

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
42nd Legislative Day  
Wednesday, April 3, 2003

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

Prayer by Honorable Howard A. Chick, Deacon, Lebanon and North Berwick Baptist Church.

National Anthem by Phippsburg Elementary School Band.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

---

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Provide Government with the Necessary Authority to Respond to a Public Health Emergency Caused by an Act of Bioterrorism"

(H.P. 1656) (L.D. 2164)

Report "C" (4) **OUGHT NOT TO PASS** from the Committee on **HEALTH AND HUMAN SERVICES** and the Committee on **JUDICIARY READ** and **ACCEPTED** in the House on April 2, 2002.

Came from the Senate with Report "A" (17) **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1062)** from the Committee on **HEALTH AND HUMAN SERVICES** and the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1062)** in **NON-CONCURRENCE**.

On motion of Representative LaVERDIERE of Wilton, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

---

**Non-Concurrent Matter**

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)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1031)** in the House on April 1, 2002.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative RICHARDSON of Brunswick moved that the House **ADHERE**.

Representative CLOUGH of Scarborough moved that the House **RECEDE AND CONCUR**.

Representative RICHARDSON of Brunswick **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative CLOUGH of Scarborough to **RECEDE AND CONCUR** and later today assigned. (Roll Call Ordered)

**Non-Concurrent Matter**

An Act Concerning Student Threats

(H.P. 1474) (L.D. 1975)

**PASSED TO BE ENACTED** in the House on March 25, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-922)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-922) AS AMENDED BY SENATE AMENDMENT "A" (S-546)** thereto in **NON-CONCURRENCE**.

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

---

**Non-Concurrent Matter**

Resolve, to Develop a Living Memorial in Capitol Park in Honor of the Victims and Heroes of the September 11, 2001 Tragedy

(H.P. 1488) (L.D. 1991)

**FINALLY PASSED** in the House on February 26, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-801)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-801) AS AMENDED BY SENATE AMENDMENT "A" (S-544)** thereto in **NON-CONCURRENCE**.

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

---

**Non-Concurrent Matter**

Resolve, to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags

(S.P. 735) (L.D. 2046)

**FINALLY PASSED** in the House on March 12, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-449) AS AMENDED BY SENATE AMENDMENT "A" (S-543)** thereto in **NON-CONCURRENCE**.

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

---

**Non-Concurrent Matter**

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

(H.P. 1556) (L.D. 2058)

**FINALLY PASSED** in the House on March 20, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) AS AMENDED BY HOUSE AMENDMENT "A" (H-903)** thereto)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-847) AS AMENDED BY SENATE AMENDMENT "A" (S-545)** thereto in **NON-CONCURRENCE**.

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

---

**Non-Concurrent Matter**

An Act to Establish the Community Preservation Advisory Committee

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

**PASSED TO BE ENACTED** in the House on March 25, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-950)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-950) AS AMENDED BY SENATE AMENDMENT "A" (S-542)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act Regarding Essential Programs and Services  
(H.P. 1602) (L.D. 2103)

**PASSED TO BE ENACTED** in the House on March 26, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1002)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1002) AS AMENDED BY SENATE AMENDMENT "A" (S-540)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act to Implement the Recommendations of the Returnable Container Handling and Collection Study  
(H.P. 1685) (L.D. 2184)

**PASSED TO BE ENACTED** in the House on March 25, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-539)** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Resolve, to Extend the Reporting Deadline for the Maine Millennium Commission on Hunger and Food Security (EMERGENCY)  
(H.P. 1428) (L.D. 1925)

**FINALLY PASSED** in the House on February 26, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-423)**)

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

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

**Non-Concurrent Matter**

Resolve, Establishing a Commission to Study County Jail Population, Cost and Reimbursement by the State (EMERGENCY)  
(H.P. 1499) (L.D. 2002)

**FINALLY PASSED** in the House on March 15, 2002. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861)**)

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

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

**COMMUNICATIONS**

The Following Communication: (H.C. 446)  
**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

March 29, 2002

Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333-0002

Dear Clerk MacFarland:  
Pursuant to my authority under Title 10, Chapter 110, §1079, I am pleased to appoint the following to the Advisory Committee on Family Development Accounts:

Robin Dobbins of Augusta, as an eligible account holder;  
Michael Bonzagni of Harrington, as a contributor of matching funds; and

Barbara Kierstead of Westbrook, also as a contributor of matching funds.

Should you have any questions regarding these appointments, please do not hesitate to contact me.

Sincerely,  
S/Michael V. Saxl  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 692)  
**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

April 2, 2002  
The Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:  
Please be advised the Senate today Adhered to its previous action whereby it Indefinitely Postponed Resolve, Regarding Legislative Review of Portions of Administration of Medicine in the School Setting, a Major Substantive Rule of the Department of Education (H.P. 1608) (L.D. 2106).

Sincerely,  
S/Pamela L. Cahill  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 693)  
**SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, ME 04333-0003**

April 2, 2002  
The Honorable Millicent M. MacFarland  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk MacFarland:  
Please be advised the Senate today Adhered to its previous action whereby it Indefinitely Postponed Joint Study Order to Study the Creation of a Registry of Personal Care Attendants (H.P. 1671).

Sincerely,  
S/Pamela L. Cahill  
Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 694)

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

April 2, 2002

The Honorable Millicent M. MacFarland  
Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk MacFarland:

Please be advised the Senate today Adhered to its previous action whereby it Indefinitely Postponed Joint Study Order to Establish the Committee on Workforce Investment (H.P. 1682).

Sincerely,

S/Pamela L. Cahill

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

---

**ORDERS**

On motion of Speaker SAXL of Portland, the following Joint Order: (H.P. 1731)

ORDERED, the Senate concurring, that:

1. The Joint Standing Committee on Criminal Justice shall conduct a study of county jail population, costs and reimbursement. The committee shall conduct the study during authorized interim committee meetings, except that the committee may hold one additional meeting to conclude its work.

2. The committee shall study:

A. Initiatives for regional cooperation and solutions in building county jails;

B. Population of county jails, overcrowding and growth;

C. State probation violations, where those violations should be served and who should pay for the resulting incarceration;

D. Probation options, graduated sanctions and probation officer case load;

E. Criminal court case loads, whether cases are being handled in a timely fashion and whether there are sufficient judicial resources allocated to handle the current case load;

F. Issues concerning female offenders in county jails;

G. State subsidies that support the operation of county jails and community corrections programs;

H. Alternative sentencing options and sentencing policies; and

I. The population that is being served and populations that are not served by the current county jail system.

3. The committee shall submit its report, together with any necessary implementing legislation, to the Legislature no later than November 6, 2002. The joint standing committee of the Legislature having jurisdiction over criminal justice matters is authorized to introduce a bill related to the report to the First Regular Session of the 121st Legislature.

**READ and PASSED.**

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:**

the following members of the Cony High School Girls Ice Hockey Team, of Augusta: Catherine Chesley, Jess Dostie, Sarah Giroux, Leticia Guimaraes, Kira Leinonen, Kim Lipman, Angela Potvin, Katie Wildes, Jessica LeClerc, Devon Gaslin, Amy Morrissette, Danielle Sargent, Chelsea Clark, Sarah Clark, Crystal Edwards, Kaitlin Globensky, Jaimie Kirschner and Chelsea Maurice; Coach Alain Leclerc and Assistant Coaches Rocky Gaslin and Barb Gaslin, who won the 2002 State Championship Title. With a record of 18-1-1, Cony went on to win the State Championship Title for the second straight year. All team members and coaches are to be commended for their efforts and hours of practice and dedication. We wish them continued success in the years to come;

(HLS 1125)

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Senator DAGGETT of Kennebec, Representative MADORE of Augusta, Representative MITCHELL of Vassalboro.

On **OBJECTION** of Representative O'BRIEN of Augusta, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. In the past few weeks we have recognized many, many teams that have won titles throughout the state. We have talked about football, field hockey, basketball and many others. This is girl's ice hockey. When girl's ice hockey began at Cony High School three years ago, there was only one other team in the state at the high school level. Last year the number of high school girl's ice hockey teams increased to 12 statewide. This year the Cony Team is one of 17 high school girl's teams. The girls and coaches are to be commended for a great record. This year they had 18 wins, one tie and one loss in regular season league games. The team participated in a Canadian Tournament in February where they tied one and lost two. This, as some of you may recall, is the second year that the Cony Girl's Ice Hockey Team has won the state title. One of the team members, Jessica LeClerc, will be attending Deerfield Academy next year. Deerfield won the national title for Division I Prep School Girl's Hockey. Three of the players represented Cony in the state all-star game held at USM, Devon Gaslin, Jessica LeClerc and Danielle Sargent.

I have known these girls for many, many years, some of them since they were born. I want to say that not only are they wonderful athletes, many of them are wonderful dancers and most of them, if not all of them, are great students. I want to congratulate the team and the coaches for another wonderful season.

**PASSED** and sent for concurrence.

---

**Recognizing:**

Danielle Palmer, of Springvale, who has been named to the 2002 Maine All-State Academic Team, a division of the All-USA Team for community and technical colleges. We acknowledge her academic achievement, leadership and service and extend our congratulations and best wishes to her;

(HLS 1131)

Presented by Representative CHICK of Lebanon.

Cosponsored by Representative BOWLES of Sanford, Senator CARPENTER of York, Representative TUTTLE of Sanford.

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

**READ.**

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. As an individual in the State of Maine, I have always had great interest in matters that pertain to students. I wish this morning to simply stand and indicate how pleased I am that we have people in the State of Maine that have recognition on activities that include other states in the United States. For Danielle to be a member of the All-USA Team for community and technical colleges, I think is a distinct honor. I would like to say to her, well done and good sailing in the future. Thank you.

**PASSED** and sent for concurrence.

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. 725) (L.D. 1966) Bill "An Act to Amend the Laws Relating to Development Districts" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-547)**

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.

**ENACTORS**

**Emergency Measure**

An Act to Make the Use of Tokens or Tickets for Games of Chance at Agricultural Fairs Optional

(H.P. 1552) (L.D. 2055)  
(S. "A" S-512 to C. "A" H-853)

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

**Emergency Measure**

An Act to Address the Unfunded Liability of the Maine State Retirement System and the Equity of Retirement Benefits for State Employees and Teachers

(S.P. 819) (L.D. 2199)  
(C. "A" S-521)

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

Representative **COLWELL** of Gardiner **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. 603**

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

**NAY - NONE.**

**ABSENT** - Baker, Bryant, Bumps, Bunker, Dugay, Jodrey, Landry, Lovett, Madore, McGowan, McKee, Mendros, Michael, Murphy E, Muse C, O'Brien JA, Perry, Quint, Tobin J, Trahan, Weston.

Yes, 130; No, 0; Absent, 21; Excused, 0.

130 having voted in the affirmative and 0 voted in the negative, with 21 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a Major Substantive Rule of the Department of Human Services

(H.P. 1637) (L.D. 2140)  
(C. "A" H-1046)

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

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. While this is a good idea, my concern with this is the funding mechanism this uses to print these posters and these booklets. We are borrowing money from the Rainy Day Fund. It orders the Treasurer to transfer \$50,000 to the Maine Board of Dental Examiners and allow them two years to pay it back. How many other departments want to borrow money from the Rainy Day Fund? Raise your hands. If this is such a good idea, let's fund it. The budget is done. The Rainy Day Fund has uses, yet we are going to allow one department to borrow money. I didn't know that the Rainy Day Fund was a loan institution. Ladies and gentlemen, the idea behind the bill is correct. The funding mechanism is wrong. I ask you to vote against this measure.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I appreciate the support for the legislation. The committee did work very hard on this. It has been a two-year

process. I think we have an excellent product out here. The reason this is a loan is that dentists will be purchasing these brochures at their cost and the money will be paid back probably within a year. We allowed two years just to provide a margin of safety. Let me remind people in this body that when we did the Invasive Species Program last year we wanted to get that program jump started and running right away. We provided a loan from the Rainy Day Fund. That money will be paid back, I believe by the end of this fiscal year. There is precedence for borrowing from the Rainy Day Fund. That is what we looked at in the committee. If the Appropriations Committee, once this goes to the table, decides to take some other actions or to look at some other funds, provide a loan from the General Fund or whatever, but it is money that will be paid back. There is no appropriation needed. We just need loan money and I leave it in the hands of the good members of the Appropriations Committee on both sides of the aisle to solve this problem. I hope you support emergency enactment.

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

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

The SPEAKER: The Representative may pose his question.

Representative SHIELDS: Mr. Speaker, Ladies and Gentlemen of the House. I wondered if anyone from the committee could tell me when this bill was heard was the Dental Association opposed or supported the validity of the concept behind these posters?

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. In response to the question, it is my recollection from the extensive hearings we held, that the professional and dentistry organizations to include the Department of Health felt that there was no problem with mercury amalgam fillings, however, there was a great deal of public speakers at the hearings who were very emotional and had certainly been led to believe that it was the cause of many of their ailments and they wished to be informed.

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

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

The SPEAKER: The Representative may pose his question.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. For anyone that might answer, didn't this body pass a budget that took money from the Rainy Day Fund to offset the tax conformity law?

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

Representative BERRY: Mr. Speaker, Men and Women of the House. I think I heard the question. It was related to funding of the budget. I would say that the budget is passed and that I would ask that members support the bill here today. I certainly do understand the agreement as far as the implications related to the Rainy Day Fund being the backup reserve for the tax conformity. I would agree not to use that as a source of funding. The committee was trying to think outside the box. I believe that this is not the right method either. I would agree with the Representative from Raymond. I would ask that you would pass this and send it to the Appropriations Committee. If it is possible

that someone will fund this out of their share on the Appropriations Table and it is related to dental, I think it might fit within the Fund for a Healthy Maine without breaking my signature on the pledge to protect the Fund for a Healthy Maine. I would ask that you would support the motion and send it on to the Appropriations Committee. Thank you.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. There is a big difference between milfoil and a poster for information. The invasive species that we dealt with last time around was a crisis. That was a good use of borrowing money from the Rainy Day Fund. To print a brochure for informational purposes is not a good use of the Rainy Day Fund. If somebody wants to put forth an amendment to take the money from a different funding source, feel free, but until that amendment comes down, I will not be supporting this.

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

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

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: Mr. Speaker, Men and Women of the House. Could I ask someone on the committee, did you investigate the possibility of borrowing the money from the Licensing Fund that the dentists already have in their reserve as a possible source of a loan for this?

The SPEAKER: The Representative from Hartland, Representative Stedman 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. We did look at that source. The Dental Board agreed that they would incur all the costs of maintaining future printings of the poster and the brochure, but they do not have adequate resources with which to do an initial cost effective printing to get the brochures out to all the dentists. We did look at that source of funding.

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

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

The SPEAKER: The Representative may pose his question.

Representative BERRY: Mr. Speaker, Men and Women of the House. My question is, what is the dimension of this brochure? Thank you.

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

Representative COWGER: Mr. Speaker, Men and Women of the House. To answer the question, we provided great latitude to the Bureau of Health to let them come up with the final brochure, designed to do the most cost effective design. We encouraged them to keep it as compact as possible.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I continually am amazed by the creative use of financing here in Augusta. I would like to pose three questions to any member of the Natural Resources Committee. Number one, does this require a special ATM card? Two, could you please tell me where the rainy day ATM machine is located? Three, we have had a short discussion over here and some of us are short

of money for lunch today, is there a temporary ATM card that could be issued for us this week? Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I am going to say it. I wasn't going to get up on this. I will never do it again. I would like to say that all of us in this hall have been in the business of producing brochures and posters for when you run for election. There is no way that any of us have had to spend this kind of money for producing a poster and brochure. It is mind boggling to think that we would plug \$50,000 into something like this when it can be done for much, much less. Thank you.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. This horse is getting tired, but I thought I would add to its burden. Just a couple of points, first, the precedent has been set. It wasn't just on utilizing it to print the posters for milfoil or use it to fund that program. We have used it consistently to offset our need to borrow tax anticipation notes. We have used it for other issues as well. I would suggest the issue is not in the borrowing. The issue is in the paying back. From what my good colleague from Hallowell tells me, we are guaranteed to be able to pay it back.

As to the issue of whether or not this is an emergency that reaches the level of milfoil, I think there were a number of people in this chamber that didn't think that was an emergency. I would suggest that mercury fillings that are perhaps leaching into people's bodies and their blood systems could be considered an emergency. I think that for a very small loan that will be paid back, we will be doing a great deal of good for the children of the state of Maine, the people of the State of Maine in raising their awareness that they don't necessarily have to have mercury in their mouths if they don't want to. I guess I would say it is not the borrowing. It is the paying back. We are assured that it will be paid back. Secondly, I would say that I know the Appropriations Committee is going to look at this very valuable piece of legislation and research and find other ways to fund this, this very day that they approach the table. I would urge my colleagues to support this good piece of legislation.

---

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

---

Representative **DUPLESSIE** of Westbrook **REQUESTED** a roll call on **FINAL PASSAGE**.

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 Final Passage. 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. 604**

YEA - Andrews, Ash, Bagley, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lundeen, Marley, Matthews, McDonough, McGlocklin,

McLaughlin, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Skoglund, Smith, Stanley, Sullivan, Tarazewich, Thomas, Tobin D, Tuttle, Twomey, Usher, Volenik, Watson, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Gagne, Glynn, Goodwin, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, Mailhot, Marrache, Mayo, McKenney, McNeil, Mendros, Morrison, Murphy T, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tessier, Tracy, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Baker, Landry, Lemoine, McGowan, McKee, Murphy E, Tobin J, Trahan, Wheeler GJ.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE** and sent to the Senate.

---

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

---

**Acts**

An Act to Update the Department of Defense, Veterans and Emergency Management Laws

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

(C. "A" H-837; H. "C" H-946; S. "A" S-526)

An Act to Dissolve the Ministerial Accounts in the Town of Readfield's Trust Fund

(H.P. 1416) (L.D. 1860)

An Act to Include all State-supported Institutions of Higher Education in the Clean Government Initiative

(H.P. 1642) (L.D. 2145)

(C. "A" H-1047)

An Act Relating to Tax Expenditure Review and Other Tax Reporting Requirements

(S.P. 828) (L.D. 2210)

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.

