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "C" (H-839) as Amended by House Amendment "B" (H-1027) thereto** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-887) - Minority (6) Ought Not to Pass - Committee on LABOR on Bill "An Act to Protect the Rights of Maine Citizens Under Collective Bargaining Agreements" (EMERGENCY)

(H.P. 1595) (L.D. 2098)

TABLED - March 21, 2002 (Till Later Today) by Representative NORBERT of Portland.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. This bill, in effect, will make random drug testing a moot point in any shop that has a union. What it says is that if the employer and their union are bargaining and they cannot reach an agreement and they have a random drug testing program in place in that shop, without a mutual agreement between the two parties to continue their random testing, it cannot continue. What that amounts to is a cessation of any random drug testing in that plant. We heard testimony from many employers that do have random testing programs that in addition to all the other factors, it is a safety issue. Who would want to have a fork lift driver or a person operating a piece of critical machinery under the influence of drugs in the work place? I wouldn't want to be working beside that individual and I don't think it is a sound policy to not allow the random testing to continue. To be honest, I cannot figure out why this is an issue. We had testimony from a paper mill, a safety person, up in northern Maine and he told us that the safety in the workplace, the work related accidents decreased dramatically once they implemented the random drug testing program. It is a safety issue and I would urge you to vote against the pending motion again.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. If anybody has even bothered to look at the bill at hand, you will find that the Committee Report just makes a couple of work changes and clarifies the intent of the Legislature

when we first enacted our random drug testing law. For anybody to stand on this floor and say that this is going to sacrifice safety or is going to put our random drug testing in jeopardy at any point in negotiation, that is clearly not the facts as I understand it. The current law says you can have random drug testing if there is a safety issue at hand. DOT requires it under federal law. There are many different capacities and occupations where mandatory random drug testing is okay. We are basically in a different law that says that we, the State of Maine, determined that we think random drug testing is a good thing to do and especially within a union negotiation contract to be able to go into a paper mill and let the union and the management negotiate the proper implementation of random drug testing. It is a permissive piece of language here that allows it beyond the federal requirements of the categories of where they would be mandated. It is permissive. What we have done and what all the people that came to our testimony, whether they were on the business side or the labor side said the only random drug testing that works effectively in the State of Maine is when they work together. That is what the intent of the law was when we passed it back along. The intent was that they are mutually agreed on and then you can have random drug testing in the workplace outside of the federal requirements that are pretty straightforward. All we did is we responded to a concern that was brought forward by the good Representative from Old Town, Representative Dunlap, that basically said that you may have an existing drug program on there, but let's say that some company buys out the mill in such and such a place and they come in and they roll into a new contract and they try to impose new requirements within their drug testing. It is very clear under the law that our law says it has to be mutually agreed on by both parties. We tinkered with that language very clearly and said it has to be mutually agreed on. It can't be imposed upon either party by the last best offer. This is all we have done here. It is a very, very minor change. The whole committee unanimously supported the random drug testing. This in no way moves us backwards. This just requires that all the parties that are going to be involved in the negotiation in the implementation of the random drug testing sign off and come to an agreement. It doesn't have anything to do with the pre-emption. I take great satisfaction in the chamber notice that says that this is preempted by federal law. Many of you have seen Representative Schneider's request from the AG's Office and the letter very clearly says that it may raise a question, but we are clearly in good grounds and good standing to move forward with this bill. As a matter of fact, when we brought this bill back to committee for a second look, we entertained the lawyers that came up from Portland and elsewhere to say that this was a preemption issue. It is very clearly an issue that they can raise, but what they are saying is the whole statute that we passed in the past is preempted. Goodness gracious, it is permissive. It doesn't fall into the preemption. It is a category of people we are allowing to do something extra in the State of Maine for the betterment of employers and employees in the whole state. I would ask you to support the motion.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative SCHNEIDER: Mr. Speaker, Men and Women of the House. I think I owe it to the membership to describe the letter that I requested of the Attorney General. I had read a good argument arguing that this statute would be preempted by federal law. What that means is the federal government has chosen in some areas to occupy the field of legislation and to prevent state legislatures from legislating in certain areas. This is one of them that has been ruled in the past to be the case. I read a good opinion of someone arguing that this statute might possibly be

preempted by federal law. I requested an opinion of the Attorney General to see where they would weigh in on that issue. They did send an answer back to me and their answer said essentially that good arguments exist on both sides of the issue. One could argue either that it is preempted or that it is not preempted. Where that leaves us is in a situation where the only thing that we can predict for sure is that it will almost certainly be challenged. Thank you.

Representative DUNLAP of Old Town **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. 587

YEA - Ash, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Carr, Chick, Chizmar, Clark, Colwell, Cowger, Cummings, Desmond, Dorr, Dudley, Dunlap, Duplessie, Etnier, Fisher, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perkins, Pineau, Povich, Quint, Richard, Richardson, Rines, Rosen, Savage, Simpson, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

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

ABSENT - Bagley, Baker, Berry RL, Bumps, Cote, Estes, Goodwin, Koffman, Landry, Perry, Skoglund, Tuttle. Yes, 82; No, 57; Absent, 12; Excused, 0.

82 having voted in the affirmative and 57 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-887)** 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-887)** and sent for concurrence.

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

Expression of Legislative Sentiment recognizing Carroll F. Warren, Sr., of Waldo.

