

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 Twenty-First Legislature
State of Maine

Volume III

Second Special Session

April 8, 2004 - April 30, 2004

Appendix
House Legislative Sentiments
Index

Pages 1563-2203

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND SPECIAL SESSION
36th Legislative Day
Wednesday, April 14, 2004

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

Prayer by Reverend Alice A. Hildebrand, First Congregational Church, UCC, Deer Isle and The Sunset Congregational Church, UCC, Sunset.

National Anthem by Kristin Slipp and Samantha Francis, Gorham High School.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 804)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE NAVY AND THE CONGRESS OF THE UNITED STATES TO RETAIN THE SEARCH AND RESCUE TEAM HELICOPTERS CURRENTLY STATIONED AT THE UNITED STATES NAVAL AIR STATION BRUNSWICK

WE, your Memorialists, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the Second Special Session, most respectfully present and petition the President of the United States, the Secretary of the Navy and the Congress of the United States as follows:

WHEREAS, the United States Navy is redeploying the 2 search and rescue helicopters from the United States Naval Air Station Brunswick in a cost-cutting move with very little warning to the State of Maine; and

WHEREAS, this decision to remove this valuable asset from the coast of Maine comes without notice that would allow the State's search and rescue agencies to fill the major void that this loss would bring; and

WHEREAS, commercial fishing is one of the most dangerous occupations in the Nation, and the State of Maine is a major commercial fishing state with over 20,000 licensed harvesters that make a living from the sea. Maine also has thousands of recreational fishermen and boaters; and

WHEREAS, this 2-helicopter Search and Rescue Team is the only unit of its kind for the 7,200 miles of Maine coastline and for the northern New England seaboard, and the next nearest unit is based on Cape Cod, Massachusetts; and

WHEREAS, the Search and Rescue Team is considered one of the most effective means in the State for saving lives and has responded to hundreds of calls for both civilians and United States Navy personnel over the years; and

WHEREAS, the loss of this team puts the lives of Maine citizens and the personnel of the United States Navy stationed in Maine at risk, as the survival time in the waters of the Gulf of Maine is limited; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully ask that the President of the United States, the Secretary of the Navy and the Congress of the United States work together to keep the 2 Navy helicopters at the United States Naval Air Station Brunswick until the State of Maine is able to establish its own plan to replace these valuable resources; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the Honorable Gordon R. England, Secretary of the Navy, the President of the United States Senate and the Speaker of the

United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

READ and **ADOPTED** in concurrence.

The following Joint Resolution: (S.P. 805)

JOINT RESOLUTION ON THE OCCASION OF THE 150TH ANNIVERSARY OF ANDROSCOGGIN COUNTY

WHEREAS, incorporated in 1854 as the State's 14th county, Androscoggin County has long been recognized for its unique character and for the perseverance and fortitude of its citizens; and

WHEREAS, according to historical accounts, the earliest inhabitants in the region were the Abenaki people, who were drawn to the river for its great fishing and its fertile banks that provided rich soil for growing crops; and

WHEREAS, it was the Androscoggin River with its powerful falls that later become a major source of power for saw and grist mills operated by early settlers and eventually helped to usher in the Industrial Revolution in Maine. The river's mighty falls provided the necessary energy for the many textile mills under way in the 1840s. Along with the mills came a population explosion that led to the incorporation of Androscoggin County; and

WHEREAS, in more recent years, Androscoggin County has transformed itself from a textile and shoe center to a progressive health care, tourism, education, retail and high-precision manufacturing powerhouse; and

WHEREAS, dotted with crystal-clear lakes, ponds, rivers and brooks, Androscoggin County also offers the kind of fishing, boating and outdoor recreation for which Maine is famous. Outdoor activities include staying at one of the county's scenic camping areas, swimming at a public beach or pool facility and enjoying acres of lush greens at the area's scenic golf courses and country clubs. In the winter season, Androscoggin County offers cross-country skiers perfect terrain and scenery for hours of enjoyment. Ice fishing and skating are also popular activities on area ponds and lakes; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature now assembled in the Second Special Session, on behalf of the people we represent, take this opportunity to send our congratulations to the good citizens of Androscoggin County as they celebrate their county's long and rich history during the county's sesquicentennial; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to officials of this proud county in honor of this occasion.

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

Bill "An Act to Define a Scope of Practice for Acupuncture"

(S.P. 97) (L.D. 263)

Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in the House on April 7, 2004.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-414)** in **NON-CONCURRENCE**.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Make Retirement Benefits More Equitable by Imposing a Surcharge on Income from Congressional Retirement Benefits"

(S.P. 616) (L.D. 1684)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on April 12, 2004.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-392)** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

Non-Concurrent Matter

An Act To Reclassify Certain Downeast Waters

(H.P. 1401) (L.D. 1891)

(C. "A" H-791)

COMMITTED to the Committee on **NATURAL RESOURCES** in the House on April 12, 2004.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

Representative KOFFMAN of Bar Harbor moved that the House **RECEDE**.

Representative DUNLAP of Old Town moved that the House **CONCUR**.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. When this matter was dealt with earlier this week, my good friend from Bar Harbor, Representative Koffman, stated that if there were, in fact, concerns from the Maine Blueberry Commission that we would like to see a letter from them printed on blue paper and distributed to our desks. Right now I know we have a letter on white paper from Maine Rivers distributed to our desks, but I want you to know that that blue paper will finally be circulated to you now. Hopefully you will have a chance to see it and read it before you are asked to vote on this matter.

Let me get to the point. This bill proposes to reclassify these downeast rivers, which are located in areas where water is withdrawn in the watersheds to support the blueberry industry. There are currently no rules established defining whether or not water withdrawn by that industry is considered environmentally benign or a problem. Those rules are under development. They are just not ready yet. The blueberry industry has come to us and asked us to do a very simple thing. They said, will you please hold off reclassifying these rivers until after we have set in place the definition of whether we are okay.

They have a right to be concerned about this. It wasn't too long ago they watched their sister down in Washington County, the salmon farming industry, be devastated by citizen lawsuits when they thought they were following the law, but, in fact, they were later found to have been in violation of the Clean Water Act and retroactively the lack of clarity just destroyed that industry. The blueberry industry is right to be concerned about it again. I

know many people are suggesting that the classification from A to AA will not be a problem for the blueberry industry. I hope that that is true. I hope it won't be and that we can come back next year and we can reclassify those rivers with the rules in place and it would be the outcome that would be best for all of us.

Right now we have an industry that is concerned. What have they asked for? They asked us to wait. We can do one of two things here in this body. We can send them a message saying that given what you saw happen with aquaculture, I hear you, why not? It is not a big deal. We can just wait. The other message we can send them is to say that I hear you and I don't care. We are going to reclassify these rivers anyway.

I live down in York County. It is a long way from Washington County. I don't get there very often. Many people ask me, why do you care? I have heard an awful lot about Washington County and I would like to believe that we should care about all of our brothers and sisters in this state. That is why I have put the kind of effort I have into this proposal. When I walk around this fall trying to tell people about whether we do, in fact, consider the concerns of industry or whether fish is the most important thing we could ever pass a law on in this state. People are going to say that I don't believe you. I want to bring forward this bill as an example of why that is so. People are going to ask me the second question. They are going to say, who feels this way? For that reason, Mr. Speaker, I need to give them an answer to that question so I ask for a roll call.

Representative **DAIGLE** of Arundel **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 Kossuth Township, Representative Bunker.

Representative **BUNKER**: Mr. Speaker, Men and Women of the House. I do have correspondence as well from our friends downeast that are a little bit hesitant in passing this legislation at this time. I personally am not opposed to the legislation as written. The unintended consequences and the questions that they have I think are very pertinent. When you have only a few industries, the timber, the blueberries, the wreathing and a few here and there jobs in these regions, these unintended consequences raised by what are the rules going to be and how are they going to affect the jobs downeast? I think taking a pause at this time is not inappropriate. I would respectfully request that maybe not pass this at this time and allow the rules to be clearly identified for those folks downeast and then move on and pass this at another time. Thank you.

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

Representative **KAELIN**: Mr. Speaker, Men and Women of the House. I am going to speak on this motion. I don't really have a dog in this fight. We do have blueberry growers in Waldo County. They are obviously not affected by this bill. You will say that we have a piece of paper on our desk from the commissioner of DEP certifying that, in fact, water withdrawal is allowed on the Class AA rivers.

I would direct you to the second page of the letter that we have here from David Bell, the Executive Director of the Wild Blueberry Commission to point out to you precisely what the issue is from the perspective of the blueberry industry that they do not feel has been adequately resolved in this bill. It has to do with impoundments. There is in place already a downeast water use plan in Maine, which is separate from the reclassification issue, which specifically allows impoundments to be one of the tools that the farmers can use to find enough water to do their business. Under AA rivers impoundments are specifically not

allowed. This isn't like a Dickey Lincoln Dam. This is basically anything you might do in a small tributary, even if there is no salmon habitat in it, is restricted with the AA listing.

The other day I heard that we don't have any blue pieces of paper on our desks that indicate that the blueberry industry has concern with this bill moving forward. We do today, ladies and gentlemen, and it is very clear that they are very, very uncomfortable with allowing this reclassification to occur before the water use rules are developed this summer into next fall and in the winter when this Legislature returns.

I, frankly, don't understand what the rush is to go ahead and do this bill before those rules are done. People are going to say that we waited for the blueberry industry to give us specific objections to why these AA classifications should not occur on these streams and tributaries downeast. I am not an expert, but I don't think that the Executive Director of the Blueberry Commission really has the ability to understand and relate from a technical perspective where the pluses and the minuses are.

During the rulemaking that is going to occur this summer, they will use their engineers and so forth to help analyze the effect on their businesses down there. I urge my colleagues to reject this motion and adhere to the House position so that some time can go by before the rules are finished and this body will know exactly what kind of an affect they are going to create for the blueberry industry. If you vote for this motion, you are absolutely voting against the interests of the blueberry industry as outlined on the blue piece of paper in front of you. Thank you ladies and gentlemen of the House.

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

Representative TWOMEY: Mr. Speaker, Men and Women of the House. I was on the subcommittee for reclassifying the rivers. I want to tell you that Mr. Bell was in that meeting and we, the committee, gave them over a year, that is how fair we were. When we broke for summer session, we specifically said that it was not going to interfere with the watershed. We came back for session. We reconvened. They came back to our committee. They couldn't be specific on the parcel and we bent over backwards. I am telling you that there isn't anybody that has come before our committee that we didn't work so hard for. It is upsetting to me. I know what we did. We waited for over a year and they were at every meeting, every opportunity. I really think this is unfair. Please vote to Recede and Concur. 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. 446

YEA - Adams, Barstow, Beaudette, Bennett, Blanchette, Bliss, Brannigan, Bull, Canavan, Collins, Cowger, Craven, Cummings, Davis, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Ketterer, Koffman, Landry, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McGowan, McKee, McLaughlin, Mills J, Mills S, Moody, Muse, Norbert, Norton, O'Neil, Paradis, Patrick, Pellon, Percy, Pineau, Rector, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Thomas, Thompson, Trahan, Twomey, Walcott, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Ash, Austin, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Bunker, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Cressey, Crosthwaite, Curley, Daigle, Duprey B, Fletcher, Glynn, Goodwin, Heidrich, Honey, Hotham, Jacobsen, Joy, Kaelin, Ledwin, Maietta, McCormick, McKenney, McNeil, Millett, Nutting,

O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sykes, Tardy, Tobin D, Tobin J, Treadwell, Vaughan, Young.

ABSENT - Breault, Courtney, Dudley, Greeley, Jodrey, Kane, Lewin, Marraché, Moore, Murphy, O'Brien L, Perry A, Perry J, Pingree, Piotti, Richardson J, Rines, Usher.

Yes, 75; No, 58; Absent, 18; Excused, 0.

75 having voted in the affirmative and 58 voted in the negative, with 18 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

COMMUNICATIONS

The Following Communication: (S.C. 583)

**MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 13, 2004

Honorable Patrick Colwell
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Speaker Colwell:

In accordance with Joint Rule 506 of the 121st Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife, the nominations of the Honorable R. Leo Kieffer of Caribou, and John Law of Mexico, for appointment as members of the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Joint Standing Committee on Legal and Veterans Affairs, the nominations of James N. Dearman of Orono, for appointment to the State Liquor and Lottery Commission; A. Mavourneen Thompson of Peaks Island, for appointment and the Honorable Andrew Ketterer of Madison, for reappointment to the Commission on Governmental Ethics and Election Practices.

Upon the recommendation of the Joint Standing Committee on Natural Resources, the nominations of Richard B. Anderson of Freeport and Charles F. Beck of Presque Isle for appointment, Sally Stockwell of Cumberland, for reappointment to the Maine Outdoor Heritage Fund Board; and Donald Guimond of Fort Kent, for appointment to the Board of Environmental Protection.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 592)

**MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 13, 2004

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

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it accepted the majority Ought Not To Pass report from the Committee on Inland Fisheries and Wildlife on Bill, "An Act To Reestablish the Great Ponds Act" (H.P. 1251) (L.D. 1675).

