

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Seventeenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

**House of Representatives**  
December 7, 1994 to May 23, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
26th Legislative Day  
Tuesday, March 28, 1995

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

Prayer by Reverend Ian L. Bockus, St. Patrick's Episcopal Church, Brewer.

National Anthem by the Mount View High School Chamber Singers, Thorndike.

The Journal of Thursday, March 23, 1995 was read and approved.

At this point, a message came from the Senate, borne by Senator AMERO of that Body, proposing a Joint Convention to be held in the Hall of the House at 10:20 in the morning for the purpose of extending to the Honorable John Fitzsimmons, President of the Maine Technical College System, an invitation to attend the Joint Convention and to make such communication as pleases him.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:20 in the morning and the Speaker appointed Representative JACQUES of Waterville to convey this message to the Senate.

Subsequently, Representative JACQUES of Waterville reported that he had delivered the message with which he was charged.

**SENATE PAPERS**

The following Communication: (H.C. 70)

Maine State Senate  
State House Station 3  
Augusta, Maine 04333

March 23, 1995

The Honorable Dan A. Gwadosky  
Speaker of the House  
117th Legislature  
Augusta, Maine 04333  
Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, Honorable John B. Beliveau of Lewiston for reappointment as Judge of the Maine District Court.

Sincerely,  
S/May M. Ross  
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Increase Access to Primary Care by Redefining the Practice of Advanced Nursing" (S.P. 282) (L.D. 754)

Came from the Senate, referred to the Committee on **Business and Economic Development** and Ordered Printed.

Was referred to the Committee on **Business and Economic Development** in concurrence.

Bill "An Act to Provide Greater Access to Health Care" (S.P. 343) (L.D. 948)

Came from the Senate, referred to the Committee on **Business and Economic Development** and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Human Resources**.)

Was referred to the Committee on **Business and Economic Development** in concurrence.

Bill "An Act to Repeal the Sunset Provision Regarding Drug Recognition Technicians and Amend the Definition of Drugs in the Operating-under-the-Influence Statutes" (EMERGENCY) (S.P. 332) (L.D. 913)

Came from the Senate, referred to the Committee on **Transportation** and Ordered Printed.

On motion of Representative O'GARA of Westbrook, the Bill was referred to the Committee on **Criminal Justice** in non-concurrence and sent up for concurrence.

**Refer to the Committee on Human Resources**

Report of the Committee on **Judiciary** on Bill "An Act to Legalize Cannabis for Medical Treatment of Patients With HIV/AIDS" (S.P. 85) (L.D. 204)

reporting that it be referred to the Committee on **Human Resources**.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on **Human Resources**.

Report was read and accepted and the Bill referred to the Committee on **Human Resources** in concurrence.

**Divided Report**

Majority Report of the Committee on **Criminal Justice** reporting "**Ought to Pass**" on Bill "An Act to Limit a Citizen's Right to Threaten the Use of Deadly Force against a Law Enforcement Officer Engaged in Carrying out Public Duty Except When Justified in Using Deadly Force" (S.P. 200) (L.D. 543)

Signed:

Senator: BENOIT of Franklin  
Representatives: BUNKER of Kossuth Township  
CLUKEY of Houlton  
GOOLEY of Farmington  
McALEVEY of Waterboro  
WATERHOUSE of Bridgton  
WHEELER of Bridgewater

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

Signed:

Senators: HALL of Piscataquis  
O'DEA of Penobscot  
Representatives: CLARK of Millinocket  
JOHNSON of South Portland  
PEAVEY of Woolwich  
THOMPSON of Naples

Came from the Senate with the Minority "**Ought Not to Pass**" Report read and accepted.

Was read.

Representative CLARK of Millinocket moved that the House accept the Minority "**Ought Not to Pass**" Report.

On further motion of the same Representative, tabled pending his motion to accept the Minority "**Ought Not to Pass**" Report and later today assigned.

**Non-Concurrent Matter**

Bill "An Act to Encourage Job Creation by Exempting Small Businesses from the Current Workers' Compensation System" (H.P. 664) (L.D. 887) which was referred to the Committee on Banking and Insurance in the House on March 21, 1995.

Came from the Senate referred to the Committee on Labor in non-concurrence.

The House voted to Recede and Concur.

Under suspension of the rules, the following item was taken up out of order by unanimous consent:

**TABLED AND TODAY ASSIGNED**

The Chair laid before the House the following item which was Tabled and Today Assigned:

JOINT RESOLUTION HONORING THE MEMORY OF JOSEPH LAWRENCE KENNETH BELANGER (H.P. 719)

TABLED - March 23, 1995 by Representative DEXTER of Kingfield.

PENDING - Reading.

Was read.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: I debated on what to say. I talked to my seatmate and he said just say what is in your heart. So, that is what I am going to do today.

Kenny lived in a large family, eight boys and five girls, yet they managed to survive all lifes trials and tribulations. I believe that they had two settings at the table. I am not sure how the second setting (the people that sat there) fared but I am sure they did all right.

He was a young fellow that worked from the time he was old enough, and was active in sports, a good strong member of the community.

One of the things that I noticed in the article about the family was that the father came home from work in the mill with seven loaves of bread and two gallons of milk. That just kind of boggles the mind just a little bit.

But, when it came time to serve his country Kenny went without hesitation even though he had a premonition that he wouldn't be coming back.

I am a charter member of the Norton-Wuori Post, a veteran of World War II, I have served through all the offices. One of the things that I remember when I was chaplain that we always ended the prayer with, "let us not forget our departed comrades." This is what I am trying to do today.

This morning when we salute the flag, as old as I am, I still get goose bumps when I hear the National Anthem.

Subsequently, the Joint Resolution (H.P. 719) was read and adopted and sent up for concurrence.

**COMMUNICATIONS**

The following Communication: (S.P. 357)

**117TH MAINE LEGISLATURE**

March 22, 1995

Senator S. Peter Mills  
Representative Sharon Treat  
Chairpersons

Joint Standing Committee on Judiciary  
117th Legislature  
Augusta, Maine 04333

Dear Senator Mills and Representative Treat:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable William S. Brodrick of

Kennebunkport for appointment as an Active -Retired Justice of the Maine Superior Court.

Pursuant to Title 4, MRSA §104, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland  
President of the Senate

S/Dan A. Gwadosky  
Speaker of the House

Came from the Senate, read and referred to the Committee on Judiciary.

Was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (H.C. 74)

**STATE OF MAINE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 402 An Act to Require Insurance Companies to Make Discounted Premiums Available to Drivers 55 Years of Age or Older Who Complete Motor Vehicle Accident Prevention Courses

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. I. Joel Abromson S/Rep. Marc J. Vigue  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 75)

**STATE OF MAINE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House

117th Maine Legislature

State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 254 An Act to Ensure Coordination of State and Municipal Business Attraction Efforts

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Philip Harriman S/Rep. G. Steven Rowe  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 76)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 64 An Act to Amend the Laws Governing Indecency
- L.D. 259 An Act to Change from 2% to 5% the Percentage of the Amount Paid to County Jails from the Government Operations Surcharge Fund
- L.D. 369 An Act to Require a Person to Serve the Complete Sentence That Was Issued
- L.D. 450 An Act to Limit the Use of Force against Law Enforcement Officers Engaged in Searches and Seizures
- L.D. 482 An Act to Ensure that a Juvenile Conviction for a Serious Crime Is Made a Permanent Part of the Juvenile's Record
- L.D. 485 An Act to Protect Maine Neighborhoods from Drug Houses
- L.D. 530 An Act to Allow the Defense of Ignorance of the Law

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John W. Benoit S/Rep. Herbert E. Clark  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 77)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 119 An Act to Promote Fairness and Due Process within Collegiate Athletics in the State
- L.D. 557 An Act to Require the Escrowing of the Salary of a School Administrator or Employee Arrested for Certain Crimes

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mary E. Small S/Rep. John L. Martin  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 78)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON HUMAN RESOURCES**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 147 An Act to Privatize the Health and Environmental Testing Laboratory within the Department of Human Services, Bureau of Health
- L.D. 250 An Act to Authorize Municipalities to Prohibit Smoking in Buildings Used by Minors under 18 Years of Age
- L.D. 508 Resolve, Directing the Department of Mental Health and Mental Retardation to Review Respite Care Licensing Standards  
BY REQUEST

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joan M. Pendexter, Senate Chair  
Michael J. Fitzpatrick, House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 79)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 122 An Act to Allow Hunting on Sunday
- L.D. 244 An Act to Restrict the Use of Motorboats and Personal Watercraft on Certain Bodies of Water
- L.D. 436 An Act to Protect the Deer Population from Over-hunting
- L.D. 502 An Act to Create a Catch and Release Fishing Program in the State
- L.D. 524 An Act to Authorize Game Wardens to Enforce Prohibitions against Swimming in Navigable River Channels

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Stephen E. Hall S/Rep. Dorothy A. Rotondi  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 80)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 12 An Act to Change the Meaning of Household Members Regarding Protective Orders between Family Members
- L.D. 410 An Act to Amend the Notice Requirements of the Maine Tort Claims Act
- L.D. 434 An Act to Improve Access to Public Records BY REQUEST
- L.D. 486 An Act Terminating Parental Child Support Obligation When the Child Attains 18 Years of Age
- L.D. 632 An Act to Reform the Child Custody Laws

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. S. Peter Mills S/Rep. Sharon Anglin Treat  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 81)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON LABOR**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 184 An Act to Require the Maine Retirement System to Buy Stock in the Paper Companies
- L.D. 306 An Act to Change the Retirement Provisions of Department of Corrections Personnel
- L.D. 421 An Act to Require the Maine State Retirement System to Annually Report to Its Members and to Investigate the Issue of Privatization

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Charles M. Begley S/Rep. Pamela H. Hatch  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 82)

**STATE OF MAINE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 29 An Act to Allow Condominium Associations to Collect Common Expense Assessments in Advance
- L.D. 74 An Act to Amend the Campaign Finance Laws by Limiting Contributions by Political Action Committees and Allowing Candidates to Voluntarily Limit Campaign Expenditures
- L.D. 104 An Act to Ban Political Action Committee Money in Legislative Races
- L.D. 111 An Act to Ensure Fairness in Elections by Limiting Political Action Committee Contributions
- L.D. 206 An Act to Amend the Laws Regarding Eviction of Mobile Home Park Tenants
- L.D. 293 An Act to Limit Contributions from a Political Action Committee to \$1,000 in Any Election
- L.D. 343 An Act to Amend the Treatment of Security Deposits in Order to Provide a Remedy for Failure to Comply
- L.D. 344 An Act to Provide Equity in Services to Residents of Mobile Home Parks
- L.D. 440 An Act to Allow Name Tags at Polling Places during Election Day
- L.D. 460 An Act to Require Voters to Renew Their Voter Registration Every 6 Years
- L.D. 519 An Act to Increase the Operating Profit of Agency Liquor Stores

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Norman K. Ferguson, Jr., Senate Chair

S/Rep. Guy R. Nadeau, House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 83)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 129 An Act to Repeal the Law that Prohibits Dragging and Scalloping in the Frenchboro Area

- L.D. 232 An Act to Reduce Clam Digger License Fees for Clam Diggers with a Municipal License
- L.D. 495 An Act to Prohibit Commercial Dragging during the Period Beginning April 16th and Ending November 14th

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jeffrey H. Butland S/Rep. Peter A. Cloutier  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 84)

**STATE OF MAINE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 588 An Act to Change the Width of the Saco River Corridor and Allow Municipalities to Extend the Corridor Width

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Willis A. Lord S/Rep. Richard A. Gould  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 85)

**STATE OF MAINE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 35 An Act to Reduce the Meal Allowance for Legislators from \$32 to \$16
- L.D. 193 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Limit on Increases in the Local Property Tax
- L.D. 247 An Act to Ensure Full Agency Review of Municipal Impacts Caused by Agency Actions
- L.D. 270 Resolve, to Create the Commission to Establish Job Criteria and Qualification Requirements for Certain State Officers
- L.D. 319 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require

that Constitutional Officers Be Appointed by the Governor

- L.D. 463 An Act to Reduce the Legislative Meal Allowance

- L.D. 469 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Minimum Qualifications for the Treasurer of State

- L.D. 708 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Gubernatorial Appointment of the Attorney General

- L.D. 713 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That the Treasurer of State Be Appointed by the Governor

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 86)

**STATE OF MAINE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON TAXATION**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 33 An Act to Reduce the State Income Tax Rate by 10% over a 5-year Period
- L.D. 145 An Act to Exempt from Taxation Charitable Institutions Authorized To Do Business in Maine BY REQUEST
- L.D. 152 An Act to Clarify the Tax Exemption for Pollution Control
- L.D. 174 An Act to Reduce Income Taxes
- L.D. 426 An Act to Restrict the Situations When a Taxpayer May Request an Abatement of Property Taxes

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. W. John Hathaway S/Rep. Susan E. Dore  
Senate Chair House Chair  
Was read and ordered placed on file.