(HLS 1075)

Which was **TABLED** by Representative **BROOKS** of Winterport pending **PASSAGE**.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. If you are driving down Route 1 or up Route 1 or coming into Waldo County from any direction, there probably ought to be a sign somewhere on the side of the road that says you are entering Carroll Warren country because Carroll has been one of the most active volunteers I have ever met. Whether it is conducting the annual dinner at the Belfast Armory for Waldo County Hospice or delivering meals on wheels or doing what he is often known to do, driving veterans to the Togus Hospital out of Waldo County or working for the *Waldo County Triad*, it seems that Carroll is always there to help. This award from the Waldo County Sheriff's Association Citizen of the Year was presented to Carroll at a special annual dinner that was held on Friday night at the Town of Brooks. It gives me a great deal of pleasure to congratulate Carroll on this award. Thank you Mr. Speaker.

Subsequently, the Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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

The House recessed until 2:00 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:

CONSENT CALENDAR

First Day

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

(S.P. 337) (L.D. 1144) Bill "An Act to Enhance Economic Development Capacity" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-517)**

(S.P. 817) (L.D. 2198) Bill "An Act to Provide Maine State Retirement System Representation on the State Employee Health Commission" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-516)**

(H.P. 1695) (L.D. 2193) Bill "An Act to Create the Office of Program Evaluation and Government Accountability" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1039)**

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**.

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

Bill "An Act to Implement the Minority Recommendations of the Committee to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands"

(H.P. 1600) (L.D. 2101)

Which was **TABLED** by Representative NORBERT of Portland pending the motion to **RECEDE** and **CONCUR**. (Roll Call Ordered)

On motion of Representative CARR of Lincoln, the House voted to **RECEDE**.

The same Representative presented **House Amendment "A" (H-1041)** to **Committee Amendment "A" (H-973)** which was **READ** by the Clerk.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. I want to take just a moment to go over this LD 2101 and how it got to this point. As most of you know, I believe by now everyone knows, that this LD came out of a study committee that was authorized during the first session of the 120th Legislature. I happened to be one of the members on that committee. During our public hearing process, in which we held several meetings, including one in the Millinocket area, we received considerable testimony from people who had entered into lease agreements many, many years ago and over a period of time land transfers had occurred, which put some of these properties in jeopardy. We had a Majority and a Minority Report that came out of this committee. The Minority Report had a provision to it that would allow the state to take property by eminent domain if the landowner wouldn't negotiate in the proper manner. The Judiciary Committee disposed of LD 2101 because of the eminent domain part in there, but through the work session decided that because of some of the problems that people had on certain provisions of the Majority Report, that the right of first refusal should be separated from the rest of the discussion. The right of first refusal was then put into LD 2101.

LD 2101, it does not address the situation where a person comes in and buys a large tract of land. That would not need the right of first refusal. Only if the particular piece of property that was leased was going to be sold, then it would be incumbent upon the property owner to give first refusal to that person. One of the things that is necessary to understand is the price of that property would be set by the person who owned the property. It would not be set by anything that the state had to do with. Also, the amendment that I just attached would also have this take effect after the bill passed. Any lease that is presently in place they would not be bothered by this until after the bill passed.

I think there has been some discussion as to whether or not this interferes with owner's rights. I think it is necessary to remind everyone that there are two owners involved here, the owner who owns the land and the owner who owns the buildings and in some cases these are homes that people actually live in. I believe this is the right thing to do and I would ask that you support this amendment and to support LD 2101. Thank you Mr. Speaker.

House Amendment "A" (H-1041) to **Committee Amendment "A" (H-973)** was **ADOPTED**.

Committee Amendment "A" (H-973) as **Amended by House Amendment "A" (H-1041)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "A" (H-973)** as **Amended by House Amendment "A" (H-1041)** thereto in **NON-CONCURRENCE** 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:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1031)** on Resolve, Regarding Legislative Review of Chapter 4: Installation Standards, a Major Substantive Rule of the Department of Professional and Financial Regulation (**EMERGENCY**)

(H.P. 1627) (L.D. 2127)

Signed:

Representatives:

RICHARDSON of Brunswick
 BRYANT of Dixfield
 DORR of Camden
 HATCH of Skowhegan
 MICHAUD of Fort Kent
 THOMAS of Orono
 MURPHY of Kennebunk
 MORRISON of Baileyville

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

Signed:

Senators:

SHOREY of Washington
 BROMLEY of Cumberland
 YOUNGBLOOD of Penobscot

Representatives:

DUPREY of Hampden
 CLOUGH of Scarborough

READ.

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

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. This bill was before us for what seemed like forever. We had several hearings on this bill and it is a situation where we have two camps, the plumbers and the local inspectors, on different sides of the issue. What I learned from listening to all the testimony was that we have a system that is working pretty well currently, which is neither UPC or IPC, but it is a local system that we put together in Maine and it has as a part of it Chapter 13, which allows residential construction to use wet venting. Wet venting is a vent that allows you to vent and discharge waste through the same pipe. I think I could safely say that 95 percent of us in this room who own a home have wet venting in our homes and it works perfectly well. I have owned four homes. Three of them were new homes so I know exactly how they were constructed. They were constructed with wet venting and it was never a problem.

The problem with the UPC code that is presented in the Majority Report is that it is going to require back venting, although it might be purported to still allow some wet venting, it is very limited and it would not allow you to wet vent an entire bathroom. Back venting means that there is more piping to run, extra work to be done and there is a considerable cost added to the cost of a

home. It has been reported anywhere between \$300 and \$500 for a one and a half story home. I don't think there is any real reason to do this. We also learned the motivation between the parties that were doing the selling in that case, the organization that was selling UPC versus IPC, was that they got the seal of approval if their plumbing code was approved in the state. That just allowed them to sell the option of putting their seal of approval on more plumbing products and that is where the money figures into this.