---

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

(H.P. 1575) (L.D. 2081)

(C. "A" H-1054)

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

On motion of Representative FISHER of Brewer, was **SET ASIDE**.

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



An Act to Allow a Lessee to Purchase Leased Premises When the Lessor Decides to Sell

(H.P. 1600) (L.D. 2101)  
(H. "A" H-1041 to C. "A" H-973)

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

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

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. You will recall this is a vote in this bill against landowner's rights. Landowner's rights are a basic foundation of this United States of America. I would ask that you would vote in favor of landowner's rights and foundations of our society and against this bill. Thank you.

On motion of Representative CARR of Lincoln, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

---

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

(H.P. 1687) (L.D. 2186)  
(C. "A" H-1034)

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

On motion of Representative NORBERT of Portland, was **SET ASIDE**.

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

---

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

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)

Which was **TABLED** by Representative COLWELL of Gardiner pending the motion of Representative CLOUGH of Scarborough to **RECEDE AND CONCUR**. (Roll Call Ordered)

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

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I would ask that you would vote against the Recede and Concur motion so that we can go on to Adhere. I do that for the reasons that I expressed earlier when we had this debate. I have sent around a little bit of literature, probably far too much for this time of the year, but I did want to make the point that this board has worked for four years on this matter. It came to a unanimous decision. As I indicated, it was the contractors, plumbers, plumbing board and the union all in favor of this change, which will make uniform the UPC code, which, in part, is the code that we use today. So, I am asking that you consider that we probably wouldn't be telling doctors or dentists how they should create their rules in which they live by and I don't think we should do it now with respect to plumbers. I ask that you vote

against the Recede and Concur motion and move on to the Adhere. Thank you.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I don't want to prolong this. I just want to remind you that one of the things that we passed around from the good Representative from Brunswick, Representative Richardson, I agree with the last bullet. If the Majority Ought to Pass Report is not adopted, the current plumbing code will stay in place. I did leave out one word, which said outdated, but that certainly can be brought up to date. We wouldn't be here today, ladies and gentlemen, if the board had looked into allowing plumbing under Chapter 13, alternate plumbing rules. Remember that most of our houses are plumbed today under that chapter and if you don't Recede and Concur, we will go back to the UPC, I am afraid.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I just have a short comment to make. Yesterday there was a letter distributed in which a statement was made that the difference in cost would be about \$25. If any of you still have the diagram that we passed out a couple of days ago that showed the two different systems and all the dotted lines indicating new plumbing, it is easy to recognize that it would far exceed \$25 just for the materials alone. I would ask you to support the Recede and Concur motion.

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

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

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

Representative **LABRECQUE**: Mr. Speaker, Men and Women of the House. I also received a piece of information on my desk that I am sure all of you did with regards to a list of Maine towns that use the code. Having served on the town council in Gorham, I can remember adopting on a yearly basis the National Electric Code, a Boka Code and another 108 or something that we also passed to deal with various aspects of buildings. My concern is, if this passes, does that mean then that code is no longer applicable? If so, if you have a house under construction now that is being built as you can afford to build it, has had its first inspection, which included plumbing and electrical, will they then have to redo their plumbing? Thank you.

The **SPEAKER**: The Representative from Gorham, Representative Labrecque 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 answer to that question, you have a cream colored document on your desk and what it says is the UPC is compatible with the Boka Building Code. The answer to that question is, it would be compatible and there wouldn't be a problem. With respect to any existing footprint, you are grandfathered with respect to any existing footprint with respect to what plumbing code that you use. It is just new construction. This will enable us to have a uniform code, finally, with both commercial and residential. I would hope that you would vote red on this particular motion. Thank you.

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

**ROLL CALL NO. 605**

YEA - Andrews, Annis, Belanger, Berry DP, Bruno, Buck, Carr, Chase, Chizmar, Clough, Collins, Crabtree, Cressey,

Daigle, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kane, Kasprzak, Labrecque, Ledwin, Lemoine, Lovett, MacDougall, Madore, Marrache, Mayo, McKenney, McLaughlin, McNeil, Mendros, Michael, Muse K, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Rines, Rosen, Schneider, Sherman, Shields, Skoglund, Snowe-Mello, Stedman, Tobin D, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

**NAY** - Ash, Bagley, Berry RL, Blanchette, Bliss, Bouffard, Bowles, Brannigan, Brooks, Bryant, Bull, Bumps, Bunker, Canavan, Chick, Clark, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Koffman, LaVerdiere, Laverriere-Boucher, Lessard, Lundeen, Mailhot, Marley, Matthews, McDonough, McGlocklin, McGowan, Michaud, Mitchell, Morrison, Murphy T, Muse C, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Savage, Simpson, Smith, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

**ABSENT** - Baker, Dugay, Goodwin, Landry, McKee, Murphy E, Tobin J.

Yes, 63; No, 81; Absent, 7; Excused, 0.

63 having voted in the affirmative and 81 voted in the negative, with 7 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

An Act to Allow a Lessee to Purchase Leased Premises When the Lessor Decides to Sell

(H.P. 1600) (L.D. 2101)  
(H. "A" H-1041 to C. "A" H-973)

Which was **TABLED** by Representative CARR of Lincoln pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

On motion of Representative CARR of Lincoln, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-973) as Amended by House Amendment "A" (H-1041)** thereto was **ADOPTED**.

The same Representative presented **House Amendment "B" (H-1070) 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. Briefly, this just changes some language that was contradictory and it takes out the words, within one year from the effective date of this section. It replaces a capital letter E on each. It also takes out some contradictory language and this should straighten that out so that it will pass approval. Thank you Mr. Speaker.

**House Amendment "B" (H-1070) to Committee Amendment "A" (H-973) was ADOPTED.**

**Committee Amendment "A" (H-973) as Amended by House Amendment "A" (H-1041) and House Amendment "B" (H-1070) thereto was ADOPTED.**

Representative KASPRZAK of Newport **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**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. I will just remind you that this bill is anti-landowner's rights. I believe, as an American, that landowners should be allowed to sell their land to whomever they choose, whenever they choose. If you agree with me, please vote against the pending motion. Thank you.

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

Representative **DORR**: Mr. Speaker, Men and Women of the House. I am trying to sort back through the various amendments on this bill and I think I would like to pose a question through the chair.

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

Representative **DORR**: Mr. Speaker, Men and Women of the House. If this bill is passed, will this put in place a right of first refusal for a lessee when a piece of property comes available for sale?

The **SPEAKER**: The Representative from Camden, Representative Dorr has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Freeport, Representative Bull.

Representative **BULL**: Mr. Speaker, Men and Women of the House. I thank the Representative from Camden, Representative Dorr, for her question. Even though this came from my committee, I am also starting to lose track of this bill. Yes, the bill as it is now would establish, for the first time ever in statute, I believe, a right of first refusal for lessees on large landowners. It would say that if you have a lease and the landowner wants to sell the land on which you have that lease and you went into that lease will full knowledge of that fact that they want to sell that land, they have to offer the right of first refusal to that lease owner before they can sell that land. I voted against this in committee, as did the majority of the Committee on Judiciary, both bipartisan because we felt that this was a bad precedent to be establishing in statute. Words we are not hearing very commonly on this House floor, I am in agreement with the Representative from Newport, Representative Kasprzak, and would hope that we can defeat this bill and respect the majority recommendations of the Committee on Judiciary. 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 rose before when this bill was before us before. A lot of people have retirement homes, camps and places of this nature. When they sign a lease, they sign it for either one, two, three, four or five years. When that landowner decides to sell his land and your camp is on that land, they tell you about it, you can do nothing. You put about \$100,000 into your camp or your retirement home and the landowner tells you to move, there goes your hard-earned money right out the door. We have a lot of people in my area that have retirement homes and also camps and cottages and even permanent homes. We have a lot of people. These camps and homes are not something that you find on the side of a river with no facilities inside. These are well kept homes and cottages that people use for the camps and also

to live in year round. The people that are on the lease, that lease the land from the landowner does a lot to help improve that land for that landowner. That person who owns a camp, cottage or a home keeps that land up, abides by the laws from either LURC or DEP and they make sure that land is suitable to live on. A lot of people can't just imagine this that everybody's house is now on leased land. You have your landowner come up to you and say, I am going to sell this land without the right of first refusal and I want you off this land within one year. If you have any life savings at all, it is going to take your life savings to move that house off that lot. A lot of these people have saved up to move. Not only are they from the immediate area of Millinocket, but they are from Portland, South Portland, Westbrook and out of state. People come up and they have these retirement homes and camps and all they are asking for, ladies and gentlemen, is a right of first refusal. If they sell the land and they have been there for at least 20 years, a lot of these camps and cottages have been filtered down through the generations, and all they are asking for is the right of first refusal. Thank you.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Jones.

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House. As House Chair and sponsor of the legislation that formed the committee to study the issues concerning changes in the traditional use of Maine forests and lands, I urge you to pass this bill.

I have not spoken publicly on this issue in this chamber. I want to personally thank the members of the Joint Standing Committee on Judiciary as well as my fellow members on the Traditional Use Committee for their diligent work on this issue. Over a century ago the current practice of leasing land began in this great state. Many of those leases have been in effect for over 100 years. As the good Representative from Millinocket just eluded to, there are a large number of leases still in the Millinocket, Moosehead and the western mountain area. While some of those leases have been purchased, there are still many out there as the good Representative from Millinocket indicated that are people's homes. Let me repeat that, they are people's homes. They are also businesses, businesses that they have put their life savings in. Yes, there are campgrounds and yes they are affectionately called camps, which many of us have enjoyed over the years.

As you know, the face of our great state is changing. Gone are the days in which those who own the majority of the property in our state live and work here as well. Rather, a large majority of property owners are large multi-national companies who may not be forestry. We have unfortunately lost the connection between owner and leaseholders. Many leaseholders have lost long-term leases that existed with long-time owners and have been converted to year-to-year leases. How do you plan for a business? Do you plan from year to year? I don't think so. How do you market your business? You do it much more than a year in today's unstable world. I attended a meeting last week with the Chief Executive in which one of the representatives of one of those companies said that they have no control over these issues. It is handled solely by the corporate office. There is no one to speak with. There is no recourse. Imagine getting a letter in your mailbox today that says, by the way, your home that you live in, your business that you have invested in for many years, is no longer yours.

You also have no right to purchase the land that your property is on. Furthermore, you have 90 days to vacate. This situation is real. I urge you to remedy this for the 4,000 families and businesses that are at risk with this current situation. Thank you.

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

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. I will ask you to think about one thing before we vote on this bill and that is, if you own property and someone is leasing it, which I think is not very prudent to begin with, and you want to sell that land to your child or a member of your family, should not you as a landowner, someone who pays for that land, be able to sell it to the person to whom you choose? Thank you.

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

Representative MUSE: Mr. Speaker, Men and Women of the House. Of course you should. It is pretty simple. However, if during the course of the time that you have owned this property, you have seen fit for one reason or another to lease it to somebody. For example, if I wanted to lease it to a neighbor and I go ahead and do that and then decide that I want to sell it to my brother at a very good price, I would just terminate the lease or allow the lease to terminate and sell it to him. It is very simple. If that sounds kind of far fetched, the alternative would be to try and remove somebody from the land or evict them. I happen to own rental property and trying to evict somebody, you might as well wait and let the lease expire. Let the lease expire and then sell the land to whomever you want. It really is not an issue. I don't see a problem with this and I think we should go ahead and pass the bill. Thank you.

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

Representative CRABTREE: Mr. Speaker, Ladies and Gentlemen of the House. This is an emotional issue. However, it is not about the issues that have been raised. What this bill is about is centuries of contract law and centuries of property rights that have held constant and have served as the basis on which land transactions have been made for many, many years in this state and around the country. The terms of the lease were well known by everyone. Yes, there is something wrong, but it is not that the lease was erroneous. It was that people made bad investment decisions. You do not construct a \$100,000 home on leased property that has a 90-day eviction provision. It is not for this Legislature to correct those bad investment decisions and in the process upset and disturb centuries of contract law and property rights in this state and in this country.

One final thing, there is an unintended consequence, which will follow this legislation if it passes. I can assure you that you will close the north Maine woods to future leases because no landowner will lease their land with this onerous provision attached to it. It would prevent them from selling large lots of property and have to consider individual lots in the course of a major sale. What you will do is close the north Maine woods to future leases. Thank you very much.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. The previous speaker said that the north Maine woods will not be leasing any more land if this bill goes forth. The way I understand it now is they do not allow any new leases now.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House. There are a substantial number of people in my district that actually have constructed some pretty nice buildings on leased property. Had they been able to purchase the land, I think they would have. Everybody wants to have a place they can call their own, a piece of the wilderness near a body of water,

the people who own the land will not sell so they lease. I don't think the problem exists with the initial leaser. In all likelihood when someone receives a lease from somebody who owns a large piece of land there is usually an amicable relationship between the two. The problem really surfaces when the owner that in good faith had leased the property now decides to sell the property to somebody else. The new owner has no allegiance to the person whose lease is on his property. He probably doesn't even know the people. In all likelihood he doesn't even reside in the State of Maine. We have seen an awful lot of that. For that reason, I would support this particular piece of legislation because it protects that individual, the person who has in good faith built a piece of property on land that they couldn't own because it was not for sale. Because of the good relationship with the owner, the lease seems to be in pretty good security for an extended period of time. It is when it is resold. That is where the problems have occurred. That is why I support the notion that they should have right of first refusal. Thank you.

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. 606**

YEA - Annis, Bagley, Belanger, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bruno, Bryant, Bumps, Bunker, Canavan, Carr, Chizmar, Clark, Colwell, Cote, Cummings, Daigle, Davis, Dorr, Dudley, Dugay, Duncan, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Glynn, Gooley, Green, Hall, Haskell, Hawes, Hutton, Jodrey, Jones, Kane, LaVerdiere, Laverriere-Boucher, Lessard, Lovett, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKenney, McLaughlin, Mendros, Michael, Michaud, Mitchell, Morrison, Murphy T, Muse C, Norbert, Norton, O'Brien LL, Paradis, Patrick, Perkins, Perry, Pineau, Pinkham, Povich, Richard, Sherman, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Ash, Berry DP, Bowles, Buck, Bull, Chase, Chick, Clough, Collins, Cowger, Crabtree, Cressey, Desmond, Duprey, Foster, Hatch, Heidrich, Honey, Jacobs, Kasprzak, Koffman, Labrecque, Ledwin, Lemoine, MacDougall, Madore, McNeil, Muse K, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Quint, Richardson, Rines, Rosen, Savage, Schneider, Shields, Stedman, Trahan, Treadwell, Twomey, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Baker, Blanchette, Goodwin, Landry, McKee, Murphy E, Tobin J.

Yes, 94; No, 50; Absent, 7; Excused, 0.

94 having voted in the affirmative and 50 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-973) as Amended by House Amendment "A" (H-1041) and House Amendment "B" (H-1070) thereto in NON-CONCURRENCE** and sent for concurrence.

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.

**HOUSE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (H-1051) - Minority (6) Ought to Pass as Amended by Committee Amendment**

**"B" (H-1052) - Committee on BANKING AND INSURANCE on Bill "An Act to Ensure Equality in Mental Health Coverage" (H.P. 1205) (L.D. 1627)**

**PENDING - ACCEPTANCE OF EITHER REPORT.**

On motion of Representative O'NEIL of Saco, the Minority **Ought to Pass as Amended Report was ACCEPTED.**

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Minority **Ought to Pass as Amended Report was ACCEPTED.**

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

Representative GLYNN: Mr. Speaker, Ladies and Gentlemen of the House. When you were campaigning probably what was one of the most or the most significant problem that we heard from our constituents. I think we can all agree it was the cost of health insurance. What is generally the largest cost increase this year for municipal budgets? That is health insurance. What is the fastest growing part of most school district budgets? Health insurance. What accounts for a large part of the increase in the University of Maine budget? Health insurance. Do we really want to make their situations any worse?

Health insurers really aren't the issue. They don't ultimately pay for health insurance, businesses and employees do. When it comes down to the fiscal note, this Minority Report claims to have a positive fiscal note. It says state government will save over \$1 million this upcoming year. It will be \$3 million in the next year and \$6 million in the year to follow. If this is in fact true, where is this money going to come from? Let me answer that question for you. It is going to come from employees and employers. It means that overall private health insurance bills will rise at least \$1 million this year. It will be \$3 million next year and \$6 million the year after. This, ladies and gentlemen, is a direct tax on businesses and the workers that pay for state government services. Health insurance now covers more per month than most Mainer's mortgages. This bill will increase the costs. It is a reliably estimated that a 1 percent increase in a health insurance premiums result in a loss to insurance of \$200,000 to \$400,000 people nationwide. For an HMO plan for a business of 25 people, a 1 percent increase will cost the employer and the employees an additional \$2,500 per year.

The Majority Report, on the other hand, does, in fact, take care of a very important portion of this bill. Both the Majority Report and the Minority Report are the same in the area regarding the reimbursement of LCPCs, however, this report that has been moved, the Minority Report, is going to raise the cost of health insurance. When the vote is taken, I respectfully request the yeas and nays.

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

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

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. I would like to read to you some of the testimony that we heard before the Banking and Insurance Committee last year when this bill first came before the Legislature. It is a story of a son of an employee in the Legislature who was diagnosed with Tourette's Syndrome, Attention Deficit Disorder, Hyperactive Disorder and Oppositional Defiance Disorder. "By January 2000, David has spent less than a month in his sixth grade class at public school. Because of his unpredictable outbursts and unsafe behavior, he was not allowed to attend school. He had to be tutored. David's admission to St. Mary's Hospital during the

fall of 1999 was my first experience with the frustrations of health insurance coverage for mental illness. David was taken to the emergency room at Maine General after a session with the therapist resulted in having the police called. At 1 a.m. the next morning I was in my car heading for Lewiston following an ambulance that carried my 11-year-old son. I remember praying all the way and thanking God for always being with us and praying that we would finally get some help for David. My hopefulness turned to trepidation three days later when the social worker told us that they had come to place in David's stay where everything had to go doc to doc. That meant that every day David's psychiatrist had to talk to an insurance company doctor to determine if David still needed to be hospitalized. Never mind that he could not go home for more than four hours without ending up in isolation or that they had to lock him in because he was ripping towel racks off the walls in the bathroom. When they locked him in isolation, he urinated all over the walls. After six days he was discharged and because the waiting list for community services is so long, he was basically discharged into nothingness. We began our own search for services for David because he clearly needed more support than medication and therapy. We soon found out that the services he needed, specifically a case manager and a behavior specialist, were not covered by my private health insurance, but Medicaid covered them."