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 593)

**MAINE SENATE
121ST LEGISLATURE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 13, 2004

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

Dear Clerk MacFarland:

Please be advised the Senate today adhered to its previous action whereby it indefinitely postponed Bill, "An Act To Make the Children's Ombudsman Program an Independent Office" (H.P. 81) (L.D. 73) and all accompanying papers.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative DUNLAP of Old Town, the following Joint Resolution: (H.P. 1462) (Under suspension of the rules, cosponsored by Representatives: ADAMS of Portland, ANDREWS of York, ANNIS of Dover-Foxcroft, ASH of Belfast, AUSTIN of Gray, BARSTOW of Gorham, BEAUDETTE of Biddeford, BENNETT of Caribou, BERRY of Belmont, BERUBE of Lisbon, BIERMAN of Sorrento, BLANCHETTE of Bangor, BLISS of South Portland, BOWEN of Rockport, BOWLES of Sanford, BRANNIGAN of Portland, BREault of Buxton, BROWN of South Berwick, BROWNE of Vassalboro, BRUNO of

Raymond, BRYANT-DESCHENES of Turner, BULL of Freeport, BUNKER of Kossuth Township, CAMPBELL of Newfield, CANAVAN of Waterville, CARR of Lincoln, CHURCHILL of Orland, CHURCHILL of Washburn, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, Speaker COLWELL of Gardiner, COURTNEY of Sanford, COWGER of Hallowell, CRAVEN of Lewiston, CRESSEY of Baldwin, CROSTHWAITE of Ellsworth, CUMMINGS of Portland, CURLEY of Scarborough, DAIGLE of Arundel, DAVIS of Falmouth, DUDLEY of Portland, DUGAY of Cherryfield, DUPLESSIE of Westbrook, DUPREY of Hampden, DUPREY of Medway, EARLE of Damariscotta, EDER of Portland, FAIRCLOTH of Bangor, FINCH of Fairfield, FISCHER of Presque Isle, FLETCHER of Winslow, GAGNE-FRIEL of Buckfield, GERZOFISKY of Brunswick, GLYNN of South Portland, GOODWIN of Pembroke, GREELEY of Levant, GROSE of Woolwich, HATCH of Skowhegan, HEIDRICH of Oxford, HONEY of Boothbay, HOTHAM of Dixfield, HUTTON of Bowdoinham, JACKSON of Fort Kent, JACOBSEN of Waterboro, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, KANE of Saco, KETTERER of Madison, KOFFMAN of Bar Harbor, LANDRY of Sanford, LEDWIN of Holden, LEMOINE of Old Orchard Beach, LERMAN of Augusta, LESSARD of Topsham, LEWIN of Eliot, LORING of the Penobscot Nation, LUNDEEN of Mars Hill, MAIETTA of South Portland, MAILHOT of Lewiston, MAKAS of Lewiston, MARLEY of Portland, MARRACHÉ of Waterville, McCORMICK of West Gardiner, McGLOCKLIN of Embden, McGOWAN of Pittsfield, McKEE of Wayne, McKENNEY of Cumberland, McLAUGHLIN of Cape Elizabeth, McNEIL of Rockland, MILLETT of Waterford, MILLS of Farmington, MILLS of Cornville, MOODY of Manchester, MOORE of the Passamaquoddy Tribe, MOORE of Standish, MURPHY of Kennebunk, MUSE of Fryeburg, NORBERT of Portland, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Augusta, O'BRIEN of Lewiston, O'NEIL of Saco, PARADIS of Frenchville, PATRICK of Rumford, PEAVEY-HASKELL of Greenbush, PELLON of Machias, PERCY of Phippsburg, PERRY of Calais, PERRY of Bangor, PINEAU of Jay, PINGREE of North Haven, PIOTTI of Unity, RECTOR of Thomaston, RICHARDSON of Greenville, RICHARDSON of Brunswick, RICHARDSON of Skowhegan, RINES of Wiscasset, ROGERS of Brewer, ROSEN of Bucksport, SAMPSON of Auburn, SAVIELLO of Wilton, SHERMAN of Hodgdon, SHIELDS of Auburn, SIMPSON of Auburn, SMITH of Monmouth, SMITH of Van Buren, SNOWEMELLO of Poland, STONE of Berwick, SUKEFORTH of Union, SULLIVAN of Biddeford, SUSLOVIC of Portland, SYKES of Harrison, TARDY of Newport, THOMAS of Orono, THOMPSON of China, TOBIN of Windham, TOBIN of Dexter, TRAHAN of Waldoboro, TREADWELL of Carmel, TWOMEY of Biddeford, USHER of Westbrook, VAUGHAN of Durham, WALCOTT of Lewiston, WATSON of Bath, WHEELER of Kittery, WOODBURY of Yarmouth, WOTTON of Littleton, YOUNG of Limestone, Senators: BENNETT of Oxford, BLAIS of Kennebec, BRENNAN of Cumberland, BROMLEY of Cumberland, BRYANT of Oxford, CARPENTER of York, CATHCART of Penobscot, President DAGGETT of Kennebec, DAMON of Hancock, DAVIS of Piscataquis, DOUGLASS of Androscoggin, EDMONDS of Cumberland, GAGNON of Kennebec, GILMAN of Cumberland, HALL of Lincoln, HATCH of Somerset, KNEELAND of Aroostook, LAFOUNTAIN of York, LEMONT of York, MARTIN of Aroostook, MAYO of Sagadahoc, MITCHELL of Penobscot, NASS of York, PENDLETON of Cumberland, ROTUNDO of Androscoggin, SAVAGE of Knox, SAWYER of Penobscot, SHOREY of Washington, STANLEY of Penobscot, STRIMLING of Cumberland, TREAT of Kennebec, TURNER of Cumberland,

WESTON of Waldo, WOODCOCK of Franklin, YOUNGBLOOD of Penobscot)

JOINT RESOLUTION COMMEMORATING THE VICTIMS OF THE DEVASTATING EXPLOSION IN ARKHANGELSK, RUSSIA

WHEREAS, on March 16, 2004, an early-morning natural gas explosion sheared off part of a 9-story apartment building in northern Russia; and

WHEREAS, the devastating explosion claimed the lives of 58 people and injured many others, shattering the lives and hearts of citizens forever in the community of Arkhangelsk, a White Sea port about 600 miles north of Moscow; and

WHEREAS, the State of Maine has enjoyed a relationship of growing importance with the community of Arkhangelsk for many years through the Sister City program and other exchanges; and

WHEREAS, news of this tragedy suffered by our friends has touched our hearts with deep sadness; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-first Legislature of the State of Maine now assembled in the Second Special Session, on behalf of the people we represent, take this opportunity to extend our deepest sympathy and our condolences to the people of Arkhangelsk on the loss of life and casualties suffered by that community; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the officials of Arkhangelsk, Russia as a token of our sympathy.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative LANDRY of Sanford, the following Joint Resolution: (H.P. 1463) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES TO EXERCISE EXECUTIVE PRIVILEGE AND AWARD THE PURPLE HEART TO THOSE IN THE ARMED FORCES OF THE UNITED STATES EXPOSED TO AGENT ORANGE

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

WHEREAS, in 1961, the United States allowed Agent Orange, which contains the chemical dioxin, to be used in Vietnam to defoliate areas of jungle growth and to destroy crops; and

WHEREAS, 18,000,000 gallons of Agent Orange were reported to have been used in the Southeast Asia Theater of Operation, including Vietnam; and

WHEREAS, Agent Orange's use as a defoliant and crop destroyer was intended to inflict damage on or destroy enemy troops by depriving them of hiding places and food; and

WHEREAS, regrettably, the effects of Agent Orange spread to United States military forces serving in Vietnam, who were exposed to the chemical; and

WHEREAS, currently, thousands of United States veterans who served faithfully in Vietnam suffer from the effects of exposure to Agent Orange, which range from cancer to memory loss; and

WHEREAS, the Order of the Purple Heart for Military Merit, commonly called the Purple Heart, is awarded to members of the Armed Forces of the United States wounded or killed in battle; and

WHEREAS, the criteria for receiving the Purple Heart include injury caused by chemical, biological or nuclear agents released by the enemy and injury that is the result of friendly fire designed to inflict damage or destroy enemy troops or equipment; and

WHEREAS, American soldiers exposed to Agent Orange in Vietnam have received no medal or recognition for the injuries sustained by exposure to the chemical; and

WHEREAS, the fact that the United States Government, especially the United States Department of Veterans Affairs, provides medical treatment and financial compensation to American veterans who were exposed to Agent Orange and to their descendants clearly demonstrates that injuries from Agent Orange are deserving of recognition; and

WHEREAS, American soldiers suffering from the effects of exposure to Agent Orange in the Southeast Asia Theater of Operations should receive the Purple Heart in recognition of injuries sustained while standing in harm's way for their country; and

WHEREAS, Presidents of the United States have consciously and consistently denied these Vietnam veterans their right to receive the Purple Heart; and

WHEREAS, the Order of the Silver Rose, an informal society, exists for the exclusive purpose of recognizing those United States military personnel exposed to and suffering from the effects of Agent Orange as being deserving of the Purple Heart; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the President of the United States, George W. Bush, as Commander-in-Chief of the United States Military Forces, exercise executive privilege to right a wrong and order the Purple Heart awarded to those who were exposed to this cancerous agent while serving their country; and be it further

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

READ.

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

Representative LANDRY: Mr. Speaker, Ladies and Gentlemen of the House. If I may take just a moment of your time to thank you for your kind passage of this particular Joint Resolution. It is not secret that I have worked very hard for the last two years for veteran's causes. I am biased towards our veterans because I feel very strongly about my kinship with them. This Resolution will recognize the Order of the Silver Rose, which is a non-profit organization started by veterans that are victims of Agent Orange exposure. It will help to allow them to receive Purple Hearts that they are eligible for according to the criteria and which they have not been able to obtain from the last two administrations.

Once again, I thank you for all of your support in veteran's issues that are brought to the floor over the past two years. On behalf of the veterans that are in the Agent Orange Program and the veterans that live in our state that we have supported, I want to say thank you. We appreciate your attention. We appreciate your patience and we certainly appreciate your support. Thank you.

Subsequently, was **ADOPTED.**

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the members of the Deer Isle-Stonington Elementary School Chess Team, upon winning its 6th consecutive Maine Elementary State Chess Championship. The team members are Ian Pelletier, Andrew Babbit, Jay Boyce, Deven Haskell, Evan Rollins, Joe Brown, Chelsea Brown, Hayden Ciomei, Sam Grindle, Blake Bartlett, Goldie Garcia, Connor Morey, Janelle Ciomei and coach Richard Powell. The team placed 11th at the national championships held in Pittsburgh. The novice team, a part of the chess team, also won the state championship for the 8th consecutive year. We extend our congratulations to the team on these accomplishments;

(HLS 1456)

Presented by Representative PINGREE of North Haven.

Cosponsored by Senator DAMON of Hancock.

On **OBJECTION** of Representative PINGREE of North Haven, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Mr. Speaker, Men and Women of the House. This might start to feel a little bit like Groundhog Day, the movie. I don't know how many of you have seen that movie, but I stood here at a similar time last year congratulating a very similar looking team on a very similar looking team on a very similar title. It may be unbelievable to you, but the Deer Isle Stonington Elementary Chess Team has won the state championship for the sixth year in a row. I certainly won't make disparaging comments about any of your elementary chess teams, but Deer Isle Stonington certainly has been doing something amazing.

We just had our photo taken with the Chief Executive who was very pleased. He said, "How is it that you guys keep winning this thing?" A few of the kids commented that we are just better than everybody else. We are amazing. A few kids said it was something in the water. As many of you know, Deer Isle Stonington is well known for its many lobsters that are harvested every year. I have a feeling that these kids might consume a few more lobsters. The Deer Isle Stonington Island in general is chess crazy. If you go to their school there are chess boards on the tables in the cafeteria. Everywhere you go kids are playing chess. I have a feeling that just because these kids work very hard and know what they are doing.

After winning the state championship again for the sixth year in a row and that elementary novice team winning it for the eighth year in a row, these kids recently went to nationals in Pittsburg, Pennsylvania where they placed 11th out of 48 teams. I think we all in Maine can be very proud of this team for winning six years in a row, for doing really well in nationals and I am just really pleased to be here congratulating them today. I thank the chamber for their recognition as well. Thank you.

Subsequently, was **PASSED** and sent for concurrence.

Recognizing:

Peter Walsh, of Dresden, on his retirement from the Department of Human Services, where he currently serves as Deputy Commissioner for Policy and Program Operations, assisting the Commissioner in all aspects of the operations and

management of departmental programs. He recently held the position of Acting Commissioner, from February 2003 to February 2004. Before that he held the positions of Director of Family Independence from 1992 to 1995 and Director of Child and Family Services from 1977 to 1992. In addition to being a member of the Interagency Task Force on Homelessness, he is a senior staff member of the Governor's Children's Cabinet, a cochair of the Integrated Case Management Steering Committee, a member of the Children's Mental Health Oversight Committee and a member of the Department of Human Services' Diversity Awareness Steering Committee. We extend our appreciation to Mr. Walsh for his dedicated commitment to the citizens of the State and wish him well in his future endeavors;

(HLS 1458)

Presented by Representative GROSE of Woolwich.

Cosponsored by Senator HALL of Lincoln, Speaker COLWELL of Gardiner, President DAGGETT of Kennebec, Senator BRENNAN of Cumberland, Senator MARTIN of Aroostook, Senator WESTON of Waldo, Representative KANE of Saco, Representative DUGAY of Cherryfield, Representative PERRY of Calais, Representative CRAVEN of Lewiston, Representative EARLE of Damariscotta, Representative WALCOTT of Lewiston, Representative SHIELDS of Auburn, Representative CURLEY of Scarborough, Representative CAMPBELL of Newfield, Representative LEWIN of Eliot, Senator CATHCART of Penobscot, Senator ROTUNDO of Androscoggin, Senator TURNER of Cumberland, Representative BRANNIGAN of Portland, Representative MAILHOT of Lewiston, Representative COWGER of Hallowell, Representative DUDLEY of Portland, Representative FAIRCLOTH of Bangor, Representative PINGREE of North Haven, Representative ROSEN of Bucksport, Representative MILLS of Cornville, Representative MILLETT of Waterford, Representative O'BRIEN of Augusta.

On **OBJECTION** of Representative GROSE of Woolwich, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Woolwich, Representative Grose.

Representative **GROSE**: Mr. Speaker, Ladies and Gentlemen of the House. I wish Peter a wonderful retirement. Now it is time to relax and enjoy life to its fullest. Congratulations and thank you for all the hard work and dedication to the State of Maine and its people.

The **SPEAKER**: The Chair recognizes the Representative from Damariscotta, Representative Earle.

Representative **EARLE**: Mr. Speaker, Ladies and Gentlemen of the House. First, I would like to congratulate Peter on his retirement and wish him much success and happiness in the years to come. I met Peter for the first time early last year shortly after my appointment to the Health and Human Services Committee, which, as you know, has jurisdiction over the Department of Human Services where he was acting commissioner. During the most difficult months that followed, as we tried to balance a budget that had a huge financial deficit, Peter provided us with information that was needed to reach difficult decisions regarding cuts to programs. Throughout this most difficult process, Peter remained calm, cool and directly on task even in the face of much negative press. Knowing that there was going to be a merger of DHS and BDS, he stood his ground and weathered this storm. For this and many other actions well above and beyond the call, you earn my personal gratitude, admiration, respect and thanks. I know you have spent your whole career in service to the State of Maine and many of us sincerely thank you for your dedication and a job well done. All citizens in Maine are better for it. Tom Kane who couldn't be

present today sends his regrets for not being here and asks that I sincerely thank you for your long association with him during his career.