I would ask you to vote Ought Not to Pass on this bill. We can dispense with this problem immediately. Thank you.

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I will not bore you with all the details with respect to which of the plumbing codes has the wet vent system and which does not and which permits certain changes or differences to one code or another. I will tell you how we saw it in the committee. There was a working group, which basically worked four years, to come up with an agreement on what ought to be the new plumbing code in the State of Maine. You see, back in 1983, the UPC was adopted here by this Legislature with some minor modifications. We have been since 1983 operating under the UPC code. It is just now, after almost 20 years, we want to adopt a lot of the changes which have occurred to the UPC code, which we have not adopted here in the State of Maine. Right now, currently, after hearing the testimony, we understand that the plumbing board has voted unanimously to adopt the UPC code. That is after 40 years of public hearings and all kinds of working groups coming together to make a final decision. We know that the plumbers are in favor of the UPC. We know the contractors are in favor of the UPC. We know that the unions are in favor of the UPC. Who, may you ask, is opposed to the UPC? It is some of the code enforcement officers. In fact, you will hear later that it is not all of the code enforcement officers who are opposed to the uniform plumbing code. Why are the code enforcement officers against it? They came in and testified and they were long on allegation and short on facts. They indicated that it was going to be more costly. When the department looked at this issue under the working group, they determined that there would be no more than a \$25 difference. That is a \$25 difference between the IPC and the UPC code. I think I want you to think about that just for a minute. The higher quality code, the better code to adopt here in the State of Maine, is the UPC code by everyone's admission and even by the code enforcement officers' admission, they just indicate that it is slightly more expensive. We heard some testimony from code enforcement officers that it would be as much as \$250 to \$400 on a home that costs \$170,000 to build. The long-run effect here is that you are getting a better plumbing code, better plumbing product, and less problems down the road.

We also heard from the plastics group. They are for the IPC. They want more plastics in your home. We are saying less plastics. We are saying better products and we are saying something which is coherent and understood by all the parties. Finally, I want to say this. If you don't agree with me, then look to what the Technical College said to us. The professor of the Technical College came in and said that the UPC is vastly superior and it was the one that he would put in his home. It is the one that he teaches. It is the one that our plumbers in colleges are learning. I would ask you to support the UPC code. That is the Majority Ought to Pass as Amended Report. Thank you.

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

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. Plumbing is really not my thing. However, I have heard from a local code enforcement officer who happens to be the Vice President of the Maine Code Administrator's Association. I will assure you that all code enforcement officers are not opposed to the uniform plumbing code. In fact, at their association, they voted unanimously in support of the uniform plumbing code. Why do we have these opposing opinions? There are two organizations that represent code enforcement officers. One is the Maine Building Officials and Inspector's Association and the other is the Maine Code Administrator's Association. Neither group has a substantial majority of members over the other. They are somewhat evenly divided, but it is between those two groups that we had the difference of opinion about what plumbing code to enforce. One of the issues that particularly concerned the local code enforcement officer is that the international plumbing code makes reference to a number of other codes, which are not included within the code itself. It cross references other codes. Maine statutes require that if you cross reference another code, you must have a copy of that code on file in your local town office. It must be a certified copy and there would, in fact, be substantial costs to the towns if we adopt the international building code. Not only is it effective for the home builder to use the uniform plumbing code, but it is also cost effective for the towns to have one code that the code enforcement officer can carry with them, have with them on site when a question comes up and to be able to refer to it. I urge you to support the Majority Ought to Pass Report. Thank you.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. You have received a golden piece of paper that shows the two types of systems. It shows the UPC and the Maine code, which is neither the UPC or the IPC. The one on the left you can see uses much fewer ventings than the one on the right. I think the difference between the cost when they are comparing the UPC and the IPC, which are both international codes, if you compared either one of those to the Maine code that we are using today with Chapter 13, which is alternate plumbing section of that code, that 95 percent of the single-family homes are plumbed with today, you would see the difference in price would run closer to \$300 to \$400. I think every one of us or nearly every one of us that live in single-family homes or one and two story homes today live with the type of plumbing that is on the left, which is the Maine State Code, Chapter 13. We have used that for many, many years and have had no problems. What has happened here is you have two professional licensed groups. They are licensed by the State of Maine. They are professionals. They are the plumbing board and the plumbing inspectors. One wants the IPC and the other wants the UPC. There happens to be one Representative in this body, myself, that would like to see you defeat both of them. Last year when these went before the committee, there was an amendment put in that notwithstanding APA ruling, which would mean after the rules were accepted, they would go in on a temporary basis. The amendment said notwithstanding APA rules, it would require a positive vote of this body. What I am asking you today is vote against this so that it is not a positive vote so that we can stay with the less expensive system that works very, very well and has worked very, very well for a lot of years here in the State of Maine.

They say that the plumbers want that. There are different types of plumbers. There are plumbers that do nothing but new house construction and you talk to those plumbers and all they

want to do is be left alone. They have done this type of plumbing for years and years and years and have had no problems. All they say to me is just leave us alone and let us do our job. Could we just leave them alone and vote no on this issue? Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative CHASE: Mr. Speaker, Men and Women of the House. We seem to have heard some cost estimates of \$25 or \$300 or \$400 increase if you go to the new code. I assume that refers to new construction. What happens if you want to sell an existing home that has the old system and the mortgage holder wants the old structure to be brought up to current code? You are not dealing with putting pipes in an open wall. You are going to have to do a lot of reconstruction on the carpentry work. What is the cost then to re-mortgage?

