

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

March 19, 1998 - March 31, 1998

**Second Special Session**

April 1, 1998 - April 8, 1998

**Appendix**  
**House Legislative Sentiments**  
**Index**

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-1005)** - Minority (4) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Provide Adjustments to Accommodate Increases in the Cost of Living for Injured Workers"

(H.P. 875) (L.D. 1192)

TABLED - March 24, 1998 (Till Later Today) by Representative HATCH of Skowhegan.

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

On motion of Representative HATCH of Skowhegan, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-563)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (S-564)** - Committee on **TRANSPORTATION** on Bill "An Act to Reduce Motor Vehicle Fatalities and Injuries among Young Drivers"

(S.P. 782) (L.D. 2109)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-563)**.

TABLED - March 24, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Motion of Representative DRISCOLL of Calais to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-563)** Report.

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

Representative CHARTRAND: Madam Speaker, Ladies and Gentlemen of the House. As you may remember, we were interrupted in discussing this bill last evening before the visit of the University of Maine Girls Basketball Team. I won't read my entire speech from last night because it wasn't written down anyway, but I did want to remind you of a few of the facts of why I was against the Majority Report on this bill. As you know, this is the Secretary of State's Young Drivers Task Force bill. There is a lot of good in it in terms of increasing some of the fines for young drivers and making some of the driver training requirements a little tighter. We will, hopefully, eliminate or reduce the number of fatalities and injuries among young drivers. The one part of the bill that I had an objection to, as I said, dealt only with older drivers, drivers over 21 years old whose suspension time was going to be quadrupled by this bill if they had anyone under 21 in the vehicle at the time they were convicted of an OUI. I don't support people being drunk and driving with younger people in their car. I am not sure of the fairness of making every driver over 21, who has a younger person in their car, have quadruple the suspension time on their license solely because of the presence of somebody under 21 in their car. It could be a parent with a 20 year old son or daughter or a grandparent with a two year old who will make that mistake one time of being over .08 and instead of facing a 3 month suspension and a \$400 fine and 48 hours in jail, they are now going to face a one year license suspension. I don't think that part of this bill was adequately disseminated by the Secretary of State and in the hearings it wasn't really discussed much because it wasn't anything to do with young drivers really. It was to do with older drivers and only peripherally associated with younger people at all in that they might be present in the car.

Even in the Secretary of State's Report on this bill, the yellow booklet that probably many of you received, it did mention this change. It said any person who operates a vehicle under the influence of alcohol or drugs with any passengers under the age of 21 years will be subject to an additional suspension of 275 days. It mentions that currently this provision applies to operators who operate vehicles with passengers under 16. The one thing that is not mentioned there is that currently with passengers under 16 it is discretionary. In other words, the Secretary of State can add on the extra nine months suspension, which I think is a good idea. The change that is not mentioned here is that with passage of this bill and the Majority Report, that change will be mandatory in all cases without question. The difference, as we have seen on some other bills and some people can reduce it to a question of shall or may. The amendment actually has a number of other words that it changed, but, in effect, the difference is between shall or may. You can say that is not a big difference, but that difference extends to every case of this sort that will be prosecuted in Maine after this bill passes. I would submit that there will be some cases where perhaps the extra nine months suspension isn't really appropriate.

You could end up with some drivers who are actually are going faster and have a higher level of alcohol with only getting a three month suspension and another one only because there is somebody under 21 in the car getting a one year suspension. I am not sure that is really the intent of us in this Legislature or the people who wrote this bill to enforce fines set unfairly. It is easy on a bill like this to take a moral pedestal if anybody criticizes and says that I am against people being prosecuted for drunken driving. That is not true at all, but I think if we are going to take a stand and enforce stricter laws, they have to be fair and consistently applied. I don't think this bill as it is written in the Majority Report will do that. If, on the other hand, you vote against the Majority Report, the Minority Report has everything in this bill that the Majority Report does except for this change. In that case, the Secretary of State's Office would have the discretion to give an extra nine months if there is younger people in the car. In those cases where the intent really wasn't to unduly influence those young people of where their presence was not a real strong factor in the case, I think they should be subject to the same fines as somebody else without a younger person in the car. If you agree with me, I urge you to vote against the prevailing motion.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I ask you all to think back for a minute. Think back when you were a teenager. Did you look up to your elders? Did you look up to what they were doing, whether it was right or wrong? This is why this part of the bill is in there. Teenagers look up to their elders. They look at who is ahead of them in life and if they see somebody older than them drinking and driving or driving while drunk, they will think that this is okay. I will give you a few statistics that we got during our hearing on this bill. The number one cause of death among American teenagers is motor vehicle crashes. The teenage death rate for 100,000, the population in Maine, is the third highest in the country according to information provided by the National Association of Independent Insurers. Statistics kept by that organization also show that Maine is the highest ratio of teenage accident involvement in the country. Remember these folks when you are voting.