The following Communication: (H.C. 87)

**STATE OF MAINE**

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 72 An Act to Require Safety Seat Belts in New School Buses
- L.D. 102 An Act to Reduce the Cost of Business Directional Signs
- L.D. 136 An Act to Create a New Maine Firefighter License Plate
- L.D. 241 An Act Concerning Reporting Powers of Fire/Police Units
- L.D. 291 An Act to Prohibit the Operation of Trucks Over 50,000 Pounds During Inclement Weather
- L.D. 324 An Act to Make Procedural Changes to the Maine Turnpike Authority
- L.D. 363 An Act to Allow the Issuance of Vanity Plates for Commercial Motor Vehicles and to Provide Special Registration Plates to Amateur Radio Operators BY REQUEST
- L.D. 375 An Act to Create Special License Plates for Certain Civic Groups
- L.D. 466 An Act to Require That Headlights Be on during Inclement Weather
- L.D. 473 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Revenues Derived from the Use of Vehicles on Public Highways and from Alternative Modes of Transportation to be Used for Obtaining Access to Rights-of-Way for Alternative Forms of Transportation
- L.D. 509 An Act to Require a Review of Handicapped Plates Periodically BY REQUEST
- L.D. 573 An Act to Establish Retreaded Truck Tire Safety Standards
- L.D. 574 An Act to Require the Department of Transportation to Post Signs Indicating That Headlights Must Be On When Windshield Wipers Are in Use
- L.D. 614 An Act to Improve Safety of School Buses
- L.D. 617 An Act to Raise the Fee for Legislative Registration Plates
- L.D. 685 An Act to Facilitate Efficiency of Inspections of Commercial Motor Vehicles

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Albert G. Stevens, Jr., Senate Chair

S/Rep. William B. O'Gara, House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 88)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

March 27, 1995

Honorable Jeffrey H. Butland, President of the Senate  
Honorable Dan A. Gwadosky, Speaker of the House  
117th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 327 An Act to Amend and Clarify the Powers and Duties of the State Planning Office
- L.D. 345 An Act to Prohibit Regulatory Discrimination among Utilities
- L.D. 387 An Act to Repeal the Winter Harbor Water District BY REQUEST

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. David L. Carpenter S/Rep. Carol A. Kontos

Senate Chair

House Chair

Was read and ordered placed on file.

By unanimous consent, the Joint Resolution (H.P. 719) having been acted upon, was ordered sent forthwith.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills, Resolves and Resolutions were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

**Agriculture, Conservation and Forestry**

Bill "An Act to Preserve the Confidentiality of Witnesses Providing Information on the Forest Fire Arson Phone Line" (H.P. 724) (L.D. 998) (Presented by Representative GOULD of Greenville) (Cosponsored by Representative GOOLEY of Farmington, Senators: LORD of York, MICHAUD of Penobscot) (Submitted by the Department of Conservation pursuant to Joint Rule 24.)

**Appropriations and Financial Affairs**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Line-item Veto (H.P. 729) (L.D. 1003) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: BENEDIKT of Brunswick, BOUFFARD of Lewiston, CLARK of Millinocket, DiPIETRO of South Portland, DONNELLY of Presque Isle, OTT of York, REED of Falmouth, SIMONEAU of Thomaston, Senators: HANLEY of Oxford, HATHAWAY of York)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Line-item Veto Power on Budget Legislation to the Governor (H.P. 731) (L.D. 1005) (Presented by Representative TUTTLE of Sanford)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Future Budget Fund (H.P. 760) (L.D. 1034) (Presented by Representative PERKINS of Penobscot) (Cosponsored by Representatives: BUCK of Yarmouth, CAMPBELL of Holden, CLARK of Millinocket, DEXTER of Kingfield, DONNELLY of Presque Isle, GOULD of Greenville, JOYCE of Biddeford, Senator: HANLEY of Oxford)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with a Line-item Veto (H.P. 774) (L.D. 1071) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Senator HANLEY of Oxford and Representatives: JOYNER



of Hollis, KERR of Old Orchard Beach, Senator: HATHAWAY of York)

#### **Banking and Insurance**

Bill "An Act Requiring Disclosure of Insurance Rating on All New Motor Vehicles Sold in the State" (H.P. 721) (L.D. 995) (Presented by Representative AULT of Wayne)

Bill "An Act to Prevent Returned Check Charges to Merchants" (H.P. 726) (L.D. 1000) (Presented by Representative BUCK of Yarmouth) (Cosponsored by Representatives: MURPHY of Berwick, THOMPSON of Naples, WATERHOUSE of Bridgton)

Bill "An Act to Require Prior Notice of Cancellation of Group Health Insurance Policies" (EMERGENCY) (H.P. 765) (L.D. 1039) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: CHASE of China, DAGGETT of Augusta, GREEN of Monmouth, MADORE of Augusta, MAYO of Bath, TOWNSEND of Portland, TREAT of Gardiner, TRIPP of Topsham, VIGUE of Winslow, WATSON of Farmingdale, Senators: BUSTIN of Kennebec, CAREY of Kennebec, McCORMICK of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

#### **Business and Economic Development**

Bill "An Act to License Home Contractors and Builders" (H.P. 770) (L.D. 1044) (Presented by Representative TYLER of Windham) (Cosponsored by Representatives: AHEARNE of Madawaska, CHIZMAR of Lisbon, KNEELAND of Easton, MORRISON of Bangor, POVICH of Ellsworth, TUTTLE of Sanford, VIGUE of Winslow, Senator: FERGUSON of Oxford)

Resolve, to Establish Work Opportunity Regions in the State (H.P. 755) (L.D. 1029) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Representatives: RICE of South Bristol, WATERHOUSE of Bridgton)

#### **Criminal Justice**

Bill "An Act to Amend the Law to Provide for the Notification of Immediate Family Members of Homicide Victims" (H.P. 732) (L.D. 1006) (Presented by Representative PEAVEY of Woolwich) (Submitted by the Department of Corrections pursuant to Joint Rule 24.)

Bill "An Act to Increase the Penalty for Violating the Laws Governing Passing Another Vehicle" (H.P. 733) (L.D. 1007) (Presented by Representative DAMREN of Belgrade) (By Request) (Cosponsored by Representative: NICKERSON of Turner)

Bill "An Act to Waive the Requirement for Background Checks of Those in Current Possession of a Permit to Carry Concealed Weapons" (H.P. 749) (L.D. 1023) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Representatives: AHEARNE of Madawaska, BAILEY of Township 27, BARTH of Bethel, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CLARK of Millinocket, CROSS of Dover-Foxcroft, DEXTER of Kingfield, DRISCOLL of Calais, GOULD of Greenville, GUERRETTE of Pittston, JACQUES of Waterville, JOYNER of Hollis, LAYTON of Cherryfield, LIBBY of Kennebunk, O'NEAL of Limestone, PERKINS of Penobscot, REED of Falmouth, REED of Dexter, ROSEBUSH of East Millinocket, ROTONDI of Madison, TRUE of Fryeburg, TUFTS of Stockton Springs, WHEELER of

Bridgewater, Senators: CASSIDY of Washington, HANLEY of Oxford, KIEFFER of Aroostook, MICHAUD of Penobscot, PARADIS of Aroostook, RUHLIN of Penobscot)

Bill "An Act to Provide Services to Adjudicated Young Women" (H.P. 756) (L.D. 1030) (Presented by Representative JOHNSON of South Portland) (Cosponsored by Representatives: ADAMS of Portland, BRENNAN of Portland, BUNKER of Kossuth Township, GERRY of Auburn, GREEN of Monmouth, KILKELLY of Wiscasset, LEMKE of Westbrook, ROSEBUSH of East Millinocket, SHIAH of Bowdoinham, TREAT of Gardiner, WATSON of Farmingdale)

Bill "An Act to Provide a Specific Formula to Determine Restitution of Economic Loss" (H.P. 775) (L.D. 1072) (Presented by Representative MARSHALL of Eliot) (Cosponsored by Representatives: BAILEY of Township 27, HICHBORN of LaGrange, LANE of Enfield, LOOK of Jonesboro, LUMBRA of Bangor, WATERHOUSE of Bridgton, Senator: LORD of York)

#### **Education and Cultural Affairs**

Bill "An Act to Prevent the Loss of Federal Impact Aid Funds to Schools Required to Reimburse under Federal Law" (H.P. 722) (L.D. 996) (Presented by Representative O'NEAL of Limestone) (Cosponsored by Representatives: ADAMS of Portland, BUNKER of Kossuth Township, CHICK of Lebanon, DAVIDSON of Brunswick, DESMOND of Mapleton, ETNIER of Harpswell, FISHER of Brewer, GREEN of Monmouth, JACQUES of Waterville, JONES of Bar Harbor, MAYO of Bath, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, RICHARDSON of Portland, ROBICHAUD of Caribou, SAXL of Bangor, SHIAH of Bowdoinham, SIROIS of Caribou, TRIPP of Topsham, TUFTS of Stockton Springs, TUTTLE of Sanford, WHEELER of Bridgewater, Senators: KIEFFER of Aroostook, SMALL of Sagadahoc)

Bill "An Act Concerning Officiating at High School Athletic Competitions" (H.P. 745) (L.D. 1019) (Presented by Representative AHEARNE of Madawaska)

Bill "An Act Pertaining to Cost Sharing of Central Office Expenses among Administrative Units in a School Union" (H.P. 746) (L.D. 1020) (Presented by Representative AULT of Wayne)

Bill "An Act Authorizing the State Board of Education to Adopt Rules Regarding Certain Early Childhood Personnel" (H.P. 747) (L.D. 1021) (Presented by Representative AULT of Wayne) (Cosponsored by Representative: DESMOND of Mapleton, Senator: O'DEA of Penobscot)

Bill "An Act Relating to the Renewal of a Teacher Certificate That Has Lapsed for More Than 5 Years" (H.P. 759) (L.D. 1033) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representative: AULT of Wayne, Senators: AMERO of Cumberland, ESTY of Cumberland, SMALL of Sagadahoc) (Submitted by the Department of Education pursuant to Joint Rule 24.)

Bill "An Act to Reorganize the University of Maine into 2 Separate Systems" (H.P. 767) (L.D. 1041) (Presented by Representative KEANE of Old Town) (Cosponsored by Representatives: CLARK of Millinocket, DiPIETRO of South Portland, FISHER of Brewer, WINN of Glenburn)

Resolve, to Direct the Department of Education to Reduce the Number of Superintendents in the State to 25 (H.P. 737) (L.D. 1011) (Presented by Representative AULT of Wayne)

**Human Resources**

Resolve, to Establish the Commission to Study Certain Provisions Regarding Medicaid and Aid to Families with Dependent Children during Catastrophic Illness and Economic Hardship (H.P. 727) (L.D. 1001) (Presented by Representative TUTTLE of Sanford)

Resolve, to Establish a Comprehensive Study on the Effects of Maine's Middle Age Population on the Maine Economy and Health Facilities (H.P. 763) (L.D. 1037) (Presented by Representative JOYNER of Hollis) (Cosponsored by Representatives: BUCK of Yarmouth, CAMPBELL of Holden, CARLETON of Wells, DAMREN of Belgrade, DONNELLY of Presque Isle, DUNN of Gray, FITZPATRICK of Durham, HARTNETT of Freeport, JOYCE of Biddeford, LIBBY of Kennebunk, LINDAHL of Northport, LOVETT of Scarborough, MARVIN of Cape Elizabeth, McALEVEY of Waterboro, REED of Falmouth, RICE of South Bristol, ROBICHAUD of Caribou, SAVAGE of Union, SIMONEAU of Thomaston, TAYLOR of Cumberland, TRUE of Fryeburg, TUFTS of Stockton Springs, WINGLASS of Auburn)

**Inland Fisheries and Wildlife**

Bill "An Act to Provide a 3-day Nonresident Small Game Hunting License" (H.P. 734) (L.D. 1008) (Presented by Representative DAMREN of Belgrade) (Cosponsored by Representative JACQUES of Waterville and Representatives: CLARK of Millinocket, CLUKEY of Houlton, GREENLAW of Standish, MARSHALL of Eliot, MAYO of Bath, McELROY of Unity, NICKERSON of Turner, PERKINS of Penobscot, SAVAGE of Union, STEDMAN of Hartland, TUFTS of Stockton Springs, VIGUE of Winslow, Senator: CAREY of Kennebec)

Bill "An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Determine the Number of Moose Permits to Award" (H.P. 736) (L.D. 1010) (Presented by Representative TUTTLE of Sanford)

Bill "An Act to Prohibit the Taking of a Female Bear Accompanied by a Cub" (H.P. 742) (L.D. 1016) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representatives: BAILEY of Township 27, CHICK of Lebanon, FARNUM of South Berwick, GAMACHE of Lewiston, JACQUES of Waterville, McALEVEY of Waterboro, TRUE of Fryeburg, Senator: BEGLEY of Lincoln)

Bill "An Act to Allow Vanity Registration Plates for Snowmobiles" (H.P. 751) (L.D. 1025) (Presented by Representative DONNELLY of Presque Isle)

Bill "An Act to Allow Bow Hunters to Take Antlerless Deer during the Open Firearms Season" (H.P. 762) (L.D. 1036) (Presented by Representative AULT of Wayne) (Cosponsored by Representative: LEMONT of Kittery)

Bill "An Act Ensuring Fairness in the Distribution of Hunting Licenses by Allowing Out-of-state Landowners in Maine to Pay Reduced Hunting License Fees" (H.P. 764) (L.D. 1038) (Presented by Representative WATERHOUSE of Bridgton) (Cosponsored by Representatives: BAILEY of Township 27, BUCK of Yarmouth, BUNKER of Kossuth Township, CLARK of Millinocket, UNDERWOOD of Oxford, WATERHOUSE of Bridgton)

**Judiciary**

Bill "An Act to Allow for Decreased Municipal Liability Regarding Ice-skating Rinks" (H.P. 750) (L.D. 1024) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Representatives: CROSS

of Dover-Foxcroft, STROUT of Corinth, WHEELER of Bridgewater, Senators: BEGLEY of Lincoln, CAREY of Kennebec, CIANCHETTE of Somerset, HANLEY of Oxford, KIEFFER of Aroostook, PENDEXTER of Cumberland)

**Labor**

Resolve, to Create the Teacher Retirement Advisory Committee (H.P. 761) (L.D. 1035) (Presented by Representative FISHER of Brewer) (Cosponsored by Representatives: DiPIETRO of South Portland, ETNIER of Harpswell, GAMACHE of Lewiston, JONES of Bar Harbor, KEANE of Old Town, LEMAIRE of Lewiston, POVICH of Ellsworth, STEVENS of Orono, TRUE of Fryeburg, TRUMAN of Biddeford, VOLENIK of Sedgwick, Senators: PARADIS of Aroostook, RUHLIN of Penobscot)

