

# MAINE STATE LEGISLATURE

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**House Legislative Record**  
of the  
**One Hundred and Eighteenth Legislature**  
of the  
**State of Maine**

**Volume II**

**First Special Session**

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The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-246) and House Amendment "A" (H-634) in non-concurrence and sent up for concurrence.

By unanimous consent, all matters having been acted upon, with the exception of matters being held, were ordered sent forthwith, .

#### UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) "**Ought to Pass**" as amended by Committee Amendment "A" (H-604) - Minority (3) "**Ought to Pass**" as amended by Committee Amendment "B" (H-605) - Committee on **Judiciary** on Bill "An Act to Amend the Laws of Murder and Manslaughter to Include the Death of a Fetus" (H.P. 541) (L.D. 732)

PENDING - Acceptance of the Majority "**Ought to Pass**" as amended by Committee Amendment "A" (H-604) Report. (Roll Call Ordered)

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. As Paul Harvey says, "And now for the rest of the story."

This morning, I am awake, I am warm and I am ready. We bring before you L.D. 732, and before you right now is the Majority "Ought to Pass" as amended Report. The hazards of breaking off in the middle means that you have to hear the beginning again. This amendment, while acknowledging the loss of a pregnancy, in fact the amendment changes the name of the Bill, does not recognize, at least to my satisfaction, the incredible loss to a woman when she loses her baby.

Twenty-five states have enacted legislation to make it a crime to kill or injure an unborn child. Not one of these states has had an appeal, or a court action, that has shown a risk to the providing of reproductive services and choice. The Majority Report strips quite a bit out of the Bill and allows for an assault to be moved up to a Class A crime, if a woman is assaulted and she loses her child. It also says that a judge, in any other instance where a child is lost, the pregnancy is lost, that the judge may take that into consideration when sentencing, but it does not expand the parameters of sentencing. It just says that the judge may take it into account within the parameters as allowed by statutes. To me, that doesn't do very much. The judge already has that.

I'd like you to go on and defeat this report so we can look at the Minority Report. The Minority Report says that if anyone injures a child, injures a woman by beating, or other crimes, such I mentioned last night, OUI, vehicle manslaughter, anything but the provision of medical services, whether for choice, reproductive choice reasons, or whether for emergency or therapeutic health care. The actions of a doctor in the death of a fetus can never be considered, through this Bill, as manslaughter. This has to be the result of a criminal act. A beating, reckless conduct with a firearm, shooting someone, a car accident involving an OUI offense. It has to roll along through the criminal process. As I said last night, a woman who's expecting a child does not view her loss as the loss of a fetus. She views the loss as the loss of her baby, her child, she and her spouse, she and her partner. The words wanted pregnancy were used last night, but that's not a criteria, the

pregnancy doesn't have to be determined wanted or unwanted at any point, because that's not the issue. The issue is that a potential life, which is protected by the state, and recognized in case law as deserving of the protection of the state, is there. This recognizes that the potential life carried by a woman has been ended as the result of some kind of violence. Pregnant women are often, I should say, domestic abuse and physical abuse, towards pregnant women rises when the woman is pregnant. She may be subject to domestic and physical abuse, but it tends to increase if she's pregnant. Many women are beaten, many women are beaten for the purpose of destroying the child. It's horrible and the intent is often stated. I'm beating you to destroy the child you're carrying. Sounds like a hate crime, as a matter of fact.

We need to look at what happens in the other 25 states and be assured that this does not attach itself to any violations of the rights of a woman, for her reproductive choice. This says, you just can't take a woman's child away from her, without there being a real serious, severe, penalty. Other states have done it. We can do it and I think that we have been very careful in the drafting of this Bill to keep in mind, with what can be perceived as a risk to reproductive choice. I'd appreciate it, Madam Speaker, if you would order a roll call. Thank you.