I have another story, this was an e-mail sent to me by a gentleman in Maine. I am quoting, "I am a recovering alcoholic with three years of sobriety. Without insurance I would never have made the decision to admit myself to the program at St. Mary's Hospital that saved my life. Had I not received treatment and now staying sober one day at a time, there is no doubt in my mind that I would now either be in prison, an institution or dead or worse, killed an innocent child on the highway. I don't know what the cost of housing a prisoner in Warren is, nor do I know the cost of a stay at AMHI, however, I am sure we all pay in some way. If I understand this correctly, if I smoked for 40 years and developed lung cancer, insurance is required to cover my treatment, but a substance addicted person is on their own."

These are two stories of people who this bill, the Minority Report, would help. What does mental health parity mean? It means that physical illness is no different than mental illness. Mental illness and substance abuse treatment deserve the same insurance benefit as physical illness. What does this bill do precisely? It broadens the existing mental health mandate for group insurance for groups of 21 or more. There are seven categories now or seven illnesses covered now. It broadens them to cover 11 categories of mental illness. It is a substantially broader benefit. The categories include psychotic disorders, anxiety disorders, eating disorders, substance abuse related disorders and many others.

Why bother? Why would we do this? Clearly there are thousands of Mainers suffering from mental illness, many of whom may yet be undiagnosed because of the problem of stigma. The stigma attached to mental illness. People are afraid to get treatment because they are afraid to be diagnosed. They are afraid to lose their job. They are afraid what it will mean to the way their family and friends are treated. They are afraid of how they will be treated by their friends if they get a mental health diagnosis. This bill legitimizes the fact that a mentally ill person has no more control over his or her mental illness than somebody with heart disease. Perhaps the person with heart disease has more control over their illness, but the heart disease is covered. This bill says to the mentally ill person that your illness is legitimate and it ought to be covered by your insurance.

This bill will bring people to treatment sooner, because they are not afraid of that stigma. They will go and they will get treatment they need and deserve and it is cheaper. When mental illness is treated early, when preventive treatment is applied, people respond. Treatment for mental illness is remarkably effective. We all know this. When you treat an illness early, it is cheaper than letting it aggravate, get worse, aggravate other conditions. It is cheaper to treat it early.

The Representative from South Portland raises the big question for all of us and we have to consider it. How much will it cost? The Bureau of Insurance conducted a mandate study over the summer and fall of last year to determine what the cost of this would be to the premiums of private health insurance. The bureau's estimate, which is reflected in the fiscal note, would be a projected increase in premium of .44 percent. That is less than 1 percent premium increase for this vital coverage. It could be provided for up to 20 percent of Mainers a year who may suffer from mental illness. It is miniscule potential premium increase. That estimate is born out by experience nationally. The federal employees, 9 million strong, federal employee health benefit plan has a broad mental health benefit. The cost when that benefit is placed under managed care as the benefit would be under this proposal, the cost to the federal government in increased premiums was .3 percent. Our own fiscal office estimates a .2 to .4 percent increase. These estimates are in keeping with other states including New Hampshire and Vermont. It is also true that a simple premium increase estimate isn't a full accounting of costs. The fact is that major employers around the country, states that have instituted comprehensive mental health parity and the federal government have all experienced a decrease in overall costs when you take into account increased productivity and a reduction in lost time.

The failure of this society to provide mental health coverage is costing us money, big money. I appreciate your attention this morning. I urge you to join me in support of the Minority Ought to Pass as Amended Report. Thank you.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. A number of years ago in the 117<sup>th</sup> Legislature, those who were here at that time, will remember that I was very actively involved in the mental health legislation of that session. We established the seven biologically based mental health illnesses and that they be treated under the same terms and conditions as physical illness. I have never regretted for one minute my work on that particular piece of legislation. Under certain circumstances, I would be supporting the legislation brought forth by the good Representative from Portland. I applaud him for doing it. However, the times are somewhat different today than they were in the 117<sup>th</sup> Legislature. Today, whether we wish to admit it or not, we do have a crisis in the cost of health care in this state. As I walk through my House District, as I talked with people in this body, I am made aware of that fact every day. As a member of the Banking and Insurance Committee, there isn't a week that has gone by in this particular session that I have not received at least one question and usually three or four from people on both sides of the aisle asking me, what can we do?

Ladies and gentlemen, we have passed a number of bills in this particular session. None of which, will affect a reduction in the cost of health insurance for the people in the State of Maine during the coming year. The cost, there is a projected savings and we see an amendment, which we may or may not consider on how to deal with this projected savings, who is going to pay for those savings? There is going to be a cost. Who is going to pay

for the .2 to .4 to .5 percent increase in the cost of health insurance? It is going to be the employee and the employers of this state.

I talked this morning with a person in the hall that has limited association with the Legislature complaining to me about the cost of his family plan, which is nearly \$1,200 a month for a family plan. We are talking about increasing that by .5 percent. That is a sizable increase in the cost of that particular plan. That is not a minor aggravation. That could mean the difference between that family of five having insurance and not having insurance during the coming year.

As I said earlier, if we were not in a crisis, I would be supporting this particular piece of legislation. I would have asked to have been a cosponsor of it. I, as one member of this body, cannot go home when we adjourn and face my constituents and say that I have done something to increase the cost of their insurance. I cannot look my city manager in the face after they have experienced nearly a 13 percent increase in the cost of health insurance, which is causing a real budgetary problem as they move along this spring. I would urge this body to not accept the Minority Report and to allow acceptance of the Majority Report, which does put into statute the LCPC situation, which should have been handled previously.

I would be remiss if I didn't make one other mention of a difference between the Majority Report and the Minority Report. The people on the majority side are tempted to work with those on the minority side to make one small change in the Minority Report and that is that effective date of that report. In the eight years that I have been in this Legislature, we have handled many mandates. I have supported nearly every one of them. I have been accused by people on both sides of the aisle of never having seen a mandate that I did not like and there is a lot of truth to that. This particular mandate, if we accept the Minority Ought to Pass as Amended Report, will take affect 90 days from the adjournment of this body. We have never done that. We have always moved them out to the start of calendar year and when policies were being renewed after the start of that particular calendar year. This particular provision in the Minority Report is going to create havoc in the insurance market in addition to increasing the cost. Ladies and gentlemen, I would repeat, please do not accept this particular report and allow us to go on and accept the Majority Report. Thank you.

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

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. I am on the Majority Report. It was the most difficult vote that I have made in my four years here. I am there because the way we give health care in this state is wrong. Last year this body, the other body and the Chief Executive agreed to go out on a study for a universal health care. That study is due in by the first of January for the next Legislature. In the meantime we have a real problem. The problem for me is I have many lobstermen, that does not come first, as a surprise to anybody that has heard me speak passionately about lobsters while many of you have gone out to get your coffee. For my district lobsters are important. They are self-employed people. For a family of two they are paying \$1,200 a month. That is more than a mortgage. They can't afford anything else. I agree with everything that the good Representative from Portland said except for one word when he said, major employers see a cost.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Dudley. For what reason does the Representative rise?

Representative DUDLEY: Point of Order, Mr. Speaker.

The SPEAKER: The Representative may state his point of order.

Representative DUDLEY: Thank you Mr. Speaker. I suggest the absence of a quorum.

Representative DUDLEY of Portland inquired if a Quorum was present.

The SPEAKER: Seventy-six members being present, a quorum is present. The Representative may proceed.

The Chair announced that 76 members were present and declared a Quorum present.

Representative SULLIVAN: Mr. Speaker, Men and Women of the House. Thank you Representative Dudley. As a teacher I don't usually have to ask for a quorum, they have to stay whether they like it or not. I thank you.

The only thing I would disagree with the Representative from Portland is that he said major employees are seeing a cost saving. The pool is large and there are a lot of people to spread it. Unfortunately 90 percent of our businesses in Maine are small employees, a small pool. I agree that early intervention is a much preferred method. It certainly is within the classroom and many of those children in my classroom have mental illness or have illnesses from the womb from parents who have substance abuse. All of that is true.

Here is the predicament that I faced as a member of that committee. If I vote to include more mandates on mental health this year, before the study comes out on how we are going to deliver and some of my lobstermen, some of my small employees with four or five employers were to drop insurance as a way of saving money, then have I really done anything for the State of Maine and its people. I am not sure I made the right decision. I am not here to tell you that there are things that I know, I have made the right choice. This one I am not sure, but I did what I hoped was best. I hope that in this case that a half a loaf will be more than nothing. It is not perfect. I am hoping that the Legislature will eventually be able to do something real next year in the 121<sup>st</sup> Legislature. I am not sure what the right answer is, but I am afraid that more people in my district that are self-employed and are members of a small business will drop their health insurance entirely. Will it happen? I don't know. I would ask you to think carefully and weigh it. The heart and the head are sort of equal here. I came down on the head today, I think. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Colleagues of the House. I don't believe this is an issue about not wanting to cover additional mental illnesses. It is all about cost. Everyone has tried this session and previous ones to bring the costs down, we have not reached a solution to why health costs are going up. Somebody is going to have to pay for this if we approve the Minority Report. I ask you to look at it cost wise. Maybe the next session there will be a solution to this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Marraché.

Representative MARRACHÉ: Mr. Speaker, Ladies and Gentlemen of the House. I won't belabor this issue. Everybody on the committee wants something done for mental health parity. The big talk right now is cost. I will tell you what, you are going to save a lot of money if you pass the Minority Report. I am going to say it as a physician because I see tons and tons of people over and over and over for illnesses that are medical based and it is months before we finally figure it out that they are finally willing to open up to me that it is a mental illness. When I finally get them connected to where they need to be, they finally stop coming in over and over because they are getting the services

that they truly need. I ask you to please pass the Minority Report and help the people of Maine.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. The good Representative Sullivan mentioned lobstermen and that brought me back into the room. Part of the beauty of this bill and the way they have crafted it on the Minority Report is that it does not affect people with 20 or less employees. I come from the area of historically large lobster fleets and they have never had close to 20 employees and they never will. I think you have to keep that in mind. The way this bill has been amended by the committee and the consideration they have given it, I think it is a tremendous piece of work. It will be a tremendous step forward for the people of Maine and I strongly urge you to support the Minority Ought to Pass Report. Thank you.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. As I have said on a number of previous occasions, I spent 35 years in the mental health field as a clinician and an administrator. I would like to underscore the point made by Representative Marraché on the cost effectiveness of being responsive in treatment where adequate coverage is available. As an administrator operating under very substantial grants through the Department of Mental Health, it pained me to continue to have to spend general fund dollars, public tax dollars, to support people who were employed and who had insurance, but whose insurance didn't cover. We found ourselves continuing to have to ration care to a lot of people because we had very limited general fund dollars available and we had to spread them over far too large a group. The cost effectiveness both in terms of effective treatment earlier and in terms of savings of public tax dollars is real. I urge your support for the Minority Ought to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Canavan.

Representative **CANAVAN**: Mr. Speaker, Men and Women of the House. I did intend to get up and speak today. Today I am speaking to you not just as a member of this body, but as a family member of a person with bipolar disorder. I am asking that you support the Minority Ought to Pass as Amended Report of this bill. I am asking that because I believe, as I think all of you do, that every Maine person who experiences serious health problems has the right to adequate medical treatment.

The theme of cost dominates in every single discussion made in this body about health insurance coverage. Each time the issue arises we ask, is it worth covering this particular illness? There is often another more subtle theme underlying the debate. That theme is, does the illness in question deserve adequate coverage? Do illnesses like schizophrenia and bipolar disorder and bulimia and anorexia and substance abuse deserve the same kind of treatment we give diseases like cancer, heart disease and diabetes, which we know get very comprehensive coverage now under the insurance code? The very fact that we are here today asking these questions, the same questions that were raised in 1996 and 1999 suggest that we may question whether illnesses of the brain merit the same kind of insurance coverages that other illnesses do. Maybe that is because it is difficult for us as a society to discard our notions about what mental illness is. For so long we believed it had at its roots trauma or bad parenting or we thought it was just a behavioral problem, somebody acting out. Maybe that is why for many of us mental illness just isn't on par with diseases we see as "no fault"

diseases, like tuberculosis or cancer. Now as the 20<sup>th</sup> Century dawns we are finally learning what mental illnesses are. We know that the victims of this disease don't choose to hallucinate or hear voices. They don't choose to behave in strange ways when they are in the throws of a psychotic episode.

The fact is that mental illnesses like schizophrenia and bipolar disorder are biologically based brain disorders, chemical imbalances in the brain that profoundly disrupt a person's ability to think, feel and relate to others. The last I knew the brain was a part of the body. The fact is that mental illnesses are no fault diseases as much as cancer, diabetes or heart disease. Even though we have come a long way in understanding what mental illness is, I would submit to you that the residue of stigma persists even today. We see it in the fact that jails and prisons are filling up with the mentally ill and that many are still being abandoned to the streets for lack of treatment. Part of the reason for that is that we still aren't willing to spend money on the resources needed to treat those with mental illnesses. Part of it is that insurance companies say that it will cost too much money to treat them. Essentially they say that it isn't worth it.

This assertion really is penny wise and pound foolish and probably based on projections made years ago when the cost of treating mental illnesses was truly prohibitive. It doesn't hold true anymore because we now have cost effective treatments for most of these disorders and high rates of success are being achieved in many cases. Early and comprehensive treatment is critical to that success. If cost is what you want to look at, if you would still ask, is it worth it? I would ask that you weigh the enormous cost to us all if we do not provide adequate care for people suffering from a mental illness. These costs will never show up in an actuarial table, but they are still very real. They include absenteeism, unemployment, poverty, homelessness, criminalization, social isolation and in some cases more than we would like to admit, premature death.

I know from personal experience working as an advocate for the families of persons with mental illness the devastation this disease can bring to families and to the victims. The last thing they need is the added burden of unfair health care costs. In 1999 the Surgeon General noted that while an insured family facing an illness like cancer or diabetes or heart disease will pay approximately \$1,500 out of pocket, a family facing a mental illness will pay approximately \$25,000 out of pocket. Those are staggering and sobering statistics that reflect the unfairness with which those with mental illnesses are being treated with respect to health care coverage. In Maine we offer comprehensive treatment for brain tumors, multiple sclerosis, dementia or brain disorders, but we still don't have parity for the mentally ill.

Research shows that one in five people will suffer from a mental illness at some point in their lives. The folks I am asking you to help here today are not strangers. They are our fathers and mothers, wives and husbands, brothers and sisters and they are our children. I would guess there are very few people in this body today who have not been touched in some way by mental illness. I am asking today that you would support the Minority Ought to Pass as Amended Report and finally provide thousands of Maine people suffering from mental illness with the equality in health insurance coverage they deserve and the chance to improve the quality of their lives. They are worth it.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. I am on that Minority Report. I just wanted to explain my rationale before we moved on to lunch. This is a difficult issue. The good Representative from Bath correctly points out that we are in a crisis in the cost of health care. We all acknowledge that.

On January 22, I sat right here in this chair, there were cameras in the room, folks at home saw me on TV nodding my head up and down while the Executive stood right there and he correctly pointing out that preventing major illness is essential if we want to reduce health care costs. My head went up and down and I said that the Executive is right on. I submit to you that this bill does that.

We have all been subject to public hearings where our heartstrings are tugged. That is very effective at getting our attention, but it doesn't always result in sound public policy. There was a professional woman from somewhere nearby here who had a professional husband whose life fell into crisis because of a mental illness. Not only did his life fall into crisis because of the mental illness that went undiagnosed and untreated, but the life of her and her two beautiful teenage children fell into crisis. They stood before our committee and it was the one occasion in my six sessions here in this Legislature where I cried at a public hearing. It got my attention. It was emotion and it tugged at my heartstrings. Does that make good public policy? No, but it got my attention because this fellow lost his job. He spent a long time across the river over there. He burnt down their house. Their family is still in upheaval. Had he been covered by a policy that could have intervened early, they could have avoided that calamity.

Factually speaking, this is a tough issue. We all recognize that the insurance premiums are high. The question has come up to me when people ask me why I am on this Minority Report and how can I justify it, the fiscal note talks about a savings of \$1 million in the first year to the state and \$3 million the next and then \$6 million thereafter. Will that \$10 million be directly exchanged to insurance premiums? The answer is a resounding no. As the Representative from Saco next to me has pointed out and the Representative from Waterville, the early intervention saves that money that would have been spent otherwise. That early intervention and prevention can make cases minor as opposed to crisis and acute. There is a huge difference there from a public policy standpoint.

We are always faced with folks who say that if my premium goes up anymore, I will have to drop my coverage. That is nothing anybody here wants. I want to submit to you that with my dealings on this issue, I do it everyday, all day, that for every person who drops coverage for lack of affordability there is another person who drops coverage because it doesn't give them what they pay for. That is why I am on the Minority Report. That is why I urge you folks to do the right thing. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative BRUNO: Mr. Speaker, Men and Women of the House. To anyone who may answer, Representative Mayo pointed out that we passed some kind of mental health parity bill back in the 118<sup>th</sup> when I was actually on the committee. Can someone confirm that?

The SPEAKER: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House. Had I looked at my notes and not had my continuing problem with eyeglasses and sight, I would have answered that question in my testimony. When we passed the current statute, it dealt with seven biologically based mental health illnesses. Those seven illnesses are schizophrenia, bipolar disorder,

pervasive developmental disorder-autism, paranoia, panic disorder, obsessive compulsive disorder and major depressive disorder. Those were the seven. We originally started with eight or nine. Also, if my memory serves me correctly, believe that the Speaker may have been serving on the committee at that time. We started with a number more, but to come out with a Majority Report we ended up on the advice of many people with the seven that are currently covered.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. Maybe it was before my time. I will give it to the speaker. It was when he was on the committee. The point is we cover seven major mental illnesses and health insurance premiums are shooting through the roof. We have not saved a dime. Take a look at the cost of health insurance premiums over the last six years. They have doubled, at least doubled. We cover seven major illnesses. This argument that we are going to save money in the long run, you hear it during the whole budget negotiations. If you do this, you are going to save money. If you do that, you are going to save money. We cover seven major illnesses and we haven't saved a dime. How am I going to buy into this argument that we are going to save even more money by expanding what we cover. It doesn't work. Every time you expand coverage, there is a cost.