Finally, I want to express my thanks during our two-year acquaintanceship and developing friendship and being also available to assist our committee and doing your best to serve the people of our beloved state with caring and compassion. May your retirement be spent in part, at least, cruising the beautiful Kennebec, which lies almost at your doorstep? Thanks Peter and God bless.

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

Representative O'BRIEN: Mr. Speaker, Colleagues of the House. I am caught a little off guard. I didn't realize this was going to be on the calendar today. I am just going to wing my remarks. I have to go on record as saying thank you to Peter Walsh. I have known Peter long before I became a member of this body. I knew him when he was quite a fine softball player, but a terrible driver. Those of you who have been around any amount of time know that I have been quite vocal when it comes to DHS issues. I have to say that Peter has always been very open, honest and really, really listened to what we have had to say. He has earned my respect and admiration and I consider him a good friend. I wish Peter and his family well in the days ahead. Thank you, Peter.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Mr. Speaker, Ladies and Gentlemen of the House. I would like to add my words of congratulations and recognition to Peter Walsh to those who have already spoken. Peter is somewhat of a unique character in Maine State government having served in positions of leadership at the appointed level dating way back to 1977. Think about that and you realize that for a span of five administrations and 27 years he has served in positions in which he has been less than secure, always accountable and representing a leadership role in a very crucial department. His reputation for fairness, commitment, dedication and support of children's issues, in particular, will live for a long time. I wish him well. I recognize him for all that he has given to state government and wish him well in retirement. Thank you.

Subsequently, was **PASSED** and sent for concurrence.

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

Recognizing:

the members of the Deering High School Varsity Girls Basketball Team, who won the 2004 Class A State Championship: Katie Gagnon, Lucretia Joy, Stephanie Ramonas, Megan Urban, Tanya Joy, Catherine Joyce, Heather Linnell, Rashema Murphy, Maria Manduca, Jill Piacentini, Quintina Young, Sarah Deroche and Andrea Mailo; coach Mike D'Andrea; assistant coaches Kelly Burghardt, Billy Goodman and Jack Coyne; and manager Neenu Choolani. We send our congratulations and best wishes to the team on this accomplishment;

(HLS 1464)

Presented by Representative CUMMINGS of Portland.

Cosponsored by Representative DUDLEY of Portland, Representative EDER of Portland, Representative SUSLOVIC of Portland, Representative ADAMS of Portland, Representative NORBERT of Portland, Representative BRANNIGAN of Portland,

Representative MARLEY of Portland, Representative DAVIS of Falmouth, Representative MOODY of Manchester, Senator BRENNAN of Cumberland, Senator STRIMLING of Cumberland.

On **OBJECTION** of Representative CUMMINGS of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Cummings.

Representative CUMMINGS: Madam Speaker, Ladies and Gentlemen of the House. It is very fitting that we would have a female pro tem at this moment as we celebrate the excellent accomplishments of the Deering High School female basketball champions this year. It has been a long time since Deering High School has won a championship. It was so long ago that it was long before Representative Moody graduated from Deering back a few years ago. It is obviously a great moment of pride for us. It is an exceptional moment of pride that both Portland High School and Deering High School in a single year would have accomplished so much. We also specifically wanted to say that this is one of the few teams this year to win 17 straight basketball games. The final one against some very noble opponents at Cony High School. It is my privilege to present this Special Sentiment to them today and to honor the Deering High School Lady Rams.

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

Representative O'BRIEN: Madam Speaker, Colleagues of the House. I must admit that I was probably a little overconfident and a little braggart earlier in the season. I will be gracious in my remarks to the Deering High School Basketball Team. It was a great game. You did a wonderful job in defeating my team, the Cony High School Rams. I know we are not allowed to have props, but I have something on my desk for Representative Cummings and the entire delegation. I have one and Representative Cummings you can auction it off, raffle it or whatever among your fellow delegates. Again, I want to thank them for a wonderful game and offer my congratulations and a little bit of a warning. Cony High School Girl's Basketball Team has no seniors on the team. Thank you and congratulations.

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

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House. I just would like to point out that Mike D'Andrea is a former student of mine at Portland High School. Deering had to take a Portland High graduate to be champ. Congratulations to the team. Thank you.

Subsequently, was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-465)** on Resolve, To Increase Eligibility for Consumer-directed Personal Care Assistance Services To Promote Independence for Maine Citizens (EMERGENCY)

(S.P. 748) (L.D. 1904)

Signed:

Senators:

EDMONDS of Cumberland
STANLEY of Penobscot

Representatives:

SMITH of Van Buren
HUTTON of Bowdoinham
HATCH of Skowhegan

PATRICK of Rumford
JACKSON of Fort Kent
WATSON of Bath

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

Signed:

Senator:

BLAIS of Kennebec

Representatives:

TREADWELL of Carmel
CRESSEY of Baldwin
HEIDRICH of Oxford
NUTTING of Oakland

Came from the Senate with the Reports **READ** and the Resolve and accompanying papers **INDEFINITELY POSTPONED.**

READ.

Representative SMITH of Van Buren moved that the Resolve and all accompany papers be **INDEFINITELY POSTPONED.**

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

Representative SMITH: Madam Speaker, Ladies and Gentlemen of the House. The reason for the motion to Indefinitely Postpone this Resolve and the accompanying papers is that the Majority Report, which was presented in this Resolve sought to require the Department of Labor to be involved in rulemaking with regard to consumer directed personal care assistant services. In the budget, which is before us, under the filing number of (H-904) the language which we had sought to have included by this particular report is now in the budget. For that reason, this report is no longer necessary. We have moved Indefinite Postponement.

Subsequently, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Provide Property Tax Relief for Maine Residents and Businesses and Implement Comprehensive Tax Reform"

(H.P. 844) (L.D. 1141)

Signed:

Senators:

STANLEY of Penobscot
STRIMLING of Cumberland
NASS of York

Representatives:

LEMOINE of Old Orchard Beach
LERMAN of Augusta
COURTNEY of Sanford
CLOUGH of Scarborough
PERRY of Bangor
SIMPSON of Auburn
McCORMICK of West Gardiner
TARDY of Newport
SUSLOVIC of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-901) on same Bill.

Signed:

Representative:

McGOWAN of Pittsfield

READ.

Representative LEMOINE of Old Orchard Beach moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 775) (L.D. 1942) Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (S-508)

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence. **ORDERED SENT FORTHWITH.**

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 (11) **Ought to Pass as Amended by Committee Amendment "B"** (H-814) - Minority (2) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act To Permit Video Gaming for Money Conducted by Nonprofit Organizations"

(H.P. 996) (L.D. 1354)

TABLED - March 30, 2004 (Till Later Today) by Representative CLARK of Millinocket.

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

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

Representative GLYNN: Madam Speaker, Ladies and Gentlemen of the House. You have before you a bill that represents a major and expansive change to the gambling laws in the State of Maine which is going to open up all of our communities to slot machines. The proposal before you allows up to five slot machines to be located in all the non-profit paternal organizations in the State of Maine to have them located in your community, my community, our neighboring communities. It represents a very poor public policy decision. Gambling slot machines are illegal. These types of machines are illegal for these organizations. They cannot set these up wagering for money with cash payoffs like the Racinos. In the law that has been proposed by the committee, it is much weaker than the proposal that we considered just recently with LD 1820, which is to allow Racinos in the State of Maine.

I would like to go over some of those differences. The first difference is that under this amendment, and I urge people to dig it out and really take a hard look at the amendment that you are considering adopting. This is House Amendment 814. The payout on the slot machines is going to be 80 percent. Under the agreement that the same committee, the Legal and Veterans Affairs Committee recommended to you on LD 1820, they said it was unfair for a payout on the slot machine to be any less than

89 percent. That means that people who gamble on these slot machines are going to lose nearly 10 percent more money than Mainers who gamble on slot machines at the Racino.

Additionally, this Committee Amendment has gutted funding to aid compulsive gamblers. This bill amendment has changed since it was last before you. They have lowered the percentage for compulsive gambling to 1 percent. This compared to the higher percent in the original draft of the bill, this compared to 3 percent in LD 1820, the Racinos. I ask you, ladies and gentlemen, do you really believe that if we put slot machines in the non-profits in all of our communities that we are not going to have a problem with compulsive gamblers? Do you believe that we have a responsibility to make sure that those operators of these slot machines have a responsibility to, in fact, pay for the travesty caused by addictions to gambling? I say that we do have an obligation to require those funds.

Also contained within the language of this bill you should also be aware that you are only able to have these slot machines at a facility if you have a liquor license. The non-profit can have a liquor license and that is a decision that they need to make. They cannot have slot machines unless they also serve alcohol. Contained within this committee draft amendment if they lose their liquor license or they don't have a liquor license, they will be prohibited from having slot machines. We are saying with this legislation that gambling and booze go together. If you don't allow for the hard alcohol and you don't allow for alcohol in your non-profit, then you can't have slot machines. Thereby if you want slot machines, you must serve alcohol.

Again, I refer you to the committee draft to read the particulars of this. This is a bad bill for the State of Maine. The Committee on Legal and Veterans Affairs has been less than consistent. Does it make sense that for some slot machines the payout is 89 percent, but in these facilities it is going to 80 percent? Does it make it fair and is it correct that compulsive gambling funding is cut to 1 percent whereas with the other facility it will be 3 percent. I don't think that is correct. Additionally, you also need to know that this is enabling legislation that is going to an unfunded mandate to your communities. Did you know that if this law passes your community will have slot machines in them unless your community acts to prohibit it through costly and expensive regulations that they will all have to draft and implement at the local level. This is what this bill offers.

It offers slot machines and gambling in your community. It offers an unfunded mandate. It offers casino slot machines that don't pay out the same as that at the Racino. It offers a bad deal for the State of Maine. I hope that you vote against this amendment and you move on to the Minority Ought Not to Pass Report. Madam Speaker, when the vote is taken, I request the yeas and nays.

Representative GLYNN of South Portland **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 PRO TEM: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Madam Speaker, Men and Women of the House. The Representative from South Portland could not be further from the truth. This is not slot machines, ladies and gentlemen. These are video lottery terminals, which most of these organizations have right now. They are called gray machines, ladies and gentlemen. When you go to the American Legion in Millinocket or the Elks Lodge or any other non-profit

organization, which is a 5013C and they have a bar downstairs, they have a gray machine.

What this bill does is it has the potential of bringing revenue to those non-profit entities to provide more scholarship money and to provide more money to municipalities that they are located in. They can have up to five machines, which the state buys and they lease from the state. They have to abide by the liquor laws of the State of Maine. If you would like a VLT machine in your community or your non-profit organization, which is a 5013C, you will have to go to your town and apply just like you do with the liquor license. If the town refuses you, it goes to the state. The state, yes, can override that, but you have to have municipal approval by the town fathers in order to have a VLT license. The money at the end of the year is all gathered in by those machines.

I am just going to use Millinocket because that is where I am from for an example. Millinocket has three non-profit organizations that would qualify under this legislation. That is 15 VLTs if they choose to and be approved by the town council of Millinocket. They will be able to have 15 machines. At the end of the year the profit from those 15 machines will be dispersed through those non-profit organizations in scholarships and in community service with a percentage of that taken out. The other percentage of that taken out will be used for revenue sharing back to that community.

The good Representative from South Portland says that this is a mandate that it is going to hold the hands of the municipality. The municipality has the right to vote for or not to vote for them by the town fathers just like they do with any other restaurant, any other bar or grill that wants a liquor license. They have the same exact thing as what they do now. The VLTs are totally different than the slot machines. A VLT is a video lottery terminal. I imagine you have seen them. It is a little box is probably 15 x 15. It looks like a television screen. You go and touch a game like poker or something like that. A slot machine is either a handle or three pegs in front of you that you press. It is a totally different machine. We have gamblers addiction now. We have the lottery system where not one penny of that lottery revenue goes for gaming addiction. It is all right to play that without a gaming addiction. Those are sold at the supermarket and these little machines that look like arcades. They go and put a dollar in and press a button and get a lottery ticket. The non-profit organization has to have a 5013C organization. You have a non-profit that wants to have these machines in them. They have to have a liquor license because nine times out of ten it is in the basement of that non-profit.

You cannot have these machines and pick up and move like a carnival like with the quarter slots. You have to be an established non-profit in that community in order to have these machines.

Yes, this bill was debated. It was voted on by this body and the other body last year. It was voted overwhelmingly to support it on both sides. We brought it back and tried to do some fine-tuning like any other committee does within their committee of jurisdiction. After committee deliberation we came up with an 11 to 2 committee report. There were 11 ought to pass and 2 ought not to pass.

Every machine in that facility, a non-profit, will have a \$500 annual fee paid to the state. You have five, five times five is \$2,500. That fee goes to the state for administrative costs. Yes, the payback is less than a slot machine. You don't have 1,500 slot machines. The lottery system has a payback of 58 to 62 percent. In the lottery you have over a million people playing that a year. This is only 8 percent because not that many people play it. Right now they sit on the corner of a bar in a non-profit

organization where they cannot take any revenue from that and use it for scholarships or use it community services. All this bill does is to have them make it legal now so that they can have some money left over out of their budget to use for scholarships or community service. A town benefits from this also because they also get a percentage of the revenue sharing based on the number of machines in that municipality. Madam Speaker, I would like the Clerk to read the committee report please.

Representative CLARK of Millinocket **REQUESTED** that the Clerk **READ** the Committee Report.

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

Representative DAIGLE of Arundel inquired if a Quorum was present.

The Chair declared a Quorum present.

Representative DAIGLE of Arundel **APPEALED** the **RULING OF THE CHAIR**.

Representative DUNLAP of Old Town moved to **TABLE** the **APPEAL**.

The Chair ordered a division on the motion to **TABLE** the **APPEAL**.

A vote of the House was taken. 56 voted in favor of the same and 35 against, and accordingly the **APPEAL** was **TABLED** and later today assigned.

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

Representative **GLYNN**: Madam Speaker, Ladies and Gentlemen of the House. As we heard from the good chair of Legal and Veterans Affairs Committee, if your community rejects one of these so-called non-profits that are dealing in gambling, a license to have a slot machine that spits out money or a video gaming machine that spits out money, however you want to refer to it, then that is not the final decision. This bill takes away local control and local authority. All that the applicant needs to do is overrule your town council by going to the state under the provisions of this act. I don't know if that is something that you want to set up for your community, but I can tell you that is not something I would like to set up for my community. I think my town council is very able to make a decision as to whether or not they want video gambling machines in their community.