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

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. The necessity of this bill was proven a few years ago, in 1989, there was an incident where a drunk driver was cruising down the road and he was driving recklessly and ran into a car that held two people who had just left a baby shower and the woman in the accident happened to be about eight months along in her pregnancy. It was a short time later that her child was born and died soon after that and when the people involved in that case tried to take the strongest steps they could in prosecuting this drunk driver, this criminal, they couldn't find anything in case or statute in the State of Maine to help them to bring stronger charges against the person. Justice Wathen said that it was necessary that we have something in statute, but it hasn't been written in yet. So this bill simply says that if a pregnant woman is beaten, raped, assaulted, involved in an accident in way that causes her to lose her child or that the child is injured, they have something to go on so they can bring strong charges against them. I'd ask that you defeat the pending motion and support the Minority Report in that it takes the strongest step possible short of the bill. The bill is a really good bill and I appreciate the two "Ought to Pass" Reports, but the Minority Report, I think, makes a much stronger statement in giving the lawyers something to go on in protecting the rights of the woman to have her child. She expects to have her child, she wants her child and that right is taken away from her in one of the cases that I've just mentioned. I appreciate your support on this. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative JABAR: Madam Speaker, Men and Women of the House. I rise to support the Majority position. I want to say that from the outset that both the Majority opinion and the Minority opinion in this particular bill have the same goal in mind and the same objective in mind. I think everybody who voted on this bill agreed that something should be done, that we recognize the seriousness of either an accident with a drunk driver, or an assault, which gives rise to the death of the fetus, that something should be done. So we all have the same goal and the same purpose in mind, how we arrived at it is why you see two reports. Rather than proceed the way some other states have proceeded, we decided to do something that works within the context of

existing law to make it simpler, rather than complicate our criminal law. What it does is enhance the penalty and set out in the statute to defining aggravated assault. The situation where there is a death of fetus, the termination of a pregnancy, as a result of an aggravated assault. What it also did was it enhanced it to a Class A crime, and that means with a maximum penalty of 40 years. I take the example of the drunk driver who causes the death of fetus and that person can be prosecuted under aggravated assault, because it's reckless conduct. It's reckless conduct with a motor vehicle, even though he also may be guilty of drunk driving. Since it caused the death in that situation, you may result in a 40 year sentence. The situation where the child may live beyond a birth, obviously, gives a complicated case and a very unusual case, but nevertheless, the defendant in that case is still subject to even a Class B crime, which is 20 years and the consideration of what happened as a result of that accident is something the court can take into consideration. One of the factors we added was that in sentencing the pregnancy of the victim is something that the court may take into consideration when determining whether the person should get the maximum sentence. So we felt the changes, which you have before you in the Majority Report more than adequately deals with this situation, gives the court more than enough in the way of sentencing to make this a real deterrent and we would ask you to support the Majority Report because we feel that it accomplishes the same thing, just in a different route than that recommended by the Minority. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. As I said last night, this bill is not a bad bill before us, this motion, but it doesn't go far enough. There seems to be some fear to go to the point where we admit that when a woman is assaulted to such a point, either by a husband, or her boyfriend, or a stranger, or a drunk driver, that she doesn't suffer a higher degree of assault when her child dies. She suffers the loss of her child. I can understand there are some people that are a little fearful of recognizing that fact, because of their pro-life stance, pro-choice stance, or whatever, but I want to assure you that this bill in the Minority Report has nothing to do with pro-choice, pro-life, or abortion. Now I mentioned last night that these are cases where a woman suffers a loss of a wanted pregnancy and a fellow member got up and asked the question, could somebody tell him what a wanted pregnancy was. I don't know if it because I was tired, I was kind of taken back by that question. I'll address what I consider what a wanted pregnancy is, I looked in the dictionary under wanted, it says a desire, to have a strong desire for, to have an inclination. Then I looked up pregnancy and it said the condition of being pregnant, containing unborn young within the body. So I would assume that a wanted pregnancy would be one that was desirable to have the child, and I think I understand where the good Representative was coming from, how do we know that the woman that suffers these types of situations wanted her pregnancy. Well we don't know that, but I dare say that if she had planned on terminating her pregnancy, she wouldn't have chose this method. Now to alleviate anybody's fears in here who are pro-choice, there's 25 other states in the country that have these laws. I mentioned last night that none of them have suffered Constitutional challenge, in fact, the one in California has been on the books since 1970 and I'll read a little excerpt from that situation. Legislators added unborn children to the state's homicide law in 1970, after a horrific case in which a man savagely beat, I want you women to listen to this, for women's rights and women abuse, savagely beat his estranged wife killing