You are going to exempt employers of less than 20. You know what, that is 90 percent of your market in Maine on health insurance. Any employer that has over 100 employees isn't covered under this because we self-insure. We self-insure for a reason, to shield ourselves from the Legislature. Large companies aren't covered by this. You now have a group of 21 to 99. How many employers in Maine is that? It is not a whole lot. You have increased that cost and you haven't done anything. You sit there and you say you are going to save money in the long run. Think about it. Think about saving money in the long run. We would not find ourselves in the predicament we are in with health care in this state if we have saved all that money.

I agree with mental health parity. We did it at the federal level and we did it at the state level. It is limited, but it covers seven major illnesses, but we haven't saved any money. Don't give me that argument that we are going to save money. If you are going to sit here and say we are going to raise the cost of premiums of people in groups of 21 to 99, fine, but be truthful about it. Don't tell me you are going to save money. I sympathize with people who have mental illness. I have cried at public hearings just like the Representative from Saco. I have sat through Human Services and I have sat through Banking and Insurance and Appropriations. If you don't think people have a story, well everybody has a story that they have been affected in some way. In some way they have been affected by some kind of illness. This bill does not get at that problem. It doesn't solve the problem. It is unfortunate that we can't solve it. It just increases costs in health care and that is wrong. Thank you Mr. Speaker.

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

Representative NORBERT: Mr. Speaker, Ladies and Gentlemen of the House. My friend from Raymond, I don't know. Maybe he is right. Maybe this won't save a dime. I don't think so. I think we are really spending a heck of a lot of money right now in the Medicaid Program. Regardless of that, we will save people and I think that is what is most important. I think that is what you all want to do. Costs are up regardless of where they are coming from. The Medicaid Program is where people are relying because their private insurance isn't covering it. There is a reason the Maine Hospital Association, physicians, social



workers, consumers favor this bill. They support mental health parity. They see it as a logical expansion of the list of covered illnesses. I just think there is no question that costs in our health insurance system are out of control. We are trying to deal with that in a reasonable way. We have a big study underway. We have been creative in this state and we can be proud of the ways that we have expanded Medicaid coverage to cover people who this same argument could have been used against. It has been used in the past about prescription drug coverage, about covering breast cancer, mammogram treatments. This is a logical progression. This is a huge problem. To say that it is not going to save us any money, I don't accept that. I think we are all spending money and it is the Medicaid dollars. I do believe that millions will be saved. I also believe it is the right thing to do. We can save our people. I want to commend the folks that have worked awfully hard on this and just remind you of the terrific coalition that is together on this because they see a problem. They see a way out. It may not be the solution, but it is an excellent continuation of the progress we have made. We have every reason to be proud of that progress and every reason to follow that road still.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Under our for-profit insurance system, your constituent's health care goes up annually anywhere from 5 to 20 percent. It is faster than the real cost of health care, if you know what I mean. Without this bill their health insurance premiums will still go up 5 to 20 percent next year. With this bill those premiums will go up 5.4 percent to 20.4 percent, but coverage will be better. It is a good deal.

The cheapest policy is one that doesn't cover anything and that is not a good deal. I can't resist mentioning that next year if those of you who are still here, I will be watching, if you do the right thing, then all of us will be covered for both physical illnesses and mental illnesses by a more humane and more cost effective single-payor system.

The SPEAKER: The Chair recognizes the Representative from Machias, Representative Bagley.

Representative **BAGLEY**: Mr. Speaker, Men and Women of the House. I am here to support the Minority Report. A report was done in 2000 that the largest cost associated with depression is \$23.8 billion caused by excessive absenteeism and lost productivity. This far outweighs the cost with treatment, which is \$12.4 million. This same study linked medical illness to depression and suggested that treatment of depression may reduce the incident and cost of mental illness. I would support this. I have two daughters who work for the state and understand these problems.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. When we contemplate this important issue, one of the big things to talk about is the fact of how it easy it is for the Maine House of Representatives to mandate something and not pay for it. This has been a progressive, incremental and enormous problem in a number of areas of legislation that we have considered. In the arena of municipal government it was so bad that the Legislature was passing rules and regulations of great things to do that we didn't want to pay for. There was a successful move that put a Constitutional Amendment in to require a two-thirds vote if we were going to pass the costs off to local municipalities, require them to do something without paying for it. We have the same thing here. We have a need, a need for better insurance and more affordable insurance in Maine, but is

the answer stepping forward with a bunch of requirements for policies to include things, all of us refusing to pay for it and passing that cost off to the consumer. The byproduct of what happens is when insurance gets too expensive people drop coverage or employers stop insuring at 100 percent and start requiring an 80/20 co-pay or start requiring a 50/50 co-pay. We see it go on and on and on. What we do is by not stepping up to the plate, we are in a very unique position.

I took a look at the list and I hope everyone got the orange handout that went around to everyone that Representative Sullivan and Senator Lafountain had put out to the House yesterday regarding the illnesses that are covered. There are currently seven biologically based mental illnesses that are covered under Maine law that will be covered in these health insurance products. A number of the speakers that spoke of mental illness in their families and their friends talked about how their families have suffered under these biologically based mental illnesses and they are covered. Bipolar disorder is covered right now. It is required in insurance coverage under the current parity law. Schizophrenia is covered. Autism is covered. Panic disorder is covered. Major depressive disorder is covered. When we add these 11 categories you need to know as the House of Representatives that the Banking and Insurance Committee did not review this list disorder by disorder. There are dozens and dozens and dozens of diagnosis that you will be mandating to be required to be put in health insurance products and pass the cost on to the consumer. These simply were not reviewed.

I am going down and I am looking at them under Category 7, attention deficit and disruptive behavior disorders. These are some of the diagnosis that are going to be covered. Partner relational problems, occupational problems, those are going to be a covered disorder. Identity problem, a covered disorder. You go under the other diagnosis dealing with sexual disorder, exhibitionism. Exhibitionism is going to be a covered disorder. Again, if the Banking and Insurance Committee had gone through and reviewed these disorders, you would find a more sensible list of the things that your constituents may be calling for to be included under their health insurance products. Certainly not just going through and categorically taking whole lists, the whole thing, and just putting it out under there based on the DSM 4 Diagnosis Book.

There are a lot of disorders or diagnosed disorders that are listed in the DSM 4 Book, which we don't even cover under Medicaid, but we are going to turn around and we are going to require these disorders to be put in everybody's health insurance products out there and raise the cost of the health insurance products. At the same time, we are not going to pay for it. I ask you to consider these things. I urge you to reject this report and move onto the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Marraché.

Representative **MARRACHÉ**: Mr. Speaker, Men and Women of the House. I didn't want to rise to speak a second time, but I figured I better now. If you look at the orange sheet that Representative Glynn was talking about, yes, there is a lot of diagnosis listed on there, but get what? They are getting treated anyway. They are already getting seen by physicians. They are on there for a reason. People had symptoms. It was reviewed by physicians. These diagnosis came up. They are getting seen already. Let's pay people who are doing the work. Maybe you would have less problems with cost shifting. If you look at the current parity law, you will find that mood disorders are not on there. You are saying that these seven cover enough. I will tell you what, if you look under another handout that was given to

you, suicide is a severe consequence of mood disorders and other issues that are not necessarily covered under the current parity law. I ask you to please not be swayed by fear. You have to help the people of the State of Maine. The Minority Report will do that. Thank you.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. I, for one, think an exhibitionist should get treatment. The Representative from Raymond suggests that we already have parity. We have already taken care of this. We have covered the seven illnesses. We have parity in the State of Maine. Why are we doing this now? There is a dirty little secret out there that even for the seven illnesses that are covered, they are not covered under the same terms and conditions for physical illnesses. There are often caps on the number of days that someone can receive treatment for the seven listed illnesses. Not even with the seven do we have parity. I should also add that with the seven we don't have parity with regard to residential treatment. We don't have parity with regard to home supports. We would have them under the Minority Report. The Representative from Raymond also suggests that we saw no savings from the seven when we listed them. We really don't know that. It is true the costs have gone up, but can we separate the costs of the seven and say they are responsible? No. We have no idea. No analysis has been done that I am aware of. Let's talk a little bit more about cost.

I have in front of me an article from *Health Affairs Journal*. It is an article by Mary Jane England who is the president of the Washington Business Group on Health. It is a group of major national corporations who collectively do policy work around health care. She says, "Employer data show that costs associated with absenteeism and lost productivity when mental health needs are unrecognized or poorly managed far exceed direct spending for mental health care. Absenteeism and lost productivity cost more than mental health care." I have from Tarra Woolwich, she is the manager of Employee Assistance Programs at Delta Airlines. This is a copy of testimony before the United States Senate Committee on Health, Education and Labor Pensions in March 2000. She says, "The important message from large employers like Delta is that in the last decade we have introduced and implemented generous mental health and substance abuse benefits for our employees and their families, not in response to legislative mandate, but because it improves our corporate bottom line." Another article from *Health Affairs Journal* from several psychologists, psychiatrists and academics focusing on the issue of mental health treatment. I quote directly from the article, "Specialty mental health treatment may prevent unnecessary medical care use, reduce further demands on medical resources or simply substitute for mental health care delivered by primary care providers in instances when it is ineffective. Some mental disorders masquerade as general medical illnesses and lead to unnecessary use of medical care services. If accurate diagnosis leads to an appropriate refocusing of treatment on the underlying mental condition, it may reduce use of such unnecessary and potentially harmful medical services. Early and effective treatment of disorders such as alcohol and drug abuse may reduce medical complications and future medical costs. In still other cases, appropriate mental health care may reduce unnecessary medical spending by improving self-care and adherence to prescribed medical regimen."

In testimony before the United States Senate, Committee on Education in the Workforce, March 13, 2002, Henry Harbin, Doctor, Chairman of the Board of Magellan Health Services,

which is the largest behavioral health care managed care organization in the country says, "Several studies show that net costs for mental health can be reduced under parity if managed care replaces a fee for service program when parity is introduced. For example, when parity was introduced for state employees in Texas and North Carolina, in conjunction with managed care, the cost of mental health benefits decreased by over 30 percent at the same time that the percentage of the population accessing care increased." There are savings to be found with a mental health care mandate.

To correct one further point that the Representative from Raymond made, he said that 90 percent of the people insured wouldn't be affected by this. He is actually mostly wrong according to the Bureau of Insurance. They say that somewhere between 300,00 and 400,00 Mainers would receive mental health benefits under the minority amendment.

My last comment is regarding the effective date that the Representative from Bath spoke of. This bill does not require every health plan in Maine to have a mental health benefit 90 days after we adjourn. It is far from it. On the renewal date is when the new benefit is mandated to be added under the Minority Report. That could be any time from July to June assuming that we get out of here in order for it to take affect in July. Those will be renewing every month along the way. It is not all at once. There won't be a mad scramble. It is not all at once. It is progressive over the course of a year's time. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TUTTLE**: Mr. Speaker, is there anyone who has not spoken on this issue twice today? If the answer is not, let's vote.

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

**ROLL CALL NO. 607**

YEA - Andrews, Ash, Bagley, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dorr, Dudley, Dugay, Dunlap, Duplessie, Estes, Etnier, Fuller, Gagne, Gerzofsky, Green, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Madore, Mailhot, Marley, Marrache, Matthews, McDonough, McGlocklin, McGowan, McLaughlin, Michaud, Mitchell, Muse C, Muse K, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Peavey, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Simpson, Skoglund, Smith, Stanley, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Annis, Belanger, Berry DP, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cresse, Daigle, Davis, Duncan, Duprey, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Mayo, McKenney, McNeil, Mendros, Michael, Morrison, Murphy T, Nass, Nutting, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Sullivan, Tobin D, Trahan, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Baker, Fisher, Goodwin, Hall, Landry, McKee, Murphy E, Savage, Tobin J.

Yes, 84; No, 58; Absent, 9; Excused, 0.

84 having voted in the affirmative and 58 voted in the negative, with 9 being absent, and accordingly the Minority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "B" (H-1052) was READ by the Clerk.

Representative DUDLEY of Portland PRESENTED House Amendment "A" (H-1077) to Committee Amendment "B" (H-1052), which was READ by the Clerk.

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

Representative DUDLEY: Mr. Speaker, Men and Women of the House. Just to give you some explanation on what this amendment does, this amendment takes the savings that the fiscal office has projected under the minority amendment and places those savings in the Rainy Day Fund. These savings do not go to create any new programs. They go into the state's Rainy Day Fund.

House Amendment "A" (H-1077) to Committee Amendment "B" (H-1052) was ADOPTED.

Committee Amendment "B" (H-1052) as Amended by House Amendment "A" (H-1077) 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.

Under further suspension of the rules the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-1052) as Amended by House Amendment "A" (H-1077) thereto and sent for concurrence.

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

The House recessed until 2:30 p.m.

(After Recess)

The House was called to order by the Speaker.

**REPORTS OF COMMITTEE  
Ought to Pass as Amended**

Report of the Committee on **BANKING AND INSURANCE** on Bill "An Act to Establish the Maine Consumer Choice Health Plan"

(S.P. 793) (L.D. 2146)

Reporting Ought to Pass as Amended by Committee Amendment "A" (S-530).

Came from the Senate with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-530) AS AMENDED BY SENATE AMENDMENT "A" (S-548) thereto.

Report was READ and ACCEPTED. The Bill READ ONCE. COMMITTEE AMENDMENT "A" (S-530) READ by the Clerk. SENATE AMENDMENT "A" (S-548) TO COMMITTEE AMENDMENT "A" (S-530) READ by the Clerk and ADOPTED. COMMITTEE AMENDMENT "A" (S-530) AS AMENDED BY SENATE AMENDMENT "A" (S-548) thereto 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 was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-530) as Amended by Senate Amendment "A" (S-548) thereto in concurrence.

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

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.

SENATE DIVIDED REPORT - Report "A" (16) Ought Not to Pass - Report "B" (9) Ought to Pass as Amended by Committee Amendment "A" (S-518) - Report "C" (1) Ought to Pass as Amended by Committee Amendment "B" (S-519) - Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and the Committee on **JUDICIARY** on Bill "An Act to Develop a Controlled Substances Prescription Monitoring and Intervention Program"

(S.P. 786) (L.D. 2131)

- In Senate, Report "A" OUGHT NOT TO PASS READ and ACCEPTED.

PENDING - ACCEPTANCE OF ANY REPORT.

Representative RICHARDSON of Brunswick moved that the House ACCEPT Report "A" Ought Not to Pass.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. I am going to ask you to support the Ought Not to Pass report. This was originally my bill. There are some bills that work on when you are up here that you know are the right thing to do. This was, to me, the right thing to do. As this bill moved along and there were personalities that got involved in this thing and I think are wrong on anytime we have legislation. We still have an issue out there on prescription drug abuse. Armed robberies of pharmacies are going up. Robberies in general are going up in pharmacies all over one drug called Oxycontin. It is a scourge in Washington County. It is a scourge in many places in this state. You know what, we haven't even thought about tackling the issue. This bill could have done something, but the way it is designed right now, it doesn't do anything. It is unfortunate that personalities got involved. This bill could have done something. That is why I feel bad. I tried to address a real problem in Maine. All we had to do was work together, but there was never any effort to work together. I feel bad about that.

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

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House. This issue came before us as the Representative from Raymond said last year in LD 687. He presented the bill. We have worked on it for two years. I guess we ran out of time, according to legislative procedure and it is now called LD 2131. The bill itself has changed and a few of the teeth have been taken out of it. I don't think it is as effective as it was, in my opinion. Nevertheless, it is something and it is

something that we can go with. I don't think I really have to stand before you people today and tell you how serious the problem is in the State of Maine. If you keep up with the daily news in the papers or on TV or wherever, it is a daily occurrence. You are either getting robberies, break ins or whatever. The figure I heard was 70 some percent of the crimes committed in the state are drug related in some way. This state has a serious problem. Obviously I am from Washington County and we, unfortunately, one of the leaders, if not the leader in the state in drug abuse. The bill itself, ironically, would probably help the other areas of the state more than it does Washington County. Right now we would have to have an agreement with Canada somewhere because we have drugs coming across the border. That would have to be done on an international basis.

What I would ask you to do, in my opinion, is defeat this motion and move on to Report "C," which would put a drug prescription monitoring program on the books that is badly needed in this state. People out there are suffering. The citizens of this state are suffering. Basically a journey of 1,000 miles begins with one step, the first step. This is a journey that is endless. You are never going to come to a complete resolution of the drug problem. One hundred years from now there we will still be dealing with it. It is going to be an ongoing thing. We have to do something about it. There are a lot of groups out there in your communities, I know there are down in my communities and I am sure there are around the state. We have in the Calais area, neighbors against drug abuse. There are all kinds of organizations out there like that that are working to do something about the drug problem. The State Legislature needs to stand up and be counted and I think this is one little step they can take to do that, either that or we can walk away and do nothing with one of the most serious problems in the state.

Let me read you a little bit from the Executive Summary from the *Task Force of Substance Abuse*. You people have had this report, but I am just going to take a couple of little tidbits from it. You can read it at your leisure at a later time. "The annual cost of substance abuse in Maine is estimated to be \$1.2 plus billion. It is \$960 for every man, woman and child in Maine. This hidden tax on the people of Maine is two-thirds the size of the state's annual budget. This does not begin to account for the suffering and burden on those whose well being is affected directly or indirectly by substance abuse. Studies have shown that preventing problematic substance abuse can be an important component in helping reduce both the social and economic cost of substance abuse. Research suggests that every dollar spent in preventing illicit drug use there is a \$15 savings in dealing with the consequences of this use."

A quote from a Superior Court Judge in the State of Maine, "It is the vastness of a problem that is overwhelming. We see a huge number of lives destroyed."