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House. In answering that question, if you have an existing footprint and you are going to renovate your bathroom, you are grandfathered and can use the same system that you used initially. If you are adding to that footprint, you are going to need to use the new code. If you are in a situation where a seller wants you to simply change the entire code, I would say, I will find another buyer. I don't think any buyer is going to ask you to do this. I don't think any buyer is sophisticated enough to know the difference between the two codes. It is just when we deal with new construction or new additions to the buildings that you will be forced to use the UPC. Otherwise, I don't think you are ever going to have that question. If you do, I think the answer to that question is you are not going to sell that house. That is just an excuse on the part of the buyer to get out of the deal. Thank you.

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

Representative CLOUGH: Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to address the question that my seatmate asked. I believe that scenario that he described actually did unfold although we did not discuss that option in committee. I think there would be a real problem.

I would like to refer you to the diagram that was distributed by Representative Tobin. If you look at the left, which is the present system and then compare it with the right, which shows the back venting, all of those dotted lines that you see on the right are additional plumbing fixtures, additional lines that have to be run through the walls and additional labor costs in building a house. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House. If you are looking at the technical aspects behind whether we should adopt the UPC code or the international code, be aware that the UPC code simply says we don't cut corners. That is number one.

When their chief lead witness came in, I made it a point to ask the gentlemen that with all else being equal and you were in the market for purchasing a home and the two homes were the same price, but they were plumbed differently, one under the UPC code and one under the competing code, I said, which one would you pick? He said the UPC code, of course. The reason he would

pick this one is because of the sophistication of the materials. The venting procedure does not use the mechanical vent that is able to be faulty and it also says, essentially, that once you have done your house under the UPC code with the direct venting system, it might cost you a few bucks initially, but you aren't going to be calling in a plumber a month, two months or three months down the road to fix it. If you add those costs, you are going to be well ahead of the game to go with the UPC code and the higher standard of functioning.

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

Representative TOBIN: Mr. Speaker, Men and Women of the House. The last speaker brought up a good point. If you leave the code as it is now, in other words, if you vote no on this issue, there is nothing in the law that prevents you from back venting or doing anything more than what is required. It is just that the minimum is less and it is something that we have used for many, many years. Mr. Speaker, I ask for a roll call.

Representative TOBIN of Windham 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. 588

YEA - Ash, Berry RL, Blanchette, Bouffard, Bowles, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Colwell, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Laverriere-Boucher, Lessard, Lundeen, Marley, Matthews, Mayo, McDonough, McKee, Michaud, Mitchell, Morrison, Murphy T, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Quint, Richard, Richardson, Simpson, Smith, Sullivan, Tarazewich, Tessier, Thomas, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bruno, Buck, Bumps, Carr, Chase, Clark, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Duprey, Foster, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, LaVerdiere, Ledwin, Lemoine, Lovett, MacDougall, Madore, Mailhot, Marrache, McGlocklin, McKenney, McLaughlin, McNeil, Mendros, Michael, Murphy E, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rines, Rosen, Savage, Schneider, Sherman, Shields, Skoglund, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Bliss, Cote, Dugay, Koffman, Landry, McGowan, Perry.

Yes, 72; No, 70; Absent, 9; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, with 9 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Resolve was READ ONCE. Committee Amendment "A" (H-1031) was READ by the Clerk and ADOPTED.

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

Under further suspension of the rules the Resolve was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1031) and sent for concurrence.

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought Not to Pass** pursuant to **Joint Order 2001, H.P. 1693** on Bill "An Act Allowing for a Public Hearing Process for Certain Actions Relating to Dams" (H.P. 1720) (L.D. 2208)

Signed:

Senators:

MARTIN of Aroostook
SAWYER of Penobscot

Representatives:

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 to Pass** pursuant to **Joint Order 2001, H.P. 1693** on same Bill.

Signed:

Representatives:

CLARK of Millinocket
ANNIS of Dover-Foxcroft

READ.

On motion of Representative COWGER of Hallowell, the Majority **Ought Not to Pass** Report was **ACCEPTED**.

On motion of Representative WESTON of Montville, the House **RECONSIDERED** its action whereby the Majority **Ought Not to Pass** Report was **ACCEPTED**.

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Weston.

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. We have all gotten calls from people who complain about our environmental laws and how they can't cut trees, they can't cross water and how they have to be careful and do buffers. This year I started getting calls from people who were saying, why isn't the state regulating something that affects me. I have lived all my life on a pond or a lake and suddenly someone can take that all away. In some cases without any permits they can drain a pond. Why can they do this without my having anything to say? That began a long journey back last summer when the selectmen in my town of Burnham called me. This particular bill may not fit the ticket. In fact, I am sure it doesn't solve the problem the way all of us would really want it. If you wouldn't mind, let me just share with you the story from some other eyes. In statute right now we say that hydropower is wonderful. We say that it can also save us from dependence on foreign oil. That is still in statute. We, as legislators, have not changed that.