Next, the finding of the report of the task force on young drivers indicate that on an average one person between the ages of 15 and 24 is killed each week in a motor vehicle crash in

Maine, each week. Just open up the paper and look at the teenagers that are dying in automobile crashes, not all alcohol related, but most are. I think the number one thing the committee did when we voted this bill out was read the title. It is an "Act to Reduce Motor Vehicle Fatalities and Injuries Among Young Drivers." If we send a clear message to the elders of these teenagers that the state will not tolerate OUI at all and the penalty will be stiff, this will hopefully reduce the alcohol among teenagers in driving accidents. I didn't even think this was strong enough personally. I have no sympathy at all for anybody who drives under the influence. It is totally uncalled for. If you lose somebody because of alcohol related accidents, I think you will have a little change in how you feel if you don't feel this bill is right. I urge you to support the committee. I ask the clerk if he would read the report please.

Representative WHEELER of Eliot **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I have been following this bill with a little bit of interest. I am not on the committee and I haven't attended any of the hearings or the public hearing, but being a mother of five children and one who just received his license and one about to embark on this, I am very, very happy. I want to thank very much the committee and all those who have worked so hard to put it together.

I am compelled to speak today in response to the good Representative Chartrand in regards to the so-called unintended consequence of this bill. I feel it may be unintended, but I think it is wonderful. If anyone has ever ridden as a child in the car with somebody under the influence, it is a terrifying experience. I think not only are they putting the children at risk or anyone under the age of 21 at risk, that is a given, just look at the statistics that we have been given this morning. The terror that occurs in the heart of children when they are in a car knowing that someone is under the influence. It is unimaginable. I think it may not be an intended consequence, but I think it is great and I would certainly urge you to accept the Majority Ought to Pass Report.

The **SPEAKER**: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, Men and Women of the House. The Secretary of State has assured me that it is going to be his policy to impose this mandatory extra nine months of suspension. He is going to do this. That is going to be his policy. All this is going to do is cause more appeals to the Secretary of State and have more hearings so people can keep their license. He is going to deny them all. He has assured me. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. I hope you will support the Majority Ought to Pass Report. This was a task force study. It was done during the summer. The task force was composed of, I believe, five members of this body. We had a public hearing and two or three work sessions. There was no opposition to the Majority Report. It was supported by the Maine Medical Association, Emergency Nurses Association, Department of Human Services, State Farm Insurance, Traffic Manager for AAA Northern New England, Maine Transportation Safety Coalition, US Department of Transportation and a group that I didn't even realize existed, Parents Against Speeding Teens. The only difference in agreement, as you have been told, is to what extend are we

going to protect young passengers in their vehicles. As you should know the current law allows for an enhancement of suspension if there was a teenager 16 years or younger in the vehicle.

I will read from Subchapter 3, Article 3. This is suspension, revocation of motor vehicle law book. It says, "If the Secretary of State determines that a person operating a motor vehicle at the time of the offense with a passenger under 16 years of age an additional suspension period of up to 275 days may be enforced." That is already in the law. All we are doing in this bill is raising it to 21. Instead of saying may, we are saying shall.

I asked the State Police if they had given me information, let's say for the past three years of how many motor vehicle accidents were involved with drivers of this age group. I found out in the last three years there were 91 fatalities in the State of Maine that involved drivers in this age group. I checked further and found out that 41 of these fatalities were passengers. I would like to read down here some of the passengers involved who were killed in these accidents in the last three years. Passenger 11 month infant, passenger 16 year old male, passenger 11 year old female, passenger 16 year old male, passenger 17 year old female, passenger 16 year old female. This was a triple fatal involving three teenagers, two males 18 years old and one female 19 year old passenger. Passenger 19 year old female, passenger 11 year old male, passenger 19 year old male, passenger 12 year old female, passenger 15 year old male, passenger 17 year old male, two passengers both 17 year old males, passenger 17 year old male, passenger 14 year old male, passenger 17 year old male, passenger one year old son. I suggest to you the only difference was age between these two amendments. I suggest to you ladies and gentlemen of the House that the word may is not working. It is time to say shall. Please vote for the Majority Report.