I had a lot of discussions in committees with other people on the outside. Eventually this started in Business and Economic Development and moved over to Judiciary. Somehow the Judiciary Committee was greatly disappointed with doing anything in this area. Maybe they weren't on board long enough, I am not sure why. Here are some supporters of the LD 2131, Maine Osteopathic Association, Maine Medical Association, Maine Attorney General, Maine Nurse Practitioner Association, Maine Civil Liberties Union, National Association of Boards of Pharmacy. I checked with the lobbyist for the Maine State Chiefs of Police and thought they might be involved and said they are not taking any position one way or the other. They say that anything that can help with the problem certainly would help with their jobs. The Pharmaceutical Research Manufacturers of America, they generally support it, but they leave it up to each

drug manufacturer to do what they see fit with trying to control and prevent the problem.

Why prescription drugs I think are such a serious problem is because of the availability of them. The illegal drugs are much more difficult for your young kids to get a hold of. The prescription drugs are so available and are getting down to the elementary schools. These kids are getting addicted at an early stage and the Oxycontin is one drug that leads up to Heroin use. It is called the Hillbilly Heroin, as a matter a fact.

One of the factors was cost. We battled this around time and time again to find out what it was going to cost to put this into affect. We are up around \$400,000 when we went with a certain agency. My particular proposal brought it down to \$175,000 at the top. Nevada, one state that is similar in population to ours, we used this as a model in our committee. We got much information from them. The start up cost was \$131,000. The cost for 1999/2000 was \$111,940.50 for the State of Nevada. I don't consider that a tremendous cost for a very effective program.

A hidden tax is what it is called for the State of Maine. I just gave you those figures on how much that does cost the State of Maine. You take what it is going to cost to run the program and what it costs the State of Maine, you just can't find a better buy for the dollar.

Confidentiality was another big issue. It was a really big issue and rightly so. In a study done at the federal level, Division of Abuse of Prescription Drugs, a closer look at state prescription monitoring programs, a joint project conducted by the United States Department of Justice Drug Enforcement and Administration, Office of Diversion Control and the National Alliance for Model State Drug Laws. They did the study. I was an extensive study. We in our committee had the full document. Again, just a couple of quotes from that. "State prescription monitoring programs have been operational for decades, yet have never experienced any violations of patients rights in regards to confidential information." I asked the young lady from the Civil Liberties Union to bring me in some examples of any breaches of confidentiality. I haven't seen any. Still the term is never. There have been no breaches of confidentiality. All information accessed through prescription monitoring programs is information that already exists, is readily accessible through regulatory and/or law enforcement personnel the old fashioned way regardless of the existence of a program. Medical records are accessible to thousands of health care workers, especially where one's insurance coverage and/or reimbursement is introduced in the picture. When this is the case the following individual has access to a medical drug. It is a whole list, HMOs, doctor's offices, hospitals, insurance companies, employers of these different agencies and so forth. The list is extensive. The information is out there if you are taking anything, folks. It is available. It is in computers. Prescription monitoring programs provide greater confidential protections to legislative, regulatory and administrative safeguards than apply to all these other parties. State monitoring programs limit access to controlled substance prescription information to only those few individual agencies that require use of this data. Each state specifies in statute or regulation which individual agencies have access to controlled substance records.

It basically boils down to different things you have to do, education, prevention, such as the monitoring program, drug agents, intervention, treatment and enforcement. One person said that the teeth that has been taken out of the present bill is enforcement. In the present bill there is access through a court order to get information. I am saying I don't have a problem with enforcement myself. If somebody is breaking a law, there ought

to be an enforcement factor in there. There ought to be a penalty for it. I suspect the way this has gone through the Senate and the way it will go here, I have to get my two cents worth here on the floor of the House. People in the committee heard me time and time again and I have held awful strong on this because it is so important. I worked in the school department, folks, and I saw it on a daily basis. I am involved in the drug problem. I have seen what it does. If you haven't been there and you haven't seen it, then you either take my word for it or not.

The bottom line is, I will conclude with this and then I will let it rest and go home and tell the good folks back home how we stand on it and what we have done for them in this important arena. My basic statement is, one step for Maine and one giant leap for Maine kind. Thank you.

The Chair ordered a division on the motion to **ACCEPT** Report "A" **Ought Not to Pass**.

A vote of the House was taken. 72 voted in favor of the same and 17 against, and accordingly Report "A" **Ought Not to Pass** was **ACCEPTED** in concurrence.

---

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

---

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

---

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

**ENACTORS**  
**Acts**

An Act to Adopt the Model Business Corporation Act in Maine  
(H.P. 283) (L.D. 361)  
(C. "A" H-1037)

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

---

**ENACTORS**  
**Mandate**

An Act Concerning Student Threats  
(H.P. 1474) (L.D. 1975)  
(S. "A" S-546 to C. "B" H-922)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 16 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

---

**Acts**

An Act Regarding Essential Programs and Services  
(H.P. 1602) (L.D. 2103)  
(S. "A" S-540 to C. "A" H-1002)

An Act to Implement the Recommendations of the Returnable Container Handling and Collection Study  
(H.P. 1685) (L.D. 2184)  
(S. "A" S-539)

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

---

**Resolves**

Resolve, to Develop a Living Memorial in Capitol Park in Honor of the Victims and Heroes of the September 11, 2001 Tragedy

(H.P. 1488) (L.D. 1991)  
(S. "A" S-544 to C. "A" H-801)

Resolve, to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags

(S.P. 735) (L.D. 2046)  
(S. "A" S-543 to C. "A" S-449)

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

(H.P. 1556) (L.D. 2058)  
(S. "A" S-545 to C. "A" H-847)

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

---

An Act to Establish the Community Preservation Advisory Committee

(H.P. 1565) (L.D. 2070)  
(S. "A" S-542 to C. "A" H-950)

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

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

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

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

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

Representative **KASPRZAK**: Madam Speaker, Men and Women of the House. To anyone who might answer, there are several of these bills that have come back from the other body with a curious phrase included in the fiscal note. I would just like anyone who could explain to this naive lady what this means. These can be absorbed within the Legislature's existing budgeted resources utilizing available balance forward from fiscal year 2001/2002. I am wondering where this money is coming from if anyone could fill me in?

The SPEAKER PRO TEM: The Representative from Newport, Representative Kasprzak has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Madam Speaker, Men and Women of the House. In response to the Representative's question, I don't have this amendment in front of me, but my recollection on these is that this is money that is in the Legislature's account. There were monies appropriated last year by the Legislature, approximately \$64,000 for studies. They didn't use it all last year for studies. They carried forward \$30,000 for use this year and the \$30,000 that existed this year was divided up by Legislative Council and is funding various studies through that carry forward balance.

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

**ENACTORS**

**Acts**

An Act to Reduce Medical Errors and Improve Patient Health  
(S.P. 419) (L.D. 1363)  
(S. "A" S-532 to C. "A" S-527)

An Act to Safeguard Volunteer Firefighters' Regular Employment  
(H.P. 1449) (L.D. 1946)  
(S. "A" S-536 to C. "B" H-947)

An Act to Include a Woman Veteran on the Board of Trustees of the Maine Veterans' Homes  
(H.P. 1723) (L.D. 2211)

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

An Act to Implement the Recommendations of the Commission to Develop a Plan to Implement the Closure of State Liquor Stores  
(H.P. 1623) (L.D. 2123)  
(C. "A" H-1049)

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

On motion of Representative LABRECQUE of Gorham, was **SET ASIDE**.

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Requested)

**SENATE PAPERS**

The following Joint Order: (S.P. 831)

**ORDERED**, the House concurring, that Bill, "An Act to Supplement Maine's Academic Attainment and to Retain Talent," H.P. 1655, L.D. 2162, and all accompanying papers, be recalled from the Engrossing Division to the Senate.

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

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1078)** on Bill "An Act to Implement the Recommendations of the Committee to Review the Child Protective System"  
(H.P. 1644) (L.D. 2149)

Signed:

Senators:

RAND of Cumberland  
McALEVEY of York  
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton

BULL of Freeport  
JACOBS of Turner  
MITCHELL of Vassalboro  
MUSE of South Portland  
SIMPSON of Auburn  
MADORE of Augusta  
WATERHOUSE of Bridgton  
SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-1079)** on same Bill.

Signed:

Representative:

MENDROS of Lewiston

**READ.**

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

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

On motion of Representative COLWELL of Gardiner, **TABLED** pending the motion of Representative LaVERDIERE of Wilton to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Requested)

**ENACTORS**

**Emergency Measure**

An Act to Amend Maine's Wild Turkey Hunting Season  
(S.P. 721) (L.D. 1923)  
(H. "A" H-1076 to C. "A" S-430)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

**Acts**

An Act to Revise the Definition of Affordable Housing  
(H.P. 1596) (L.D. 2099)  
(C. "B" H-1075)

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

On motion of Representative MURPHY of Kennebunk, was **SET ASIDE**.

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

Representative **MURPHY**: Madam Speaker, Men and Women of the House. This bill 2099 that is before us has had a long tortured history. If it was a passport, you would need a new one because so many of the pages have been stamped as it has been moved to this body and back and it has gone from committee to committee.

This originally started out as a bill to override your local zoning board. The State Planning Office, DEP and five or six others would replace your local zoning board. A hearing was held, committees of two joint jurisdictions, workshop was held and then for the next 30 days one of the committees continued to work on its own without involving the other committee. I don't think I need to tell you which committee. We sent it back the other day and now it defines income level affordable housing

qualifications. That is the jurisdiction of the Business and Economic Development Committee, not the Natural Resources Committee. I think we are seeing a pattern here on a variety of issues. I think what we really need to do and our committee had talked about with the days that we are going to be given for monthly work sessions that we want to be able to talk about what is wrong with the definitions to qualify for affordable housing. We have had no input into this bill.

Also in committee, we have tried to get Maine State Housing to come back. Do you remember that bond issue that we voted on overwhelmingly, the citizens of the State of Maine back November? That money hasn't been made available yet because Maine State Housing is off meeting with their "constituencies" on how that money is going to be spent and has not come to the committee of jurisdiction that has responsibility for that, to lay out the plan and to get the money out there and to get the money to work. I would think there is one last page on this bill, this passport, and that would be to Indefinitely Postpone it. Madam Speaker, I move Indefinite Postponement of LD 2099 and all of its accompanying papers.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative NORBERT of Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

On further motion of the same Representative, **TABLED** pending the motion of Representative MURPHY of Kennebunk to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned. (Roll Call Requested)

---

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

---

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

An Act to Revise the Definition of Affordable Housing  
(H.P. 1596) (L.D. 2099)  
(C. "B" H-1075)

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

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. Clearly this bill has changed dramatically from its original form. I think we clearly heard the message that this was too bold an initiative to undertake at this time. The bill that we ended up with merely updates the definition of affordable housing for use in local growth management decisions. The area of growth management, if you look at the committee guidelines, is an area of jurisdiction of which the Natural Resources Committee has always had jurisdiction. I concur that there are other committees involved with affordable housing, but this definition is only limited to that area of the statute where a community chooses to do their own comprehensive planning and when they do that, the Maine State Housing Authority requested that we update the definition of affordable housing to encourage the provision of more affordable housing. Today you could make up to \$60,000 in many parts of the state and be considered eligible for affordable housing. I think it is time that we update that and that is exactly what this definition does. I hope you will support

the unanimous committee report and vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative McNeil.

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

The SPEAKER: The Representative may pose her question.

Representative **MCNEIL**: Mr. Speaker, Men and Women of the House. I thought that I heard the Representative from Kennebunk, Representative Murphy, say that both committees should have been involved and one committee was left out. Did I hear that correctly or did I misunderstand that?

The SPEAKER: The Representative from Rockland, Representative McNeil 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. Several days ago this body committed the bill back to Natural Resources and that is where we took everything out of the bill except for the definition of affordable housing.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to tell you that my good friend from Kennebunk laid the scenario out very well for you so that you should be able to understand the progress of this bill and how we got to where we are today. I would ask you to support the pending motion. Thank you.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 608**

YEA - Andrews, Belanger, Berry DP, Blanchette, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Chizmar, Clough, Collins, Cressey, Davis, Dugay, Duncan, Duprey, Foster, Gagne, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, Matthews, McGlocklin, McKenney, McNeil, Michael, Murphy E, Murphy T, Muse K, Nass, Norton, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Skoglund, Snowe-Mello, Stanley, Stedman, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

NAY - Annis, Ash, Berry RL, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Clark, Colwell, Cote, Cowger, Crabtree, Cummings, Daigle, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gerzofsky, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Mayo, McDonough, McGowan, McKee, McLaughlin, Mendros, Michaud, Mitchell, Muse C, Norbert, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Rines, Savage, Simpson, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tobin D, Tracy, Tuttle, Twomey, Usher, Volenik, Mr. Speaker.

ABSENT - Bagley, Baker, Goodwin, Landry, Morrison, Tobin J, Watson.

Yes, 64; No, 80; Absent, 7; Excused, 0.

64 having voted in the affirmative and 80 voted in the negative, with 7 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

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

**HOUSE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (H-1078) - Minority (1) Ought to Pass as Amended by Committee Amendment "B" (H-1079) - Committee on JUDICIARY on Bill "An Act to Implement the Recommendations of the Committee to Review the Child Protective System"**

(H.P. 1644) (L.D. 2149)

Which was **TABLED** by Representative COLWELL of Gardiner pending the motion of Representative LaVERDIERE of Wilton to **ACCEPT** the Majority **Ought to Pass as Amended** Report. (Roll Call Requested)

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 Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. Before you you have two very good reports that deal with a serious problem that we are facing here in Maine. As many of you must be aware over the past year, Maine currently ranks number one in the nation at taking children from their biological parents and putting them in foster care to be protected. We rank number two from the bottom in the nation at returning those children back to those parents. We rank third from the bottom at putting those children with family members, which state and federal law require that if a child is taken from a home, they need to be placed first with a family member and later in foster care. Only 5 percent of children are put with family members after they are taken. Other states are upwards of 50 percent as federal law requires. It is a serious issue that tragically came to a head last January, but was a serious issue long before that.

If you remember in September 2000, people were mailing broken eggs to the Executive's Office and to the Department of Human Services with little poems about Humpty Dumpty. It was a little poem about when DHS gets involved, all of King's horse and all of King's men can't put the families back together again. It was a big issue and the state police had to get involved because the eggs may be contaminated and it was a great fear. Over 20 bills were sponsored to try to deal with the problems of DHS's aggressive attitude in Maine. A study was done and then, of course, the tragedy happened in January and the study was done supposedly to deal with the death of a little girl, but in reality all these bills and all these studies and all these requests were in long before that because we, as legislators, could read the writing on the wall if there was a problem.

There are a lot of good things in both reports. Certainly some abuses with discovery where parents and parent's attorneys weren't being given information that was helpful to their case. It was conveniently not being given to their attorneys. That is being dealt with in the Majority and the Minority Report, as it should be. The standards in the trials, it has been raised from preponderance of the evidence, clear and convincing evidence at the hearing, another very good proposal, which is in both reports. Two bills that I sponsored that went into the study and I am very happy to say they are in the report now and whichever report passes will go into affect.

There were two other reports that I didn't sponsor that I think are very important. They are the difference between the Majority

Report and the Minority Report. Those are that the hearings be open to the public. Right now the law requires that the hearings cannot be open to the public unless the judge orders them open. The Minority Report says that the hearings would be open to the public unless the judge rules that they shouldn't be. I wasn't a member of the commission, but I did go to a few of the commission hearings. I did go to one where the head of the district courts specifically asked the Attorney General what other states do and the Attorney General answered, I don't have that information. When my committee got it, we asked many times for the information. Never did we get that information. How many other states have it open to the public? Nobody could find that information. I went on line to the Council of State Governments web site and looked it up myself. I found at least 17 states already have this open to the public. It is being done in other states. It is a crisis in this state because I don't think Maine parents are the worst parents in the country. I don't think we should be number one at taking children. The way to solve that problem is to have these hearings be open to the public. The newspapers can go in and find out what is going on. These are child protection, kids that are just hurt or possibly abused or neglected or in one case the mother didn't kiss the boy goodbye before he went off to school and that was considered withholding affection and that is why they took the child. That needs to be open to the public. If it is an extreme case, if kids are molested, killed, beaten or brutally assaulted, then it is a criminal matter and the case is open to the public. Everything is open. We are talking about the borderline cases we don't want open to the public, but the extreme cases already under federal law and under the Constitution have to be open to the public. You violate due process rights when you put somebody in jail.

I don't have kids, but I am pretty sure that if I did, I would rather spend a day in jail without due process rights than lose custody of my children without due process rights. I think that we need to open up due process rights and open these hearings. In these extreme cases where children are seriously abused and it does become a criminal matter, the newspapers and the media don't release the child's name. They never have. We are not protecting the children. It is supposedly that we want to protect the children, that is why we don't want the media. The media already does that in the extreme cases, of course they are going to do that in the mild ones. If you go to the DHS website, you can find kids that are in foster care right now. It will give you their first name, their picture and all the medication that they are on because these kids are looking to be adopted and looking for foster care. Talk about putting something out there for a fellow classmate to find and abuse a kid and pick on them. Their picture and their year of birth are on line for anyone to look at. I don't buy the argument that we don't want to open this because we want to protect children because they have no problem slapping these kid's pictures and names on the web. The best way to protect any American citizen is with open dialog.

The second difference between the Minority Report and Majority Report is recording of interviews. When it is a planned interview in the Minority Report, it is required that it be recorded.

The **SPEAKER**: The Chair recognizes the Representative from Wilton, Representative LaVerdiere. For what reason does the Representative rise?

Representative **LAVERDIERE**: Point of order, Mr. Speaker. We are discussing the adoption of Committee Amendment "A", not Committee Amendment "B."

On **POINT OF ORDER**, Representative LaVERDIERE of Wilton asked the Chair if the remarks of Representative MENDROS of Lewiston were germane to the issue.



The **SPEAKER**: The Chair would remind all members and the member speaking that the matter before debate at this time is exclusively acceptance of the Majority Ought to Pass as Amended Report. The Representative must speak only to that matter. The Representative may proceed.

The Chair admonished that Representative **MENDROS** of Lewiston stay as close as possible to the issue.