**Legal and Veterans Affairs**

Bill "An Act to Allow for Substitution of a Presidential Candidate Nominated by Petition" (H.P. 725) (L.D. 999) (Presented by Representative PERKINS of Penobscot) (By Request)

Bill "An Act to Prohibit Political Action Committee and Corporate Contributions in State and Federal Elections" (H.P. 730) (L.D. 1004) (Presented by Representative GERRY of Auburn) (Cosponsored by Representatives: BUCK of Yarmouth, HARTNETT of Freeport, LIBBY of Buxton, TUTTLE of Sanford)

Bill "An Act to Facilitate the Regulation of Alcohol in Auditoriums" (H.P. 739) (L.D. 1013) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representatives: BRENNAN of Portland, GATES of Rockport, GREEN of Monmouth, MURPHY of Berwick, STONE of Bangor, TRUMAN of Biddeford)

Bill "An Act to Repeal the Residency Requirement for Admission into a Maine Veterans' Home" (H.P. 757) (L.D. 1031) (Presented by Representative TRIPP of Topsham) (Cosponsored by Representatives: GREEN of Monmouth, WATSON of Farmingdale)

Bill "An Act to Allow Political Parties to Determine the Method of Nominating Candidates" (H.P. 769) (L.D. 1043) (Presented by Representative GERRY of Auburn) (Cosponsored by Representatives: CAMPBELL of Holden, LENKE of Westbrook, LUTHER of Mexico, SAVAGE of Union, Senator: CAREY of Kennebec)

**Marine Resources**

Bill "An Act to Prohibit the Taking of Soft-shell Clams on Sunday and at Night" (H.P. 743) (L.D. 1017) (Presented by Representative HARTNETT of Freeport) (By Request)

**Natural Resources**

Bill "An Act to Establish a Clean Air Act Title V Operating Permit Program" (EMERGENCY) (H.P. 728) (L.D. 1002) (Presented by Representative CLARK of Millinocket) (Cosponsored by Senator FERGUSON of Oxford and Representatives: AHEARNE of Madawaska, CAMERON of Rumford, DEXTER of Kingfield, DiPIETRO of South Portland, GOULD of Greenville, GREENLAW of Standish, KEANE of Old Town, MERES of Norridgewock, MORRISON of Bangor, ROSEBUSH of East Millinocket, SIMONEAU of Thomaston, VIGUE of Winslow, Senators: AMERO of Cumberland, CAREY of Kennebec, ESTY of Cumberland, HATHAWAY of York, LORD of York, RUHLIN of Penobscot)

Bill "An Act to Amend the Toxics in Packaging Law" (H.P. 766) (L.D. 1040) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: JACQUES of Waterville, MARSHALL of Eliot, SPEAR of Nobleboro, Senator: LORD of York) (Submitted by the Maine Waste Management Agency pursuant to Joint Rule 24.)

Bill "An Act to Amend the Surface Water Ambient Toxics Monitoring Program" (H.P. 768) (L.D. 1042) (Presented by Representative ETNIER of Harpswell) (Cosponsored by Representatives: ADAMS of Portland, FITZPATRICK of Durham, GATES of Rockport, KILKELLY of Wiscasset, MITCHELL of Portland, SAXL of Bangor, Senators: LONGLEY of Waldo, MCCORMICK of Kennebec, MICHAUD of Penobscot, PINGREE of Knox, RAND of Cumberland)

Resolve, Directing the Commissioner of Environmental Protection to Propose a Plan to Reorganize the Department of Environmental Protection (H.P. 740) (L.D. 1014) (Presented by Representative GOULD of Greenville)

#### State and Local Government

Bill "An Act to Prohibit the Expenditure of Public Funds to Challenge the Adoption or Amendment of a Municipal Charter" (H.P. 744) (L.D. 1018) (Presented by Representative CHICK of Lebanon) (By Request) (Cosponsored by Representatives: KEANE of Old Town, LEMONT of Kittery, ROTONDI of Madison)

Bill "An Act to Amend the Laws Dealing with Municipalities Having the Option of Inspecting Buildings" (H.P. 752) (L.D. 1026) (Presented by Representative STEDMAN of Hartland) (By Request)

#### Taxation

Bill "An Act to Eliminate Tree Growth Tax Benefits for Landowners Who Clear-cut" (H.P. 723) (L.D. 997) (Presented by Representative PERKINS of Penobscot) (By Request)

Bill "An Act to Provide a Definition of Domicile for Purposes of Equitable Taxation" (H.P. 748) (L.D. 1022) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representatives: AHEARNE of Madawaska, HATCH of Skowhegan)

Bill "An Act to Exempt Local Municipalities from Paying a Lease Tax on Equipment" (H.P. 753) (L.D. 1027) (Presented by Representative LIBBY of Buxton) (Cosponsored by Representatives: BARTH of Bethel, HARTNETT of Freeport, JOY of Crystal, JOYCE of Biddeford, NASS of Acton, POIRIER of Saco, RICE of South Bristol, STEDMAN of Hartland)

Bill "An Act to Alter the Valuation of Searsport" (H.P. 754) (L.D. 1028) (Presented by Representative WHITCOMB of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Regarding Application of the Sales and Use Tax to the Graphics Industry" (H.P. 773) (L.D. 1070) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representatives: CAMERON of Rumford, DAGGETT of Augusta, DORE of Auburn, GREEN of Monmouth, HEESCHEN of Wilton, JACQUES of Waterville, JOSEPH of Waterville, MADORE of Augusta, MITCHELL of Vassalboro, POULIN of Oakland, TRIPP of Topsham, TUTTLE of Sanford, VIGUE of Winslow, Senators: BUSTIN of Kennebec, CIANCHETTE of Somerset)

#### Transportation

Bill "An Act to Change the Renewal Fee of the Loon License Plate and to Dedicate the Revenue Generated" (H.P. 735) (L.D. 1009) (Presented by Representative DAMREN of Belgrade) (Cosponsored by Representatives: AIKMAN of Poland, BUCK of Yarmouth, CLARK of Millinocket, MARSHALL of Eliot, MAYO of Bath, NICKERSON of Turner, PERKINS of Penobscot, SAVAGE of Union, STEDMAN of Hartland, TUFTS of Stockton Springs, VIGUE of Winslow, Senator: CAREY of Kennebec)

Bill "An Act to Discontinue the Issuance of the Lobster License Plate" (H.P. 738) (L.D. 1012) (Presented by Representative LEMKE of Westbrook)

Bill "An Act to Add a \$5 Surcharge to the Fines Collected for All Moving Violations" (H.P. 758) (L.D. 1032) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representatives: GREEN of Monmouth, KEANE of Old Town, MURPHY of Berwick, STONE of Bangor)

Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 771) (L.D. 1045) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: BAILEY of Township 27, DRISCOLL of Calais, O'GARA of Westbrook, RICKER of Lewiston, Senator: STEVENS of Androscoggin)

#### Utilities and Energy

Bill "An Act to Allow Electric Power to be Purchased by Ski Resorts at the Lowest Profitable Rate" (H.P. 741) (L.D. 1015) (Presented by Representative GOULD of Greenville)

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

At this point, the Senate came and a Joint Convention was formed.

#### IN CONVENTION

The President of the Senate, the Honorable Jeffrey H. Butland, in the Chair.

On motion of Representative Kieffer of Aroostook, it was

ORDERED, that a committee be appointed to wait upon the Honorable John Fitzsimmons, President of the Maine Technical College System and inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communication as pleases him.

The Order was read and passed.

The Chairman appointed:

Senators:

HARRIMAN of Cumberland  
GOLDTHWAIT of Hancock  
CIANCHETTE of Somerset  
SMALL of Sagadahoc  
ABROMSON of Cumberland  
ESTY of Cumberland

Representatives:

ROWE of Portland  
KONTOS of Windham  
BRENNAN of Portland  
DAVIDSON of Brunswick  
POVICH of Ellsworth  
SIROIS of Caribou  
LIBBY of Kennebunk

REED of Dexter  
CAMERON of Rumford  
BIRNEY of Paris  
MARTIN of Eagle Lake  
CLOUTIER of South Portland  
STEVENS of Orono  
WINN of Glenburn  
DESMOND of Mapleton  
AULT of Wayne  
BARTH of Bethel  
LIBBY of Buxton  
McELROY of Unity

At this point, the Chair recognized and welcomed the members of the Maine Technical College System Board of Trustees: Roy P. Hibyan, Bridget D. Healy, Michael W. Aube, and Wayne L. Mowatt. (Applause the audience rising)

The Chair also recognized and welcomed the Technical College Presidents:

Durward Huffman from the Northern Maine Technical College.

Joyce Hedlund from the Eastern Maine Technical College.

William Hierstein from the Central Maine Technical College.

Barbara Woodlee from the Kennebec Valley Technical College.

Ronald Renaud from the Washington County Technical College.

Darrel Staat from the York County Technical College.

Wayne Ross from the Southern Maine Technical College. (Applause, the audience rising)

Subsequently, Senator Harriman of Cumberland, for the Committee, reported they had delivered the message with which they were charged and were pleased to report that the Honorable John Fitzsimmons, President of the Maine Technical College System, will attend forthwith.

At this point, the Chair would like to welcome and extend congratulations to the following Maine Technical College System - Students of the Year:

Michael Shanahan from the Northern Maine Technical College in Presque Isle.

Melanie Clauson from the Eastern Maine Technical College in Bangor.

Jerry McLean from the Central Maine Technical College in Auburn.

Gary Reynolds from the Kennebec Valley Technical College in Fairfield.

Robert Fortin from the Washington County Technical College in Calais.

Todd Fortier from the Southern Maine Technical College in South Portland. (Applause, the audience rising)

At this point, the Honorable John Fitzsimmons, President of the Maine Technical College System entered the Convention Hall amid prolonged applause, the audience rising.

President Fitzsimmons then addressed the Convention as follows:

Thank you President Butland, Speaker Gwadosky, and distinguished members of the 117th Maine Legislature. Thank you for this wonderful opportunity to speak to you today on the state of the Maine Technical College System.

This invitation — the first ever for our system — comes at a very special time. Next year is the 50th anniversary of the first Vocational-Technical Institute, marking the culmination of five decades of work to build the technical college system to what it is today.

In 1946, 80 returning veterans from World War II began classes in automotive, electrical, machine tool and radio at the first VTI in Augusta.

Today, 4,500 students are enrolled in over 100 different degree programs — from nursing to computer technology, from electronics and machine tool technology. And, another 1,500 Mainers come to our colleges at night. Today, 694 faculty and staff are giving their energy, talents and commitment to helping Maine people realize their potential.

I consider it a great privilege to represent the men and women who have been part of our history — those with us now and those who preceded us. Your invitation is a tribute to their hard work, and we consider it an affirmation of your support of our colleges and, equally important, as a signal of your belief in the vital role that Technical Colleges play in the lives of Maine people and Maine's economy.

Everyone in this chamber is well aware of the enormous changes taking place in our economy. It is in the news every day....500 workers losing their jobs at Statler....the closing of Loring....the downsizing of BIW. In every community in our state, we are feeling the impact of an economy in transition.

For Maine people it means thousands outside the economy and thousands more on the economic edge.

For Maine businesses — in order to survive it means changing, bringing in new technologies and new production methods in order to stay competitive.

We in the Technical Colleges are confident that Maine can make the transition. We know it because we are so close to it. We see students who, with an intellect and desire, come to us committed to learning a new career. We work daily with Maine businesses seeking to upgrade the skills of their workers in order to compete.

We offer education that works. It works for our students. And it works for Maine's businesses.

Before I talk to you about the challenges, both now and in the future, let me begin by highlighting a few of the successes of the Maine Technical College System.

Despite budget constraints, we have kept our eye on the future and worked diligently to find ways to meet the growing demands of applicants and businesses, and, above all, to ensure a quality education. Our efforts have been directed in four areas.

First, we have been focussed on building an effective and cohesive independent system.

Second, we are building bridges to other educational systems to ease the transition from one system to another, and to support lifelong learning.

Third, we are committed to becoming a key partner in Maine's economic development efforts.

And forth, we are striving to be among the best two-year college systems in the nation.

Let me share with you a few highlights from those four areas.

First, since 1986, we have been focussed on building an effective and cohesive system.

The creation of a new system has brought many challenges, from creating a financial management system, to human resource policies to a statewide computer system. The systems we put in place assure the accountability expected by the public, while supporting the regional emphasis which is the strength of our colleges.

During these years, we have put up new facilities at each college, financed through a 1989 bond with \$20 million.

We have created numerous public and private partnerships that have allowed us to serve 23 percent more students in the past five years.

We have brought in \$6 million forth of federal grants and increased our private sector donations from \$175,000 in 1990 to \$450,000 last year.

And, most recently, thanks to the support of the Legislature last year, we have been working hard to establish a seventh college in our system, York County Technical College. (Applause)

This new college will provide Maine's second most populated county, representing 14 percent of the employment in our state, a new educational partner. You can fully expect that York County Technical College will bring the same economic benefit to its region, as the other six existing colleges do.

And finally, we have been working hard to gain the public recognition and support of our colleges. Last fall, Maine citizens showed their support by endorsing a \$5 million bond for new equipment for our colleges. In a recent statewide poll, 66 percent of Maine people said they wanted to see the state increase its investment in the Technical Colleges.

Second, we are building bridges to other educational systems.

We are working directly with Maine's high schools to provide new opportunities for students not traditionally bound for college. Let me share with you some startling facts. Today in Maine, 75 percent of all the jobs require education and training beyond high school. Yet look at what happens to our students from the 9th grade on: 18 percent drop out; 33 percent graduate but do not continue their education; and 49 percent go on to college.