I would also like to point out that this bill was testified against by the State Police. It was also testified against by Michael Cantara, the Commissioner of Public Safety. Madam Speaker, I would like to pose a question through the chair. My question is to anyone that is on the Majority Report. I noticed that as was pointed out in the testimony on the floor that there is a large difference between the Racino legislation, LD 1820, voted out by the Legal and Veterans Affairs Committee and this one voted out by the Legal and Veterans Affairs Committee. I was wondering if they could explain to me why the payout for these video gambling machines should be at 80 percent whereas in the Racino it is at 89 percent and why compulsive gambling funding is set at 1 percent in this bill and a more realistic figure of 3 percent in the Racino legislation?

The **SPEAKER PRO TEM**: The Representative from South Portland, Representative Glynn has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Madam Speaker, Ladies and Gentlemen of the House. The good Representative from South Portland, like I said in my previous testimony, the reason for 80 percent is that these machines do not have the same numbers as the Racino machines. There are going to be up to 1,500 slot machines at the Racino place in Bangor, Bangor Historical Track. These are only going to be five in a non-profit organization. Another reason too are these VLTs, they do not spit out money.

It goes through a monitoring system where the state looks at it, takes the revenues and disperses it that way. There is no money spitting out. It is not like a slot machine where you see coins or credits flash up on the screen or anything else. It is centrally located.

Yes, the good commissioner of Public Safety, Commissioner Cantara spoke in opposition, just like with any other gambling bill that they had. They even spoke against the Powerball that we have in the budget. They even came and spoke against that, ladies and gentlemen. Michael Cantara wears two hats. The Department of Public Safety came and testified in opposition. It was the same exact group. The Department of Public Safety was the only group that came and testified against it. Like I said, they were against gambling. We had this public hearing last year. They came and talked about Racino. They came and talked about the Powerball. They came and talked about the VLTs. They came and they had one message and one message only. It was to oppose any sort of gaming in the State of Maine. If we had another bill to do with lottery tickets, they would probably have come and testified against that as well. That is a whole different body. That is the second floor.

The non-profit organizations out there help your communities. Like the good Representative from South Portland said, he wants to set a precedence. If the local communities deny this, they can appeal and go to the state. They do it already, ladies and gentlemen, with the liquor licenses. They do it already. If you don't want a liquor license in that bar down the street from you, you go and the town council denies it, then you go and protest to it and it goes to the state and the state can approve it. The state can also deny it. We go by the same guidelines of the liquor license.

Gambling addiction, we don't know what the money from the Racino part of it is. If you look at the citizen's initiative, 1371 for Racino, there is nothing to do with gaming addiction in that bill. LD 1820 which we are going to be dealing with in the future has money in there for gaming addiction. We don't know what that precise number is yet. Like I said earlier, the Lottery Commission doesn't have gamblers addiction funds for their gaming. You don't have gambling addiction funds out there. I see a lot more kids, 17 to 20 years old going to an arcade spending quarter after quarter after quarter in arcades. That is an addiction. There is no fund out there for those kids. They are taking your money, my money, their parent's money and putting it in an arcade. Are they having anything in return? No. This bill was put forth for the people of the non-profits.

I had a question asked of me, why do non-profits have bars in them? I will just name some examples, the American Legion, the VFW, the veteran's organizations, the Elks Club. The 5013Cs are these non-profit organizations. If any of you go home to your high schools during graduation, you will see that they give outstanding scholarships. With this bill in place, they can add even more to that, ladies and gentlemen. They can send more kids to college. They can also put more community services in the community that they have. I urge you to support the Majority Ought to Pass as Amended Report. Thank you.

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

Representative **ANDREWS**: Madam Speaker, Ladies and Gentlemen of the House. Just a point of reinforcement or a point of information, I served on the board of selectmen in my town for seven years. You need to be aware that usually the town quite often has no control over a liquor license unless you have specific zoning against it or you can prove that they have not abided by the noise ordinance and this sort of thing in the town. If this is going to follow whether you are for or against the video

machines, if your town is apt to want to be against it, they may not have that choice unless they already have zoning or some mechanism in place. Generally a liquor license is just a pass through when it comes up before the local council. Thank you.

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

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

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

Representative **BLISS**: Madam Speaker, Ladies and Gentlemen of the House. I have a three-part question that I am hoping someone who voted in the majority can answer for me. I am wondering if there are any age restrictions on the use of these machines that look, smell, talk and act like slot machines, but are called something different? The second question is whether there are any restrictions about where these can be placed and whether they can be in plain view of people walking by the building owned by or leased by the non-profit? The third question is whether or not the profit generated from these is required to go towards scholarship funds? Thank you Madam Speaker.

The SPEAKER PRO TEM: The Representative from South Portland, Representative Bliss has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Madam Speaker, Ladies and Gentlemen of the House. To the good Representative from South Portland, Representative Bliss, the machines are placed where the members of that organization, 21 years old or older and accompanied by that member to get into that establishment. That is right in the Committee Amendment. It also says that the proceeds have to go through the organizations scholarship fund and also through the community service and it is also dispersed through revenue sharing by the State of Maine.

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

Representative **DUPREY**: Madam Speaker, Ladies and Gentlemen of the House. I do have to agree to some extent with what the good Representative from Millinocket has said. I have seen, myself, in numerous amounts of scholarships year after year presented to high schools in East Millinocket and Millinocket and what monies those provide. As I look through this amendment, I have a couple of concerns about it. I would like to pose a question through the chair. First off, there was some reference made to, I believe it was called gray machines. If I could get a clarification on that, please? Also, how the actual payout on these machines will be done? There was reference made to a central agency of sorts. The substance abuse portion of this, it looks like there is going to be a position created to oversee that. If I could get some clarification on those points please?

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

Representative **CLARK**: Madam Speaker, Ladies and Gentlemen of the House. To answer the Representative from Medway, Representative Duprey's questions, gray machines are right now on the edge of bars and also non-profit organizations where you go in and you touch a screen and you can play basketball, baseball, poker and solitaire. It is already there now. You put in a dollar and you get credits. You play the machine and you don't get anything back. That money is used for the

purpose of those machines. They are legal in the state now. There has been machines, I can't remember the name of the establishments, but they did a back-door gaming with them where they use them to set them up and they have payouts on them just like a regular slot machine. They can be used like that, but that is illegal in the State of Maine. The gray machines already now are legal.

The mechanism for the payback is going to be at least 80 percent. It is \$5 maximum per bet. The machine may not accept more than \$20 at a time. The maximum prize is \$1,250. The player must be a member of the organization/guest, 21 years of age or older. Playing is only allowed during the hours when the organization is permitted to serve liquor. The licensee or operator may impose a time money limit not required in this bill. The allocation of the funds is that the percentage of the video gaming fund be created in this bill after expenses of administration, treasury deposit, state shares of the fund for local education, every June 30th beginning in 2005. They will be distributed to municipalities in proportion with the product or municipality's population multiplied by the property tax burden, which is revenue sharing. Two percent, which is reduced to 1 percent for compulsive gambling, DHS will administer the fund. Ninety percent of the licensed organization pays for the contract, distributor and funds, charitable activities of the organization.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Collins.

Representative **COLLINS**: Madam Speaker, Ladies and Gentlemen of the House. I know it is hard for some of you to believe, but I am a man in my mid-50s. I look much younger, but I realize that. I just wanted to bring to the body's attention that in my years I consider that I have been around a little bit. I have been to some of these non-profit organizations and partaken of the spirits. I have witnessed people playing the machines that are in these establishments now. I am further going to enlighten you to tell you that they, in fact, do pay off. A lot of the non-profit organizations in my county, York County, have been apprehended, taken to court and fined for paying off on these machines. They got caught. That by itself it not too bad, the money goes back into the community and how their raise it, I guess isn't too objectionable. We all gamble to a certain degree. I do. I gambled on the stock market the last couple of years and lost. Going into these non-profit organizations, I have witnessed people playing these video poker machines. They are highly addictive. I have witnessed it. I have talked to people who work in these establishments. They say the same person comes in every week. We cashed a check for them and they blow half or all of their check right there. That is too bad. Sometimes this particular person's husband or wife will call and protest and say, don't let them play this machine anymore. They spend all their money that they have earned for the whole week playing these machines. The non-profit organization will say that we will take some money down and buy them some groceries or whatever and everything will be all right for a while. That person will stay away for a while. He has been barred or she has been barred from coming in because of the problem they create with their compulsive behavior in playing these video poker machines. These video poker machines, games of chance in these non-profit organizations pay off. The ones that I have been into, they pay off a quarter, 25 cents, two bits, per point. They won't pay you off that day. It looks too conspicuous. They will call a bartender over and tally up the points. They will pay 25 cents a point. The next day that person will come back into the non-profit organization. There will be an envelope waiting for them behind the bar with their membership number on the outside of it. No name, but their membership number.

To say these non-profit organizations don't pay off now, it is a fabrication in somebody's mind. These non-profit organizations are in the gambling business now. This legislation will enhance them even more. It will create a situation where there will be more people gambling because now it is going to be legal if this passes and is signed into law by the Chief Executive on the second floor. I can't speak for the Chief Executive, but based upon his past performances, his past opinions against gambling, I would assume that he probably won't sign this. That is just an assumption on my part.

I would hate to think that we would go ahead and make these video poker machines, video slot machines, whatever you want to call them, legal. They will be showing up in your town. They will be showing up in your town because of the fact that these organizations are pretty well connected to municipal government. A lot of these people that run these non-profit organizations are nice people. They are volunteers within their organization. They are well connected. They will probably get the permission to go ahead and put these machines in the non-profit organization. You are going to have these in your towns. I don't want them in my town. I know what they do. They are bad for society and they are highly addictive. Thank you Madam Speaker for your time.

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

Representative LESSARD: Madam Speaker, Ladies and Gentlemen of the House. Just a point of information, for those that have never worked in a municipality in regards to liquor licenses, when an application does come in from a non-profit, an American Legion or whatever, a department head will submit memos and inspect the premises, especially the police department to make sure it is safe and secure and then the board of selectmen or your council will act on that and send it forward to the state. Regardless of how you feel about the machines themselves, at least it is going to be an environment that has been sanctioned to do that. I guess you can vote your conscience on the rest of it. I just wanted to clarify the liquor issue and why it is tied in. It is because you don't have another process to make sure the establishment is safe and secure. It is all tied in with the examination in regards to the liquor license. Thank you Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from China, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. I will be voting in favor of this Ought to Pass amended version. If the gray machines are paying out cash now, it is illegal and among other things, their liquor license is at risk. One of the things that a non-profit will have is they will have the control that the other machines throughout the state don't have. You have to be a member or you have to be with a member. At any time, the board of that non-profit can suspend you membership. If you come in and you lose the rent check, then your chances of playing those machines in that establishment are going to be reduced. The non-profit board and membership will take, I am sure, a very responsible look at who is playing their machines. They hold the key to who actually plays them. Again, I am going to vote in favor of this.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative PATRICK: Madam Speaker, Men and Women of the House. One of my claims to fame here in the House is I admitted to having 30 years experience in the Bingo game. That happens to be true. I happen to have 31 years in the fraternal game of non-profits. I have been a member of a

non-profit for 31 years. I have seen the full gamut. I will say that the good Representative who did have one person with a compulsive gambling problem is probably a fact. I wouldn't deny that. There are many problems because in human nature people can become addicted to anything. I once found myself addicted to golf. I played every single day of the week in rainstorms because I had to go play golf before I went home. Finally I cured myself of that. Guess what? I still enjoy the game. I am not addicted, but I still love the game.

We are talking about non-profits here. I don't know how many communities have non-profits, but I would guess if you are over 3,000 or 4,000 then every one that either has an American Legion of VFW, Eagles, a Snow Shoe or Calumet. There are many different non-profits. I bet they even have them in South Portland. I can't imagine that they don't have them in South Portland. There is probably a good chance that already you have a machine now that is not paying off or maybe it may be paying off illegally. We would like to correct that and make it legal so it can pay off.

Someone asked the question, what do you do with the money? Does it all go to educational scholarships? No, it doesn't. I have seen times when monies went to people who were burned out, cancer, brain injuries, you name it. If it is a good organization, the money stays in your community. The money is dolled out in your community by local people.

I supported the Racino issue and that is a publicly traded company, Penn National. They are going to take the profit from the people of the State of Maine and take it out of the State of Maine. Non-profits in your town and in your state will keep the monies there. Is it the best deal in the world? Probably not. Can we come back and correct some of the things that need to be corrected down the road? Yes, we can just like anything. Nothing is binding on the next Legislature.

They are going to be regulated a lot more than they are right now. They have these in a lot of the non-profits right now. Some people play them a lot. Some people play them a little. I happen to be on the little category myself. There are other things that I like to do.

We passed this in both houses last year. It sat on the Governor's desk and we pulled it back. At the time we had the Casino and Racino issues on the ballot. The people did speak and they did want a Racino. When they voted they actually wanted Racinos, but the good people in Legal and Veterans Affairs took a look at the southern Maine people and said we are not going to go there. We will just let the people in Bangor have theirs.

I would like to reiterate that we are talking about your non-profits in your communities. Chances are they probably already have them now. One of the problems we had in the past was bars, clubs, other organizations that weren't 5013Cs had these machines and we made them illegal. The State Police went in and grabbed them and took the machines. They were paying out heavily and they weren't giving any money back to charity. We stopped that practice. There are those in the State of Maine that have been charged and convicted and they paid the price for paying out. I hope none of them are, but probably some of them are.

I know what is going on in our American Legions and VFWs and a lot of the other non-profits in the state. Guess what? There aren't a lot of those people left to go to those clubs. Those clubs are on the brink of bankruptcy, at least half of them. We happen to have a couple large ones in our area. I don't think ours are doing great, but probably better than others because of Rumford's past history in enjoyment of horse racing, gambling and beano and tickets and everything else. I would urge you to

once again support this bill and get it on the Governor's desk. We will sign it and help our non-profits. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cornville, Representative Mills.