The **SPEAKER**: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Madam Speaker, Men and Women of the House. I think I am told that Maine has one of the toughest OUI laws in the country. For that, we should make no apology. Bear that in mind. I also would like to remind you that the Secretary of State did visit many schools across the state with this task force report. To my knowledge, he didn't get driven out of any of the schools. He had the support of the young people. They want to see these laws incorporated so that they don't lose any more of their friends. I wish you could all have a copy of that report that Representative Clukey just read excerpts from because it would make tears run down your eyes when you read that several page report for fatalities, caused by young drivers 16 through 20. Please accept the Majority Report and tell our young people that we did it for them. Thank you.

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

Representative FISHER: Madam Speaker, Men and Women of the House. I have been asked what the hardest thing about being a school teacher was. I don't even have to think about it. It was going to funerals. Funerals of my kids. This is a bill that will perhaps prepare our young people to drive better. The issue that has been brought up today perhaps this is a bill that will give a message to those who supply the young people with alcohol and who drive them around that they aren't going to get away with it. I would urge you to support the bill. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Waterboro, Representative McAlevy.

Representative MCALEVEY: Madam Speaker, Men and Women of the House. I was privileged to sit on this task force and this question was thoroughly vented both at the task force

table as well as through a series of public hearings in the state and numerous, numerous visits to high schools all over the state. The Secretary of State articulated a very specific need and that need is that we have people over the age of 21 driving around drunk on the weekends with their cars loaded with kids under 21. They have no business doing that. My good colleague talks about unintended consequences. Make no mistake, this is a bill to deter that activity. You are 21 and out of school and the most important thing to you in your life is to get back and forth to work is your driver's license. I would ask you this and it simply comes down to a policy decision. Do you want any of your children or your grandchildren riding around on a Friday, Saturday or Sunday night in a car with someone driving drunk in it? That is the bottom line. It is all free will. An individual who makes a decision to get behind a wheel and drive drunk has made that decision and they are weighing the consequences of not getting caught against getting caught. If they want to subject themselves to the danger, that is one thing. That is their free will. They have no business putting other motorists at jeopardy or putting the passengers in their car at jeopardy. I would urge you to support the Majority Ought to Pass Report and help our people keep our streets a little bit safer. The thing that wasn't mentioned tonight was that not only do we have children being killed, but we have thousands of people being maimed and injured in accidents. It is a problem. The Secretary of State articulated that problem and we found a legitimate way to hopefully answer that problem. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Men and Women of the House. The Majority Report is probably one of the finest reports that have come out of Transportation this year. It is going to do an awful lot to correct drunken driving in this state and to help our teenagers. I am awful proud of the committee for coming out with this Majority Report. It sends a strong message. Thank you.

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

Representative BODWELL: Madam Speaker, Ladies and Gentlemen of the House. This subject really hits home for me. Back in 1984 when I was a junior in high school a girl that I dated for about a year and a half that I loved a great deal was killed in an alcohol related crash less than a month after she graduated from Brunswick High School. I know first hand the pain that that can create for certainly the people in her family, her friends and schoolmates in a town. Ironically this morning, I am the coach of Lacrosse at Mt. Ararat High School, I had about a half dozen boys that had to leave practice early today to attend a funeral for a young girl that was killed on Route 201 in Bowdoinham. She was 17 years old. It just kind of seemed funny to me that we are discussing this bill today after I had my boys leave early for that funeral. I would like to thank the committee for their hard work and would like to urge people's support of this measure. Thank you.

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

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

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

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. I truly commend the people on this committee. I appreciate the work that the Secretary of State has done on this issue. We have lost too many of our young people due to alcohol related crashes. Being a grandmother of four

grandsons who now are in the process or who have gotten their license, I have taken the liberty to talk to them and their friends. You know, they are supporting this. They do not want to see their friends driving drunk. I think this is going to send a good message to the youth of the state that we love them and that we want to keep them alive. We know that some of these youngsters feel that they are immortal. I think this is going to turn that track for us. I hope you will join me in voting this out Ought to Pass. Thank you.

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

Representative MUSE: Madam Speaker, Men and Women of the House. I also would like to applaud everyone involved in this. I think it is wonderful that we are discussing this this morning with the audience in the gallery that we have. Proof that young adults want to hear this and I am sure that there are some of them probably, unfortunately, looking down at us thinking that boy, I can't believe you are doing this to us. This is a good bill. It is going to change behaviors of young people. I know as a young adult, many years ago, I owned a vehicle that wouldn't go straight down the road unless there was a can of beer between my legs. That was a long time ago. I know when I went off to school in Canada, I tried to do the same thing there going to the store and I remember the first time that happened and a bunch of the boys there said, what are you doing? They sat down, took off their coats and said they would wait for me. They have very strict alcohol laws in Canada. They would never consider drinking and driving. That is habitual behavior. It is learned behavior that they have there because they do have strict laws regarding drinking and driving. I have a younger sister who is about 12 years younger than me and every weekend when she goes out, she and her friends will get together at one girl's house and they take a cab in town. They take a cab back home. They would never consider drinking and driving. It is habitual behavior. It is learned behavior and that is what a law like this will do. People will learn a new behavior and that new behavior will save lives.

