

MAINE STATE LEGISLATURE

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State of Maine

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Appendix
House Legislative Sentiments
Index

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Representative TUTTLE for the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 3: Maine Clean Elections Act and Related Provision Amendments, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1684) (L.D. 2183)

Be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative RICHARDSON from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Implement the Recommendations of the Returnable Container Handling and Collection Study"

(H.P. 1685) (L.D. 2184)

Reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1389.

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

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

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

Representative BUNKER from the Committee on **LABOR** on Bill "An Act to Amend Maine State Retirement System Statutes"

(H.P. 1686) (L.D. 2185)

Reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1591.

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

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

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

Ought to Pass Pursuant to Public Law

Representative McKEE for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Rule-making Authority of the Department of Conservation Regarding Timber Harvesting in Shoreland Areas"

(H.P. 1678) (L.D. 2181)

Reporting **Ought to Pass** pursuant to Public Law 1999, chapter 695, section 4.

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

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

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

Ought to Pass Pursuant to Joint Order

Representative TUTTLE from the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Establish a Centralized Voter Registration System for the State"

(H.P. 1683) (L.D. 2182)

Reporting **Ought to Pass** pursuant to Joint Order 2001, H.P. 1622.

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

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

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

ORDERS

On motion of Representative TUTTLE of Sanford, the following Joint Order: (H.P. 1689)

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal and Veterans Affairs report out, to the House, a bill amending the membership requirements for the Board of Trustees of the Maine Veterans' Homes to require the inclusion of a female veteran.

READ and **PASSED**.

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:

UNFINISHED BUSINESS

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

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

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

(C. "A" H-837)

TABLED - March 5, 2002 (Till Later Today) by Representative COLWELL of Gardiner.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative TUTTLE of Sanford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED House Amendment "C" (H-946)** which was **READ** by the Clerk.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. What the amendment does is it corrects a cross reference we found in engrossment that reestablishes the River Flow Advisory Commission that was inadvertently repealed in a public law that we passed last year.

House Amendment "C" (H-946) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-837) and House Amendment "C" (H-946) in NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-945)** on Bill "An Act to Facilitate Compliance with Spill Prevention Requirements and Authorize Reimbursement for Certain Oil Spill Remediation Expenses" (H.P. 1513) (L.D. 2016)

Signed:

Senators:

MARTIN of Aroostook
SAWYER of Penobscot
SHOREY of Washington

Representatives:

ANNIS of Dover-Foxcroft
KOFFMAN of Bar Harbor
COWGER of Hallowell
DAIGLE of Arundel
DUPLESSIE of Westbrook
TWOMEY of Biddeford
CRABTREE of Hope

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

Signed:

Representatives:

TOBIN of Windham
CLARK of Millinocket

READ.

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

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

Representative **TOBIN**: Mr. Speaker, Ladies and Gentlemen of the House. This bill allows the DEP to take over enforcement EPA regulations. The EPA regulates small gas stations, filling stations. I call them your mom-and-pop shops that have above ground tanks. The EPA, as I said before, are the ones that regulate these. They have no problem with them. The State Fire Marshall are the ones that go around annually and inspect these stations. The concern is that they are supposed to have an SPCC Program on file. What the DEP tells us that they want to do is go around and make sure that these small mom-and-pop stores have these on file. I can't for the life of me understand why a Fire Marshall is there why he can't ask to just see the file. By the way, DEP will need \$650,000 to do this. I urge you to vote against this.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. The good Representative from Windham is absolutely right. The federal EPA is responsible for ensuring that not only gas stations, but also bulk storage facilities have federal oil spill prevention or SPCC plans. The problem is that the federal EPA doesn't come here very often to inspect these plants. They have a lot of things going on and they don't inspect to see

that there is a plan in place and that the provisions in that plan are being enforced. I think our groundwater in this state is at a great deal of risk if we don't properly manage our petroleum facilities. This bill merely gives the DEP the authority to go out and inspect for compliance with plans that are developed and to ensure that plans are on site. I would urge you to support the bipartisan Majority Report. The cost of this bill is there is a position that has already been approved in the budget for the coming fiscal year. It comes out of other special revenues. This does not affect the general fund whatsoever. The other costs can be absorbed by the department. I don't believe there is a significant cost to this program at all. On behalf on Maine's groundwater, I urge you to support the Majority Report. Thank you.

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

Representative **TOBIN**: Mr. Speaker, Men and Women of the House. Seeing that there are just two of us on the Minority Report and the other Representative is gone, I feel that I have to get up and say that the DEP told us that they would inspect and all that they would be looking for was to see if they had that file. If that is all they are really going to do, that is one thing, but I can't imagine that the DEP will go into these mom-and-pop stores without going over the plan and making them update it every three years. The cost of these plans, as I understand it, runs about \$6,000.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. Just to give further technical information regarding this issue, the threshold for requiring this plan is a single tank, 660 gallons or larger or a combination of any number of tanks that total 1,320 gallons or larger. If you are a business that has a couple of 500-gallon tanks or so, you trigger this. Certainly any reasonable size fuel station will trigger this requirement. It does have another full-time person working for the DEP. I understand my good friend from Windham's concern.

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

A vote of the House was taken. 58 voted in favor of the same and 37 against, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-945)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-945)** and sent for concurrence.

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

Divided Report

Majority Report of the Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-944)** on Bill "An Act to Establish a Pilot Project Program to Provide Incentives for Multimunicipal Development"

(H.P. 1559) (L.D. 2061)