Representative **MILLS**: Madam Speaker, Men and Women of the House. We embarked on one of these noble experiments 25 years ago as was reported recently in the *Bangor Daily* in the editorial page of April 7. It recounts an interesting history where the state flirted with this idea of letting the so-called "non-profits" go ahead and set up what was at that time approximately 700 separate miniature casino operations throughout the State of Maine. I don't know how many people in this chamber remember it. It is lost in my memory. It is very well recorded in this interesting article. The people of Maine were so disturbed at who popped up as a non-profit. To be a non-profit about all you have to be is somebody who doesn't make a profit or says he doesn't make a profit and says that some portion of the revenue that they have coming in goes to some good purpose somewhere. After that, you can do anything you want to and be a non-profit. We throw this word non-profit around as if it were some sort of God like term that whoever is non-profit is sanctified, beatified. It is equivalent to some religious phenomenon. Let me tell you that it is just a phrase that some bureaucrat in the Internal Revenue Service uses to stamp a form that is supplied. It doesn't mean much of anything. What they found 25 years ago was that non-profits were springing up under the auspices of Las Vegas operators. There was a lot of revenue flowing through these machines and it didn't stay in Maine. It went west. You know where the money went. The people of Maine were so disgusted by it. The law was repealed and all 700 of these machines were put out of business. You know what? The so-called non-profits were so upset about it that they called for a public referendum. The people at referendum defeated them two to one and sent them packing. Now 24 or 25 years later, let's just start this noble experiment all over again as if we don't remember what happened then. As if we can't even remember the overwhelming vote against the casino last November. I don't think the people of Maine want us to do this. I can't understand why an apparent majority of the House and Senate are so out of touch, so dramatically out of touch with our own constituents. Our constituents don't want this. They have voted against it time and again. I think we should learn from our constituents and defeat this bill.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rumford, Representative Patrick.

Representative **PATRICK**: Madam Speaker, Men and Women of the House. Twenty-five years ago, I do remember that. I can even tell you what was on the machines at one of those so-called casinos. I played them a lot back then. I really enjoyed them. They had the neatest looking watermelons on the spin wheel that you have ever seen in your life. Yes, they did take them down back then. Twenty-five years ago we didn't even have computers. It took a whole room in a barn to fill in order to add up numbers. Now a days the Racinos and Casinos and that have such complex computers you couldn't jip them if you wanted to.

In the out of touch reality I guess everyone must have been confused. Racinos did pass, at least I think it did. I think that is why we are debating the bill down the road. I do think we aren't out of touch with reality. I think this is a good idea. I would move Ought to Pass.

The **SPEAKER PRO TEM**: 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. 447

YEA - Annis, Bennett, Blanchette, Bliss, Bowles, Brannigan, Brown R, Browne W, Bruno, Bunker, Canavan, Churchill E, Churchill J, Cowger, Craven, Cummings, Dugay, Dunlap, Duplessie, Earle, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Goodwin, Greeley, Grose, Hatch, Hutton, Jackson, Jennings, Kaelin, Ketterer, Koffman, Landry, Ledwin, Lerman, Lessard, Maietta, Mailhot, Makas, Marley, McCormick, McGlocklin, McGowan, Moore, Muse, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Perry A, Pineau, Richardson E, Richardson J, Rines, Saviello, Sherman, Smith N, Smith W, Sullivan, Tardy, Thomas, Thompson, Usher, Walcott, Young, Mr. Speaker.

NAY - Adams, Andrews, Ash, Austin, Barstow, Beaudette, Berry, Bierman, Bowen, Breault, Bryant-Deschenes, Bull, Campbell, Carr, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Davis, Dudley, Duprey B, Duprey G, Eder, Faircloth, Glynn, Heidrich, Honey, Hotham, Jacobsen, Joy, Lemoine, Lewin, Lundeen, Marraché, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Norbert, Peavey-Haskell, Percy, Pingree, Piotti, Rector, Richardson M, Rogers, Rosen, Sampson, Shields, Simpson, Snowe-Mello, Stone, Sukeforth, Suslovic, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Wheeler, Woodbury, Wotton.

ABSENT - Berube, Jodrey, Kane, Murphy, Perry J, Watson.
Yes, 73; No, 72; Absent, 6; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "B" (H-814)** was **READ** by the Clerk.

Representative **CLARK** of Millinocket **PRESENTED House Amendment "A" (H-830)** to **Committee Amendment "B" (H-814)**, which was **READ** by the Clerk.

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

Representative **CLARK**: Madam Speaker, Ladies and Gentlemen of the House. What House Amendment "A" does is correct some inconsistent language that was in Committee Amendment "B." This is what our analyst picked up. All this does is corrects the Committee Amendment. Thank you.

Representative **COLLINS** of Wells **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-830)** to **Committee Amendment "B" (H-814)**.

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

On motion of Representative **CLARK** of Millinocket, **TABLED** pending **ADOPTION** of **House Amendment "A" (H-830)** to **Committee Amendment "B" (H-814)** and later today assigned. (Roll Call Ordered)

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from North Haven, Representative Pingree, who wishes to address the House on the Record.

Representative **PINGREE**: Madam Speaker, Ladies and Gentlemen of the House. Had I been present for roll call 446, I would have voted yes.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative **LEWIN**: Madam Speaker, Ladies and Gentlemen of the House. Had I been present for roll call 446, I would have voted no.

The House recessed until the Sound of the Bell.

(After Recess)

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

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-904)** on Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005" (EMERGENCY)

(H.P. 1420) (L.D. 1919)

Signed:

Senators:

CATHCART of Penobscot
ROTUNDO of Androscoggin

Representatives:

BRANNIGAN of Portland
MAILHOT of Lewiston
COWGER of Hallowell
DUDLEY of Portland
FAIRCLOTH of Bangor
PINGREE of North Haven

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

Signed:

Senator:

TURNER of Cumberland

Representatives:

ROSEN of Bucksport
MILLS of Cornville
O'BRIEN of Augusta
MILLETT of Waterford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-904)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-904)** and later today assigned.

ENACTORS

Emergency Measure

An Act To Establish the Department of Health and Human Services

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

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Lerman.

Representative **LERMAN**: Mr. Speaker, Men and Women of the House. I rise to speak in opposition to enactment of LD 1913. I would like to make a number of points to that affect. I am going to take a couple of minutes, but I want to share with you a number of concerns I have regarding this. First of all, I am very, very concerned that we are moving down a path that is not in the best interests in the long run for our state. The fact of the matter is that I think we know very well in this state that bigger is not necessarily better. This is not to say that I am opposed to some of the attention that has been worked on very hard by very many people, many of whom I respect. There is no question that there is plenty of room for some major improvement in the ways that services are delivered both within DHS as well as BDS. At the same time I think that that effort will not be enhanced by combining these two departments. In fact, I would argue that the effect to streamline, increase efficiency and reduce costs of programs administered by those two departments will, in fact, be deterred or hindered by the enormous difficulty and the enormous attention that gets focused on mergers like we have suggested.

Another concern along those lines, which I think will be very much affected by the proposal is just the enormous challenge associated with combining two cultures that are very, very, very different. DHS is typically characterized as being fairly efficient in its own way, but really lacks a lot of compassion. BDS certainly has a lot of compassion and needs to improve the efficiency with which it administers its programs.

I am going to give you a couple of examples that I think exemplify the differences in culture. I want to let you know a couple of things around my background that are part of the reason why I am making these observations. Part of the reason why I am making these observations is I have lived in both worlds. A number of years ago I managed nursing homes. I had contact with DHS on a regular basis. I lived in the world of principles of reimbursement and really hard and fast regulations. On the other hand for the last 12 years I have been executive director of a variety of agencies that serve folks with developmental disabilities and have lived in the BDS world. They are very, very different places. I will give you an example of something on the BDS side. BDS for all its shortcomings has developed a relationship over the years where there is a cooperative relationship among families receiving services, the people who work for BDS and the provider community. An example of that is about a year and a half ago I got a call at quarter to five on a Friday afternoon from BDS saying that a family was at the emergency room at one of our local hospitals and could we somehow provide assistance to that family because they were having a very, very difficult time. On the basis of the relationship that we had with BDS, we were able to actually have staff available to that family within an hour and provided support over the course of the weekend because we understood that on the basis of the relationship that we had, the costs associated with providing that service would be covered.

On the other hand, I will give you an example of something that I experienced at DHS. In 1993, DHS changed the eligibility requirements for being in a nursing home. Some of you may recall that. It caused an enormous change in the whole nursing home field and, in fact, who qualified. While the policy was difficult, what I particularly objected to was the fact that there was no sensitivity on the part of DHS to the impact it was having on

people who, in some cases, had been in nursing homes for years. The result of that lack of sensitivity I personally know resulted in the deaths of at least two people. They were people who had lived in nursing homes for years for whom there was no grandfathering to be sensitive to that reality and who were forced out of what was essentially their home and within a matter of weeks died. It is that lack of compassion, lack of sensitivity on the part of DHS, which has put folks who have been served by BDS really on the edge of an enormous amount of fear because they are concerned that they are going to get consumed.

We had four community forums recently with the Governor's Office, a number of legislators went out and made themselves available to families and individuals who receive services from BDS through services provided to folks with developmental disabilities. There were over 100 people at each of those forums and in the case of Bangor there were nearly 250 people there. People kept saying that they had excellent relationships with BDS, not that there wasn't room for improvement. That is not an issue. They really had a very difficult time with DHS.

Someone at one of those meetings in Bangor said it well. There is concern that the heart of BDS will be lost within the culture of DHS. There is absolutely no doubt in my mind that some of the finer qualities of BDS has, the sensitivity to the challenges associated with working with folks with developmental disabilities will be lost when those functions and those programs are essentially absorbed by the Department of Human Services. The differences in culture have created an awful lot of fear. While the goal of streamlining services and the goal of redesigning the systems are very admirable, it is unlikely in this environment where there is so much emphasis on saving money, that that redesigned process will be done well. There is clearly a lack of trust among people out in the field, family members in particular, that this administration will, frankly, be able to accomplish the goals of unification in a way that in the long will be in the best interests of the people who need to receive services through the system.

I just want to emphasize again the lack of trust. I want to emphasize again that I believe the merger at this point will simply be a distraction. It will distract people's attention from what is fundamentally attempted to be accomplished here. Also, in terms of savings, I know there is \$5.6 million booked as administrative savings. At the DD caucus we have had both Valerie Landry who is the chair of the commission to look at unification as well as Peter Walsh, the former acting commissioner both say that those savings would not be realized. The administrative savings have been overstated and will not be realized as projected in the budget. I don't think the administrative savings are there.

I could go on for a while, but not as well prepared, frankly, as I would like to be. I have had the opportunity quite unexpectedly to work for 12 years now with folks with developmental disabilities. There is a tremendous amount of fear that what is unique to that culture and unique to the needs of those folks will be lost. I will give you a little bit of an example of what I tell my staff when I give them orientation. Thirty years ago people at Pineland, people who were residents of Pineland were bathed the following way. They took 25 people at a time. It didn't matter what the gender was. They put them in a room. They had them take off all their clothes. They took out a hose and hosed them down. That was the prevailing practice at the time in bathing people at Pineland. It wasn't the state and it wasn't the Legislature that decided that that practice wasn't appropriate. It was the courts. It was a class action suit that brought this to life and that essentially changed the course of the delivery of services to folks with developmental disabilities. I have had the good fortune to meet and become friends with a lot of folks with

developmental disabilities. What you need to recognize is that what you see in working and in meeting and in developing relationships with these folks is that what you see in their behavior is not their diagnosis. It is really what you see in their behaviors is more the result of the way that we as a society have treated people than it is their fundamental diagnosis.

Eighty-five percent of folks with developmental disabilities have been physically or sexually abused by the time they are 18 years old. Most folks with developmental disabilities are on medications that significantly influence their behavior in a way that is not desirable. We may have broken down the institutions, but we have created institutions through the use of medications. We still have people essentially locked up, except they are not in physical facilities, they are now in the community, but we are using medications to accomplish it. What I tell my staff is this. While we look back 30 years ago at the way people were treated with some horror, I believe that 30 years from now we are going to look back at what we are doing today as the same way. There is that much more room for being able to support people in way that allows them to live independently and to be contributing members to society.

I believe that unification of these two departments will lead to enormous steps backward in the progress that is being made in the mental health front and in the developmental disabilities front and will not serve in the long run this state very well. Thank you for your consideration. Again, I urge you to vote against enactment.

On motion of Representative DUPLESSIE of Westbrook, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

An Act To Encourage the Future of Maine's Dairy Industry
(H.P. 1445) (L.D. 1945)
(C. "A" H-883)

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

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services

(H.P. 1391) (L.D. 1867)
(C. "A" H-882)

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. 133 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

An Act To Clarify the Responsibilities under the Adult Protective Services Act

(H.P. 1287) (L.D. 1765)
(C. "A" H-887)

An Act To Amend the Protection from Harassment Laws

(H.P. 1410) (L.D. 1906)
(C. "A" H-840; H. "A" H-889)

An Act To Promote Economic Development in the State by Encouraging the Production of Electricity from Renewable and Indigenous Resources

(H.P. 1429) (L.D. 1929)
(C. "A" H-886)

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. **ORDERED SENT FORTHWITH.**

Resolves

Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices

(H.P. 1392) (L.D. 1868)
(S. "A" S-504 to C. "A" H-835; S. "A" S-503)

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

An Act To Ensure Disclosure of Prescription Drug Prices

(S.P. 736) (L.D. 1890)
(C. "A" S-496)

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

On motion of Representative BRUNO of Raymond, 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 Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. In my conversations with many of you who voted for this bill, it was relayed to me that there was a promise of millions of dollars in savings if this bill was to pass to the Medicaid budget. I guess my question would be, if that is the case, if that is true, why isn't there a positive fiscal note on this thing for millions and millions of dollars? Since I don't see a fiscal note at all on this bill, my guess is because that is not true. Hopefully I can have you really consider your actions on this bill, the impact it is going to have on pharmacies. I know you want to go after the pharmaceutical manufacturers. I know that is your intent, but pharmacies, the local people in Maine here who actually work in the state are the ones who are going to be impacted by this bill. I ask you to vote no on this bill and really consider what this bill does, which is really nothing.

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. There are three areas of this bill, which I would like to bring to your attention. The first area is the

effective date and funding mechanism. The effective date of this bill will not take affect until January of '05. How is it funded? It is funded only when the Attorney General has acquired a number of consumer protection litigations involving pharmaceutical pricing practices. General fund funding may not be used. That is in the amendment. General Fund funding may not be used. The amendment delays the effective date of this provision until 30 days after the commissioner of Human Services receives notice from the Attorney General that funds are available for the implementation of these provisions. Until he sues somebody and collects the money, there is nothing that can be done. He then has to notify the commissioner.

The second item is the confidentiality item. There are allegations that this bill violates federal regulations regarding confidentiality of proprietary information. This bill has been amended to try to forego that. What it says is that the commissioner will be given this information and may not disclose it to any person or department without the consent of the manufacturer. Disclosure can be made by the department to an entity providing services to the department. I think the confidentiality has been blown out of the water.