For one point, I would just say that I think it is probably very short-sighted of us to allow all of our dams that are producing hydropower to be removed one at a time without taking a look at this policy that says the opposite. I have met with so many people in the Governor's Office, the State Planning Office and with many legislators and citizens. What I have to tell you is that this is a complicated issue. There are two things that I want to share with you that I think are very important. One, we are elected to serve our people. The people who have been calling me are feeling like we don't exist. It is the bureaucracy that is affecting their lives. They feel helpless and we, in return, have not been able to help them.

On March 13th, a meeting took place at the State Planning Office with people from the DMR, Fish and Wildlife, DEP and someone from the State Planning Office chaired the meeting and there were citizens there from other towns. For three hours we discussed this major issue of hydropower, dams, dam removal, the science of the fish restoration plan, the cost of fishways and how that cost was impacting our citizens. Right now in Fort Halifax, the fishway is going to cost whoever owns that dam, the current owner is Florida Power and Light, \$4 million. They are saying that is not worth it to us. We can't afford to do that. Hydropower isn't as profitable right now. All of those things are working together to make it easier to take out dams

The people who live on that impoundment, who paid a hefty price for their property, who have lived their lives in their grandparents' homes are saying, can that go away without us having some input? Eleven hundred people signed a petition this year in Winslow saying, help us save this dam. They put together a group of people that have been working hand in hand with legislators, commissioners, the Governor's Office and other bureaucrats. They feel like we haven't done one thing to give them input into this process.

Remember, the meeting I had with the State Planning Office was on March 13th. A week after that I was given a fax that has a plan dated March 7. It says it is a plan done by the Land Water Resource Council. This plan is dated March 7 and it says that we are going to work through November and we are going to redo the entire State of Maine's policy on dams, hydro dams and dam removal in this state. I had been there for three hours talking about this and I was never told that there was a group without legislators involved doing this. I came back and I went to lots of people. I went to sportsmen's groups. I went to dam owners. I went to the Governor's Office. No one knew that this group was planning to rewrite our policy. I put in a Joint Order with the help of the Natural Resource Committee. We had a hearing. We were asking for a crumb. It was trying to take some towns that had dams that weren't under state regulation and give them a way to have a hearing. I was given some bad information. By the time I got to the hearing, the number of dams affected dwindled from 24 to 5 and actually even less than that. That was almost two weeks ago.

This morning I had a conversation with our commissioner and found that she still did not know that some people in this state are rewriting our entire policy. This bill in front of you isn't going to answer all of the questions that we need to answer as legislators. We have to start somewhere and I hope that today, on record, we can say that we are listening to our constituents. Our law says that we value dams. We value the impoundments that they create. We value the recreation they create and we value the potential hydropower. If that policy is going to change, it should be the Legislature that should be doing it. We are elected to serve those people. Somehow I ask that we can work together, listen to our people and balance this issue. There are people that want every dam removed for no better reason than they want it to be the way it was 200 years ago. I am not proposing that we take one particular side of that debate. There are dams that should be removed and there are dams that no one can afford to keep up and probably will be removed. Maine should have a policy that allows people to at least have a balance in the voice about that decision. Right now there isn't one and I ask you to work to make one. Thank you.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I first want to thank the good Representative from Montville for bringing this issue to our committee's attention. We

would agree, as she has stated, that it is a complicated issue. It is something that we need to take some time to look at. It is interesting that the bill that finally came before us deals with the requiring of a public notice and a public hearing for certain water level hearings and abandonment of dams. It is also interesting to note that the Joint Standing Committee on Natural Resources had no bill before it when it had a public hearing. We only had one day's notice of the public hearing. I just want to give you a quick time line. We gave the Natural Resources Committee permission to report out legislation on March 19th. There was one day advertising on Sunday. It did not include the Bangor area because they did not have a Sunday edition. The next day, March 25th, we had a public hearing. We had no printed bill before us at that time until the good Representative presented some language to us and our deadline for reporting bills out of the committee was the next day, March 26th. We agreed it is important to take a comprehensive look as a Legislature. We are not going to take the recommendations of the Land and Water Resources Council as they are put forth to us. We need to take some serious time looking at this issue. We don't even know how many dams come under the jurisdiction of the language presented to the committee. We just need more time and this is a definite issue for our consideration next session. I hope you will vote for the Majority Ought Not to Pass Report. Thank you.

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

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

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

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. First of all, I want to thank the good Representative Weston for putting this bill forward and to the good chair, Representative Cowger, who correctly stated the time sequence here. Unfortunately, sometimes things happen that way and Lord knows it isn't helpful that we don't have the time to do our work here. I do want to make a couple of comments.

As has been mentioned, this particular bill would not have addressed the dam in Winslow, which my community has been energized and angry about the process. I am also angry about the process. Over 1,000 people signed a petition in the Town of Winslow. Some hardworking folks on the community level have carried their effort and organized many meetings. One issue of sequence and timing I think ought to be mentioned for the record in this House. Members of the rural caucus, myself, constituents from my community and Representative Weston met with the Governor's Office on a number of occasions. We met with his department heads from DMR and State Planning and a number of other agencies. As I stated in the committee room the other day, Natural Resources Committee, I am frustrated in that the communication from the Governor directly to me and to my constituents and people in the legislative rural caucus that were working tirelessly on this issue was that the Governor was putting together legislation to address this issue comprehensively.

It would be fair to characterize my concern and frustration with the Chief Executive in that I don't understand why at the last moment legislation was not proposed. Promises were made to my constituents that a bill was coming forward from the Governor. He was extremely concerned about the totality of this issue in terms of many dams being affected and no public process being afforded to people in Maine. The Chief Executive said that to me in his cabinet room directly. We got to the very end of the session wondering where the legislation was. It was not going to happen.