their unborn baby. Now they were estranged, so I would imagine that that woman wanted that pregnancy. The judge and the jury recognized that this unborn baby was a human being who was killed. Now there seems to be some fear in this body, that if we recognize a pregnancy that was terminated through these violent acts, wanted pregnancies, and I say wanted, because I assume they are wanted, that this would open a door to stop abortion rights. The law doesn't support that, the cases across the country don't support that. Other states and most people would recognize the fact that when a woman loses a child through these violent acts of being beat up, assaulted in the streets by a stranger, or having her baby killed by a drunk driver, she loses a child, another human being. This Minority Report would recognize that fact and put it into law, and for all you women who have been fighting for women's rights, and women's abuse, and women's shelters and all the rest, I would think you would leap at the chance to put some of these criminals who assault women and kill their babies under this law. So I urge you to vote against the pending motion and go onto the Minority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. This bill is about being tough on criminals. This bill is giving the police, the prosecutors, an extra means to put the criminals behind bars and the difference between the two reports is, do we want to throw the book at them, or do we want to toss the book at them? I have absolutely no respect for wife beaters, or drunk drivers, and I say let's throw the book at them and keep them in jail for a long time. I urge you to vote against the pending motion.

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

Representative POVICH: Madam Speaker, Men and Women of the House. The Criminal Justice Committee had originally expected to hear this bill, we didn't, it's one of these bills that can go two places and it went to the Judiciary Committee. Well, I have some pride in turf, but I'm going to let that go right now, because I think the Judiciary Committee and the Majority "Ought to Pass" as amended Report was extraordinary, innovative and sensitive in their conclusions and their thought. I support the Majority Report because all parties interests are addressed. The Majority and the Minority and what's more, this Legislature has recently passed L.D. 261 which goes one step beyond and codifies elevated aggravated assault. Elevated aggravated assault, it'll be on the books coming to your Maine Revised Statutes in 90 days after we adjourn. Elevated aggravated assault, and I want to tell you, it's going to handle all these nasty scenarios that the Representative from Bridgton has described. It's going to be law so what is my point here, is that current Maine law, does the job. You talk about being tough on criminals, pass the Majority Report, combined with L.D. 261 and you bet we're going to be tough on criminals, watch it. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmingdale, Representative Watson.

Representative WATSON: Madam Speaker, Men and Women of the House. I'm going to speak in support of the Majority "Ought to Pass" Report, of which I am on that Report as a member of the Judiciary Committee. The wrongful interruption of a woman's right to carry her pregnancy to term should be punished and protected against. The Minority Report, I feel, creates a dangerous fictional separation between a woman and her fetus. Rather than casting injury to the fetus as something that can occur separately and without regard to the pregnant woman, I feel it's more appropriate to recognize the unity between the pregnant woman and the fetus that she carries.

Minor amendments to Maine's criminal code can be made to address injury or death to a fetus by assuring that serious bodily injury as defined under the crime of aggravated assault includes loss or injury to a pregnancy. It's totally unnecessary to treat the fetus as a separate legal entity. Criminal law already allows prosecution for deliberate injury or death of a fetus. If a pregnant woman is assaulted and loses the pregnancy, this would already be considered serious bodily injury and justified prosecution for aggravated assault right now a Class B crime. What the Majority Report would do is raise that crime to a Class A.