The third thing is it is not clear to me what we will do with this information. It certainly is not going to reduce the cost of medication. There is no fiscal note that shows any savings. I bring to your attention this. If this is good legislation, I challenge you to bring this to a serious legislator in another state and watch the reaction. I hope you will vote no.

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. 448

YEA - Adams, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Finch, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, McGlocklin, McKee, McLaughlin, Mills J, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Richardson J, Sampson, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Berry, Berube, Bierman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Crosthwaite, Curley, Daigle, Davis, Dugay, Duprey B, Fletcher, Glynn, Greeley, Heidrich, Honey, Hotham, Jacobsen, Joy, Kaelin, Ledwin, Lewin, Maietta, Marraché, McCormick, McGowan, McKenney, Millett, Mills S, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rogers, Rosen, Saviello, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Wotton, Young.

ABSENT - Cressey, Faircloth, Fischer, Goodwin, Jennings, Jodrey, Landry, McNeil, Rines, Sherman, Vaughan.

Yes, 71; No, 69; Absent, 11; Excused, 0.

71 having voted in the affirmative and 69 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.**

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

Representative NORBERT from the Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1418) (L.D. 1916)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (H-907)**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **Committee Amendment "A" (H-907) READ** by the Clerk.

Subsequently, the Bill was **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-907)** and specially assigned for Thursday, April 15, 2004.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Implement the Recommendations of the Governor's Task Force on ATV Issues"

(H.P. 1413) (L.D. 1912)

(C. "A" H-881)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-881) in the House on April 12, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-881) AS AMENDED BY SENATE AMENDMENT "A" (S-509)** thereto in **NON-CONCURRENCE**.

On motion of Representative DUNLAP of Old Town, the House voted to **RECEDE AND CONCUR**.

On motion of Representative JOY of Crystal, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR**.

The same Representative **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 to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 449

YEA - Adams, Andrews, Annis, Ash, Barstow, Beaudette, Bennett, Berry, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bull, Bunker, Campbell, Canavan, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cummings, Curley, Daigle, Davis, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Glynn, Greeley, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jacobsen, Kaelin, Kane, Ketterer, Koffman, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McGlocklin, McGowan, McKee, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting, O'Brien J, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rogers, Rosen, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Austin, Berube, Bierman, Bryant-Deschenes, Carr, Crosthwaite, Duprey B, Fletcher, Goodwin, Jackson, Joy, Peavey-Haskell, Richardson M, Stone, Treadwell.

ABSENT - Cressey, Jennings, Jodrey, Landry, Rines, Sherman, Vaughan.

Yes, 129; No, 15; Absent, 7; Excused, 0.

129 having voted in the affirmative and 15 voted in the negative, with 7 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

CONSENT CALENDAR

First Day

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

(S.P. 614) (L.D. 1682) Bill "An Act To Ensure the State's Commitment to Former Students Who Were Physically or Sexually Abused at the Governor Baxter School for the Deaf or the Maine School for the Deaf" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence. **ORDERED SENT FORTHWITH**.

ENACTORS

Resolve Pursuant to the Constitution

Public Land

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

(S.P. 775) (L.D. 1942)

(C. "A" S-508)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Require Surety Bonding by Payroll Processing Companies

(H.P. 1369) (L.D. 1843)

(H. "C" H-902 to C. "A" H-838)

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.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Ensure the Economic Viability of the Harness Racing Industry"

(H.P. 472) (L.D. 642)

Signed:

Senators:

LEMONT of York
GAGNON of Kennebec

Representatives:

CLARK of Millinocket
GLYNN of South Portland
BROWN of South Berwick
MOORE of Standish
BLANCHETTE of Bangor
CANAVAN of Waterville
LANDRY of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-906)** on same Bill.

Signed:

Senator:

MAYO of Sagadahoc

Representatives:

HOTHAM of Dixfield
PATRICK of Rumford
JENNINGS of Leeds

READ.

Representative PATRICK of Rumford moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative GLYNN of South Portland asked the Chair to **RULE** if **Committee Amendment "A" (H-906)** was germane to the Bill.

Subsequently, the Bill was **TABLED** by the Speaker pending a **RULING OF THE CHAIR**.

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.

Bill "An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners" (EMERGENCY)

(H.P. 1409) (L.D. 1903)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-860)**.

TABLED - April 13, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - ADOPTION OF HOUSE AMENDMENT "A" (H-875) to COMMITTEE AMENDMENT "A" (H-860). (Roll Call Ordered)

Representative DUNLAP of Old Town assumed the Chair.

The House was called to order by the Speaker Pro Tem.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Cornville, Representative Mills.

Representative **MILLS**: Mr. Speaker, Ladies and Gentlemen of the House. I just wish to say one or two words about this amendment. I know we had an intense and lengthy debate about the issue. I know that there are many people in this chamber who want to go down on record as being tough on our criminal population. They want people locked up. They want dangerous people incarcerated. They don't want them on the street. Frankly, it comes down to a matter of judging or making a judgment between cost on the one hand and severity of punishment or incarceration on the other. It disturbs me greatly that the people that propounded this amendment are the very same people who have said in response to Commissioner Magnusson who wants \$2.7 million to incarcerate his current population decently have said, no, you can't have the money. We are going to give you \$1.4 million and that is it. We don't care if they sleep on the floor or how they are treated. We are going to go on record as being tough on these folks and we are not going to give you the money to run a descent prison. I don't see how we can have this both ways. I think that the people that are saying that they want to harden up the report from the commission that unanimously voted for these provisions are talking out of both sides of their mouths when it comes to our incarceration and corrections policies. I think there has been an awful lot of thoughtful and good work that went into this unanimous report from the Committee on Criminal Justice. I am not always one to honor the work of committees. I think in this instance the care and the thoughtfulness and the consensus that was achieved is something that needs to be honored by this institution and particularly if in the alternative we are not prepared to appropriate the funds necessary to carry out the more severe policies that some in this chamber would like to see implemented. I think that we need consistency in policy making and to be consistent we should reject this amendment and go on to enact the bill as it was prepared, written and sent up to us after all that careful work and labor that went into the creation of it and the very hard work that went into achieving a complete consensus on the terms and conditions of this bill. Thank you Mr. Speaker.

The **SPEAKER PRO TEM**: A roll call having been previously ordered. The pending question before the House is Adoption of House Amendment "A" (H-875) to Committee Amendment "A" (H-860). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 450

YEA - Andrews, Annis, Beaudette, Bennett, Berry, Berube, Bunker, Campbell, Carr, Clough, Collins, Craven, Crosthwaite, Dudley, Dugay, Duprey B, Faircloth, Gagne-Friel, Greeley, Joy, Kaelin, Kane, Lewin, Marley, McGowan, McKenney, McNeil, Moore, Murphy, Muse, O'Brien J, Peavey-Haskell, Perry A, Rector, Rosen, Stone, Tardy, Thomas, Thompson, Trahan, Walcott, Watson, Wheeler.

NAY - Adams, Ash, Austin, Barstow, Bierman, Blanchette, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Canavan, Churchill E, Churchill J, Clark, Courtney, Cowger, Cummings, Curley, Daigle, Davis, Dunlap, Duplessie, Duprey G, Earle, Eder, Finch, Fischer, Fletcher, Gerzofsky, Glynn, Grose, Hatch, Heidrich, Honey, Hotham, Hutton, Jackson, Jacobsen, Ketterer, Koffman, Ledwin, Lessard, Lundeen, Maietta, Mailhot, Makas, Marraché, McCormick, McGlocklin, McKee, McLaughlin, Millett, Mills J, Mills S, Moody, Norbert, Norton, Nutting, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry J, Pineau, Pingree, Piotti, Richardson E, Richardson J, Richardson M, Rogers, Sampson, Saviello, Shields, Simpson, Smith N, Smith W, Snowe-Mello, Sukeforth, Sullivan, Suslovic, Sykes, Tobin D, Tobin J, Treadwell, Twomey, Usher, Woodbury, Wotton, Young.

ABSENT - Cressey, Goodwin, Jennings, Jodrey, Landry, Lemoine, Lerman, Rines, Sherman, Vaughan, Mr. Speaker.

Yes, 43; No, 97; Absent, 11; Excused, 0.

43 having voted in the affirmative and 97 voted in the negative, with 11 being absent, and accordingly the motion to **ADOPT House Amendment "A" (H-875) to Committee Amendment "A" (H-860) FAILED.**

Representative BLANCHETTE of Bangor **PRESENTED House Amendment "B" (H-884) to Committee Amendment "A" (H-860)**, which was **READ** by the Clerk.

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

Representative **BLANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. This is a technical amendment to this LD. When we were going through the bills and working the bills we changed the language in one portion of the bill and omitted the change in the second part of the bill. This is just a technical change to correct the language. Thank you.

House Amendment "B" (H-884) to Committee Amendment "A" (H-860) was ADOPTED.

Committee Amendment "A" (H-860) as Amended by House Amendment "B" (H-884) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-860) as Amended by House Amendment "B" (H-884) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Joint Select Committee on **REGIONALIZATION AND COMMUNITY COOPERATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-510)** on Bill "An Act To Promote Intergovernmental Cooperation, Cost Savings and Efficiencies" (S.P. 767) (L.D. 1930)

Signed:

Senators:

DAMON of Hancock
ROTUNDO of Androscoggin
WOODCOCK of Franklin
BLAIS of Kennebec

Representatives:

McLAUGHLIN of Cape Elizabeth
SUSLOVIC of Portland
TARDY of Newport
MILLS of Farmington
BARSTOW of Gorham
BOWEN of Rockport
O'BRIEN of Lewiston
KOFFMAN of Bar Harbor
BENNETT of Caribou

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

Signed:

Representatives:

PEAVEY-HASKELL of Greenbush
MURPHY of Kennebunk

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-510) AS AMENDED BY SENATE AMENDMENT "A" (S-517)** thereto.

READ.

Representative McLAUGHLIN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **CARR**: Mr. Speaker, Men and Women of the House. I just want to take a couple minutes to talk about this. The rural caucus has been fortunate to have members of the Regionalization Committee attend our meetings for the last several days to discuss this particular bill and one other one that we will probably be seeing later to advise us what was in it and they have actually made some amendments and some adjustments to some of our concerns. I still have some concerns. I just want to share those with you. The biggest one that I have is the fact that there is \$3.5 million that is taken off the top of GPA that would normally go to school districts that are in dire need of the money, especially this year, to be dispersed for different schools that would participate in the consolidation efforts.

On **POINT OF ORDER**, Representative McLAUGHLIN of Cape Elizabeth asked the Chair if the remarks of Representative CARR of Lincoln were germane to the pending question.

The Chair reminded Representative CARR of Lincoln to stay as close as possible to the pending question.

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

Representative **CARR**: Thank you Mr. Speaker. I think I was doing fine until I mentioned GPA. I will reserve my comments until it does come up. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. This bill is just as bad as the one that Representative Carr was referring to. I would like to make a few comments on it. This is another one of those bills where everything is supposed to be voluntary. This advisory committee that is supposed to be formed here will have the authority to present legislation to this body. I realize that anybody in the state can present legislation to one of the legislators and ask them to put it in for them. This is not going to be a voluntary activity. It is going to be a top down activity.

The biggest problem that I can see here is that it eliminates the chance for local and county and state governments to really branch out and work on their own. Two of the members of this advisory committee are to be members of our regional development group that we have. One of the problems that I have with that organization or any of those organizations being put on this advisory committee is that they always have a two-fold purpose. Anytime that they are working toward development or anything of this nature, they are also working towards raising money to make sure that they perpetuate their job. I know. I have worked with them many times and have made that statement and they never deny it. It is there.

The other thing I have is the problem with two non-governmental organizations being on here. One a non-profit and one for profit. I can see right away just exactly what direction that will lead the advisory committee.

Ladies and gentlemen, again, as I said, this bill is every bit as bad as the other one that will be forthcoming and certainly does not deserve the consideration of this body. I urge you to defeat

this motion and go on and accept the Minority Report. I would like a roll call.

Representative JOY of Crystal **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 PRO TEM**: The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Mr. Speaker, Men and Women of the House. In deference to the Representative from Crystal, Representative Joy, I would like to point out on Page 6 of the Committee Amendment under Section 2201 and how it states in that that it is the purpose of this chapter to permit to public agencies as defined in Section 2202, including, but not limited to, municipalities, counties, school administrative units and state agencies to make them the most efficient use of their powers by enabling them to cooperate with each other. This is not dictating that this will be a top down approach from the state, rather this is a method for us to bring all three levels of government together so that they can cooperate and facilitate their actions together as one.

I see it as a communication venue and it is something that did receive bipartisan support among the group. I would encourage this Legislature and my colleagues to follow my light and support the Majority Ought to Pass as Amended Report so that we can facilitate this discussion and further move all three levels of government together autonomously in our endeavors to further the interest of the people of the State of Maine. Thank you Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: Mr. Speaker, Ladies and Gentlemen of the House. I will also speak to this just for a second, especially with regard to the top down. This committee was created and given a specific mandate by this institution. This committee's mandate was to look for obstacles that are preventing governments, county, state, local, municipal from working cooperatively with each other to cut costs, improve services or both. We had public hearings and we heard about a lot of obstacles. We heard about geography and we heard about history and we heard about tradition and we heard about state meddling and we heard about the heavy hand of government and we heard about a lot of things. Mostly what we heard about though were two things, trust, which was lacking and also the concern that the state if it got mixed up in the middle of this would begin to mandate what was going to happen in term of regionalization. When we sat down to put together a bill, we wanted to address the trust issue and we wanted to avoid the issue of the top down fear that we heard from governments around the state. What we created was an intergovernmental advisory commission. It is the same thing that exists in 30 some odd other states. It has equal representation from all three levels of government. There are three members of state government, three members representing regional government, county and regional bodies of one type, sort or another and five members representing municipalities, local government, school boards and that type of thing. Two other members were brought on because of the expertise that it was hoped that they would bring in the private sector and expansion, regionalization of businesses and consolidation and those kinds of things and the same for the private sector. It was specifically not the intent of this committee to create a body here in Augusta that would dictate to counties and to towns how they are to deliver services. All this bill does if you look at it carefully is put together a board that has virtually no

power, quite frankly. It can suggest legislation just like anybody in this room can. It can conduct investigations. It can do task forces. It could do pilot projects. Mostly what it is to do is to get these people around a table together. What we heard is that that does not happen as often as it probably could. We found models around the state where it works very well. Towns or counties or regional entities of one kind or another work very well together. We simply wanted to figure out a way to get these people around a table. That is all this group does. There is no state agency. There is no Department of Consolidation that we are creating out of this. We are creating a body whose job it is to sit around a table and figure out how to do government better and that is all. I would respectfully ask that you support the pending motion, put this body into place so that it can begin work of restructuring how we deliver services in this state. That is something if you look at the budget calamity we are facing, it is something that we desperately need to do. Thank you Mr. Speaker.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. I am a little concerned. In the summary it says the amendment removes the requirement for county residents to vote to create a charter commission. I believe our county, Cumberland County, just voted not to create that commission. Does this take the right of the voters of the county away from them when they say they don't want to change their charter? It appears so and I would like to ask that question through the chair.