Representative **MENDROS**: Thank you Mr. Speaker. In the Majority Report, the report says that you must record any interview between a caseworker and a child. That was another bill that I didn't sponsor or cosponsor. Those must be recorded. However, the Majority Report says that if the Department of Human Services and the caseworker does not record the interview, that is not grounds to ask for that testimony to be rejected. There are no teeth. A caseworker could go 50 times and say that they didn't do it, I forgot, it didn't work. It doesn't matter how many times you do it. When this particular question came before the committee and there was a judge there, I asked the judge, what would you do? They said that they would like to do something, but they can't because it says specifically in the Majority Report, may not be excluded. It doesn't leave it up to the judge. It doesn't say may. It doesn't say must to make it forceful. It says may not be excluded. You may not exclude testimony because the department ignored the rules we put in place. They do it. They ignore the rules they put in place. When I started out, I told you that state and federal law require the children be put with family members if at all possible when they are taken from their homes and that only happens in 5 percent of the cases. State and federal law are already being ignored. They admitted in other parts of the Majority Report that they are violating the discovery. Discovery is an age old rule that if you have information that is vital to their side, you have to release it. They admit that they violate that. They have admitted that they violate these rules. There needs to be some teeth. You cannot have this saying that if the conversations that are not recorded that they can never object just because they weren't recorded. These are planned interviews. They are not just random. If it is random, it is in a car, fine, take notes. Leave it up to the judge that if 10 times in a row they come to you with an interview for a child and they are just ignored, that they have to record it and they are coming out with something that doesn't make any sense, why not have an actual recorded conversation. If we are going to say they must do it, then give it some teeth so that they will actually follow the rules.

As I said at the beginning, both of these reports are good reports. I urge you to defeat the pending motion and move on to the Minority Report so that we can require open hearings and really require that these conversations be recorded. Thank you.

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

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. I will be very brief. What you see before you in the Majority Report is the result of a lot of hard work on the part of a special committee over the summertime and some very hard work by the Judiciary Committee. We had very diverse members of the special committee this past summer. This is the culmination of what we believe to be the best recommendations that can be put forth to try to help correct the court portion of the child protective system. It is unfortunate that when we had the discussion in the committee with regard to what the Minority Report or the Majority Report would contain there was no discussion whatsoever at that time about the status of whether the meetings would be open or not open. We did have discussion about the recordings. I just want to let you know that

with regard to the recording issue that is something new that we put in here that requires the Department of Human Services to record planned interviews. It also says that if the department fails to do that, they can be held in contempt by the court and the court will have full contempt powers against the department. It goes on to say that the evidence, the information, is not necessarily going to be excluded simply because it was not recorded.

Time and time again we hear about criminals who get off on technicalities. Time and time again we hear about people who say that this criminal got off because of a technicality. That is what we are trying to prevent here. We don't want a situation where a child that has been abused winds up going back to the abuser because the Department of Human Services did not appropriately record. Have sanctions against the department, no question, but don't throw the case out because of that. I urge you to follow the Majority Report. It is a culmination of a lot of hard work by a lot of very dedicated people on both sides of the child protective issue. We believe that these will be good changes that will be made in this system. We urge you to support the Majority Report.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise just to respond very briefly. Leave it up to the judge. If the judge thinks that the rule is being abused, the children are being abused because the rule that is being put in place to protect them, which is a rule to record conversations, then leave it up to the judge. Right now we are not leaving it up to the judge. We are specifically telling the judge that they may not exclude this. People get out on technicalities, as I said before, I would rather spend a day in jail than lose custody of my children forever. That is what we are doing. We want to make sure that everyone gets due process rights. We have people claiming that terrorists from Afghanistan deserve due process rights in this country, but parents in Maine don't.

The **SPEAKER**: A roll call having been previously 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. 609

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

**NAY** - Chase, Gerzofsky, Haskell, Mendros, Michael, Pinkham, Stedman.

**ABSENT** - Bagley, Baker, Blanchette, Duprey, Landry, Morrison, Perry, Tobin J.

Yes, 136; No, 7; Absent, 8; Excused, 0.

136 having voted in the affirmative and 7 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 "A" (H-1078) 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-1078)** and sent for concurrence.

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

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)  
(C. "A" H-1049)

Which was **TABLED** by Representative COLWELL of Gardiner pending **PASSAGE TO BE ENACTED.** (Roll Call Requested)

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 Gorham, Representative Labrecque.

Representative **LABRECQUE:** Mr. Speaker, Ladies and Gentlemen of the House. I believe if this bill passes as it is, we will have over a \$500,000 hole in the budget that we just passed. If you look at Report "A," it does not close any liquor stores this year. We will have to pay leases and we will have to pay salaries for those employees. This money or the money that this represents was a part of the budget that we just passed. I urge you to vote against the pending motion. Thank you.

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

Representative **TUTTLE:** Mr. Speaker, Men and Women of the House. I would encourage you to support the present motion to enact. The problem I have had with reviewing this issue as chairman of the committee is that the figures that we get every few months changes. When we originally adopted the Majority Report we were told that it would mean a \$500,000 saving to the general fund and before the public hearing we were told that it was going to be \$125,000 deficit to the general fund. As I have complained in the recent years trying to get some accurate figures on this issue, it is a very hard thing to do. I asked that independent analysis be done on what happened since we closed the liquor stores last year. The figures that I got for the net sales from November 2000 to February 2001 was \$3,601,669. With all the replacement agency sales from the stores that we opened up from November 2001 to February 2002 were \$2,502,893 for a loss of general sales revenue of \$1,098,776. Many of you have heard me speak on this issue over and over again. You don't need to be a rocket scientist to figure out that we are losing money. I am hoping that we support the Majority Report, particularly for a lot of you people in the rural areas for distribution. I think right now this is the right way to go. I am hoping you will support the Majority Report.

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

Representative **LABRECQUE:** Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising again. I am very

much concerned. A year ago into the biennium budget we placed the closing of the liquor stores. There was a debate on that. It was decided that it would be done. We would close six last year, eight this year and the remaining in 2003. There was also a study committee set up to address the issue of how these stores would be closed and how the distribution of the alcohol would then be taken care of. That committee met and it did not come back with a plan. I suppose it came back with a plan, but it came back with the plan for which it was charged. It came back and it recommended not to close any more liquor stores. We have already had the financial figures on that from last year. If you look at the financial note and I agree somewhat with the good Representative from Sanford that there are times when our financial reports are somewhat fuzzy. I really believe that if we do not continue with what we were supposed to have done this year, that is to close eight more stores, then we will have a very large hole in the present budget. Thank you.

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

Representative **WHEELER:** Mr. Speaker, Men and Women of the House. I know I have heard arguments that it is a good thing that we may have lost revenues in liquor sales, but I would just like to add this one little point that the revenues that we have lost, a majority of them for the Kittery store and New Hampshire has gained. Again, we have pushed people across the border to buy another item. I urge you to follow the good Representative from Sanford's light and to enact this measure. 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. 610

**YEA** - Annis, Ash, Berry RL, Bliss, Bouffard, Brannigan, Brooks, Bryant, Bull, Canavan, Carr, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, Mendros, Michael, Michaud, Mitchell, Muse C, Norbert, Norton, Nutting, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Quint, Richard, Richardson, Savage, Simpson, Skoglund, Smith, Snowe-Mello, Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

**NAY** - Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Chase, Chick, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Foster, Glynn, Gooley, Haskell, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McKenney, McNeil, Murphy E, Murphy T, Muse K, Nass, O'Brien JA, Peavey, Perkins, Pinkham, Rines, Rosen, Schneider, Sherman, Shields, Stedman, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

**ABSENT** - Bagley, Baker, Blanchette, Bunker, Dugay, Duprey, Landry, Morrison, Perry, Tobin J, Young.

Yes, 90; No, 50; Absent, 11; Excused, 0.

90 having voted in the affirmative and 50 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.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Create the Maine Rural Development Authority"  
(H.P. 1724) (L.D. 2212)

**PASSED TO BE ENGROSSED** in the House on April 2, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-559)** in **NON-CONCURRENCE**.

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

---

**Non-Concurrent Matter**

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

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1035)** in the House on April 2, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1035) AS AMENDED BY SENATE AMENDMENT "B" (S-560)** thereto in **NON-CONCURRENCE**.

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

---

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

---

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

**UNFINISHED BUSINESS**

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

**HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-881) - Committee on CRIMINAL JUSTICE** on Bill "An Act to Protect Children from Sexual Predators"

(H.P. 1482) (L.D. 1983)

**TABLED - March 12, 2002 (Till Later Today)** by Representative **POVICH** of Ellsworth.

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

On motion of Representative **POVICH** of Ellsworth, the Bill and all accompanying papers were **COMMITTED** to the Committee on **CRIMINAL JUSTICE** and sent for concurrence.

---

**Divided Report**

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-476)** on Bill "An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles"

(S.P. 719) (L.D. 1921)

Signed:

Senators:

**MARTIN** of Aroostook  
**SAWYER** of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-477)** on same Bill.

Signed:

Senator:

**SHOREY** of Washington

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-476) AS AMENDED BY SENATE AMENDMENT "C" (S-535)** thereto.

**READ.**

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

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I stand before you this evening to defeat the pending motion. As everybody is probably aware of by now, LD 1921 on the mercury switch bill for automobiles, the Majority Report, has the manufacturers pay for the switch to be removed. One major problem that I have about that is that the manufacturers will pay for that if the Majority Report prevails. In turn, it will pass the dollar value onto the consumer. If you go and buy a new car, instead of paying \$25,000 for a new car, you could add on and come up with \$25,050 or \$25,100. Nobody knows of the price of how much they will add onto a new cars value. As you know, when you register a new car, the excise tax, you also get stuck on that side of the bargain also.

The Majority Report says that we have already had six recycling sites in the State of Maine. The question I have is, where are they? Are there any in northern Maine? Are there any in western Maine? That question has not been answered yet. There is one more big picture to this between the Majority Report and the Minority Report. There is a big difference. The Majority Report has a fiscal note of \$35,000. The Minority Report would like to take the DEP, as you know every department comes in to this Legislature in front of every committee and asks for you to put in a certain number of bills for the department. They ask you to put these in, but they never have a funding mechanism or how to implement their program. What the Minority Report does is that the DEP comes back next year with regulations in rules of how to implement this program and also how to find an operating cost on how to pay for this program.

What we are talking about basically is just a little switch that you find in a door or in a trunk that takes probably two seconds to rip out. Clip the two wires and rip them out. They get thrown into a bucket. How are people going to determine which one is from their manufacturing? You have a bucket in front of you and it is all recycled little switches that comes from GM and Ford. Are they going to pay for somebody else to go through and rummage through that bucket to pull every single one out and also add to the cost of the consumer? That is one thing you have to think

about when you are voting between either the Majority or the Minority Report.

I can tell you right now that there is going to be an amendment added on if the Majority Report prevails. I will not be supporting that either. I do not want this to go onto the consumers. No matter how you look at it, either the Majority Report or the amendment adds money to be put onto the consumers. When are we going to say, enough is enough? Ladies and gentlemen, we have more mercury in this state from out of state than we do within the state. I hope you defeat the pending motion. Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

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

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. This is indeed the auto switch legislation that you have probably heard about. I promise you one thing, this is the last piece of legislation that you will hear about mercury and the last piece of legislation from the Natural Resources Committee this session.

This is a very important piece of legislation. It is one more piece of the puzzle in eventually returning our lakes and streams to a condition where we can catch fish and we can eat that fish without worrying about health advisories. The basic premise of this program is to establish a bounty on mercury switches that are found in our cars and provide that bounty as an incentive for auto salvage yards and junkyards to remove these switches. As the good Representative from Millinocket said, it is an easy process, but we need to provide incentives to get the salvage yards to participate.

This bill has been the outgrowth of a year long stakeholders process, which was convened by the DEP. The DEP has already been through this process. There were representatives of automobile manufacturers, auto dealers, salvage yards and metal recyclers as part of this stakeholders group. This bill is supported by auto recyclers, salvage yards in your districts and also scrap metal recyclers in Maine. Let me just point out that manufacturers of automobiles have been using switches for well over a decade now. European countries banned the installation of new mercury switches back in 1993 and our domestic manufacturers selling cars in Europe have been selling cars that have been mercury free. In this country the same manufacturers have been selling cars that contain mercury switches. Therefore, they have been doing it knowingly.

The good news is that 2002, this year, is the last year that domestic car makers will contain any mercury switches. Cost effective alternatives are readily available and language in the Majority Report holds the automobile manufacturers responsible for this commitment they made to go mercury free by 2003.

Here is the bad news, on our roads right now is about 1,500 pounds of mercury that is easily removable and readily achievable. This is in our current vehicle fleet, which over the next 10 years will be converting over to a fleet that is mercury free. We know we can get at about 99 percent of the mercury in these cars because it just means popping out switches for hood and trunk convenience lights and also some anti-lock breaking system switches. It is important to note that during the entire life of the automobile this mercury is not a threat to our environment. It is contained and encapsulated. It is only when the car comes to the end of its lifespan and the car is either shredded or

crushed. The mercury is then at risk of getting into our environment. Often cars are crushed and they are sent out of state to smelting operations. It is at this point that any remaining mercury in the vehicle goes up the smoke stack and returns to our state in the form of atmospheric deposition. These smelters do not have any regulations from federal EPA and they typically have no mercury controls.

This bill, the Majority Report, has a goal of removing 90 pounds of mercury per year starting this year by requiring the removal of these switches at the end of the vehicles lives. The Majority Report also provides a provision to allow the voluntary removal of switches at any point prior to the end of a vehicle's use. It is going to take us about 10 years to remove about half a million switches. Again, we convert our fleet over to a mercury free fleet. We have to start this year. We can't delay a year as the Minority Report might suggest. We would lose about 100,000 cars that are scraped each year. These are cars right now that have mercury switches.

We looked at many ways of financing this whole program. We considered perhaps the fairest method, which would have been a dollar on top of every automobile registration for two years. That would provide the sufficient funds to run the entire program, but this is constitutionally prohibited, as many of you know, because any funds at the time of registration have to go to the Highway Fund. We also considered a fee on new cars in the committee, but really this isn't fair because the new cars that are coming out are mercury free and that would really be taxing somebody that is not contributing at all to the problem. Having the manufacturers responsible for the collection and recycling system is going to rely on the ingenuity and the cost efficiencies of the private sector. This \$1 bounty on each switch will cover the cost of removal and redemption of each switch by the auto salvage yards.

Contrary to what you might have heard, these switches are not going to be collected in buckets and sorted by auto manufacturer, but they will be co-mingled and will be transported to collection centers across the state. These centers for the collection of universal waste are located in Westbrook, Ellsworth, Portland, Brunswick, Stetson, Leeds and Bangor. We hope to see more of these centers coming on line soon.

The manufacturers also all belong to a central organization. They are all members of the Alliance of Automobile Manufacturers. The manufacturers are used to working together. I think that we can rely on the manufacturers to come up with a system which will fairly allocate the proportion of each corporations participation in this program. We can rely on the manufacturers to provide excellent quality control in assuring that only mercury switches are redeemed for the bounty and that that cost of each respective company's switches is fairly allocated.

Finally, you may have heard or read that there have been threats from the manufacturers to sue the state should we pass this legislation. Keep in mind, I recall, the same sorts of threats from the drug companies when we considered landmark prescription drug legislation just a few years ago. Maine has clearly prevailed in the courts. Our committees consulted with members of the Attorney General's Office and they have made it clear to us that they feel strongly that Maine will prevail in the courts, should we be sued. I don't believe this is a reason to vote against this bill.

Earlier you received a bill handout that was signed by 26 Attorney General across the country. These 26 Attorney Generals, including our own, addressed a letter to Ford Motor Company outlining a number of suggestions that Ford could undertake while they were recalling tires. One of the suggestions that these 26 states have made, it is on the second page, is

establishing a Bounty Program to introduce incentives for auto salvage operations to remove switches from end of life vehicles. That is indeed what we are doing here today. We are asking the manufacturers to be responsible for paying for these switches that they have knowingly installed in these cars. I hope you will go on to accept 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. This bill has been before us for a long, long time. It has changed in many ways. I wanted to just let all of the people of this body know that it is already against the law to crush a car and dispose of it without taking these switches out. What we are, in fact, doing is paying somebody to obey the law. I would just like to cover some of the things that my good friend from Hallowell said. He is worried about the fishing mercury warnings. I will guarantee you that if we take every switch out of every car in the State of Maine and every thermostat off the wall of every house in the State of Maine, we will still have mercury warnings on our fishing, because most of the mercury that comes into the State of Maine we have no control over. It comes in by air. Representative Cowger suggested that the manufacturers would join together and come up with a way of operating this. I suggest that Ford Motor Company would not want to pay for Chevrolet's mercury switches. Senate Amendment "C" it provides that auto manufacturers can set up their own system for collection of switches. Having been in the trade, being a service manager for both General Motors and Ford Motor Company, I guarantee you that they will not combine their forces and set up a joint policy. The people will have to take these switches out, mark them somehow so that they can identify if they are either Ford, GM, Chrysler or some of those foreign cars, which probably don't even have the mercury switches in it, but they may put switches in that aren't mercury. I can't believe that these car junkers would bother with the paperwork. This Senate Amendment "C" definitely allows the automakers to require that written documentation of sources of the switches to assure that they pay only for their own switches. That is Senate Amendment "C." It does not provide for switches from companies like Yugo that no longer do business in this country. There are a lot of flaws with Senate Amendment "C." I think it boils down to the fact, do you want to punish the manufacturer or do you want to get the mercury out of the automobiles? I suggest that if you want to get the mercury out of the automobiles, you might want to go with Committee Amendment "B," which devises setting up a plan that would take care of that. Thank you Mr. Speaker.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Let's put a little perspective here as alluded to by my good friend, Representative Tobin. Approximately 6,000 pounds of mercury comes into the State of Maine every year. Approximately 1,400 of that is from our own internal sources. About 4,600 of that is from out of state. We are talking about cars. We mentioned earlier 1,500 pounds from cars in 10 years. Well, you are talking about a very small amount of mercury, as was said earlier. If you are burning campfires, you will release about 300 pounds of mercury from burning wood in the State of Maine. Take the hypothetical about cars and how much will come into Maine and you will probably get five or six times more mercury removed from the environment if we banned campfires in the summertime with our marshmallows and hotdogs than if we did this program. Even so out of 6,000 pounds a year you wouldn't get much difference. The thing about collecting this program, the committee wants to find a solution for

mercury. Attorney Generals are notoriously good lawyers and bad businessmen. What they are proposing here in this bill is a system where people who do not work for the auto manufacturers will collect the switch and they will bring that switch to a consolidation facility that does not work for the auto manufacturers. They will then take it to a recycling center that does not work for the auto manufacturers. The incentive to cheat is throughout the entire system. Did that switch come from a car from Maine or a car from out of state? Nobody knows, nobody cares and nobody is going to track it because it doesn't matter to the parties that are handling the product. Is that switch one that actually contains mercury or one that does not? We saw in committee exact looking switches. You could not tell the difference until you took them apart. Why would you bother to take them apart? You already spent the money removing them from a car, you want your dollar. You are not going to even want to find out after all that work that the switch was not mercury so you put it in the tub. If you have incentive to cheat, whether it came from Maine, whether it was or was not mercury and the consolidation facility doesn't care whether it was mercury or not. They are getting paid by what you bring in regardless of what it is. When you send it to the recycling facility, that which is not mercury, you still have to invoice as if it was because that is how it works. It is not their fault you sent them a switch that is not mercury. You roll all this in and it costs money. Please don't think for a minute that this is going to come out of the auto manufacturers. They only get money when they sell a car to us. I will be the price of the car. You are going to see an inordinate amount of money used to collect some mercury, some scrap metal that looks like mercury, all the way up through. A good line of work to get into might be consolidation facility. It doesn't matter what you got. Whatever you turn in on the invoice will have to be taken as truth, because you don't have an auto employee there to count them for you. You pay whatever the piece of paper says and you never see it. You roll it over and you say, who is going to pay for this? The person buying the car is going to pay for it. It is a lousy business. You don't run a business this way. It feels good, which is why those of us on the committee who understand what this is won't accomplish and do not want to see the people of Maine who are buying cars paying for the symbolic gesture. You will notice that the option is not Ought Not to Pass. It is another report. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I concur that it is probably a very good idea to get mercury out of the water column and out of the atmosphere. I applaud the Committee on Natural Resources for their work on this matter. I do believe that my friend from Arundel has a point. No matter who you access the monetary component on, whether it is the manufacturer, rather than the consumer, the manufacturer is probably going to pass it on to the consumer. The consumer is going to pay somewhere down the road regardless. Whether you are accessing a fee on a new car or telling the manufacturer they have to pay for it, the person buying the car is going to pay for it. The manufacturers aren't going to absorb this, they are going to pass it along.