The Minority Report argues that the loss of a pregnancy can no longer be considered serious bodily injury to a woman and a prosecutor would be left to prove the more complex case of a crime against a fetus and no ability to pursue the serious crime against the woman. I urge you, my colleagues here in the House today, to please accept the Majority "Ought to Pass" Report. Thank you.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. The Minority Report does not repeal any of the current provisions that a district attorney may have in the criminal charging. Now let me ask you a question, since we have gotten to this point of separating the woman from the fetus. If a woman is beaten, does a fetus feel her pain? No. If the woman is being beaten, and the unborn child is injured, does the woman feel the child's pain? No. There are two separate nervous systems, two separate entities, there are two separate thought processes, two very different, one sophisticated and growing and one immature and growing, but there are two different. When a woman takes a beating, her child feels a different pain, and that's the pain that's passed on to the child from the beating. And while the mother and the child are joined, certainly, because the child can't survive without the mother at this point, when you kill an unborn child, it is not necessarily felt by the mother, the pain of the child can not be felt by the mother. The mother feels her nerves, her injuries, her bruises, her stabs, her gunshot wounds, the child feels the child's bruises, contusions, and gunshot wounds, they're separate. They're two victims. For the life of me, I don't understand why we are so afraid to acknowledge that human beings, birth human beings. What are we afraid of? Why are we afraid? Why? This isn't going to change the course of history. This is going to acknowledge that a potential life has been extinguished and that this is not just a tumor that happens to grow within a woman. I dare say the tumor would feel some reaction as the woman is being beaten or being shot, or at least the woman would be bleeding, but the woman is not bleeding from her child's injuries, she's bleeding from her injuries. Why are we so afraid, why are we so fearful? You know as children learn to walk, psychologists have given some simple tests and it's amazing, they've taken black and white tiles and they'll make a floor and then they'll make a drop and they'll make another black and white tile and they'll put a piece of acrylic over it and as the child starts to walk to it and they perceive a little bit of difference, most of the times the child will not walk out on that acrylic until they're sure that the step is not going to be something that they can't handle. They get down and they feel around and sure enough, it's not going to be scary and they go on. We've kind of done that here. We haven't run pal mal across there thinking, well, it looks safe. We've looked at it. Let's not be afraid, ladies and gentlemen, to say that an unborn child is an unborn child. There's a real multi-personality disorder in our public policy, we urge prenatal care, we talk about making sure under the WIC program is treated healthy so that she'll have a healthy baby. We support the March of Dimes, we all want healthy children. If you're going to

get pregnant, you want to make sure you take the right vitamins and you're in good shape and you're not too heavy and you don't have this or you don't have that. But the state and the federal government saying make sure the WIC program goes on, make sure that we have the nutrition to produce a healthy child. Make sure we have the prenatal care. Can you imagine? We do all that to protect the potential life. We do all that. But then when you come to protecting the potential life from the criminal, from a violent criminal act, you protect that life from a benign neglect, by making sure that the mother does not neglect her health, you protect that child from benign neglect, but you will not protect that child from violent behavior. I don't understand where the fear is. Please put aside your fear. Please push aside this multi-personality and say that this isn't enough, that there are two victims, two separate and feeling victims. Thank you, ladies and gentlemen.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I'll be very short. We have to get beyond this pro-life, pro-choice, abortion issue. I hate to repeat myself, but this has nothing to do with that and the good Representative, my seatmate in Judiciary, Representative Watson, says this is a dangerous separation. Why? There's 20 something other states that have done this. One since 1970. California has the most liberal abortion laws in the country. There is no danger in separation. It's just a recognition. The recognition that when a woman has this happen to her, it's just not another form of assault. It's a homicide because a person, or a child, dies. When a woman is pregnant and her child is lost through these violent acts, it's not another form of assault. It's a higher degree. You want to attach that on to the bill, that's fine, but she loses her child, a human being has died. Don't we recognize that? That's what the bill, the original bill and the amendment would do, it would recognize that in that assault, I mean you can have an assault on a woman that would not probably go to the extreme of her body and still kill the child, that's a homicide. The child has died, or you can have a case where a woman was horribly assaulted and the child might survive that assault, so raising the assault on the woman is not what we are getting at here. We are getting at when this woman loses a wanted child, it's a homicide. It's not a dangerous separation. There's no danger here. If there was, the courts would be going wild with this issue, all across the country. You'd get on the Internet and you'd see family planning cases up and down the screen challenging this, you just don't see that, so please ladies and gentlemen recognize that when a woman has been assaulted, beaten or in a car accident, she loses her wanted child, that's a homicide. Thank you.

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

#### ROLL CALL NO. 269

YEA - Bagley, Baker CL, Baker JL, Barth, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bunker, Cameron, Carleton, Chartrand, Chick, Cianchette, Colwell, Cowger, Davidson, Desmond, Dunlap, Dutremble, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Joyce, Joyner, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lovett, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Spear, Stanley,

Taylor, Tessier, Thompson, Townsend, Tripp, True, Vedral, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Ahearne, Belanger DJ, Belanger IG, Bragdon, Buck, Bumps, Campbell, Chizmar, Clark, Clukey, Dexter, Driscoll, Foster, Gerry, Goodwin, Jones SL, Jones SA, Joy, Kasprzak, Kneeland, Lane, Layton, MacDougall, Mack, Madore, Nickerson, O'Brien, Pinkham WD, Plowman, Snowe-Mello, Stedman, Tobin, Treadwell, Underwood, Waterhouse, Winn, Winsor.