The **SPEAKER PRO TEM**: The Representative from Windham, Representative Tobin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gorham, Representative Barstow.

Representative **BARSTOW**: Mr. Speaker, Men and Women of the House. That provision is put in there as we discussed cooperation amongst the three levels of government. One of the things that came up was a lot of the unfair provisions that are currently in statute regarding county government. Another thing that came up for discussion was the fact that whereas the other two levels of government being state government and municipal government a lot of times have governing documents such as charters. County government was very prohibited with regards to being able to initiate a process to form its own governing document.

I would like to clarify and this was very particular. This question was asked several times while we were working on the regionalization committee. Does the charter still go out to the voters? The answer is yes. The final product does have to go to the voters and we all were very supportive of that. Again, there was bipartisan support on the committee with regards to changing this provision. We feel that in order to gain that trust that the good Representative from Rockport was speaking about, that this provision had to be placed in to help us move forward with further community cooperation. Thank you Mr. Speaker.

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. Not to be stuck on this issue, but it appears to me that if the residents of a county vote not to open their charter or not to write a charter, that this takes that power away from the people of the county and therefore I will be voting against this bill.

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

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. Representative Tobin beat me to the punch on this

one. As I was reading the bill over, I noticed that you are going to allow county commissioners to open up a charter when just four or six months ago the voters of Cumberland County rejected it. We have three members on this committee from Cumberland County who think that is okay. Fifty thousand people voted not to do it and we are disregarding what those people told us. I can't support this, not when the voters of a county said no. What are we doing? The rest of the bill is fine. To put in that one section that says that I don't care what the voters said, we are going to do this anyway and then we will let them vote on the charter later on. It is wrong. You have been sent a message from the voters of Cumberland County and you are disregarding it. I am disappointed Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative MCKENNEY: Mr. Speaker, Ladies and Gentlemen of the House. I come from a town that has pioneered the concept of regionalization and we did that without any other government interference. I think left to their own devices these towns can figure this out on their own. Through the vision of our own town councilors probably because the cost of government got too high, they have decided to regionalize with the towns around them all by themselves. I am voting against this because I think towns can do this without our help.

The SPEAKER PRO TEM: 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. 451

YEA - Adams, Ash, Barstow, Beaudette, Bennett, Blanchette, Bliss, Bowen, Brannigan, Breault, Bull, Bunker, Canavan, Cowger, Craven, Cummings, Dudley, Dunlap, Duplessie, Duprey G, Earle, Faircloth, Finch, Fischer, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Koffman, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McKee, McLaughlin, Mills J, Mills S, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson J, Sampson, Saviello, Simpson, Smith N, Smith W, Sukeforth, Sullivan, Suslovic, Tardy, Thomas, Thompson, Usher, Watson, Wheeler, Woodbury, Wotton, Mr. Speaker.

NAY - Andrews, Annis, Austin, Berry, Berube, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Crosthwaite, Curley, Daigle, Davis, Duprey B, Eder, Fletcher, Glynn, Goodwin, Greeley, Heidrich, Honey, Hotham, Jacobsen, Joy, Kaelin, Ketterer, Ledwin, Lewin, Lundeen, Maietta, McCormick, McGlocklin, McKenney, McNeil, Millett, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Richardson E, Richardson M, Rogers, Rosen, Shields, Snowe-Mello, Stone, Sykes, Tobin D, Tobin J, Trahan, Treadwell, Walcott, Young.

ABSENT - Bierman, Brown R, Cressey, Dugay, Jodrey, Landry, McGowan, Patrick, Rines, Sherman, Twomey, Vaughan.

Yes, 76; No, 63; Absent, 12; Excused, 0.

76 having voted in the affirmative and 63 voted in the negative, with 12 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-510)** was **READ** by the Clerk.

Senate Amendment "A" (S-517) to **Committee Amendment "A" (S-510)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-510) as Amended by **Senate Amendment "A" (S-517)** 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-510) as Amended by Senate Amendment "A" (S-517)** thereto in concurrence.

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

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

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.

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-489) - Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Amend the Laws Relating to Property Insurance"

(S.P. 692) (L.D. 1853)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-489)**.

TABLED - April 7, 2004 (Till Later Today) by Representative O'NEIL of Saco.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-489)** was **READ** by the Clerk.

Representative O'NEIL of Saco **PRESENTED House Amendment "A" (H-908) to Committee Amendment "A" (S-489)**, which was **READ** by the Clerk.

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

Representative O'NEIL: Mr. Speaker, Ladies and Gentlemen of the House. This is the amendment that we waited for on the unanimous report. Subsequent to the law court's decision of last week, this is the agreement that was reached on the semantic difference. Everything is in order. This bill is fabulous. Let's go with it.

House Amendment "A" (H-908) to Committee Amendment "A" (S-489) was **ADOPTED**.

Committee Amendment "A" (S-489) as Amended by House Amendment "A" (H-908) 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-489) as Amended by House Amendment "A" (H-908)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-858) - Committee on INLAND FISHERIES AND WILDLIFE on Bill "An Act To Revise the Fish and Wildlife Laws To Complement the Recodification of Those Laws"

(H.P. 1421) (L.D. 1920)

TABLED - April 7, 2004 (Till Later Today) by Representative DUNLAP of Old Town.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-858)** was **READ** by the Clerk.

Representative DUNLAP of Old Town **PRESENTED House Amendment "A" (H-915) to Committee Amendment "A" (H-858)**, which was **READ** by the Clerk.

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

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

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

Representative **CARR**: Mr. Speaker, Ladies and Gentlemen of the House. On House Amendment "A" with a filing number of (H-915), Item number 23, which is the back page, may I inquire if this is the same item that was before Judiciary on the Errors Bill?

The **SPEAKER PRO TEM**: The Chair would answer in the affirmative.

House Amendment "A" (H-915) to Committee Amendment "A" (H-858) was ADOPTED.

Committee Amendment "A" (H-858) as Amended by House Amendment "A" (H-915) 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" (H-858) as Amended by House Amendment "A" (H-915)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Establish the Gambling Control Board To License and Regulate Slot Machines at Commercial Harness Racing Tracks" (EMERGENCY)

(H.P. 1342) (L.D. 1820)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868) in the House on April 12, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-868) AS AMENDED BY SENATE AMENDMENT "C" (S-515) thereto AND SENATE AMENDMENT "A" (S-519)** in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Bill "An Act To Protect Public Health and the Environment by Providing for a System of Shared Responsibility for the Safe Collection and Recycling of Electronic Waste"

(H.P. 1402) (L.D. 1892)

Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **NATURAL RESOURCES** in the House on April 8, 2004.

Came from the Senate with Report "A" (9) **OUGHT TO PASS AS AMENDED** of the Committee on **NATURAL RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-861) AS AMENDED BY SENATE AMENDMENT "A" (S-516)** thereto in **NON-CONCURRENCE**.

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

On motion of Representative BRUNO of Raymond, the House **RECONSIDERED** its action whereby it voted to **RECEDE AND CONCUR**.

Representative KOFFMAN of Bar Harbor **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 PRO TEM**: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. This bill proposes to enact a system requiring manufacturers to recycle electronics, for example, TVs and other computers. I support the concept of this bill. To the few of you who are still in this chamber, I would like to discuss about some of the problems with the Majority Report. The basic premise of this report is to have the DEP given the authority to ban the sale of products in the State of Maine. It will be their decision which manufacturers have stepped forward and offered to enact a recycling program meeting their standards and all that do not meet that requirement will no longer be allowed to be in business.

It is important to understand that the bill that is before us has many serious technical flaws. For example, it refers to the collection of computers that may be considered orphan waste. That is for manufacturers that are no longer in business. However, it does not accurately address the scenario of abandoned waste.

Let me get to the point on this. This bill is heavily flawed. Its concept is sound, but it has significant errors. If it is enacted as it currently stands, I believe there will be chaos in our municipalities that try to follow it. I believe there will be chaos in our retail sectors that try to satisfy the customer by knowing what products they can sell and what products they should not sell. I believe the manufacturers in the United States that are honest and hardworking and responsible manufacturers will be stigmatized to the effect that irresponsible manufacturers overseas selling on the Internet, selling by mail order or through catalogs will end up having a market incentive that we cannot stop and that the decay of the US manufacturing sector will only be accelerated. Municipalities will be stuck with incredible recycling costs that they will have no control over. People could be back here before the body asking us just how incompetent could we be to put a bill out as it is currently structured. I encourage you to vote against the pending motions so that we can take the 48 hours or more that may be left to us and come up with a solution to these problems.

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

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I am especially pleased and proud to recommend this legislation to my colleagues in the House. The development of this bill, I think, was one of the more exciting pieces of legislation that I have the privilege to work on. It was developed in a very collaborative spirit. Most significantly, that collaboration was led by industry and in particular the Hewlett

Packard Company who had been planning and working toward taking manufacturing responsibility for their product, developing subsidiary operations to recycle their product and reuse material, collect hazardous wastes and deal with the product from cradle to cradle. This bill had other forms. In its original form, the consumer would have had more responsibility for the cost of dealing with the recycling of computer screens, TV screen and tubes. A member of our committee convinced us that the most appropriate way to go was to have manufactures take responsibility, certainly the cooperation of our municipalities and our consumers, but not burdening our municipalities with the costs and not creating a state bureaucracy to deal with it and allowing the free market to work. I was so excited that a free market and an enlightened free market, recognizing the opportunity they have to deal with these wastes as is occurring in the European union today and is expanding. Hewlett Packard wants to step up to the plate and lead the way. I am really grateful to them that they want to do that. We expect others to follow suit.

I also like this bill very much because it is simple and straightforward. It doesn't levy any tax on the citizenry. The municipalities are held harmless. This is a bill, I think, that should appeal to your constituents and will lead the way towards getting what will amount to be hundreds of thousands of computers stockpiling in our state that have with them something like five to eight pounds of lead. Last year we passed a unanimous committee report in this body to stop the land filling of computers and the incineration of them to keep those heavy metals and toxics out of the air stream.

The second part of that bill calls for the study that lead to this bill, the stakeholder process that lead to this bill. It has had an interesting journey. Frankly, I am thrilled with it. I hope many of you are too. I recommend it to you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Saviello.

Representative SAVIELLO: Mr. Speaker, Ladies and Gentlemen of the House. Today I rise in opposition to this Majority Ought to Pass Report or the Recede and Concur motion. Before I do that I want to make sure that everybody understands that I am fully in favor of any kind of bill that helps manage household hazardous waste. Unfortunately much of the public does not realize that simple things like an incandescent light bulb, a recyclable battery are hazardous wastes if they are disposed of properly because they are exempt from the hazardous waste regulations. I believe that the only way we can make them realize that is to have them participate in the process of managing those hazardous wastes. We cannot continually ask the manufacturers to do that. In the same breath, as the good Representative from Bar Harbor mentioned, we need to recognize those manufacturers who are unwilling to do a good job and allow them to come into our market place. Unfortunately this particular report as proposed right now will force all manufacturers to participate and I don't think that is the right thing to do. Thank you very much Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Fletcher.

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

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

Representative FLETCHER: Mr. Speaker, Ladies and Gentlemen of the House. My question is, how many other states have a program that is proven workable, the same as being proposed in the Majority Report? Thank you.

The SPEAKER PRO TEM: The Representative from Winslow, Representative Fletcher has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative KOFFMAN: Mr. Speaker, Ladies and Gentlemen of the House. A number of states are now working on legislation. The State of Minnesota and the State of Maine will be the first to operate a program on this basis. We may be the first couple of states in the nation, but we surely won't be the last. As I mentioned earlier, I think what recommends this piece of legislation is its simplicity and the clear responsibility and the prevention of taxing the citizenry for handling this waste. It keeps it in the private sector. It keeps us away from creating a bureaucracy of waste management for the million computers we will have by 2010 stockpiled in the State of Maine. Thank you.

Representative BULL of Freeport REQUESTED that the Clerk READ the Committee Report.

The Clerk READ the Committee Report in its entirety.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gray, Representative Austin.

Representative AUSTIN: Mr. Speaker, Ladies and Gentlemen of the House. I would like to refer your attention to a previous piece of information that came across your desk. If you will notice, it was a letter from Mardens and signed by their President and CEO, Paul Lapage. I would just like to explain a few things to you about Mardens. Mardens employs upwards of 800 people in the State of Maine. They are a stable family owned business that is located within 10 of our communities in this state. They employ young teens. They employ middle management people and they employ senior citizens to help supplement their income. They are an unusual type of retail. They bid and are awarded large stocks from insurance companies, salvage companies and bankruptcy. One of the most positive aspects of Mardens is they have been able to offer such affordable merchandise that allowed Maine people the opportunity to have particular merchandise that they otherwise would never have been able to have had or afford.

I would like you to consider what this piece of legislation will do to this type of company. You may have heard otherwise that this will not affect them. I believe that is to the contrary and I wish you to please take that into consideration as we look to these retailers. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative McKenney.

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

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

Representative MCKENNEY: Mr. Speaker, Ladies and Gentlemen of the House. As I understand this bill, it requires companies to sign up and promise to recycle their products. What would happen if a new manufacturer showed up, promised to recycle the equipment they make and after five years disappears? How does that equipment get taken care of?

The SPEAKER PRO TEM: The Representative from Cumberland, Representative McKenney has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bowdoinham, Representative Hutton.

Representative HUTTON: Mr. Speaker, Men and Women of the House. I am actually trying to answer a question that came before the good Representative asked his. I just would like to address that. The Mardens letter is a bit misleading. I would just like to clear up a few things. First of all, Mardens deals with

salvage. The salvage market is exempt in this bill. The prohibition only applies to non-compliant manufacturers who offer products to sell, not to salvagers or retailers that buy salvage equipment. The prohibition applies from the manufacturer to the retailer. The prohibition does not apply from the salvage market to the retailer. That is just one thing that I would like to clear up.