My constituents in Winslow simply wanted an opportunity to have a public meeting, a public forum to discuss the ramifications of breaching the dam or possibly looking at alternatives with a fish lift. I don't think that is an outrageous request. Unfortunately, and I am not an attorney of federal law and the FURC process, but apparently there will be no discussion in a public arena of the breaching of the dam in Winslow and the issues that that means to my constituents, the environment and to a host of other issues. There will be no public discussion. In fact, the gentleman who represents FPL, his comment to the committee the other day was that if people in Winslow are concerned about the dam and losing that dam, they should probably write an e-mail or a letter to FURC, because that is about all they are going to get in terms of their public input. That is unacceptable, ladies and gentlemen. Even though we have given the arena to the federal agency in terms of this dam process in Winslow and other dams that are hydroelectric dams, even though the federal government has supremacy here, it seems to me there is an issue of state-wide importance and one that initially the Chief Executive agreed. I think that issue is still there. I am going to ask the committee chair and the Natural Resources Committee to incorporate this issue in their study of water issues with respect to next session. I think this issue could be incorporated in that study. I think there is an issue at stake here. Thank you Mr. Speaker.

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

Representative BROOKS: Mr. Speaker, Ladies and Gentlemen of the House. I commend my fellow Waldo County resident, the good Representative from Montville, for bringing up this subject. I have been involved in the discussions over dams in two of the communities that I represent. That has included a great deal of discussions with FURC, DEP and I have become much more educated about dams than I ever thought I would about a year ago. However, this is only one of the issues that really and truly face us in the state. I think we need to relax, back up a little bit and take a look at all of those issues ranging from simple abandonment, who takes over the responsibility, to liability insurance, which I understand from some folks who own dams in my area of the state is ten times greater than it was just a couple of years ago, to property rights and to expectations. I live in the West Winterport area of Waldo County and I am not very many more than a couple of thousand yards from the impoundment area that was created by the dam at West Winterport. Many of you know that impoundment area is much smaller than it was a year ago because through maintenance there were some baffles removed and the water level has dropped. I think that we, in West Winterport, have an excellent case in that it is removing from our town an ability to fight fire. There was a forest fire there a couple of years ago that was right behind my house in the woods and was headed in the direction of my home. Had there been stronger winds, I am sure I would have been in trouble.

We need to look at these things. I have fought long and hard to try to ensure that the West Winterport Dam and the nearby Frankfort Dam are not removed. There are lots of reasons, recreation, fire protection and it is in the process now of discussions in the West Winterport Dam is under appeal from a DEP decision to issue a permit for its removal. Based on that, this particular piece of legislation would not cover the West Winterport Dam, I am told. It would cover a great many other dams, perhaps like it. I think they would number three or four in the entire state. Rather than have us rush in and try to pass a piece of legislation that I think would end up confusing matters even worse, I really like what the good Representative from Winslow said, Representative Matthews, and that is to have the

Natural Resources Committee go ahead and incorporate this question into their study. I would feel much more comfortable with coming back next year, for those of us who are able to come back next year, and deliberate in greater detail about the recourse that the state should have and should take. Thank you Mr. Speaker.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I don't really know where to begin on these dam issues. They are exceedingly long and drawn out. I have been involved for at least eight years watching the process of relicensing some of the dams on the Presumpscot River, which is in my area. At the very least, it has been frustrating. Some of those dams should have a license now. One will be coming up for renewal this year. What we are talking about with this particular bill, however, are not dams that fall within the federal guidelines. These are smaller dams. I understand that perhaps this has been a rushed issue, but it is also an extremely important baby step at having a total look at this. There is no guarantee that any one of us is going to be here next year to follow through on this. I understand that that might be a way of studying this some more, but I think we really need to take this baby step first. We need to have a process where before a dam is removed that people in the area know that that is going to happen. I would reiterate. These bodies of water are extremely important. We are in a drought situation. They could be a really needed water source, not just for fires, but for home use. The recreation aspect is something that I really understand quite a lot. It has been something that I have had an opportunity to see with and without dams. I think it is really important that we pass this very small piece of legislation so that we can get started with this. I would hate to see it take 10 years. 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 her question.

Representative **RICHARD**: Mr. Speaker, Men and Women of the House. For anyone who can answer this, is this the situation that we are being faced with the legislation or the law, which says that every dam up river from here must be so constructed that alewives can go up by the dam? If this is not that piece of legislation, then I have a different feeling about it.

I have a dam in my area, a very small one, and certainly to spend a million dollars so that the alewives can go up the dam is going to be more than that small area can handle. Is this piece of legislation addressing that issue? I need to know this.

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 Hallowell, Representative Cowger.

Representative **COWGER**: Mr. Speaker, Men and Women of the House. The short answer is no. This legislation doesn't deal with that at all. There have been certain agreements made as part of removals of other dams to install fish ways on some other dams, but that has nothing to do with this legislation. It has to deal with somewhere between five and 24 dams. We are not quite sure how many. The answer to your question is no.

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Weston.