I do have a concern about a section of the Majority Ought to Pass Report when it talks about Section 3, which says that a person may not send a motor vehicle to a scrap recycling facility without first removing any mercury switch or mercury headlamp that is a component of the motor vehicle. I guess having had a few of these cars that have been at the end of their life, not that I wasn't proud of them, but I was also their last owner and I have taken a couple of cars to junk yards. What I can envision

happening here is I take my 1980 whatever, either get it towed there or I drive it there on in last legs and I am ready to junk it. I am basically trading the towing fee for it or whatever. The fellow there says that before we will take your junk car, you have to take the headlights out of it and find all the mercury switches and get them out. For the working people of the state who own 1980 Buicks, they probably don't know where to find these switches. They don't know how to change a headlight or whatever and they may say thank you very much, take the car, take the plates off it and roll it into a lake somewhere. This is what we have been up against in some of our environmental regulations regarding white goods and tires. These people take these things in good faith to transfer stations or wherever to get rid of them and they are told that they either have to pay an inordinate fee to get rid of them or they have to take them apart and do something to them. Paint cans are a good example. People are told they have to have the paint cans tied and filled with sand if there is any paint with them. What do they do with them? They take them in the woods and they throw them on somebody's land and then you have a bigger problem. It is completely counter productive to get to the solution. I think in terms of that section of this report, I am concerned that you are really putting the onerous not on either the manufacturer or the owner of the junkyard, it is going to be the person that owns the car that is going to be left doing this. They are going to take these headlights out and mercury switches, turn the car in and the junkyard guy is going to get the bounty on it and he will not have done any of the work. I have a bit of a concern with that.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Very briefly, to respond to the comments of my good friend from Old Town, Representative Dunlap, that one thing we did not get into in committee, but he is absolutely right. It is a very common mistake for charitable donations. You have an old car. You make a phone call. You say, come pick this car up and charity can get rid of it for you. Your car goes away. The charity gets the scrap value for the car and he has raised a very serious question about whether or not this would prohibit that type of behavior.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. Everybody would like to get mercury out of the environment, out of the air and out of the water. I think it is unfortunate that people use the term bounty here. That should raise a red flag to all of us. Bounties have been tried and they usually fail all over North America here. There was a bounty on bald eagles at one time. In Alaska there was a bounty on black bear. One time I visited my cousins over in New Brunswick and out in the shed there was this ring of black circles with two holes in it. I asked what it was? Those are snouts. They were porcupine snouts. They didn't all look alike. There was a 50-cent bounty on porcupines at that time in New Brunswick. The fellas said that you can mix in a few other critters in there. Apparently some of the neighbor's dogs were missing. I think that was a very unfortunate use of terms here to call this a bounty.

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

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. The committee went through extensive deliberations on this issue and heard from many experts. We have talked a good deal about the risks of mercury in our environment. I won't go over them again. We are talking about our kids. We are talking about the wildlife in Maine. We are

talking about Maine's reputation. We know that mercury drifts into the state primarily from out of date coal fired plants in the Midwest and from other combustion processes out of state and particularly including smelters that melt down our scraped cars. We also know that the prevailing winds carry that mercury into the State of Maine. That is our major source. We can't be in denial about that. Our Chief Executive and all the other governors of all the other New England states have filed suit with the EPA to get these other states and their plants to stop sending their pollution their way. We know those plants weren't even meeting their own standards in Ohio. They raised the stacks on their coal fired plants to 1,000 feet so they could get the pollution up out of their atmosphere and put it into the air stream and get it over their state. Surely it wasn't the intent of Ohio or West Virginia or any other state to pollute Maine. Once they knew the damage they were causing us, they didn't voluntarily stop it. Likewise, General Motors and the other vehicle manufacturers knew in 1990 that mercury is toxic. They knew that mercury is vaporized when old cars are smelted. They knew that the vaporized mercury would drift over the landscape and they all know the weather patterns in the United State. It would blow here.

The Representative from Hallowell mentioned that European consumers figured this out over 10 years ago in response to market demands from the Europeans. The manufacturers eliminated mercury switches in Europe. Despite the availability of alternative switches, the manufactures chose to continue installing mercury switches in cars sold in Maine. They made a choice. It is truth or consequences now. They made a choice. The consumers in America didn't have a choice. They gave that choice to the Europeans who could keep the mercury out of their atmosphere. They made a choice. The question before us is who pays for this risk reduction activity? Should the consumer pay a modest surcharge on the cost of a new or used car or should the manufacturer who never gave the consumer a choice about a mercury-free car pay for the cost? I agree with some of the former speakers that it is a safe bet that in either case the consumer will pay. Perhaps we shouldn't care how the money is generated to remove mercury switches in Maine, but I think we ought to care. I think we are confronted by two opportunities. We have the opportunity to reduce the amount of mercury entering Maine and the opportunity to hold manufacturers responsible. They chose to use mercury when using it was unnecessary and when an alternative was available and when they were offering that alternative to European consumers. Let's give the manufacturers the opportunity to do the right thing. It will help them reduce the risk to their national reputation, as if it isn't already tarnished, as the rest of America begins to learn that despite the health risk to the public, auto manufacturers consciously continue the use of mercury switches in their cars when alternative devices were available. They made the choice. I urge you to vote no on the amendment that was proposed and move the Majority Report.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. There is a clear difference between placing a bounty on animals than on toxic substances that are proven to be detrimental to both the environment and public health. This is about accountability. This is about auto manufacturers who clearly knew that mercury was a problem and in Europe they did away with it and they continued to do it here. It is about responsibility and accepting responsibility.

Supporters of this bill, and we worked very long and very hard on this, are Scarborough Auto Parts in Scarborough, Maine,

Maine Metal Recycling in Auburn, Maine, Institute of Scrap Recycling Industry, Steel Recycling Institute, Steel Manufacturers Association, Learning Disabilities Association of Maine, Maine Children's Alliance, Maine State Nurses Association, Positions for Social Responsibility, Maine Public Health Association, Maine Women's Lobby, Maine Labor Group on Health, Midwives of Maine, Natural Resources Council of Maine, Maine Audubon Society, Congress of Lake Associations, Penobscot Bay Watch, Maine Toxic Action Coalition, Lakes Environmental Association, Maine People's Alliance, Toxic Action Center, Ecology Center Clean Car Campaign, Maine Department of Environmental Protection and Penobscot Indian Nation. Please follow my light on this.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I just want to try to answer a couple of points that were raised during the debate. Someone said that this is just a small amount of mercury. It may be in some minds, but it is 1,500 pounds that we can collect. If we don't do this, it is 1,500 pounds of mercury that will become mercury vapor and go to our atmosphere and indeed end up in our lakes and rivers. Someone else raised the issue of the cost of this program. If, indeed, the manufacturers want to pass the entire cost of the program onto the consumers, that will be up to them to decide how they want to handle that, it would probably amount to an entire \$4 on every new car sold in the State of Maine.

Someone else mentioned headlights. There are very few headlights in the State of Maine that contain mercury. The only headlights that are mercury containing are the very bright, very expensive optional headlights on very high-end vehicles. This bill doesn't address headlights at all. Current law requires that those headlights have to be removed at the junkyard. This bill does address mercury switches at the junkyard. The person taking their car there is not going to be responsible for removing the switches. It is the person operating the junkyard that will pop out the switches and they will get paid \$1 per switch. Current law would require them to remove the switches because they do contain mercury and it wouldn't allow them to get paid anything for it. That is why they like this bill.

Finally, when we talk about whether a switch is mercury or non-mercury, you can tell pretty easily. A mercury switch is pretty quiet when you shake it and a non-mercury switch has a small ball bearing inside, instead of liquid mercury. You can shake it and you can clearly hear the difference. There is a very easy way to tell them apart. I don't think that is an issue.

Again, the bill as it came amended from the other body clarifies the issue that all these switches can be kept in one container, not sorted or identified by manufacturer. I think the system will work just fine that way.

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

Representative **BERRY**: Mr. Speaker, Men and Women of the House. Let's talk a little bit about something I know a little bit about. One of the heaviest elements on earth. Some people think it is the heaviest, but it isn't. One of the greatest gifts that has ever been given to science is a liquid metal. We had no other mechanism to do some of the things that we had been able to do, like determine atmospheric pressure. We couldn't do it without it. Torachelli didn't die by turning a tube full of mercury upside down in a container of mercury. He didn't wear a gas mask either. Faraday didn't die of mercury toxin. He worked for years, but he did discover something about mercury that is very important to understand. You shouldn't inhale boiling mercury

because mercury vapor is highly toxic as mercury vapor from a boiling vat.

The hat formers in Connecticut, the mad hatters, that became a realism because of their working with mercury. Once it was figured out, that stopped. Did it take a bit of time to figure it out? Yes. Ladies and gentlemen, when we discovered fluorine gas, this is not a joke, even though it sounds like one, we say in chemistry it took four Frenchmen to discover it. Why? The first three didn't read the writings of the prior and inhaled the gas and died from it. The fourth one had sense enough to read the data. Our history in this business called chemistry has been a step up through progress and all of the things that we have been able to discover, ladies and gentlemen, are related to something that exists naturally called the periodic table.

Unless you are prepared to pass a resolution in this chamber to eliminate mercury from the periodic table, you shall not and will not remove mercury from the environment. You cannot mine every ounce of rhelgar and sinibar. You cannot extract from common rock, like granite, which we do have a little bit of in this area, the native mercury that exists as tiny, tiny droplets and they will always exist. You can do whatever you want to, but you will not reach what we call absolute zero tolerance because our system gets better and better at measuring zero. How are you going to identify this? How are you going to keep track? Are you going to take and put a little barcode on each and every one of the molecules of mercury to tell where it came from. You came from Iowa today. I doubt it. You have to consider something here people. You blame something for an awful lot of a density compound, which is very dense. It really doesn't have much of an ability to float anywhere, even out of a boiling vat. I don't have time for this. I could describe a great experiment of boiling mercury and how it helped us identify the structure of the atom. It has to be boiling to do it.

I find it interesting in this report from the state attorney generals contains the signatures of 24 state attorney generals. Where are the rest of them? Did they attend this meeting and refuse to sign this document. I also find it interesting that this is addressed to Ford. One of my classmates from the University of Maine, just retired as Ford's head environmental engineer. Guess what he studied most of his life? Mercury toxins. Guess what one of the things he found is? I want to share this with you because it is documented material. This little guy who we teased all his life at the university for his major as a sanitary engineer, became one of the top environmental engineers in the world. He worked for the EPA for many years and the DEP in several states before. The EPA, his boss there suggested that he take the position as the environmental engineer at Ford Motor Company. He just retired. He obtained permission to test fossilized samples of swordfish that existed at the Smithsonian Institute. He did those tests. He also tested fresh swordfish and guess what he found out? The levels of mercury in fossilized swordfish are higher than they are today in the swordfish you eat. Is swordfish a real common critter in the rivers of Maine? Not the last time I checked. That must mean it must accumulate that material from the source that it swims in, which happens to be this massive solution out here that we call the ocean. The ocean contains the solution of all of the rest of the earth's elements, compounds and other materials. It is base level. It is where all water flows to. In that water is carried the materials of this earth. Say nothing about the materials that are added to it from below.

One last point here, statistical data, I love it. Six thousand pounds, yah, who measured it? It is all statistical. As one person once said to me, what do you want to find from you data? I will find it for you. That is a fact of life in statistics. Set up the program, measure what you want to measure and you will be

able to obtain what you want to be able to find. You aren't going to solve the problem is what I am standing here saying to you. Ladies and gentlemen, you won't even come to an iota of reducing the problem with what you are doing. The manufacturing companies themselves who are so bad are doing those things for you. One of the other projects that my friend from Ford worked on was a project that involved dried paint. You talk about a saver for a company and for the environment, dried paint would do it. I will tell you that in probably not a very long time you will be buying cars that have dry paint, no volatiles used in the painting process. It is going to take electricity to do it. Thank you Mr. Speaker.

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. In reference to some of the comments we just heard from the previous speaker, we are not trying to eliminate natural occurring mercury. We are only trying to go after some of the components that are man made that create these problems. They do come in here by air. They do vaporize when the cars are sent to the shredders and the smelters. It does vaporize and it does come by air into this state. We need to try to do our part before we can complain about other states that send their air currents this way. If we do our part, then hopefully we can start going after them to do their part.

We have heard some fables about scrap yards, recycling yards, requesting citizens to take the switches out themselves. That is not the intent. The recyclers will take those out. They have already agreed to that. As far as other switches being in, we did hear they could come from out of state, yes, they could. It would be all the better if they do come from out of state to these recyclers. The manufacturers will be paying to get those switches off the market and not going to the smelters that will be coming this way from the air currents. I hope that people do bring them from other states into this state. That would cut down the amount of air currents with mercury vaporized coming into this state. As far as someone trying to be deceitful, you cannot be deceitful with these switches. It is very clear that mercury switches are solid when you shake the little switch. The non-mercury switches have ball bearings so you can shake it and tell. People cannot be deceitful like if there is a bounty on animals. There is no way they can be deceitful with this program. Please vote to accept the Ought to Pass.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I would just like to read a little bit from a letter from the Institute of Scrap Recycling Industries Steel Manufacturers Association from Washington DC. It says, "Our association strongly supports the passage of LD 1921. On a separate matter, we would like you to know that we consider the manufacturers responsibility provision contained in LD 1921 to be significant and vitally important to the legislation. While the automotive manufacturers knew for many years of the persistent bio accumulative and toxic effects of mercury, especially to young children, they did nothing to replace mercury switches with readily available non-mercury alternatives. Further, if you pass the report that came from committee, you will be sending a signal to the automotive industry that it must design its vehicles with the people and environment of Maine, if not the United States in mind. Only then will automotive manufacturers get the message that whenever possible and feasible alternatives to hazardous or toxic materials ought to be designed into vehicles before they are built. Thank you.

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

**ROLL CALL NO. 611**

YEA - Ash, Belanger, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Collins, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Haskell, Hatch, Hawes, Honey, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, McLaughlin, Michaud, Mitchell, Murphy T, Norbert, Norton, O'Brien JA, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Pinkham, Quint, Richard, Richardson, Rosen, Savage, Sherman, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Twomey, Volenik, Watson, Mr. Speaker.

NAY - Andrews, Annis, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clark, Clough, Crabtree, Cressey, Daigle, Duncan, Dunlap, Foster, Glynn, Goodwin, Gooley, Heidrich, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, Mailhot, McGowan, McNeil, Mendros, Michael, Murphy E, Muse C, Muse K, Nass, Nutting, Peavey, Perkins, Perry, Povich, Schneider, Shields, Stanley, Stedman, Tobin D, Treadwell, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

ABSENT - Bagley, Baker, Bouffard, Dugay, Duprey, Landry, Morrison, Rines, Snowe-Mello, Tobin J.

Yes, 85; No, 56; Absent, 10; Excused, 0.

85 having voted in the affirmative and 56 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-476)** was **READ** by the Clerk.

Representative **TOBIN** of Windham **PRESENTED House Amendment "A" (H-1073)** to **Committee Amendment "A" (S-476)**, which was **READ** by the Clerk.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. You have heard all the arguments and it all comes down to the time to see if you are really serious about taking mercury switches out of automobiles. This amendment and the other amendments are exactly alike, except for the way that they are funded and how easy it is for the auto recyclers to use. You have heard the story about different manufacturers using different collection centers so I won't go into that. The amendment that came down from the Senate is almost sure to be challenged in court. My fear is it will be tied up in court. My interest is getting the mercury out of automobiles. Thank you Mr. Speaker.

Representative **COWGER** of Hallowell moved that **House Amendment "A" (H-1073)** to **Committee Amendment "A" (S-476)** be **INDEFINITELY POSTPONED.**

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I would like to give you the top 10 reasons why to support the pending motion and why not to support House Amendment "A." First of all, it would put us out of concurrence with the other body and would subject us to not having any legislation at all given the lateness of the session. I would urge you to Indefinitely Postpone this.