While I am up I would also like to address the Renys question which was also put out in the same piece of information. They talk about the retail recycling fees and consumers traveling to New Hampshire, the retail fees were taken out of the earlier version of the bill. The Majority Report has no fees.

I would also like to address a letter that was circulating around for the last couple of days from the glass molders, pottery, plastics and Allied Workers International Union. As you know, I serve on the Labor Committee and I was sort of shocked to see this piece of information saying that it was all about jobs and that good union workers were going to lose theirs because of this. I was happy to see today that they have taken a look at the bill and as I am quoting from the letter, "We no longer oppose this bill, because it will in all likelihood prove beneficial to both our members and the State of Maine." I appreciate their letter. Thank you Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Collins.

Representative COLLINS: Mr. Speaker, Ladies and Gentlemen of the House. My community, the Town of Wells, currently, I believe, are recycling this type of waste now. I think if we could do a straw poll here this evening, I think we would find that a lot of communities, regardless of size, are currently doing that now. From the location of the recycling center in my community, I am not sure what happens to it. I think there is some kind of recycler picking everything up. There are TVs, computer monitors. A lot of electronic gear is segregated in my landfill. It is not a landfill any longer. It is now a recycling center. I stand corrected on that. It is being taken and dismantled somewhere. Worthwhile valuable components are being used and recycled in some manner.

It has been mentioned earlier this evening that we would be one of the first states to put into play a law like this. I think that is a bad move. I think we should sit back and wait a little while and see what the other states come up with before we go forward and put something in play we are not sure about yet. I think perhaps we ought to sit back and wait for a little while. I think that is prudent in this position of very complicated legislation involving a lot of different components of the trade.

I think back to when we were going to put into play the auto test. We had to be the most strict. We put in the strictest regulation much like the State of California had. It didn't work. I think we were too quick to react. I think a little patience in this arena would be the right thing to do. Thank you.

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

Representative DAIGLE: Mr. Speaker, Men and Women of the House. I rise to answer the question from my good friend, Representative McKenney. The Representative asked about a company which would start up, sell products and then not be around when the recycling would be required. That is exactly one of the flaws in this Majority Report, which I think needs to be addressed before we can report out. Television sets typically have a life from 10 to 15 years. Computers have a shorter life of five years. When you go to the department store, look at the brand names. There are many brand names that didn't exist five years ago and certainly not 10 years ago. This is the problem. Overseas manufacturers will start up a business, commit to

recycling, but not be around when that bill comes due. I believe that we unfairly tax Maine's municipalities.

Mr. Speaker, I would also like to respond to the question that was answered by my good friend from Bowdoinham, Representative Hutton. You can imagine my reluctance to challenge her experience in the business community. The Mardens store is a retailer. The definition of a retailer is based upon the fact that they buy products without paying sales tax and when they sell it, they do charge sales tax. Mardens is a retailer. That is why they are concerned about this. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Jacobsen.

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

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

Representative JACOBSEN: Mr. Speaker, Ladies and Gentlemen of the House. If we are able to ban products from being sold in Maine, can we ban retailers from New Hampshire from advertising in Maine?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Rogers.

Representative ROGERS: Mr. Speaker, Ladies and Gentlemen of the House. We are going to put more control on Maine business. We have enough problems today that we have created. I would like to know how we are going to control what is being sold over the Internet? That is a wide open venue that we have no control of. Thank you.

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

Representative KOFFMAN: Mr. Speaker, Ladies and Gentlemen of the House. I appreciate your patience. There have been a number of points raised. I want to address at least a couple of them. The good Representative from Wells, Representative Collins, did mention that some communities have been recycling and handling electronic waste, historically. About 10 percent of our computers are recycled now. The rest have been land filled, incinerated or illegally dumped. Current statutes require that we no longer landfill those computers by January 1, 2006. Some municipalities will be stuck with these. The municipalities will be burdened with these. The municipalities will either have to raise taxes to deal with this or charge the citizenry through fees to deal with this. We are looking at an estimated 1 million computers to be handled by the year 2010. Ten percent of those have been recycled. That is our record to date. We won't even be able to landfill them in another two years. We have to deal with this problem.

I think it is also important to keep in mind that many of us talk about Maine wanting to be perceived as a more business friendly state. Ladies and gentlemen of the House, we have a major national corporation that wants to do business in Maine and do the right thing and make an investment and take the risk. Yes, we could wait three or four or five years until 10 or 15 other states decide to do this. We cannot take a risk. We cannot take an initiative. We can let the taxpayers pay for this and we can let the municipalities be burdened with this. They will be burdened with this. State law will require them that they be burdened with this. We have an opportunity to invite business to do the things they want to do, which is not get involved in state programs. Do it themselves. Do it right. Do it efficiently. Do it profitably. It is called the free enterprise system.

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

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

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. To any member of the body, preferably someone on the committee that could answer my question, I was looking over the amendment regarding the orphan waste issue. I am assuming orphan waste is a computer that nobody paid for. It says in the bill that the department doesn't identify orphan waste share until 2007. My question is, who pays for this for the first year 2006? Is it going to be the municipalities? Who is it going to be?

The SPEAKER PRO TEM: The Representative from South Portland, Representative Glynn 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 that question, nobody knows. That is one of the problems with the bill as it stands, which, frankly, is why I am so concerned about it coming out of the body as a good idea that is fundamentally flawed. There are several stages where the bill is creating a program, implementing that program and enforcing a sales ban on exactly the same calendar date. Many in the committee felt that if you really wanted to do that, then you would phase them in over time. Clearly, you have a case here where you are telling the municipalities to incur a cost that will be shared by somebody else, but it will be approximately a year and a half before that somebody else can even be identified. There is no clarity. I am very concerned that your municipalities and mine will look at this and not know what they are getting themselves into to and, frankly, think us fools. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I find it always amusing when we talk about taking responsibility and who will pay. We never want to talk about the true cost of disposing of this and who profits from selling these computers. It is very difficult to get across manufacturing responsibility. I would like to talk a little bit about Representative Collins question about where it goes. It goes to incinerators like ours in Biddeford. The cost of that is that we have to breathe in what comes out of that stack. When we factor in those environmental costs, which people never want to talk about, then I think it is a very small price to pay when manufacturers are stepping up to the plate, actually, to accept those responsibilities. This passed overwhelmingly in the Senate, I would like to remind everyone. It is a good bill. It is a bill that has DEP's stamp on it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Bowen.

Representative **BOWEN**: Mr. Speaker, Ladies and Gentlemen of the House. I also have a quick question, but it will take me a minute to get to it. As I flip through here, I am impressed by the number of things we are forcing manufacturers to do. Manufacturers shall have this responsibility. Manufacturers shall work cooperatively. Manufacturers shall develop a plan. Manufacturers are responsible for handling and recycling. Manufacturers are responsible for all costs. I could understand that we could make manufacturers do this if they were here in this state. My question is, how much of the global

market share for television sales and computer monitor sales are from Maine? If you are Sony or you are a major world manufacturer and you are looking at a map of the world and your sales all over the world and you look at Maine and you have all these hoops you have to jump through, is not selling your product in Maine a sufficient incentive to do this? When California wants to change emission standards on cars, everybody jumps. California has 35 million people in it. While I understand the idea of making manufacturers pay, how exactly are we going to make manufacturers pay unless we make up significantly more market share than I think we do? I can't imagine Sony really concerned about this or am I wrong?

The SPEAKER PRO TEM: The Representative from Rockport, Representative Bowen has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the Representative from Rockport, Representative Bowen, Hewlett Packard Company when they heard we were dealing with the electronic waste issue stepped forward and came here from California and other states to meet with the committee and testify at the hearings and work at the work sessions. I didn't ask them what share of business they have here or in Minnesota where they are launching these programs. What I heard was that they are ready to do the right thing. I said to them that it was really great of you to do this as a public service. They said that it wasn't for a public service. They said it was good business. We want to get started. Maine is ready. We are glad Maine is ready. We are glad Minnesota is ready and other states will follow suit.

It is true that the Europeans have a market that is maybe two times the size of the United States. Most of these companies, Electrolux, Nikkia, Intel, IBM, Sun and HP are operating there with these programs already. They are accustomed to it. They wanted to get ready to do this in the United States and I am sure glad they are willing to do that and to work with the State of Maine. Thank you.

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

Representative **KAELIN**: Mr. Speaker, Ladies and Gentlemen of the House. I am still trying to figure out how the other body unanimously supported this bill too, Representative Twomey's statement from earlier. This bill really concerns me. I have only learned about it in the last few hours. I know that the retailers are very concerned. I think there is a \$10,000 penalty in here somehow if certain things don't happen in the retail business. Those folks seem to be on the hook for this grand scheme that seems to me still needs to be worked on. The good Representative from Wells in our community, both in Penobscot and Waldo County, we recycle these things now. The people who buy these computers pay \$10 a year to get rid of them. They put them in your closet and then you put them in the back of your truck and you drive them down to the recycle place. The guys all have their masks on and so forth. They have the white suits and the person who bought the computer pays \$10 or \$15 to get rid of the machine that they bought. Environmental protection begins at home. Every single one of us has that responsibility to dispose of these things themselves.

My question through the chair, if I could, why shouldn't people here in Maine who buy a computer for \$1,000 or \$2,000 pay to dispose of that machine themselves rather than to try to get manufacturers in another country on the hook. They are not going to pay. I don't understand this. My question is this, if we have recycling systems that are working in our communities

today with the people who have owned the machines paying a small amount to dispose of them adequately, why do we need to pass this bill?

The SPEAKER PRO TEM: The Representative from Winterport, Representative Kaelin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. To answer the question, it doesn't make any difference who is assigned the responsibility for paying for recycling this. The consumer is ultimately going to pay. There isn't anything that we do in the things that we buy that we don't pay for. The consumer is the final resting place for the bill to take care of that.

I keep hearing about the consumer paying and that was going to be my first comment. Can anybody honestly sit here in your seat and think that a manufacturer is going to assume the responsibility for taking care of this without passing those costs onto the customer? If you think so, talk to the people who have served on the Utilities and Energy Committee and ask about stranded costs. They will tell you right away who pays and who pays dearly. If Hewlett Packard and Dell are interested in initiating these programs, you can rest assured that they are going to have a fee hidden in there that is going to take care of this.

When this bill first came in front of us, we had a suggestion of an up front fee called an ARF. That is the proposal that the good Representative from Wilton, Representative Saviello, is proposing. Had that continued on in the discussion, I certainly would have gone along with that. The consumer then knows exactly what he pays up front. I come from an area where we have a recycling center of about 20 plus towns. They separate and collect all of the electronic waste and they ship it on out so that it can be recycled. There are no towns there that have over 1,000 people. If they can come together and meet that requirement, then I don't see any reason in the world why the rest of the state couldn't do that.

Let's take a look at where this is leading us. Is this going to put a very big restriction on businesses in our state? Yes, it is. I notice there is a blue sheet here that tells about all kinds of groups that are in support of LD 1892. I would like to relate just a little incident that happened in 1998 when many of you know that I was running for another office in the state. The statement was made by one of those supporting organizations on that paper that we are successfully shutting down Maine's industry one increment at a time. Ladies and gentlemen, this is another step in shutting down some of Maine's industries. Today we are batting a thousand. We have started our blueberry industry on the downhill slant. We have nailed the pharmacies through the teeth. We have put action in place that is going to severely restrict ATV sales. In opposition to my good friend from Rockland, Representative Bowen, the regionalization is another thing that is going to turn Maine upside down.

If you love Maine, you better take a good look at it now. It is on the way that no one here will recognize. I urge you to defeat the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Eder.

Representative EDER: Mr. Speaker, Men and Women of the House. I would like to make reference to something earlier that the good Representative from Winterport said, there is no \$10,000 fee in this bill.

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

Representative DAIGLE: Mr. Speaker, Ladies and Gentlemen of the House. In response to the comments just mentioned, the bill refers to another section of the law for enforcement actions. Those penalties are \$10,000 per violation per day. All it takes to be in violation of this bill is to be a small retailer, I guess this is a basic sin in life, you want to sell something so you go to a wholesaler, perhaps in Maine, perhaps not, you pick up a TV set and you bring it back to your store, you stick it on shelf with a price tag on it. Somebody comes in and offers to pay for it and you charge them sales tax. Now you are a retailer. You will have no idea, you can have no idea, because there is no process to tell you if that TV set is one of the legal ones or not. If you are caught, the DEP, who I know you are familiar with are well known for their understanding in these matters, can seek that kind of penalty from you. Thank you.

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

ROLL CALL NO. 452

YEA - Adams, Andrews, Ash, Barstow, Beaudette, Blanchette, Bliss, Brannigan, Breault, Brown R, Bull, Bunker, Canavan, Cowger, Craven, Cummings, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Gagne-Friel, Gerzofsky, Glynn, Grose, Hatch, Hotham, Hutton, Jackson, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Mailhot, Makas, Marley, Marraché, McGlocklin, McKee, McLaughlin, Mills J, Mills S, Moore, Norbert, Norton, O'Brien L, Paradis, Patrick, Pellon, Percy, Perry A, Perry J, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Rines, Rosen, Sampson, Simpson, Smith N, Smith W, Sullivan, Suslovic, Thomas, Thompson, Trahan, Twomey, Usher, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Austin, Berry, Berube, Bierman, Bowen, Bowles, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cressey, Crosthwaite, Curley, Daigle, Dugay, Duprey B, Finch, Fischer, Fletcher, Greeley, Heidrich, Honey, Jacobsen, Jennings, Joy, Kaelin, Ledwin, Lewin, Maietta, McCormick, McKenney, McNeil, Millett, Moody, Murphy, Nutting, O'Brien J, O'Neil, Peavey-Haskell, Richardson M, Rogers, Saviello, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Young.

ABSENT - Bennett, Goodwin, Jodrey, Landry, McGowan, Muse, Sherman, Treadwell, Vaughan, Wotton.

Yes, 82; No, 59; Absent, 10; Excused, 0.

82 having voted in the affirmative and 59 voted in the negative, with 10 being absent, and accordingly the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

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

On motion of Representative USHER of Westbrook, the House adjourned at 9:07 p.m., until 9:00 a.m., Thursday, April 15, 2004 in honor and lasting tribute to Carroll Rines, of Portland and the Honorable Mary Brennan Chisholm Hanson, of Peabody, Massachusetts, and formerly of Cape Elizabeth.