For anybody who may be sitting on the fence on this issue, let me just point out one other factor. About 25 years ago when some of you or your parents would drink and drive, that was somehow, for some reason, socially acceptable. It is no longer socially acceptable. One of the large reasons and perhaps this is something for the young adults in the gallery to consider, back then automobiles could go off the road and hit a couple of trees and cut the trees in half or a telephone pole in half and people would get out and walk home. Unfortunately, today we are all driving around in recycled aluminum that sometimes a good gust of wind can total your car. It is simply not acceptable and this is a law that will go a long way in saving lives and helping all of us. I would urge you to support the pending motion.

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. I will be very brief, but I am going to take a different angle on this because during the discussions in the work session it was brought out that probably some adult driver who happens to be picking up his son or daughter from school activities or what have you, might have had a few drinks and it would be disastrous, in a sense, if he was to lose his license for an extra year because of the fact that he got stopped for OUI with someone under the age of 21 as a passenger. Gee, I wonder if it might have some parents stop and think about the fact that they have to go pick up their daughter or son, I have had a few drinks too many maybe I should just call a cab for them and have them safely home and my license will not be jeopardized. If we save that adult's life as well as the young

adults, I think this is the direction that we should be taking. This bill will certainly have people thinking twice. Thank you.

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

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. I just want everybody to know that I spent a good part of my lifetime, 27 years, as a law enforcement officer. I have seen all kinds of carnage on our highway as a result of drinking and driving. I want to be brief. I just urge you, all of you, to support this bill. Thank you.

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

**ROLL CALL NO. 500**

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

NAY - Chartrand, Fisk, Gerry, Kasprzak, Lane, Perkins, Underwood.

ABSENT - Dutremble, Jabar, Meres, Ott, Poulin, Thompson.  
Yes, 138; No, 7; Absent, 6; Excused, 0.

138 having voted in the affirmative and 7 voted in the negative, with 6 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-563) was READ** by the Clerk.

Representative MACK of Standish **PRESENTED House Amendment "A" (H-990) to Committee Amendment "A" (S-563)**, which was **READ** by the Clerk.

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. I too share a distaste and have absolutely no respect for anyone who drives drunk. I had friends in high school and even after high school who were killed by drunk drivers. My amendment leaves in place all the penalties against drunk drivers. It also leaves in place the tougher training required in Drivers Ed to get your driver's license. I, however, do have a couple of problems with the bill in front of us. The bill changes the time of provisional licenses from one year to two years when you first get your license. What a provisional license is is not a permit, you can drive like anyone else, but if you do get a speeding ticket in that time, you are treated much harsher. The current law is if you get one ticket during the first year you have a license, you lose your license for 30 days. That is quite a tough penalty. You could be driving through a speed trap in the

middle of the night, get a ticket and lose your license for 20 days. What this bill would do is change that provisional time from one year to two years and the time you lose your license from 30 days to 60 days. My amendment would keep the current law. Instead of going from two years and 60 days for getting one ticket, 23 months after getting your license, instead of losing it for 60 days, you would only lose it for the current 30 days in the one year provisional period. There are a lot of bad drivers out there who are young, but most kids are good drivers. They are excited to have the freedom to get a driver's license. They help out their parents. They are gaining driving experience. I don't think we should have age discrimination. If you get a speeding ticket, you should pay the fine and get the ticket. You should not be treated harsher because of the age that you are. My amendment would still keep the current law that does that for a year. What my amendment again would do is change it so that the initial license is for a one year period where you lose it for 30 days instead of a two year period where you would lose your license for 60 days. Most kids are good drivers. You should not crack down on the majority of the kids too harsh to catch a few bad apples. Thank you.

Representative JOYNER of Hollis moved that **House Amendment "A" (H-990) to Committee Amendment "A" (S-563) be INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-990) to Committee Amendment "A" (S-563).**

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 Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. I think that the lack of about 20 people jumping up will give you the indication of which way we would like to see you go on this. I appreciate your support.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-990) to Committee Amendment "A" (S-563). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 501**

YEA - Ahearne, Bagley, Baker, Barth, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, 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, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Belanger DJ, Desmond, Lane, Mack, Underwood, Vedral.