If you take the 18 percent who drop out and the 33 percent who graduate but do not continue their education that means that 51 percent of our next generation of workers are heading for 25 percent of the jobs.

Currently the technical colleges are not serving that 51 percent. In fact, 75 percent of the students enrolled in our colleges come from a college prep background. What may also surprise you is that 32 percent have attended or already graduated college.

We believe it is imperative that more Maine people have access to college and be better prepared for a career. And that is why the Technical Colleges are working jointly with Maine high schools to offer two new pathways....Tech Prep and Youth Apprenticeship.

Tech Prep courses are now in 120 Maine high schools. It is quietly becoming one of the most effective and wide-spread reform efforts underway. Its approach of taking academic subjects and engaging students by teaching them in an applied way, allowing students to see the relevance of what they are learning for real life applications.

The Maine Youth Apprenticeship Program has businesses participating as full partners in the

development of skill standards, and in the learning process itself. In this program, employers like L.L. Bean, Blue Cross/Blue Shield, Lemforder, Madison Paper Company will contribute over three quarters of a million dollars this year in stipends and student tuition for college. Again, like Tech Prep, we are connecting the school place to the workplace.

We are also building bridges with the University System and Maine's private colleges, by developing articulation agreements that enable our students to transfer to a baccalaureate program without losing credits.

Today, a student studying agribusiness in Northern Maine can transfer easily from Presque Isle High School to Northern Maine Technical College and on to the University. A nursing student at Southern Maine Technical College can transfer to the University of Southern Maine. And a business student at Eastern Maine Technical College can transfer without the loss of credits to Husson or Thomas College.

We are committed to doing our part to building a seamless educational system in Maine.

Now let me turn to economic development.

During the last five years the Technical Colleges have moved from being a support player in economic development to being a key player. We have learned from states that have earned national reputations for their success in attracting and retaining businesses. These states have one thing in common, their Technical Colleges are the key players in their economic development strategies.

Our Maine Quality Centers program is modeled after a very successful program in South Carolina. It offers new and expanding businesses training that is tailored to their needs, to help them find the skilled workers they need to be successful.

The Quality Centers project not only helps businesses; it helps people by giving them the training they need for good-paying jobs....jobs that are full-time....jobs with benefits.

Our first Quality Center project was Medaphis in Lewiston; over the next year and a half, Central Maine Technical College will train 450 new workers. In the next few months, we will be announcing several new projects, bringing the total to over 1,000 new jobs in the first six months of this program.

And finally, we are challenging ourselves to go beyond where we are....striving to be among the best two-year college systems in the nation.

First, our Board of Trustees has strengthened our program review process. We are constantly assessing the effectiveness of our programs, and now every program undergoes a top-to-bottom review every five years.

In addition, our Board of Trustees last year created the Skills Commission for the 21 Century. This commission was charged with identifying the complementary skills needed for today's work place....such skills as critical thinking, analytical skills, problem solving, communications, and working in teams.

In many of our programs, we already are teaching these skills. But our goal is to have every Technical College student graduate with these essential skills.

Third, we have initiated an ambitious planning process. In our first year, we have identified four key areas of our organization: our role in economic development; maintaining up-to-date equipment; ensuring excellent communications; and providing

professional development opportunities for our faculty and staff. We have set performance goals in these areas that will allow us to measure ourselves against the best in the nation.

It is with great pride that I report all that we've been doing. But I also need to share with you my concern for where we find our system, and what we see coming in the future.

In the past I have been able to speak with pride about how lean our organization is. In fact, many of you have held our organization up as a model. But I stand before you today with deep concern that we have gone beyond being lean, we are a system under economic stress and the cracks are beginning to show.

I know it is the goal of all of us in government to be as efficient as possible. When budgets are tight you find efficiencies in several ways: maximizing resources; by improving productivity; and by seeking new revenue sources. The Maine Technical College System has done all of these.

But the impact of five years of flat funding is being felt...on our students, who have seen their tuition go up by 74 percent...on our colleges, in supplies for our classrooms, maintenance of our facilities, and keeping equipment up to date.

Of course, the impact is being felt by our employees. We have faced tremendous challenges in compensating our employees at a level which reflects their vital role in our institutions.

I know how difficult it is in times like these to talk about salaries. But I firmly believe an organization is only as good as the talents of the people we employ. Whether in a classroom, a lab, or on the shop floor, it all begins with a faculty member sharing his or her knowledge with their students. It also takes the leadership and support of administrators and staff, working day to day to make the college the best it can be. If you want to be the best, we've got to keep and attract the best.

We will continue to be creative in searching for efficiencies and other solutions to these financial challenges. But we are going to need your support if we are to maintain our standard of quality and not reduce the current enrollment level.

We also need your help in getting ready for the future.

This past January, you received a report called "Improving Access to the Maine Technical College System," which was requested by the 116th Maine Legislature. In its report the commission praised our high placement rate, which has stayed above 80 percent even in the recession, with 98 percent of those jobs in Maine.

They cited our partnerships with the private sector in the delivery of programs, like the new Pulp and Paper program at Kennebec Valley Technical College. And they praised our aggressive efforts to bring in additional revenues, like Washington County Technical College's grant to help Georgia Pacific in Woodlands upgrade the skills of its workers.

While the commission praised the quality of our education, they also felt that, at our current capacity, we are far underserving the state of Maine. Their report revealed some startling projections which should give us all deep concern.

They found that currently, Maine's Technical Colleges are able to meet less than 20 percent of employers' need for skilled technicians.

...that by the year 2005, the number of applicants seeking enrollment to a Technical College will more

than triple, from our current 5,900 applications to over 21,000.

...that unless we expand, by the year 2005, we will only be able to accept one in seven applicants.

The commission concluded that, in order to adequately meet the current and future needs of Maine, the system needs to expand from its current enrollment of 4,500 degree students to at least 10,000.

The commission also called for the creation of a dedicated account for training equipment, recognizing the ongoing challenge of keeping equipment current in this age of rapidly changing technology.

I know the demands on state resources are many, and none is frivolous. But we believe one of the best solutions to the challenges Maine faces is to provide people with the education they need to get back to work. We consider ourselves full partners in meeting that challenge.

In closing, I believe that there are common beliefs, goals, and responsibilities that we all share — the Technical Colleges, the Legislature, Governor King and his new administration.

We share a belief in the value of work and the innate talents of Maine people.

We share a goal: to provide a wealth of opportunities for our citizens, so they can participate fully in the rich experience of life in Maine.

And we share a responsibility: to support those beliefs and achieve that goal, and to work together to help Maine transition to a new economy.

The Maine Technical College System is ready.

We are ready to serve more Maine people.

We are ready to serve more Maine businesses.

We are ready to serve as your partners to build a better Maine.

Together, it is our challenge...and together, it will be our legacy.

Thank you very much. (Applause, the audience rising)

At the conclusion of the address, President Fitzsimmons withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled, having been accomplished, the Chairman declared the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

#### In The House

The House was called to Order by the Speaker.

#### Reported Pursuant to Public Law

Representative TREAT for the Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector pursuant to Public Law 1993, chapter 401, section 4, subsection 4 asks leave to submit its findings and to report that the accompanying Bill "An Act to Promote the Use of Alternative Dispute Resolution in State Government" (H.P. 772) (L.D. 1069)

be referred to the Joint Standing Committee on Judiciary for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

#### REPORTS OF COMMITTEES Ought to Pass as Amended

Representative CLARK from the Committee on Criminal Justice on Bill "An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund" (H.P. 74) (L.D. 110) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-48)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-48) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 30, 1995.

#### Ought to Pass as Amended

Representative NADEAU from the Committee on Legal and Veterans Affairs on Bill "An Act to Allow Restaurants to Sell Liquor on Sunday Mornings" (H.P. 239) (L.D. 341) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-45)

Representative MERES of Skowhegan requested a division on acceptance of the Committee Report.

The Chair ordered a division on acceptance of the Committee Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is acceptance of the Committee Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative NADEAU of Saco requested a roll call on acceptance of the Committee Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I didn't really think I was going to have to debate a unanimous committee report. But, I guess you learn things every day.

Basically, what this bill does, it is not a "Let's everybody get hammered" type/kind of bill. It is basically a bill that deals with the specific area of laws affecting restaurants. Currently the law in the State of Maine is no liquor is to be sold on Sunday prior to noon. It doesn't really matter if you are in a restaurant setting or otherwise, that is the way it is.

It was brought to our attention that in many situations this kind of policy actually hurts Maine business, specifically the restaurant business. If you happen to go to brunch at 10:30 and you kind of wanted to have a Bloody Mary with it, you couldn't do it. So, in some parts of Maine — more the southern part, the western part of the state — if you have got a restaurant in Berwick and a few miles away you have another restaurant in Portsmouth, New Hampshire

or Somersworth, New Hampshire, and obviously they have much more lenient standards, then you will probably end up going to New Hampshire. The business, the restaurant in Maine, gets zippo out of that whole transaction.

That is the only area that is addressed in this bill. It is not just let everybody get drunk at any time of the day or evening.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I say to you this morning, too bad. Too bad you can't get a drink at 10:30 on Sunday. Isn't it a shame?

The good gentleman from Saco gets up and tells you what we should do. Well, we are here to do what the people want. For years it has been that way and you can't get a drink until after Church is out.

I say to the people of this House, stay firm with your vote.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that I cosponsored. I did so because of the tourist industry. I have many tourists who stop by and in New Hampshire it has been for years that when you had a Sunday brunch you could get a drink with it. We are not opening this up to selling beer on Sunday or anything else. It is just with a full course meal in Class A restaurants. That is all it is.

Maine has long been a state that has not allowed it, we are one of the few. It will bring in more revenue into the state, it will cost us nothing. It will help our restaurants down along the Maine/New Hampshire border, up along the Canadian border. It will help our summer business.

The Representative from Saco is exactly right, that it is a good business bill and it does not surpass the ordinances the towns have now. If your town has an ordinance that there is no liquor sold on Sunday, then there will not be any sold then. This is just allowing them to do it where they can legally sell liquor now during the week, that is all. But, a town has complete control over it as we all know.

I say that we better get into the 20th Century because we are heading into the 21st right off and Maine is a little behind. If people can't do that they just don't stop to eat in Maine, they eat before they get here or go to New Hampshire. A lot of these people go to Church and go out for lunch after on Sunday for their dinner. I don't see any harm in allowing this bill to pass.

I hope you would vote yes with the Representative from Saco and myself.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: This particular piece of legislation I sponsored, primarily because of a request. I strongly feel that this is right for the state. I personally will not have a drink. I have not had a drink in eight years, so I am not going to start because you are going to open it up for a few hours on Sunday morning. But, it is a business, it is a business attitude. I think we had better change this.

If you look at the border states, the New Hampshire people are allowed to do just about anything they want. We are restricting people so



they will cross the border. So, we are hurting our restaurants on the border.

I am asking you to please support L.D. 341, allow our restaurants to compete evenly.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Members of the House: This is a bill that New Hampshire does not want us to pass. I know that next week when I go into New Hampshire there will be some New Hampshire Legislators that will thank us if we don't pass this bill.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: We are going to be facing a lot of bills in this session or several to do with making choices. These are choices that adults can make, only. It seems to me that choice is the essence of democracy. I urge you to vote for this.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Meres.

Representative MERES: Mr. Speaker, and Members of the House: I would like to say that I do oppose this bill because of the message it sends to everyone. We have a serious problem in this country and in the state. We spend a lot of money on issues that deal with substance abuse.

I feel that Sunday is a day that has been dedicated to families. I feel that we have been fair in this state in allowing alcohol to be sold after noon. I think that any changes that are made have a long range impact on the quality of life here in the State of Maine and ought to be considered seriously. There are a lot of issues, I feel, that are a lot more serious than business. We have a quality of life issue here. I think we have a values that a lot of us believe in and I would like you to seriously consider this as a change that is not needed right now.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: We have now spent 15 minutes on a unanimous committee report. I just want to bring that to your attention.

Now I am going to waste two more minutes of your time. There are three issues that you ought to be concerned with here.

The first issues is one that no one has brought up and that is that Sunday is not everybody's Sabbath. So, allow me to bring that up, since Saturday is my Sabbath. Sunday is not everybody's Sabbath and if we are going to talk about the freedoms that we have in this state then let's first respect our religious freedom, and that is that we are a diverse state and we celebrate many Sabbath days in this state.

The second item I am going to bring up is the tourism industry. That has been brought to your attention before. Along coastal Maine it has a huge impact whether or not you can serve a Sunday brunch that also involves serving mimosa and Bloody Mary's.

The next issue I am going to bring up is an issue Representative Strout brought up and it is because very rarely do Representative Strout and I disagree vehemently, but he is wrong and I am going to tell you why he is wrong. Because if I have got to drink Sunday morning all I have got to do is walk to the

liquor cabinet, open the door, take out a bottle of whiskey and have a drink. So, it isn't going to have an impact on whether or not there is drinking on Sunday. The question is should there be drinking on Sunday morning? And, Representative Strout's foundation for why there shouldn't is because people go to church. Well people got to Synagogue on Saturday morning and you can get a drink on Saturday morning.

I think we have got to separate the issues here. This is a revenue enhancer, it is good for the tourism industry. It is not going to increase the likelihood of substance abuse or decrease the likelihood of substance abuse but, it is going to increase the restaurant business in this state. And, I want to say that to you because some of you are from coastal towns and I am not. It won't have much impact on Auburn, Maine at all. We have a few restaurants, only a couple of them offer Sunday brunch.

But, I think now we have got to remember a couple of things, we are a diverse state, let's act like we are a diverse state.

Number two, we are all talking about doing something for business, let's do something for business.

Number three, there are a lot more issues that will address family and community lifestyle than whether or not you serve liquor on Sunday morning.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: I am also supporting this bill. This is a bill that would be very important to the businesses of my district. I rely very highly on a tourist industry in my district and the people in my district have asked me to support this bill.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I rise only to make two comments. One, I don't believe that any one who is in favor of this bill said anything about the Sabbath.