Representative **WESTON**: Mr. Speaker, Ladies and Gentlemen of the House. The answer that was just given is correct. The question does originally bring up that issue of balance, balancing the lives of people and the cost of the fish lift

within the fish restoration plan. That is the balance that has not really had a discussion by the legislators.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Mr. Speaker, Ladies and Gentlemen of the House. What you have before you right now is a very serious piece of legislation. The reason why I say that is because in the State of Maine there are approximately 750 dams where 125 of them are hydroelectric and the other 625 are holding dams. We have the model of vacationland. Where I come from the possibility of a dam removal or an abandonment has a serious effect on the region of the whole economic side of it. A lot of people go to their camps or go to lakes or go for a ride in the boats to enjoy what we have to offer them up in my neck of the woods. By not having a process in place where we can abandon dams at the whim of whoever owns the dam is putting a disservice on the people that enjoy the impoundment that is created by these dams.

Last session Representative Winsor and I worked on some language to deal with dams. This is a good thing for the State of Maine because it allows when dams are abandoned that somebody can have some money available to be able to purchase the dam for the repair. I will tell you what is going on is people who own the dams have gone ahead and they had to put money in the dams now. They have gone ahead and abandoned the dams and let whoever wants to buy them. You can buy them for a dollar or whatever price you can set on it. I have said, it is testimony earlier, that we have land and camps that if you take the dams out that are holding back the water, you will have no more lakes, which is very important to the people.

I don't know how many people have been to one of these dams that was abandoned. Great Northern Paper Company abandoned the dams. They were going to pull the plug on it. What happened is the person who owned the campground on the lake purchased the dam for \$1. By purchasing the dam for \$1 he has all the responsibility. If that dam ever breaches, he has the responsibility of any damage that is done by the breaching of the dam. That is where the insurance liability comes in. The price of the insurance liability has gone up to these people. Also, down the road when that dam has to be repaired, this individual is going to have to take the money out of his pocket and repair the dam. That probably wouldn't be that substantial an amount of money, but the problem is the same that happened at another dam. It was a very considerable dam. Bangor Hydro went and abandoned that dam. They were going to pull the plug on that. What happened was the sport camp owners and the owners on the lake went ahead and purchased that dam. When you get ready to replace the dam for repairs, it is going to be hundreds of thousands of dollars that the landowners and the camp lot owners are going to have to come up with to repair the dam. What is going on here is all these things happen and there is no public hearing for the people to know what was going on with these dams. It was all by word of mouth. I think that it is very important for the public to be able to have a say in the process of dam replacement or breaching of dams or removal of dams or abandonment of dams. I will tell you that the public has become adjusted to the life that they have by the impoundment created by these dams. It is very good public policy, I believe, for the State of Maine to have something in place for a public hearing to be able to let the people talk to somebody about what is going to happen to the dams when it happens. The public should have the right to know what is going on, not by word of mouth. I wish that you would vote against this pending motion.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Annis.

Representative ANNIS: Mr. Speaker, Ladies and Gentlemen of the House. This piece of legislation does not prevent any group from coming in and buying the dam and breaching it. One day you have a pristine lake and the next day you have a muddy stream. There is no provision for a public hearing. The camp owners will not have any opportunity to voice opposition to having the dam breached. The Minority Report does. Thank you Mr. Speaker.

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

ROLL CALL NO. 589

YEA - Ash, Berry RL, Brannigan, Bull, Colwell, Cowger, Crabtree, Cummings, Daigle, Dudley, Dunlap, Duplessie, Estes, Etner, Gagne, Green, Hatch, Jacobs, Kane, Laverriere-Boucher, Lemoine, Marley, McDonough, McLaughlin, Michaud, Mitchell, Norbert, Norton, O'Brien LL, Pineau, Povich, Savage, Simpson, Thomas, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Blanchette, Bouffard, Bowles, Brooks, Bruno, Bryant, Buck, Bumps, Bunker, Canavan, Carr, Chase, Chick, Chizmar, Clark, Clough, Collins, Cressey, Davis, Desmond, Dorr, Dugay, Duncan, Duprey, Fisher, Foster, Fuller, Gerzofsky, Glynn, Goodwin, Gooley, Hall, Haskell, Hawes, Heidrich, Honey, Hutton, Jodrey, Jones, Kasprzak, Labrecque, LaVerdiere, Ledwin, Lessard, Lovett, Lundeon, MacDougall, Madore, Mailhot, Marrache, Matthews, Mayo, McGlocklin, McGowan, McKenney, McNeil, Mendros, Michael, Murphy E, Murphy T, Muse C, Muse K, Nass, Nutting, O'Brien JA, Paradis, Patrick, Peavey, Perkins, Pinkham, Quint, Richard, Richardson, Rines, Rosen, Schneider, Sherman, Shields, Skoglund, Smith, Snowe-Mello, Stanley, Stedman, Sullivan, Tarazewich, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Baker, Bliss, Cote, Koffman, Landry, McKee, Morrison, O'Neil, Perry.

Yes, 39; No, 102; Absent, 10; Excused, 0.

39 having voted in the affirmative and 102 voted in the negative, with 10 being absent, and accordingly the Majority Ought Not to Pass Report was NOT ACCEPTED.

Subsequently, the Minority 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. 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. 1637) (L.D. 2140) Resolve, Regarding Legislative Review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a Major Substantive Rule of the Department of Human Services (EMERGENCY) Committee on NATURAL RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (H-1046)

(H.P. 1642) (L.D. 2145) Bill "An Act to Include all State-supported Institutions of Higher Education in the Clean Government Initiative" Committee on NATURAL RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (H-1047)

(H.P. 1659) (L.D. 2165) Resolve, to Allow Julie Harrington to Sue the State Committee on LEGAL AND VETERANS AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-1045)

(H.P. 1672) (L.D. 2174) Resolve, Authorizing Michelle Booker to Sue the State Committee on LEGAL AND VETERANS AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-1044)

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.