ABSENT - Dutremble, Jabar, Meres, Ott, Poulin, Thompson, Winn.

Yes, 138; No, 6; Absent, 7; Excused, 0.

138 having voted in the affirmative and 6 voted in the negative, with 7 being absent, **House Amendment "A" (H-990) to Committee Amendment "A" (S-563) was INDEFINITELY POSTPONED.**

Representative DRISCOLL of Calais **PRESENTED House Amendment "B" (H-1017) to Committee Amendment "A" (S-563)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Ladies and Gentlemen of the House. This is simply a technical amendment to change a couple of words. It will not change the LD. Thank you.

**House Amendment "B" (H-1017) to Committee Amendment "A" (S-563) was ADOPTED.**

**Committee Amendment "A" (S-563) as Amended by House Amendment "B" (H-1017) 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-563) as Amended by House Amendment "B" (H-1017)** thereto in **NON-CONCURRENCE** and sent up for concurrence.

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

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An Act to Authorize a General Fund Bond Issue in the Amount of \$20 Million to Stimulate the Maine Economy through Research and Development (BOND ISSUE)

(S.P. 819) (L.D. 2205)  
(C. "A" S-523)

TABLED - March 24, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - **PASSAGE TO BE ENACTED.**

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

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An Act to Authorize Department of Transportation Bond Issues in the Amount of \$36,985,000 to Match Available Federal Funds for Improvements to Municipal and State Roads, Airports, State Ferry Vessels and Terminals, Transit Facilities and Equipment and Rail and Marine Facilities (BOND ISSUE)

(S.P. 611) (L.D. 1812)  
(C. "A" S-510)

TABLED - March 24, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - **PASSAGE TO BE ENACTED.**

Representative KONTOS of Windham moved that the Bill be **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Representative WHEELER of Eliot **REQUESTED** a division on the motion to **TABLE**.

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

A vote of the House was taken. 81 voted in favor of the same and 16 against, the Bill was **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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Bill "An Act to Implement the Recommendations of the Majority of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Enhancing Forest Resource Assessment"

(H.P. 1657) (L.D. 2286)

TABLED - March 24, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENGROSSED.**

Representative COLWELL of Gardiner **PRESENTED House Amendment "E" (H-1042)** which was **READ** by the Clerk.

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

Representative COLWELL: Madam Speaker, Men and Women of the House. I rise to offer this amendment, not because I am dissatisfied with the work of the Agriculture, Conservation and Forestry Committee, I am very pleased. I am not one of those that sees their report as just another study group. I think it is a very important recommendation. We need a scientific blueprint and a way to plan for our long-term needs in the forestry industry. I do think that as a result of this long debate and I don't want to prolong it too long, but the people of the State of Maine really feel that we should come up with some sort of agreement, consensus, on the areas that all the major landowners already agreed upon. That is why I am putting this amendment forth. A couple of days ago, I opposed LD 1766, which was the Minority Report, even though there were parts of that report that I felt were really good policy. The problem and the reason I opposed it at the time and still do is that parts of it I could not agree with. They were just plain onerous and in effect, micromanaged the forest industry in Maine.

One of the pieces of LD 1766 that does make a whole lot of sense to me and I think to a great number of the people of the State of Maine and it would be beneficial to both our forest industry and our precious Maine environment is the sustainable harvest levels piece. That is what my amendment deals with. Who can argue about the common sense recommendation of the Maine Council on Sustainable Forest Management? Simply stated, it says that harvest levels should not exceed growth and then it gives the Maine Forest Service the flexibility to decide how to implement that. A very reasonable and achievable goal. That is the one that is put forth by this amendment. Harvesting activities for landowners with more than 100,000 acres may not exceed sustainable harvest levels for any rolling 10 year average as defined in rules adopted by the commissioner of Conservation. That addresses all the concerns of what if we have another spruce bud worm epidemic? What if we have an ice storm? If you take this over a 10 year period and take a rolling average, I think this is a very practical and realistic way to manage this.

You can debate this aspect and that detail of this particular proposal, but really this is no more than the old Yankee adage that a successful farmer does not eat their seed corn. If you want to stay in business, you don't eat your seed corn and you keep it for next year so you can plant a new garden. That is all that sustainable harvesting is about. In some counties in the State of Maine right now, the US Forestry Service data shows cut to growth levels 10 to 1. Cutting 10 times wood as they are growing. You don't have to be a scientist or that word that I can't pronounce and no one else can, a silviculturalist or what ever it is. You don't have to be a scientist to see that that is a dead end street. That is what the people of the State of Maine see. They know that you can't keep that up. This is a street that neither the industry nor the State of Maine should really want to travel down.