Number two, just because a bill can come out of committee unanimous, that doesn't mean we are determined or bound to support it. We are all here to represent the people that sent us here and I will be quite delighted to vote against this bill.

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

Representative GERRY: Mr. Speaker, Men and Women of the House: I, too, rise in asking the Legislature not to vote for this bill.

If a restaurant has to rely on serving a drink in order to sell breakfast doesn't say anything for the food in a restaurant. When I go to a restaurant I don't look and see if I can have a drink first. I go to a restaurant because of the food.

I am afraid if we say yes to allowing selling liquor in restaurants, next year when we come back somebody will put a bill in asking for grocery stores and other businesses to be able to sell alcohol early in the morning on Sunday.

So, please, vote down this bill.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: Some very strange things have been happening recently. I understand full well there are 71 rookie legislators here.



However, have we ever gotten into the mode of saying that 17 Joint Standing Committees don't count? This is a committee of a whole. If committees are going to stand for anything, that is where the real grunt work happens; that is where the rubber hits the road.

If you firmly, philosophically, don't believe in that concept of Joint Standing Committees, then I would probably say you shouldn't even be serving on one, you should probably request the Speaker to remove you from a committee.

The way this institution operates, always has, probably always will, is based on committee work. You need to have a little bit of faith in thinking that the 13 individuals of whatever committee have thoughtfully examined whatever issue.

I am not saying necessarily that you owe blind faith or anything, but, what I am saying is that if you have got a concern, why don't you talk to the people on the committee privately? Why do you have to make a whole big deal on something that we have already wasted a half an hour on?

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the committee report.

The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, pursuant to House Rule 19, I wish to be excused.

The SPEAKER: The Chair will grant the request.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the committee report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 19

YEA - Bailey, Barth, Benedikt, Birney, Bouffard, Brennan, Buck, Bunker, Campbell, Carleton, Chartrand, Chase, Chizmar, Clark, Damren, Davidson, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Greenlaw, Hartnett, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Joyce, Keane, Kontos, Labrecque, Lemaire, Lemont, Lindahl, Marvin, McAlevy, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Neal, Ott, Peavey, Pendleton, Perkins, Plowman, Poulin, Povich, Reed, G.; Richardson, Ricker, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Stone, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Vigue, Volenik, Waterhouse, Watson, Whitcomb, Winn, Winsor, Yackobitz.

NAY - Adams, Ahearne, Aikman, Ault, Berry, Bigl, Cameron, Chick, Clukey, Cross, Daggett, Desmond, Dexter, Donnelly, Dunn, Gerry, Gooley, Guerrette, Heino, Hichborn, Jones, S.; Joy, Joyner, Kilkelly, Kneeland, LaFountain, Lane, Layton, Lemke, Libby JD; Look, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Mayo, McElroy, Meres, Morrison, Nass, Nickerson, O'Gara, Pinkham, Poirier, Reed, W.; Rice, Robichaud, Rosebush, Savage, Sirois, Spear, Stedman, Strout, Underwood, Wheeler, Winglass.

ABSENT - Cloutier, DiPietro, Driscoll, Gieringer, Libby JL; Pouliot, Simoneau, The Speaker.

Yes, 83; No, 58; Absent, 8; Paired, 0; Excused, 1; Vacant, 1.

83 having voted in the affirmative and 58 in the negative, with 8 being absent, 1 excused and 1 vacant, the Committee Report was accepted.

The Bill read once. Committee Amendment "A" (H-45) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, March 30, 1995.

#### Divided Report

Majority Report of the Committee on Business and Economic Development reporting "Ought Not to Pass" on Bill "An Act to Direct the Office of Tourism to Promote All Regions of the State" (H.P. 13) (L.D. 7)

Signed:

Senators:

HARRIMAN of Cumberland  
CIANCHETTE of Somerset  
GOLDTHWAIT of Hancock  
ROWE of Portland  
BIRNEY of Paris  
BRENNAN of Portland  
DAVIDSON of Brunswick  
KONTOS of Windham  
LIBBY of Kennebunk  
REED of Dexter

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Representatives:

CAMERON of Rumford  
POVICH of Ellsworth

Was read.

On motion of Representative ROWE of Portland, the Bill was recommitted to the Committee on Business and Economic Development and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide a Method for Citizen-initiated Recall of Persons Holding Elective Civil Offices (H.P. 77) (L.D. 113)

Signed:

Senators:

AMERO of Cumberland  
CARPENTER of York  
LONGLEY of Waldo  
DAGGETT of Augusta  
SAXL of Bangor  
ROSEBUSH of East Millinocket  
ROBICHAUD of Caribou  
LANE of Enfield  
SAVAGE of Union

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-39) on same RESOLUTION.

Signed:

Representatives:

AHEARNE of Madawaska  
LEMKE of Westbrook  
GERRY of Auburn  
YACKOBITZ of Hermon

Was read.

Representative DAGGETT of Augusta moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending her motion to accept the Majority "Ought Not to Pass" Report and later today assigned.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Ensure Proper Responsibility for Child Support" (H.P. 205) (L.D. 264)

Signed:

Senators:

MILLS of Somerset

Representatives: FAIRCLOTH of Penobscot  
TREAT of Gardiner  
LENKE of Westbrook  
MADORE of Augusta  
LaFOUNTAIN of Biddeford  
WATSON of Farmingdale  
HARTNETT of Freeport  
JONES of Bar Harbor  
RICHARDSON of Portland

Minority Report of the same Committee reporting  
"Ought to Pass" on same Bill.

Signed:  
Senator: PENDEXTER of Cumberland  
Representatives: NASS of Acton  
PLOWMAN of Hampden

Was read.

Representative TREAT of Gardiner moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending her motion to accept the Majority "Ought Not to Pass" Report and later today assigned.

#### Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Ensure Public Access to All Legislative Constituent Allowance Expenditures" (H.P. 277) (L.D. 381)

Signed:  
Senators: AMERO of Cumberland  
CARPENTER of York

Representatives: DAGGETT of Augusta  
SAXL of Bangor  
LANE of Enfield  
SAVAGE of Union  
YACKOBITZ of Hermon

Minority Report of the same Committee reporting  
"Ought to Pass" as amended by Committee Amendment "A" (H-40) on same Bill.

Signed:  
Senator: LONGLEY of Waldo  
Representatives: AHEARNE of Madawaska  
LEMKE of Westbrook  
GERRY of Auburn  
ROSEBUSH of East Millinocket  
ROBICHAUD of Caribou

Was read.

Representative DAGGETT of Augusta moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending her motion to accept the Majority "Ought Not to Pass" Report and later today assigned.

#### Divided Report

Majority Report of the Committee on Inland Fisheries and Wildlife reporting "Ought Not to Pass" on Resolve, to Stock Rainbow Trout in the Penobscot River (H.P. 335) (L.D. 455)

Signed:  
Senators: HALL of Piscataquis  
KIEFFER of Aroostook  
MICHAUD of Penobscot  
Representatives: ROTONDI of Madison  
JACQUES of Waterville  
ROSEBUSH of East Millinocket  
TUFTS of Stockton Springs  
GREENLAW of Standish  
CHICK of Lebanon

PERKINS of Penobscot  
UNDERWOOD of Oxford

Minority Report of the same Committee reporting  
"Ought to Pass" as amended by Committee Amendment "A" (H-34) on same Resolve.

Signed:  
Representatives: CLARK of Millinocket  
KEANE of Old Town

Was read.

On motion of Representative ROTONDI of Madison, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Inland Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Reduce the Number of Signatures Required to Open a Pond for Fishing" (H.P. 338) (L.D. 458)

Signed:  
Senators: HALL of Piscataquis  
KIEFFER of Aroostook  
MICHAUD of Penobscot  
Representatives: ROTONDI of Madison  
JACQUES of Waterville  
CLARK of Millinocket  
KEANE of Old Town  
ROSEBUSH of East Millinocket  
GREENLAW of Standish  
CHICK of Lebanon  
UNDERWOOD of Oxford

Minority Report of the same Committee reporting  
"Ought to Pass" as amended by Committee Amendment "A" (H-33) on same Bill.

Signed:  
Representatives: TUFTS of Stockton Springs  
PERKINS of Penobscot

Was read.

On motion of Representative ROTONDI of Madison, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

#### CONSENT CALENDAR

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 19) (L.D. 50) Bill "An Act to Repeal the Sunset on the Grandparents Visitation Act" Committee on Judiciary reporting "Ought to Pass"

(S.P. 144) (L.D. 330) Bill "An Act to Allow Liens on Claims Not Sounding in Tort" Committee on Judiciary reporting "Ought to Pass"

(S.P. 151) (L.D. 337) Bill "An Act to Increase the Debt Limit of the Richmond Utilities District" (EMERGENCY) Committee on Utilities and Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (S-22)

(H.P. 151) (L.D. 199) Bill "An Act Concerning the Competitive Bidding Process in Cooperative Projects between the State and the Maine Technical College System" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 38) (L.D. 32) Bill "An Act Regarding the Prohibition against Restaurants with Lounges Serving Meals to Unaccompanied Minors after 9 P.M." Committee on Legal and Veterans Affairs reporting

**"Ought to Pass"** as amended by Committee Amendment "A" (H-44)

(H.P. 45) (L.D. 39) Bill "An Act to Require an Endorser's Authorization for a Candidate To Use an Endorsement" Committee on **Legal and Veterans Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-54)

(H.P. 232) (L.D. 312) Bill "An Act to Clarify the Law Relating to the Licensing of Accounting Firms" Committee on **Business and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-53)

(H.P. 251) (L.D. 353) Bill "An Act to Allow Election Officials to Request Identification from Prospective Voters" Committee on **Legal and Veterans Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-43)

(H.P. 378) (L.D. 513) Bill "An Act to Require That the Dollar Value of the Employee Benefit Package Be Included in All Official Statements Concerning State and Municipal Salaries" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-47)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 30, 1995 under the listing of Second Day.

#### CONSENT CALENDAR

##### Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 28) (L.D. 58) Bill "An Act to Require State or Independent Fair Hearing Examiners in the Grievance Process of the Department of Mental Health and Mental Retardation" (C. "A" S-20)

(S.P. 65) (L.D. 94) Resolve, to Extend the Deadline to Report for the Commission on the Future of Maine's Paper Industry (EMERGENCY) (C. "A" S-21)

(H.P. 168) (L.D. 216) Bill "An Act to Enhance the Title to Real Estate Acquired by Municipalities for Nonpayment of Taxes"

(H.P. 317) (L.D. 438) Bill "An Act to Amend the Law Regarding Minimum Sentences for Class C Crimes Involving the Use of a Firearm against a Person"

(H.P. 104) (L.D. 139) Bill "An Act to Allow the Maine Human Rights Commission to Request the Cooperation of the Bureau of Consumer Credit Protection in Enforcing the Fair Credit Extension Laws" (C. "A" H-41)

(H.P. 128) (L.D. 176) Bill "An Act Relating to the Conferral of Degrees by the Research Institute for Semiological Mathematics" (C. "A" H-31)

(H.P. 138) (L.D. 186) Bill "An Act to Permit Full-time Deputies To Hold Local Public Office" (C. "A" H-36)

(H.P. 169) (L.D. 217) Bill "An Act to Amend the Sewer Lien Law to Provide Clear Title" (C. "A" H-30)

(H.P. 260) (L.D. 362) Bill "An Act to Expand the Boundaries of the Presque Isle Water District and the Presque Isle Sewer District" (C. "A" H-32)

(H.P. 278) (L.D. 382) Bill "An Act to Credit Incineration as Recycling" (C. "A" H-37)

(H.P. 375) (L.D. 510) Bill "An Act to Extend the Duration of Workers' Compensation Health Benefit Pilot Projects" (C. "A" H-42)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed

to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

#### BILLS IN THE SECOND READING

##### As Amended

Bill "An Act to Change the Activities Requiring a Permit from the Department of Environmental Protection" (H.P. 165) (L.D. 213) (C. "A" H-38)

Was reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

#### ENACTORS

##### Emergency Measure

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1995 (H.P. 119) (L.D. 154) (Governor's Bill)

Was 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. 131 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.

##### Emergency Mandate

An Act to Increase the Debt Limit of the West Paris Water District (H.P. 29) (L.D. 23) (C. "A" H-17)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 2 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Mandate

An Act to Amend the Charter of the Sewer District of the Town of Kennebunk by Expanding Its Territorial Limits (H.P. 44) (L.D. 38) (C. "A" H-18)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 4 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Exempt Adaptive Equipment Installed in Motor Vehicles Operated by Wheelchair Users from the Motor Vehicle Excise Tax (H.P. 22) (L.D. 16) (C. "A" H-16)

An Act to Reinstate Funding for the Saco River Corridor Commission (H.P. 125) (L.D. 173) (C. "A" H-13)

An Act Concerning Tie Votes among Candidates in Municipal Secret Ballot Elections (H.P. 247) (L.D. 349)

Were 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.

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem.

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

#### TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-29) - Minority (2) "Ought Not to Pass" - Committee on Natural Resources on Bill "An Act to Clarify the Financial Assurance Provisions Applicable to Solid Waste Disposal Facilities" (H.P. 129) (L.D. 177) TABLED - March 23, 1995 by Representative GOULD of Greenville.

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 Bangor, Representative Saxl.

Representative SAXL: Mr. Speaker, Men and Women of the House: I want to speak against the "Ought to Pass" Report. I want to thank you for this opportunity to talk about this bill. Equity has often been an issue with solid waste disposal issues between private industry and the public sector.

This bill essentially says that municipalities are exempt from the same assurances of putting away financial resources in an orderly planned fashion that are required of private industry. So, that if a private landfill must set aside monies each year for the future for remediation of the landfill or for its closure, but municipalities are exempt from that.