Secondly, it basically lets the manufacturers off the hook. It does not require the manufacturers to reimburse these switches.



If you look at the amendment, it is a tax on Maine consumers. It would be a fee on new cars. As I said earlier, new cars in the State of Maine are going to be mercury free. It is not even an appropriate fee or tax to have in place. Furthermore, a quarter of the new car sales in the State of Maine are not through dealers according to the statistics of the Secretary of State's Office. It is really not even fairly assessed across the board on new car sales. Used car dealers are also assessed a fee, or a tax, in the proposed House Amendment, but more than half of all the used car sales in the State of Maine, year after year, are handled privately. Again, this is an unfairly assessed tax. It would be assessed only on used car dealers and not on private sales.

This amendment would also delay the program for as much as a year and directs the DEP to go through a series of three sets of rulemaking and also has to wait for a long time until we get sufficient funds to actually run a program. This amendment creates a new state bureaucracy, a state administered program and a majority of the committee wants to rely on the private sector to use their ingenuity and efficiencies to run the program. As I said, it is probably going to delay it about a year.

Without this amendment, the original report, the decision on how to pass any costs onto the consumers, should the manufacturers decide to do so, it totally up to the manufacturers. It is not going to be predetermined as the proposed amendment before you does. I ask you to join me in voting for Indefinite Postponement.

Representative DUPLESSIE of Westbrook **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1073) to Committee Amendment "A" (S-476)**.

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 Indefinite Postponement of House Amendment "A" (H-1073) to Committee Amendment "A" (S-476). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 612**

**YEA** - Ash, Belanger, Berry RL, Blanchette, Bliss, Brannigan, Brooks, Bryant, Bull, Bunker, Canavan, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cummings, Davis, Desmond, Dorr, Dudley, Duplessie, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Green, Hall, Haskell, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Lundeen, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McKee, McLaughlin, Michaud, Mitchell, Murphy T, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Perry, Pineau, Povich, Quint, Richard, Richardson, Savage, Sherman, Simpson, Skoglund, Smith, Sullivan, Tarazewich, Tessier, Thomas, Tracy, Trahan, Tuttle, Twomey, Volenik, Watson, Mr. Speaker.

**NAY** - Andrews, Annis, Berry DP, Bouffard, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Crabtree, Cressey, Daigle, Duncan, Dunlap, Estes, Foster, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, McKenney, McNeil, Mendros, Michael, Murphy E, Muse C, Muse K, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Shields, Snowe-Mello, Stanley, Stedman, Tobin D, Treadwell, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Young.

**ABSENT** - Bagley, Baker, Dugay, Duprey, Landry, McGowan, Morrison, Rines, Tobin J.

Yes, 83; No, 59; Absent, 9; Excused, 0.

83 having voted in the affirmative and 59 voted in the negative, with 9 being absent, and accordingly **House**

**Amendment "A" (H-1073) to Committee Amendment "A" (S-476) was INDEFINITELY POSTPONED.**

**Senate Amendment "C" (S-535) to Committee Amendment "A" (S-476) was READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (S-476) as Amended by Senate Amendment "C" (S-535) 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**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-476) as Amended by Senate Amendment "C" (S-535) thereto in concurrence.**

---

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

---

The House recessed until 7:20 p.m.

---

(After Recess)

---

The House was called to order by the Speaker.

---

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1057) on Bill "An Act to Amend the Freedom of Access Laws to Protect Security Plans"**

(H.P. 1647) (L.D. 2153)

Signed:

Senators:

RAND of Cumberland  
McALEVEY of York  
FERGUSON of Oxford

Representatives:

LaVERDIERE of Wilton  
BULL of Freeport  
JACOBS of Turner  
MITCHELL of Vassalboro  
MUSE of South Portland  
SIMPSON of Auburn  
MADORE of Augusta

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

Signed:

Representatives:

WATERHOUSE of Bridgton  
SHERMAN of Hodgdon  
MENDROS of Lewiston

**READ.**

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

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I will be asking you to vote against the Majority Ought to Pass Report. During the testimony on this bill, one of the parties opposing the bill said that this proposal will serve no purpose and will be unenforceable. The belief that

building plans and security procedures can and should be kept secret is illusionary and would not slow down a person with determination and motive. The other thing that they mentioned in their opposition to this piece of legislation was "it is more important as the principle embodied in the freedom of access law." Once you start down the erosion of this statute, it becomes meaningless. This is another one of those bills in a series of bills to try to address a situation from what happened at the World Trade Center, the anti-terrorism legislation. As we debated a bill to do a similar measure last night, I told you my concerns then. Some of my concerns on this bill is that this bill presumes that we will all be safer if we do not know what the government is doing to make us safe. It presumes that government acts wisest without the dialog with its citizens. I think the bill is not necessary and what good it might do is heavily outweighed by the damage that it does to an open democratic society.

As I mentioned last night on some other legislation, if we surrender more of our public right to know and government accountability, then we surrender to our fears for a false sense of security and the terrorists, whoever they may be, will have won that battle. I, for one, hope you are not willing to give in to that. If I might just make one quote from a person long ago, 225 years ago, Patrick Henry, "The liberties of a people never were nor ever will be secure when the transaction of their rulers may be concealed from them." I hope you will vote against this pending motion.

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

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. This bill is the product of some hard work on the part of the Judiciary Committee to try to narrow down a very difficult area. I think the committee did a very good job working on this. If you look at the amendment, what you will see is that we are trying to get at those situations where, for instance, the State of Maine has done a risk assessment, either at the request of private business or at the request of the state to determine those areas that are potentially subject to acts of terrorism. The risk assessment is done and provided to that company or provided to the state so that they can prepare appropriate measures to deal with that. The one thing that companies and the state don't want to do is find out that a company that owns or operates an oil facility in South Portland or a nuclear power station in Wiscasset or some other facility anywhere in the state, if they ask the state to come in and help them with that risk assessment, the one thing that they don't want to do is see that entire risk assessment including their own vulnerable places on the internet somewhere so that anybody that wants to can look to see exactly where that company is vulnerable to attack. That is all we are trying to get at.

The amendment before you has been looked at by the Maine Press Association and it has been worked on by the ACLU and in both cases they are satisfied that there are sufficient protections here so that we are not going to be creating civil liberties issues. This is a measured and appropriate way for us to make sure that our most vulnerable facilities, the vulnerability of those facilities are not advertised.

At my request this bill was amended so that the information will be made available to the Legislature or to the governing body or the officials of that municipality if done on a municipal level. The Legislature will have access to that information and can make sure that, in fact, information is not being hidden from the public that should be made available to the public. This is an extremely limited bill. It is an appropriate bill. It safeguards all of us and I would ask that you support the Majority Ought to Pass as Amended Report.

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. I serve as the vice-chair on the advisory commission for radioactive waste and decommissioning. Part of the area we oversee is the activities that are taking place at the Maine Yankee Atomic Power Plant. We have had meetings to discuss the events of September 11. We have not reviewed the state's specific plans to protect that facility. What we have done instead is be sure we have the right people and the right jobs at Maine Emergency Management and the right people with the National Guard and having confidence in these people that they can tell us not to worry, we think it is okay. I know they have done this kind of work. I am speaking for the commission when we last talked about this. Do we want to have this stuff come out in a public hearing or even in Executive Session? We said no. Although we have not asked the commission to discuss this particular legislation, I would like to say that in the spirit of what we discussed when we dealt with this issue, it would be my expectation that they would strongly be in favor of the Majority Ought to Pass Report on this bill. Thank you.

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

Representative MENDROS: Mr. Speaker, Ladies and Gentlemen of the House. When our founding fathers said, I believe it was Jefferson, "Anyone who would sacrifice freedom for security deserves neither." Terrorists don't file a freedom of information act to find out what the security is like in an airport or what security is like in a state building. They go in. They stake the place out and they attack. We are sacrificing our rights as citizens to find out what is going on, to find out any information that could be labeled as important to a security plan be given out so that the freedom of information act no longer applies. We don't gain any security by doing it. The terrorists aren't going to file for the freedom of information act. As a matter a fact, if a terrorist does file a freedom of information act, then we know who it is that filed and then we can change our security plan. If they were to do it, we would actually be better off. They don't. They stake the place out, the find our security and then they breach it. All we are doing is taking away a tool that can be used by honest citizens who want to know, people who want information to keep their government safe. We are sacrificing freedom for security and gaining neither. I urge you to defeat the pending motion. Thank you.

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

Representative NORBERT: Mr. Speaker, Ladies and Gentlemen of the House. I sponsored this bill for the administration. I first want to begin by saluting the Judiciary Committee, which worked extremely hard on this through a couple of work sessions to address the very concerns that were raised last night on another related piece of legislation. This is quite different. It is very reasonable. I encourage you to take a look at the new amended language. What it does is it simply shields security plans that have been designed to address terrorist threats only from public disclosure. I think if you want to weigh the balance here, I don't think there is much of a sacrifice of our freedoms here, but rather it is a very common sensible approach to protecting the citizens we represent. I really don't think there is a compelling interest to have free disclosure of plans that have been designed and risk assessments of some of our most vulnerable private and public places in this state. I do not think there is a compelling interest to have full and complete access to it. If access needs to be had, as was mentioned by the

good chair of the committee, there is a provision in here to allow for the review of such documents by the local municipalities and legislative bodies. Currently on the books it is law enforcement agencies who are exempted from this freedom of information act. What this is is that it should be extended. Again, I really want to thank the committee for all their hard work. I just ask you to consider who it is we are here to represent and protect and what it is that is being sacrificed here. I say that exempting the security plans from terrorists is the higher call for us to do. I think there are good safeguards in here. I strongly encourage you support this reasonable measure to protect Maine's citizens.

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

A vote of the House was taken. 82 voted in favor of the same and 18 against, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1057)** 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-1057)** and sent for concurrence.

---

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 Amend the Motor Vehicle Laws"

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

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941) AND HOUSE AMENDMENT "A" (H-1009)** on March 26, 2002.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941) AS AMENDED BY SENATE AMENDMENT "A" (S-524)** thereto in **NON-CONCURRENCE**.

**TABLED** - April 2, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

**PENDING - FURTHER CONSIDERATION.**

Representative FISHER of Brewer moved that the House **RECEDE AND CONCUR**.

Representative WHEELER of Bridgewater **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. The other day we sat here and put an amendment on this bill that does several things. The thing that I was concerned about was the increase in fees for the sand and gravel people, truck weights and others who had to deal with overheight and overweight loads. On the low end it went from \$3 to \$6 and from the high end it went from \$15 to \$30. It brought in in the first year some \$279,000 and the second year it was about the same. You figure that out and there is a lot of people who are doing odd jobs around the State of Maine, your constituents and my constituents, that have to get these one-way permits. We voted the other day by a big margin, 80 to 60, to put the amendment

on. It went down to the other body and it was taken off. I would ask that you defeat the pending motion so that we can go on to Insist and Ask for a Committee of Conference. Thank you.

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

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I know that Committee of Conferences are not generally successful. Let me tell you some of the things that don't happen. Those of you who are concerned for the veterans, the \$5 fee on veterans plates will not be removed. The spouses of veterans who die lose their veterans plates. They will continue to lose their veterans plates. The Goodwill Auto Donation Program where folks who are indigent and trying to get back to work and get off the welfare rolls will be hindered by language in the present law. There are provisions for canceling driver's licenses will not be changed. Presently if you decide you are not able to drive anymore and surrender your driver's license, it is called a suspension, which looks bad on your records. Road exams for motorcycles will stay as they are instead of being improved by present language. Removal of social security numbers from non-driver's lds will not occur. Many things will not occur.

The point that my good friend from Bridgewater mentioned, the special permits, he is right, there are a good number of people who use these special permits. Last year it was 35,000, which is an increase of 70 percent from fiscal years 95 to 99. The suggestion that these fees are excessive, well Vermont's fee is presently \$20, New York's fee \$40, Connecticut's fee \$23, Massachusetts has a \$15 fee, but the truck weight also must be registered at actual weight, New Hampshire, its rates are about the same as ours, but there is a \$2 fee for each additional 10,000 pounds. The Maine Overload Limit Fee generates about \$350,000, which barely pays for the cost of administering that fee. It does not pay for the cost of enforcement. It does not pay for the damage caused by these often grossly overweight trucks on the highway.

I would hope that you would not jeopardize all of the things in this bill by Adhering. I would hope that you would follow my light on the Recede and Concur motion. Thank you Mr. Speaker.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I agree wholeheartedly with the good Representative from Brewer, Representative Fisher on the other items of this bill. That is exactly why we need a Committee of Conference to protect those issues. I think it is very important that we do not raise these fees on these people that are out there trying to make a living. We already hit this industry with other fines, tripling them in some cases and putting a burden on them is uncalled for. I wish that you would follow my light. Thank you.

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

#### **ROLL CALL NO. 613**

**YEA** - Ash, Berry RL, Blanchette, Bliss, Bouffard, Brannigan, Brooks, Bull, Bunker, Canavan, Chick, Clark, Colwell, Cote, Cowger, Cummings, Desmond, Dudley, Dunlap, Duplessie, Estes, Etnier, Fisher, Fuller, Gagne, Gerzofsky, Goodwin, Green, Hall, Hatch, Hawes, Hutton, Jacobs, Jones, Kane, Koffman, LaVerdiere, Laverriere-Boucher, Lemoine, Lessard, Mailhot, Marley, Marrache, Matthews, Mayo, McDonough, McGlocklin, McGowan, McKee, McLaughlin, McNeil, Michaud, Mitchell, Norbert, Norton, O'Brien LL, O'Neil, Paradis, Patrick, Pineau, Povich, Richard, Richardson, Rines, Savage, Simpson, Smith,

Stanley, Sullivan, Tarazewich, Tessier, Thomas, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Mr. Speaker.

NAY - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Bryant, Buck, Bumps, Carr, Chase, Chizmar, Clough, Collins, Cressey, Daigle, Davis, Duncan, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, Lundeen, MacDougall, Madore, McKenney, Mendros, Michael, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Quint, Rosen, Schneider, Sherman, Shields, Skoglund, Snowe-Mello, Stedman, Tobin D, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

ABSENT - Bagley, Baker, Crabtree, Dorr, Dugay, Duprey, Landry, Morrison, Muse C, Muse K, Perry, Tobin J.

Yes, 79; No, 60; Absent, 12; Excused, 0.

79 having voted in the affirmative and 60 voted in the negative, with 12 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1577) (L.D. 2083)

TABLED - April 2, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-1071)**.

Subsequently, **Committee Amendment "A" (H-1071)** was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1071)** 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:

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Implement the Recommendations of the Workers' Compensation Board Governance Study"

(S.P. 789) (L.D. 2133)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **LABOR READ** and **ACCEPTED** in the House on April 2, 2002.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-486)** in **NON-CONCURRENCE**.

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

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

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

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. Last night at 9:00 or so we had the debate on this very bill. I would say that the debate we had last night is equivalent or equal to the issues that we are going to vote on here today. I would ask your same support that we had last night and vote down the Recede and Concur and move on to Adhere.

Representative COLWELL of Gardiner **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

**ROLL CALL NO. 614**

**YEA** - Andrews, Annis, Belanger, Berry DP, Bowles, Bruno, Buck, Bumps, Carr, Chase, Clough, Collins, Cressey, Daigle, Duncan, Foster, Glynn, Gooley, Haskell, Heidrich, Honey, Jodrey, Kasprzak, Labrecque, Ledwin, Lovett, MacDougall, Madore, Mayo, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tessier, Tobin D, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor, Young.

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

**ABSENT** - Bagley, Baker, Crabtree, Dudley, Dugay, Duprey, Landry, McGowan, Morrison, Muse C, Muse K, Perry, Tobin J.

Yes, 55; No, 83; Absent, 13; Excused, 0.

55 having voted in the affirmative and 83 voted in the negative, with 13 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

**Non-Concurrent Matter**

Bill "An Act to Supplement Maine's Academic Attainment and to Retain Talent"

(H.P. 1655) (L.D. 2162)

- In House, **PASSED TO BE ENGROSSED AS AMENDED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055)** on April 2, 2002.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055)** on April 2, 2002 in concurrence.

- **RECALLED** from the Engrossing Department pursuant to Joint Order (S.P. 831)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1055) AS AMENDED BY SENATE AMENDMENT "A" (S-558)** thereto in **NON-CONCURRENCE**.

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

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

---

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act to Update the Department of Defense, Veterans and Emergency Management Laws

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

(C. "A" H-837; H. "C" H-946; S. "A" S-526)

**PASSED TO BE ENACTED** in the House on April 3, 2002.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-837) AND HOUSE AMENDMENT "C" (H-946) AND SENATE AMENDMENT "B" (S-557) in NON-CONCURRENCE.**

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

---

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

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

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

(C. "A" H-1034)

Which was **TABLED** by Representative NORBERT of Portland pending **FINAL PASSAGE**.

On motion of Representative McKEE of Wayne, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-1034)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1074)** to **Committee Amendment "A" (H-1034)** which was **READ** by the Clerk.

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

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

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I guess my question is the purpose of the amendment.

The **SPEAKER**: The Representative from Raymond, Representative Bruno has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Wayne, Representative McKee.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. It is really just a technical amendment. It makes the appointments uniform in both the House and the Senate. They are both conforming to the same clause. Thank you.

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

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

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

Representative **SCHNEIDER**: Mr. Speaker, Men and Women of the House. I would like to know if this amendment truly does try to cut out a member of the minority party from being on this group?

The same Representative **WITHDREW House Amendment "A" (H-1074)** to **Committee Amendment "A" (H-1034)**.

On further motion of the same Representative, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-1034)** and later today assigned.

---

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

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

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

(C. "A" H-1034)

Which was **TABLED** by Representative McKEE of Wayne pending **ADOPTION of Committee Amendment "A" (H-1034)**.

Subsequently, **Committee Amendment "A" (H-1034)** was **ADOPTED**.

On motion of Representative McKEE of Wayne, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

---

On motion of Representative BRYANT of Dixfield, the House **RECONSIDERED** its action whereby it voted to **ADHERE to PASSAGE TO BE ENGROSSED 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)

On further motion of the same Representative, the House voted to **INSIST**.

---

On motion of Representative McGOWAN of Pittsfield, the House adjourned at 8:17 p.m., until 9:00 a.m., Thursday, April 4, 2002.