CONSENT CALENDAR

First Day

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

(S.P. 819) (L.D. 2199) 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) Committee on LABOR reporting Ought to Pass as Amended by Committee Amendment "A" (S-521)

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. ORDERED SENT FORTHWITH.

(S.P. 722) (L.D. 1924) Bill "An Act to Support a Continuum of Quality Long-term Care Services" (EMERGENCY) Committee on HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (S-523)

On motion of Representative ETNIER of Harpswell, was REMOVED from the First Day Consent Calendar.

The Committee Report was READ.

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

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

UNFINISHED BUSINESS

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

An Act to Implement the Recommendations of the Commission to Study Domestic Violence

(H.P. 1658) (L.D. 2163)

(C. "A" H-883)

TABLED - March 26, 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.

On motion of Representative TWOMEY of Biddeford, the following Joint Resolution: (H.P. 1718) (Cosponsored by Senator RAND of Cumberland and Representatives: MATTHEWS of Winslow, McKEE of Wayne, MURPHY of Berwick, MUSE of South Portland, NORBERT of Portland, SCHNEIDER of Durham, Senators: CATHCART of Penobscot, EDMONDS of Cumberland) **JOINT RESOLUTION RECOGNIZING APRIL 2002 AS AUTISM AWARENESS MONTH AND APRIL 27, 2002 AS AUTISM AWARENESS DAY**

WHEREAS, autism is a complex developmental disability that usually appears during the first 3 years of life and results in a neurological disorder that affects the functioning of the brain; and
WHEREAS, autism affects social interaction and communication skills, and over 500,000 people in the United States have autism or some form of pervasive developmental disorder; and

WHEREAS, autism knows no racial, ethnic or social boundaries and neither income, lifestyle nor education affects the occurrence; and

WHEREAS, most of the public, including many professionals in the medical, educational and vocational fields, are still unaware how autism affects people; and

WHEREAS, a single specific cause of autism is not known, but current research links it to biological or neurological differences in the brain, and outdated theories and myths have been proven to be false, such as autism being a mental illness; and

WHEREAS, autism affects people everywhere, including our own state, where doctors, teachers, parents, siblings, friends and neighbors are doing all they can to help those affected by autism; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twentieth Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to acknowledge that the month of April 2002 is Autism Awareness Month and that April 27, 2002 is Autism Awareness Day and to pledge our support and encouragement to the assistance of all those affected by autism; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine representatives of Unlocking Autism as a token of our respect and support.

READ and ADOPTED.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

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

REPORTS OF COMMITTEE

Divided Report

Eight Members of the Committee on **LEGAL AND VETERANS AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-1049)** on Bill "An Act to Implement the Recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores" (H.P. 1623) (L.D. 2123)

Signed:

Senators:

BROMLEY of Cumberland
DOUGLASS of Androscoggin

Representatives:

CHIZMAR of Lisbon
COTE of Lewiston
ESTES of Kittery
TUTTLE of Sanford
O'BRIEN of Lewiston
PATRICK of Rumford

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

Signed:

Senator:

WOODCOCK of Franklin

Representatives:

LABRECQUE of Gorham
HEIDRICH of Oxford
DUNCAN of Presque Isle

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-1050)** on same Bill.

Signed:

Representative:

MAYO of Bath

READ.

On motion of Representative TUTTLE of Sanford, Report "A" **Ought to Pass as Amended** was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-1049)** 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-1049).**

On motion of Representative LABRECQUE of Gorham, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1049).**

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

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. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 590

YEA - Annis, Ash, Berry RL, Blanchette, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Clark, Colwell, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Duprey, Estes, Etnier, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Haskell, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Marley, Marrache, Matthews, McDonough, McGowan, McLaughlin, McNeil, Mendros, Mitchell, Muse C, Norbert, Norton, O'Brien LL, Patrick, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Smith, Stanley, Sullivan, Tarazewich, Tessier, Tracy, Tuttle, Usher, Volenik, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cresse, Daigle, Dugay, Duncan, Dunlap, Duplessie, Foster, Glynn, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, Lundeen, MacDougall, Madore, Mayo, McGlocklin, McKee, McKenney, Michael, Michaud, Morrison, Murphy E, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Paradis, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Skoglund, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan,

Treadwell, Twomey, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Bliss, Chizmar, Cote, Fisher, Gooley, Koffman, Landry, Mailhot, O'Neil, Perry, Thomas, Watson.

Yes, 72; No, 65; Absent, 14; Excused, 0.

72 having voted in the affirmative and 65 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1049)** 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. 1575) (L.D. 2081) Bill "An Act to Implement the Unanimous and the Majority Recommendations of the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1054)**

(H.P. 1582) (L.D. 2087) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Establish Classes of Property for Purposes of Taxation and to

Exempt Personal Property from Taxation if there is an Excise Tax on Certain Personal Property Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1053)**

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. **ORDERED SENT FORTHWITH.**

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

Bill "An Act to Provide for Livable, Affordable Neighborhoods" (H.P. 1596) (L.D. 2099)

Which was **TABLED** by Representative COLWELL of Gardiner pending **FURTHER CONSIDERATION.**

On motion of Representative COWGER of Hallowell, the House voted to **RECEDE.**

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **NATURAL RESOURCES** and sent for concurrence.

On motion of Representative DORR of Camden, the House adjourned at 5:58 p.m., until 9:00 a.m., Tuesday, April 2, 2002.