Now, municipalities are exempt from it for two reasons, one, because the municipality isn't going to go any where; and the other is because the municipality has the right to issue bonds for that closure.

However, if we want municipalities to plan and think about what they are going to be doing with this waste and to provide for it and to know what they will be doing, then they really ought to follow those same kinds of strictures.

If we want to treat municipalities in a equitable way when they are dealing with waste then perhaps we ought to vote for this as well.

I think that you ought to note that in this bill we are not talking about solid municipal waste, but we are talking about special waste, which is typically a more difficult kind of waste or a more dangerous kind of waste to dispose of. So, with that in mind I would vote against this bill.

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

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to ask your support for L.D. 177 and endorse the "Ought to Pass" Report.

I submitted this bill for my town and for any other town that operates a licensed non-solid waste landfill, a site that accepts only sludge from waste-water treatment plants or land clearing debris which is another name for a sludge site.

This bill does not, I repeat, does not, change the law as it applies to traditional municipal solid waste landfills. Prior to 1993, municipalities were

exempt for requirements to set aside an estrow or some other type of financial assurance account to cover closure and post-closure costs. In 1993, the DEP convinced the legislature to remove the municipal exemption thus making the law more stringent than the federal law regarding these landfills.

The work session amendment which accompanied this bill is language requirement proposed by and accepted by DEP. It more clearly defines the municipal solid waste.

The main argument for this bill is that if towns are legal entities then they are not going to go away as might happen with private landfills and because of their ability to raise money through taxation to meet their obligations towns should not be required to set aside money in anticipation of what might be a problem in the future. It is estimated that my town would have to create a fund in the amount of \$300,000 to meet this provision of the law. That is about 20 percent of our annual budget.

I am asking through L.D. 177 that you restore the municipal exemption by voting yes on this bill.

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

Representative CHARTRAND: Mr. Speaker, Ladies and Gentlemen of the House: I am rising also in support of the Majority Report on this bill. As Representative Stedman explained, this only applies to a very small amount of municipally owned landfills in this state, and those landfills do not currently have municipal solid waste or the common municipal waste in the landfills.

Special waste is comprised of many different things but it is only waste that would be licensed to be put in that landfill by the DEP. For example, in the City of Rockland, which is another one of the municipalities affected by this bill, we have land clearing debris, construction debris and a filter aid that is used by a processing plant near us that goes in that land fill. However, the landfill is licensed to store all those elements by the state DEP, we are in compliance with the DEP and would continue to be throughout the life of the landfill.

As Representative Stedman explained, the DEP also did not oppose this bill and in fact suggested the wording that the Majority "Ought to Pass" as amended version contains. We would be in compliance with federal regulations, also, with the passage of this bill. I feel it would be an unusual and basically unacceptable request for municipalities to start escrowing money or buying bonds or insurance in order to provide to close a landfill since those same municipalities will be existing at the time the landfill has to be closed and will in fact pursue a financial plan to close it. But, I don't think we need to be involved with a third party that will charge us extra money to in order to plan for that. I think the cities and towns involved have been here a lot longer than most of the companies we have to get bonding from for this and will be here after they are closed and will accept the responsibility of closing landfills when that comes due as we have with partial closures in the past.

I urge you to support the Majority Report on this bill.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of Representative Gould of Greenville that the House accept the Majority "Ought to Pass" as amended

Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

103 voted in favor of the same and 7 against, the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill read once. Committee Amendment "A" (H-29) was read by the Clerk and adopted.

The Bill was assigned for second reading Thursday, March 30, 1995.

Expression of Legislative Sentiment recognizing John McCormack (HLS 139)  
TABLED - March 23, 1995 by Representative ROBICHAUD of Caribou.

PENDING - Passage.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Colleagues in the House: Just a brief word to share with you my joy in recognizing John McCormack as Caribou's Outstanding Job Performance Award recipient for 1994. John, or Jack, as he is known to his friends, is a tireless advocate for Aroostook County and has represented the county on various state wide boards and commissions as well as on national committees. He serves as the CEO of Carey Medical Center, our municipally owned hospital. He also was very active on the Loring Readjustment Committee, which was the citizen effort to try to adjust to the closing of Loring Air Force Base. John is somebody I am very proud to call a friend and somebody who I am very proud to represent as a member of the Caribou community.

I thank you for your support of this sentiment.

Subsequently, was passed and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **"Ought to Pass"** as amended by Committee Amendment "A" (H-15) - Minority (5) **"Ought Not to Pass"** - Committee on Human Resources on Bill "An Act Relating to the Maine Health Program" (EMERGENCY) (H.P. 271) (L.D. 373)

TABLED - March 23, 1995 by Representative FITZPATRICK of Durham.

PENDING - Motion of same Representative to accept the Majority **"Ought to Pass"** as amended Report.

On motion of Representative MITCHELL of Vassalboro, tabled until later today, pending the motion of Representative FITZPATRICK of Durham to accept the Majority **"Ought to Pass"** as amended Report.

HOUSE ORDER - Relative to amending House Rule 7 (H.O. 15)

TABLED - March 23, 1995 by Representative CARLETON of Wells.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative MITCHELL of Vassalboro, tabled pending passage and later today assigned.

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

#### SENATE PAPERS

Bill "An Act to Ensure Mills Their Annual Supply of Logs and Wood Chips" (S.P. 376) (L.D. 1053)

Bill "An Act to Increase the Amount of Reimbursement to Animal Shelters Housing Stray Dogs" (S.P. 387) (L.D. 1064)

Came from the Senate, referred to the Committee on Agriculture, Conservation and Forestry and Ordered Printed.

Were referred to the Committee on Agriculture, Conservation and Forestry in concurrence.

Resolve, Requiring a Study of the State's Export Financing Services (S.P. 378) (L.D. 1055)

Came from the Senate, referred to the Committee on Business and Economic Development and Ordered Printed.

Was referred to the Committee on Business and Economic Development in concurrence.

Bill "An Act to Allow the Collection of Reimbursement for Medical Expenses" (S.P. 375) (L.D. 1052)

Bill "An Act to Revise the Requirements of the Policy Review Council for the Arthur R. Gould School at the Maine Youth Center" (S.P. 377) (L.D. 1054)

Bill "An Act to Clarify Detention Responsibilities" (S.P. 388) (L.D. 1065)

Bill "An Act Authorizing the Immediate Suspension of a Driver's License upon Arrest for a Repeat OUI Offense" (S.P. 389) (L.D. 1066)

Came from the Senate, referred to the Committee on Criminal Justice and Ordered Printed.

Were referred to the Committee on Criminal Justice in concurrence.

Bill "An Act to Encourage the Retention and Expansion of Existing Schools within Communities" (S.P. 364) (L.D. 990)

Came from the Senate, referred to the Committee on Education and Cultural Affairs and Ordered Printed.

Was referred to the Committee on Education and Cultural Affairs in concurrence.

Bill "An Act to Regulate Hybrid Wolves" (S.P. 360) (L.D. 986)

Bill "An Act to Amend the Law Regarding Snowmobile Registration Fees" (S.P. 380) (L.D. 1057)

Came from the Senate, referred to the Committee on Inland Fisheries and Wildlife and Ordered Printed.

Were referred to the Committee on Inland Fisheries and Wildlife in concurrence.

Bill "An Act to Amend the Law Dealing with Agreements for Recovery of Personal Property" (S.P. 359) (L.D. 985)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Amend the Displaced Homemakers Act" (S.P. 369) (L.D. 1046)

Bill "An Act to Prohibit the Collection of Unemployment Benefits Based upon Employment During Work Release" (S.P. 371) (L.D. 1048)

Resolve, to Create an Advisory Committee to Assist in the Funding of State Employee Workers' Compensation

Claims (S.P. 379) (L.D. 1056)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Were referred to the Committee on Labor in concurrence.

Bill "An Act to Amend the Law Concerning the Pricing of Discontinued and Test-market Liquor Items" (S.P. 372) (L.D. 1049)

Bill "An Act to Amend Certain Provisions of the Law Relating to Defense" (S.P. 384) (L.D. 1061)

Bill "An Act to Require That a Vacancy in a County Office Be Filled by an Appointee from the Same Political Party" (S.P. 390) (L.D. 1067)

Came from the Senate, referred to the Committee on Legal and Veterans Affairs and Ordered Printed.

Were referred to the Committee on Legal and Veterans Affairs in concurrence.

Bill "An Act to Further Restrict the Illegal Harvest of Cultivated Oysters" (EMERGENCY) (S.P. 363) (L.D. 989)

Bill "An Act to Repeal the Salmon Aquaculture Monitoring and Research Fund" (EMERGENCY) (S.P. 366) (L.D. 992)

Bill "An Act to Allow Municipalities to Grant Aquaculture Licenses for Sea Vegetables" (EMERGENCY) (S.P. 367) (L.D. 993)

Resolve, to Direct the Commissioner of Marine Resources to Investigate Controlling Marine Predators Inhibiting Shellfish Farming (EMERGENCY) (S.P. 362) (L.D. 988)

Resolve, to Strengthen Fish Hatchery Capacity within the State by Establishing a Partnership between Public and Private Organizations (EMERGENCY) (S.P. 365) (L.D. 991)

Came from the Senate, referred to the Committee on Marine Resources and Ordered Printed.

Were referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Correct Errors and Inconsistencies with Regard to the Restructuring of Maine Government to Conform with the Provisions of the Texas Compact" (EMERGENCY) (S.P. 383) (L.D. 1060)

Bill "An Act to Reduce Duplicative Reporting" (S.P. 385) (L.D. 1062)

Came from the Senate, referred to the Committee on Natural Resources and Ordered Printed.

Were referred to the Committee on Natural Resources in concurrence.

Bill "An Act to Require State Agencies to Prepare Impact Statements" (S.P. 368) (L.D. 994)

Resolve, Renaming Coves in St. George, Cushing and Friendship (S.P. 361) (L.D. 987)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Were referred to the Committee on State and Local Government in concurrence.

Bill "An Act to Change the Method of Computing the Hospital Tax" (EMERGENCY) (S.P. 391) (L.D. 1068)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

On motion of Representative MITCHELL of Vassalboro, tabled pending reference and later today assigned.

Bill "An Act to Allow Towns to Register Vehicles on Loan through the Federal Excess Property Program without Local Title" (S.P. 370) (L.D. 1047)

Bill "An Act to Allow the Posting of Temporary Signs at Dangerous Intersections" (S.P. 374) (L.D. 1051)

Came from the Senate, referred to the Committee on Transportation and Ordered Printed.

Were referred to the Committee on Transportation in concurrence.

Bill "An Act Concerning the Eminent Domain Powers of Sanitary and Sewer Districts" (S.P. 358) (L.D. 984)

Bill "An Act to Encourage Competitiveness by Public Utilities" (S.P. 373) (L.D. 1050)

Bill "An Act to Abolish the Richmond Utilities District" (S.P. 381) (L.D. 1058)

Resolve, to Require a Study of the Structure of the Electric Utility Industry by the Public Utilities Commission (S.P. 386) (L.D. 1063)

Came from the Senate, referred to the Committee on Utilities and Energy and Ordered Printed.

Were referred to the Committee on Utilities and Energy in concurrence.

#### Reported Pursuant to Resolve

Report of the Commission on the Future of Maine's Paper Industry, pursuant to Resolve 1993, chapter 75 asks leave to submit its findings and to report that the accompanying Resolve, to Establish a Paper Industry Council (S.P. 382) (L.D. 1059) be referred to the Committee on Business and Economic Development for public hearing and printed pursuant to Joint Rule 20.

Came from the Senate with the report read and accepted and the Resolve referred to the Committee on Business and Economic Development and Ordered Printed.

Report was read and accepted and the Bill referred to the Committee on Business and Economic Development in concurrence.

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

On motion of Representative SAXL of Bangor, the House recessed until 4:30 p.m..

(After Recess)

The House was called to Order by the Speaker.

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

#### REPORTS OF COMMITTEES

##### Ought to Pass as Amended

Representative TREAT from the Committee on Judiciary on Bill "An Act to Allow Municipalities to Dispose of Abandoned Bicycles" (H.P. 133) (L.D. 181)

reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-56)

The Report was read and accepted. The bill read once. Committee Amendment "A" (H-56) was read by the Clerk and adopted and the bill assigned for second reading Thursday, March 30, 1995.

#### **Ought to Pass as Amended**

Representative AHEARNE from the Committee on State and Local Government on Bill "An Act to Establish the Maine Commission on Community Service" (H.P. 282) (L.D. 386) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-57)

The Report was read and accepted. The bill read once. Committee Amendment "A" (H-57) was read by the Clerk and adopted and the bill assigned for second reading Thursday, March 30, 1995.

#### **CONSENT CALENDAR**

##### **First Day**

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the First Day:

(H.P. 304) (L.D. 408) Bill "An Act to Exempt Individual Retirement Accounts from Attachment" Committee on Judiciary reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-55)

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, March 30, 1995 under the listing of Second Day.

The Chair laid before the House the following items which were tabled earlier in today's session:

SENATE DIVIDED REPORT - Committee on Criminal Justice - (7) Members **"Ought to Pass"** - (6) Members **"Ought Not to Pass"** on Bill "An Act to Limit a Citizen's Right to Threaten the Use of Deadly Force against a Law Enforcement Officer Engaged in Carrying out Public Duty Except When Justified in Using Deadly Force" (S.P. 200) (L.D. 543) which was tabled by Representative CLARK of Millinocket pending his motion to accept the Minority **"Ought Not to Pass"** Report.

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

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: This is one of several bills that was brought before us on the Criminal Justice Committee by the Criminal Law Advisory Commission. For those of you who are not familiar with the commission, it is a commission that was formed about 20 years ago to review the Criminal Code. It is made up of a Justice of the Supreme Judicial Court, a Justice of the Superior Court, assistant AG, a judge of the District Court, a former Legislator who is an attorney, two district attorneys, two defense attorneys, a professor at the University of Maine Law School. What they do is review the Criminal Code and suggest changes to the Legislature. It is a real knowledgeable group of people, obviously.