ABSENT - Bodwell, Cross, Donnelly, Farnsworth, Fisk, Gamache, Lemke, Lindahl, Meres, Ott, Sanborn, Skoglund, Stevens, Tuttle, Usher, Wheeler EM.

Yes, 98; No, 37; Absent, 16; Excused, 0.

98 having voted in the affirmative and 37 voted in the negative, with 16 being absent, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-604) was read by the Clerk and adopted.

Under suspension of the rules the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Representative WATERHOUSE of Bridgton requested a roll call on passage to be engrossed.

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

**ROLL CALL NO. 270**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Cianchette, Clukey, Colwell, Cowger, Davidson, Desmond, Dexter, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gieringer, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lovett, MacDougall, Mack, Mailhot, Marvin, Mayo, McAlevy, McElroy, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl MV, Shannon, Shiah, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Chizmar, Clark, Goodwin, Madore, Povich, Saxl JW.

ABSENT - Bodwell, Cross, Donnelly, Farnsworth, Fisk, Gamache, Lindahl, Meres, Ott, Plowman, Sanborn, Skoglund, Stevens.

Yes, 132; No, 6; Absent, 13; Excused, 0.

132 having voted in the affirmative and 6 voted in the negative, with 13 being absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-604) and sent up for concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

HOUSE DIVIDED REPORT - Majority (10) "**Ought to Pass**" as amended by Committee Amendment "A" (H-609) - Minority (3) "**Ought Not to Pass**" - Committee on **Natural Resources** on Bill "An Act to Amend the Site Location of Development Laws" (EMERGENCY) (H.P. 1065) (L.D. 1503)

PENDING - Acceptance of either Report.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

On motion of Representative ROWE of Portland the Majority "**Ought to Pass**" as amended Report was accepted.

On motion of Representative CARLETON of Wells, the House reconsidered its action whereby the Majority "**Ought to Pass**" as amended Report was accepted.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Madam Speaker, Men and Women of the House. Again this is a bill that does not come out of my committee and I have just been reading through it, it appears to provide that the State Planning Office has additional powers concerning what a municipality has to do if it wants to administer the site location law itself and I see in Subsection B, of Section 1, of the Bill, that the State Planning Office has the power to approve provisions of local zoning ordinances as they relate to wildlife habitat, fisheries, unusual natural areas and archeological and historic sites.

In my former life, I was a member of the Planning Board in my local town and Chair of the Site Review Board at a time when the town was in the process of drafting and submitting its comprehensive plan to the state for review and approval. The exact issues have faded from my mind, but I do recall that the town was very frustrated because it would come up with a plan, which had to be approved by the state and I think it was the State Planning Office. It would be sent up to the state and they would have their own ideas about what the Town of Wells should have in its comprehensive plan. The proposal would lay up with the state for a couple of months and then finally we would get word back that they didn't like this, or they didn't like that and that's what leads to my concern about this bill.

Title 38, Chapter 187, like most land use ordinances has general language in it. It's subject to interpretation, by its very nature. What this bill appears to do is to require that municipalities send their proposed zoning ordinances up to the State Planning Office for approval. I am awfully afraid that if this happens, our local municipalities are going to get Augusta's version of what that law means instead of their own version suitable to their own circumstances and I don't know whether I'm going to oppose this bill or not, but it's a concern that I hope other people will speak to. Thank you.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I believe this is a very good bill. We spent a lot of time on this. What it does in particular to respond to the Legislator, from Wells. It does not take back the municipality's authority to review subdivisions, but it ensures that protection that has been afforded significant state resources is reinstated and it does increase the population threshold from 2,500 to 5,000 but when a municipality shall be deemed to have capacity to approve applications under the Site Location of Development Act. This goes into effect in the year 2003. At that time any municipality that has a population of over 2,500 will be assumed to have a capacity to make those approvals at the local level. The idea is, I don't think we are taking back more from local control, I think the idea is we are trying to give more to local control and I, certainly we worked on this hard. The State Planning Office had some concerns as did the Department of Environmental Protection, but through our work sessions, we