This Bill, L.D. 543, concerns a Maine Supreme Court case State vs. Clisham. On June 25, 1992 the Hampden police received a call from — a woman called from California. They claimed that Andrew Clisham had told her that he had killed his wife. Two officers went to Clisham's home to investigate. They knocked on the door and asked for permission to

search for his wife. He refused to let them in. He said his wife was down the street visiting a neighbor. They went down the street to check that out and found out that she wasn't there. They went back to the house and he still refused to let them in. They kind of backed-off and waited for some other officers to get there. When the other officers arrived they kind of secured the area and they threatened to force their way in if he did not let them in. He still refused and said he would grab a couple of knives and kill them if they tried to get in. They drew their guns and at that point they had a stand-off. They tried to convince them to let them in and he ultimately picked the knives up, put them down, they didn't know at that point if she could be in the house bleeding to death. Finally, he surrendered the knives and let the officers in. He was arrested for criminal threatening. He had not killed his wife. He was convicted in District Court and the District Court made this statement in explaining his verdict that "I am going to assume that the officer didn't have probable cause." In order to make the point that even if the officers did not have probable cause he didn't have a right to do what he did. That was appealed to the Superior Court and the Superior Court upheld the original conviction. Then, it went to the Law Court. The Law Court determined that the police were without a warrant and had not established probable cause and although the officers were acting in good faith their entry was a trespass in the absence of probable cause. The court determined that Clisham's threatened use of knives to prevent armed police officers who were threatening to force their way in was reasonably necessary to prevent a trespass.

I talked to the District Attorney who was involved in this case and he seemed to think that the Law Court relied greatly on what the District Court judge said when he said "I am going to assume that the officers did not have probable cause." What this case did was put this state now in the situation where an individual can threaten the use of deadly force on an individual officer who is acting in good faith. And, we feel, those of us that voted to support the bill, feel as though this puts the officer and the individual at the home in great risk of serious bodily harm or death if we can allow an individual to threaten a police officer in those situations with deadly force. We feel that is a very inflammatory situation. We feel as though this law should pass in order to protect the officers and individuals from that happening.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I hope you go along with the Minority "Ought Not to Pass" Report. I think what you heard just a minute ago is a little bit of a smoke screen to the fact that it is going to be protecting a police officer — take away your rights.

What this bill does is if a police officer knocks on your door wanting to come in he must have a search warrant before he enters your home. Do you want people running all though your house just because they say they are a police officer. What is wrong with having a search warrant when he knocks on your door and you let them in your house.

You have rights when you own your home. These rights will be taken away if you vote for this bill with the Majority Report. We still have a few rights

in this state, let's keep a few. There is nothing wrong with the Minority Report letting a police officer who knocks on your door, before he comes in your house to have a search warrant to come in that house. There is nothing wrong with it.

There was another vote taken on this bill earlier, 22 to 5 with the Minority "Ought Not to Pass." Think a little bit, look at what it is going to do. You have a few rights, let's keep a few rights and vote with the Minority Report.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I am very familiar with the case that led to this Law Court decision. It did happen in my town.

I was asked several years ago to bring this to the Legislature by a law student who had studied this and written in up in a law review article.

I spoke with quite a few attorneys and police departments about the problems that the decision that in the State vs. Clisham caused.

Mr. Clisham not only just said he could pick up a knife and kill an officer, Mr. Clisham claims great proficiency with throwing knives and the ability to kill someone from 20 feet or further. This was deadly force.

The police officers went to great lengths to find out if Mrs. Clisham was okay. Mrs. Clisham — they called her place at work and was told that she hadn't been in several days. Mr. Clisham had bragged to a neighbor that he had killed her. They came and asked if they could talk to her to make sure she was okay. He sent the officers on an errand down the street and when they came back they had already contacted the District Attorney's office to ask for a search warrant and were advised that they didn't need one because someone was endangered or there was reasonable belief that she was in danger.

What this decision has done is said that you can decide at your door whether a search, under these conditions, is lawful. It has to be that someone is in danger, the person has to realize and be informed that as a law enforcement officer doing what is considered part of their duty, the search can always be thrown out. What happens in the search can always be thrown out. But, this has hampered domestic abuse situations. Police officers are not sure of how to handle the response to a domestic situation where someone can defend with deadly force a search when someone could very well be hurt in another room and not able to notify the officers that they are there.

It is a serious situation, well researched, brought back around to CLAC after the last session to make sure that all of the issues were looked at. I think you heard the run down of Criminal Law Advisory Committee.

I understand, we have our rights, but to make the decision at the door that can endanger someone's lives — the decision can be made in court later whether it was lawful or not, but we need to give the police officers access to helping the people that may be in great danger.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: What the Law Court said in this case was that the police did not have probable cause to enter the home and therefore they were involved in a criminal trespass in that home.

We are not, by passing this bill, giving the police any more rights to enter the home. What we are doing, we are protecting by voting "Ought Not to Pass" we are protecting the home owner. If the police do not have probable cause to enter that house in pursuit of a felon or if they do not have a search warrant — that home is your castle — you have the right to defend that home. The Law Court did not say you could use deadly force against a police officer, they only said that the threat of deadly force by using the words, not by acting, was acceptable. Because those police, in this case, were found not to have the right to be in this home. That is the important point.

We are going to be giving police — No, what we are doing by passing this law is saying that you can be convicted of a crime by threatening the police when they are unlawfully in your home.

Now, if you want to make the homeowners of the State of Maine susceptible to criminal prosecution for defending their homes when they are in the right. That is what this bill will do.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: I think the good Representative from Naples, Representative Thompson is correct in certain aspects. I think we want to protect our homes from unlawful enter and searches, but we are already protected from that. If a police officer enters your home and does not have a warrant, he is in violation of the law.

I don't know about you but if a police officer came to my house and he didn't have a search warrant I certainly would not threaten him with deadly force. I would inform him that he is in violation of the law and if he proceeds and continues to proceed down that road he would probably lose his job and go to court. I think that is where our rights are protected and not by threatening deadly force.

Once you threaten deadly force, that could have all kinds of connotations. You could pick up a gun and point it at the police officer, you don't have to use the deadly force but once you set those things into motion all kinds of things can take place — the police officer could become very nervous, pull his own gun, the home owner could shoot the police officer or vice versa. So, I don't think this is a case of home owners losing their rights. I think it is basically common sense. We have laws to protect the home owners from unlawful search and seizures and the rest.

I would hope that you would vote to support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative McAlevey.

Representative McALEVEY: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't support the Majority Report if I felt that it was going to take away from our rights as home owners because after all, our home is our castle. But, you have also got to understand something else, that we give our police officers an awful lot of authority to enforce our laws and we ask them many times to make a split decision in matters of seconds that we used to say nine gray haired old men on the Supreme Court, not it is nine persons on the Supreme Court would spend months and years arguing.



If I truly felt that this was a violation of limiting a persons right to their security in their home I couldn't support it.

I would urge that you support the Majority Report for a couple of reasons. I have stood on that porch trying to make a decision whether to go into a house or not when the male subject or subjects would not let you come in — trying to make a snap decision whether you can hear someone, is there someone lying on that floor injured? Things can heat up very quickly. I think what this does, the law would prevent things from escalating.

I don't feel comfortable being faced with deadly force or the threat of it. I have been there. I think it sends a wrong message. I think the law as written, as researched by CLAC, is what makes good law.

I would urge that you pass this, not as an extra tool for the police because the police can, under probable cause, enter your home if they can justify it. There are a lot of resources against police officers who illegally enter your home called state courts, federal court suits, the threat of loss of a job. So, our homes are our castles but there are going to be some instances where you are going to have that police officer standing on the door step and if there is probable cause to go into that home because there is someone lying on the floor injured and that officer can see that, and legitimately say yes, it is present and prove it, he or she should have that ability to do that. If we don't pass this, if we go ahead with the ought not to pass, then the only recourse that police officer would have would be to go back, wait a couple of hours, get a search warrant, if you could find a magistrate and go back.

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

Representative JOHNSON: Mr. Speaker, Men and Women of the House: I will vote for "Ought Not to Pass" and really for the reason that was just given. My fear is that this new law, if it is passed, would encourage, encourage, law enforcement personnel to act to quickly because they feel they are in right. That is my fear.

Up to this point we are saying to our law enforcement people, freeze, exercise the utmost patients, if there is any kind of threat back off, go get a warrant and do all those things that will prevent any kind of a tragic situation to take place.

I am afraid this law would encourage the law enforcement personnel to act with too much quickness.

Secondly, what if the person behind that door in that house is a person of uncertain mental disposition, mentally ill, emotionally disturbed? And, how many of us know the law, and if this law is passed that we are breaking the law by coming to the door with a weapon in our hands? I could foresee things happening very quickly. I would avoid it by not passing this.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: Just a couple of short points. First of all, the current law is that you may not threaten a police officer with deadly force or any kind of force if they are lawfully entering your home. So, this is not a law to prevent the police from doing their job. The police can do their job

now without this law. This law only applies when the police unlawfully enter your home, unlawfully.

We all talk around here all the time about too much government but ever time the name police is mentioned it is okay to have too much government.

Well, I say it isn't. This is a government intrusion into you rights as a home owner. This does not do anything except take away your rights as a home owner.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: By voting not to pass this law you are going to be making the decision very easy for a police officer who is standing on the deck of your house from entering. But, just picture yourself being in a room inside of that house in desperate need of that law enforcement officers assistance. If you vote no you are not going to get that assistance, believe me.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I still think you are going to get that assistance, no matter if he backs off or if he comes through the door. I think if you back off you are going to be more likely to be alive the next day.

You saw what happened here a while ago with that Haggerty case — the last thing we want is another one in the State of Maine, that was a tragedy for everybody.

We spent three and a half hours on this bill debating it. I don't think CLAC was really concerned with the fact of what was going to be taking place because if they did I think they would have been on the Minority "Ought Not to Pass." I think the police officer is going to be more in jeopardy of being hurt going through that door than taking a few minutes going back and getting a warrant.

We don't want no one hurt — no one to get hurt. We don't need any more tragedies in the State of Maine.

I hope when you do vote you vote "Ought Not to Pass."

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

Representative LINDAHL: Mr. Speaker, Ladies and Gentlemen of the House: There seems to be some misconception that you just run down to the local court and pick up a warrant. Very frequently these instances happen in the middle of the night, on a weekend and probably the quickest that I have ever seen a search warrant obtained is probably about two hours.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Men and Women of the House: Just to correct my statement, I was urging you to vote no on this and actually I want to urge you to vote yes on this.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Men and Women of the House: Usually I don't get that kind of response. I guess I have a question to those who do not want the motion that is on the floor to pass. As I am reading this — I don't see that it changes a

lot if an officer coming in and says — is coming in for a particular reason and the person uses deadly force or threatens deadly force and says the officer was not coming in doing their duties — it sounds like it is defensible as the language is written.

I was wondering if someone could clarify that in my mind? I would like to support your position but as I am reading this, if you say I don't think the police officer is doing their job then it wouldn't apply.

Representative Bailey of Township 27 was granted permission to address the House a third time.

Representative BAILEY: Mr. Speaker, Men and Women of the House: It takes three times, I guess, to get it through my head. I support the bill and I urge you to vote no.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: There has always been a delicate balance between police and your castle, which is your home. But, this is a — even if this bill were necessary now, this is a terrible time to do it when our rights and our homes are being weakened in Washington to the search and seizure that they are doing down there.

The search warrant is a bedrock of freedom in this country and I wouldn't want to do anything to weaken that. All we are asking for is a search warrant.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House: As you know, I have been on that front porch as Representative McAlevey has said. I wish we would try to get away from that issue. The real issue here is — and I understand we have all the rights and our home is our castle. There are just situations where we, as society, require that police officer to respond. We have to think about that, you are placing that officer in these situations to respond. And, there are situations where they get there and the wife or somebody is screaming in the house and all those situations you have heard about. We all run into those. They are all correct when they say that three, four or six months afterwards there is all kinds of courts and laws and judges and Supreme Court Justices that sit there and analyze and nit pick every step of the way and to protect that citizen. I am all for that — I mean, we have to protect that citizen from any abuses of the law.

We had a big discussion yesterday about helicopter flights and ties and dove-tails very nicely with this. We have got to protect the citizen from intrusion. That is why we set limits and we set search warrant parameters and we have law courts and we have these things thrown out of court. That is the protection that we have built into the system.

The concern in this bill here is for us as policy makers to send a clear message to the people. The Clisham case is a fine example that was detailed by Representative Clukey, of where police officers and the public ended up together in a situation that was very volatile, very close to the Haggerty situation except in that situation they were dealing with an emotionally disturbed person at the time. We are going to be in these situations, ladies and gentlemen and we have to send the message to the people and society here that when you get in one of those situations we want to defuse it, we don't want guns,

we don't want knives, we don't want officers pointing guns at citizens, we don't want citizens pointing guns at officers. When they go there — and not in a black suits and not in this kick the door in search warrants scenarios, when they go there as honest person ding police officers, trying to deal with a situation and they clearly have got a badge and they are in a uniform, and anybody can see that they are there in their official capacity, let's deal with the situation without guns and knives and threatening escalated violence. Let's send a clear message to the people, let's deal with the situations, the law courts and the facts and all that stuff afterwards, but, let's not escalate these situations.

I would ask you to oppose the motion on the floor and support the "Ought to Pass" that came out of committee.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: I would like to try to help the good Representative from Presque Isle, understand this a little better if I could.

What this says is a person — you can use force in protecting your home. You can't use it if you know that the person at the door is a law enforcement officer, that they are there doing their job. You can use it if it is someone you don't know at the door. You can do it if you know it is a police officer who is not there to do his job. He doesn't like the fact that you cut him off down at the red light and he is there to beat you up — he is not doing his job. You can protect yourself. You can use force. But, if you know or should know because you have been told that this is a police officer there as part of his job, "Good afternoon sir, I am Officer Smith, I am here because we have a report of a domestic disturbance, could I speak to your wife please just to see if she is okay?" That says, I am a police officer, I am here, I am doing my duty.

You can't say, "Take another step, I am going to blow your head off." If he comes up and says, "You cut me off at the last light and I am going to beat your head in." You can say, "Take another step and I am going to blow your head off." Okay, is that simple enough? Okay.

I will tell you, I have worked in a prosecutors office and since I was the only person without children I got to be the one to do all the search warrants because it always meant that you got to stay late and late and later. What was really scary was the only person to walk me to my car was the defense attorney, but it meant that it took three to four hours to get search warrants. I dare say you could bleed to death faster than three to four hours from injuries sustained while somebody waits on the front porch of your house for a search warrant when you knew they were a cop; when you knew they were there to do their job and you held them off with a knife or a gun.

I urge you to go ahead and defeat this and accept the Majority "Ought to Pass."

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

Representative JONES: Mr. Speaker, Ladies and Gentlemen of the House: For those of you who have stood on the porch, I have stood in the court. I respect the Law Court. The Law Court has decided this issue, they said it is Constitutionally

protected, and who are we to tell the court what to do. None of us have black robes on right now.

Support the "Ought Not to Pass" and support the Law Court of Maine, don't second guess them.

Representative PLOWMAN of Hampden requested a roll call on the motion to accept the Minority "Ought Not to Pass" Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: A roll call has been ordered. The pending question is the motion of Representative Clark of Millinocket that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 20

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Davidson, Desmond, Dore, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Libby JD; Marshall, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, Peavey, Perkins, Poulin, Povich, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Underwood, Volenik, Watson, Winn, Winsor, Yackobitz.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Bunker, Cameron, Campbell, Clukey, Cross, Daggett, Damren, Dexter, Donnelly, Dunn, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Look, Lovett, Lumbra, Madore, Martin, Marvin, Mayo, McAlevy, McElroy, Murphy, Nass, Nickerson, O'Gara, O'Neal, Ott, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Strout, Taylor, True, Tufts, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass.

ABSENT - Carleton, DiPietro, Driscoll, Farnum, Gieringer, Kerr, Libby JL; Luther, Pouliot, Reed, W.; Rotondi, Stone, The Speaker.

Yes, 69; No, 68; Absent, 13; Paired, 0; Excused, 0; Vacant, 1.

69 having voted in the affirmative and 68 in the negative, with 13 being absent and 1 vacant, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Committee on State and Local Government - (9) Members "Ought Not to Pass" - (4) Members "Ought to Pass" as amended by Committee Amendment "A" (H-39) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide a Method for Citizen-initiated Recall of Persons Holding Elective Civil Offices (H.P. 77) (L.D. 113) which was tabled by Representative DAGGETT of Augusta pending her motion to accept the Majority "Ought Not to Pass" Report.

Subsequently, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Committee on Judiciary - (10) Members "Ought Not to Pass" - (3) Members "Ought to Pass" on Bill "An Act to Ensure Proper Responsibility for Child Support" (H.P. 205) (L.D. 264) which was tabled by Representative TREAT of Gardiner pending her motion to accept the Majority "Ought Not to Pass" Report.

Subsequently, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Committee on State and Local Government - (7) Members "Ought Not to Pass" - (6) Members "Ought to Pass" as amended by Committee Amendment "A" (H-40) on Bill "An Act to Ensure Public Access to All Legislative Constituent Allowance Expenditures" (H.P. 277) (L.D. 381) which was tabled by Representative DAGGETT of Augusta pending her motion to accept the Majority "Ought Not to Pass" Report.

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

Representative DAVIDSON: Mr. Speaker, Men and Women of the House: I come before you today with great news. This is a reform bill. It doesn't cut our benefits, it doesn't cut our meal allowance, it doesn't shorten the session, it doesn't cut our per diems, our gas reimbursements. It doesn't take away anything. What this bill does is ask us to play by the same rules that we ask every single state agency, every task force, every commission, and every private business that contracts with the state to do. That is when we hand out tax dollars from this body, specifically ones for expense accounts, that they go accounted for.

Every session we hand out close to \$300,000 for constituent service allowance to our members to the other body and to ourselves. As we all know that money is deposited directly into our checking accounts with no reporting, no accounting, and no public knowledge of where that money is spent.

I can't imagine what would happen in my committee when some state agency or commission would come before my committee and say, "Oh, yeah, that 300-grand you gave us, that went to the members of our commission. I am sure they spent it in good faith." And, I am sure people do, I am sure we all do. But, the bottom line is there should be some accountability for this.

Now, let me tell you what this bill does. This bill doesn't penny-pinch. It doesn't require that every time you send out a 32 cent stamp that you have got to account for it. We put a floor on it which says it is just like our campaign finance reports which we are all very skilled at doing after this past election. It says that if you spend anything more than \$10 you have got to show where you spent it. That money goes — those reports, which will hand out, you talk about paper work, it is the same amount of paper work that it costs to hand out one amendment in both of these bodies. What will happen is this itemized report will go on file with the Commission on Governmental Ethics. And your people, our people, are going to know where these tax dollars that are set aside for specific purposes is going to go.

I don't think it is too much to ask. I think we all ran on the notion that we were going to be more accountable. Am I wrong? I ran to be more accountable. This is a boondoggle. We all use it in good faith, I am sure, but it is a boondoggle.

I ask you today when you vote on this that you don't vote because it is politically smart or that your people are going to love you for it but because that convenience store down in Ellsworth, that accounting firm in Gray, that law practice in Portland, the Deli down in Brunswick, when they get expense accounts they count for it.

So, I am asking you to vote no on the Majority "Ought Not to Pass" which is coming out on a seven/six "Ought Not to Pass" Report because a couple of legislators switched their votes after the fact. I ask you to do it because it is the right thing to do.

When we do vote, I request a roll call, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: L.D. 381, I believe, is a long time coming. Why shouldn't we as legislators be held accountable for the expenditures made with the constituent service allowance? Right now you can do anything you want with the money, including putting it toward your next election. I trust that none of us in this body do that. Since I have so much trust and confidence in this body and in our honesty, I would ask that we take the additional step of public accountability. It is good for this institution, I believe. If you itemize your taxes as Representative Robichaud just reminded me, you already do it any way.

So, I would like to close by just commending the good Representative from Brunswick, Representative Davidson, he has got a slew of good government bills and sometimes I think it takes a young Representative to look at things around here and see the way we do them and maybe give us some alternatives.

I hope that you will vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: A couple of points were made here this afternoon or this evening that are a little enormous. The comment was made that this is deposited directly into your account. Maybe I am the only one but it seems to me I recall every year I have been here I received a check, it had nothing to do with depositing directly in my account. Rather a small point, but.

I would have to say that this is a feel good bill. It is easy to vote for it because you can go back home and tell your constituents, "Oh, look what I did." Ladies and gentlemen, this is \$500. If my constituents don't trust me enough to appropriately spend \$500 then I guess they will have to vote against me the next time. It is a very small amount of money. It is very difficult for me to believe that they didn't send me down here with more trust than that.

I also would have to tell you if I have to start keeping track of that small amount of money after the third month when the money is all gone and by the end of the year I have spent a couple thousand dollars on constituent service living in a rural area driving long miles and late nights and all those other

things, is it okay if I submit an expense account for the remainder of my expenses? When you are ready to include that in the bill I will vote for it, until then I will vote against it.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Mr. Speaker, Men and Women of the House: I was proud to be a cosponsor of Representative Davidson's bill. I won't spend a lot of time, I know we all want to go home. This asks us to do nothing more, as he said, than what businesses, agencies and departments of government are asked to do. And, if they didn't do it we would all be wailing and trying to pass laws.

To my good friend, Representative Cameron, I would say that if at the end of the year you have reported or itemized more than \$500 of deductions, I would be here arguing that maybe if all of us did that maybe constituent allowances ought to be larger because we are all doing so much for our constituents — whether it is \$500 or \$1,000 I think we should be accountable.

I urge you to vote no.

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

Representative GERRY: Mr. Speaker, Men and Women of the House: I encourage you to vote against this bill. I am in support of Representative Davidson's motion. I won't go on to explain more because everyone else has presented my case.

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

Representative LINDAHL: Mr. Speaker, I would pose a question through the Chair. Would we have a choice of maybe not accepting this constituent service check and then just submitting expense account vouchers to receive our reimbursement? That way we wouldn't have to keep the records.

The SPEAKER: Representative Lindahl of Northport has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: At the present time you report it as income and then if you have no expenses you have to pay taxes on it. That is the present IRS laws. So, nothing is going to change. If you file an expense account it is still going to have to be report to IRS and you are still going to have to do the paper work one way or the other.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

Representative PLOWMAN: Mr. Speaker, I would pose a question. Could someone tell me what the penalty is for not filing the report. I looked through this and I see that there are all kinds of provisions made to file your report. I see not teeth to make sure that it is done.

The SPEAKER: Representative Plowman of Hampden has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: There is no penalty if you do not file.

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House: If it looks like a feel good bill, and it works like a feel good bill, it must be a feel good bill.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would agree with those speakers today who have already termed this a feel good bill. If you want to satisfy the requirement, you could file and say that all of your expenditures were under ten dollars and you could have satisfied the requirement. I think one of the particular difficulties here and one of the — when we talk about requiring other people to account for what they have spent, frankly, almost anything could be a constituent expense. For those people who are spending their money on their constituents they will have receipts, there will be accountability and they will know what they have spent it on.

For any one who chooses not to spend it on constituent expenses they would have no trouble coming up with a hand full of receipts for virtually anything and calling it a constituent expense. I would suggest to you that it is almost impossible to monitor whether you have really spent your money on a constituent expense or not.

I think the constituent allowance really recognizes the fact that we are expected to spend a certain amount of money on our constituents. Time, effort, money. I think that is what this constituent expense indicates.

People who spoke about the bill all indicated that they spend far more than the amount that we are given. Personally I resent the implication that I am not spending my money on my constituents. I hope that if my constituents feel that it is not being spent on them and I am not handling it wisely that they don't vote to return me here.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: This morning I passed this particular form around at a cost of \$14 and some odd cents. I am not going to file this. I don't want to fool around with trying to keep a record of this. It is an expense that is part of doing business here. I will not keep a record of this.

I go along with Representative Lindahl, if you feel that this must be done, take away the constituent allowance, keep it and as I spend it I will ask for it. I don't particularly want any bookkeeping. So, I ask you to please oppose the motion on the floor.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House: Correct me if I am wrong, but I have heard twice now the mention of a \$10 limit or what have you. And, in reading the bill, specifically states at the bottom, "have a list of all expenditures from the allowance and is considered

public record." All expenditures do not include anything under \$10?

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

Representative DORE: Mr. Speaker, Men and Women of the House: I would just like to point out as we debate this issue that it seems to solve itself. If you do two constituent mailings in the two years you are here, you will spend the constituent service allowance. If you do not do two constituent mailings in the two years you are here you will not be back.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I want to apologize. I wish that you would accept the Majority "Ought Not to Pass." I misstated — I think I might have caught something.

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

Representative DAVIDSON: Mr. Speaker, Men and Women of the House: I have had good practice defending this over the past month or so. A couple points — my good friend from Rumford, we are very good friends so it is about time we disagreed on something. In Brunswick \$300,000 isn't peanuts. To a lot of my people, it is not \$500, it is \$750 for us, \$1,000 for the Senate (the other body, excuse me). That is not peanuts either.

A couple of other things, the good Representative from Auburn says that if you do two constituent mailings and that is all you are spending, that is not hard to account for. You have a bill for \$730 to do a constituent mailing, you pretty much said, all you have got to do is fill that out and figure out the other parts of it and you have got your thing.

This is not a feel good — this was not meant to be a feel good bill. This is a bill that I think, from what I have heard from members who have served here in the past, it is a long time coming. It is simply, as I said before, asks us to do what we ask every other business that has any form of sanity to do. It is common sense, it is not a feel good. If it looks like a common sense bill, smells like a common sense bill, it is probably a common sense bill.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: This legislator has been as much of a critic of the Legislative budget and the expenditures we have made collectively as any other member of this body. However, I would ask, in speaking in opposition to this piece of legislation if the people who originate this piece of legislation are also itemizing their meals and their mileage allowance expenditure receipts or checks that they are getting? It is possible (some of us do that) to itemize and not receive the full meal allowance, particularly when we are here in non-session times. Those things are permissible already, those are open for public inspection.

I think if the criticism is of the constituent service allowance you should be more straight forward about this and propose that that be eliminated, reduced or take some other approach to that part of a Legislators income.

I think it is calling into question the integrity of the members, to me, is a bit of a sour note. If you want to go after the expenditure that is fair

game. I think we ought to debate whether that is a relative amount of money that ought to be spent or not. Frankly, I don't know where I would land on that question. But, what you are doing is suggesting that members of this body and perhaps those who have not served very long haven't appreciated how much time and money you will contribute above and beyond the constituent service allowance to this effort. If you wish to itemize I suppose that is fair, you are welcome to do that. But, as was mentioned by the speaker who spoke earlier, the Representative from Eagle Lake, it is also has to be included in your income tax, so that information already has to be filed.

I don't think this piece of legislation strikes at we really need to be analyzing and that is our expenditures and discussing whether or not they are at an appropriate level.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Daggett of Augusta that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 21

YEA - Aikman, Ault, Bailey, Benedikt, Birney, Bouffard, Brennan, Bunker, Cameron, Chick, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Desmond, Dore, Dunn, Fisher, Gamache, Gates, Gould, Greenlaw, Heesch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Keane, Kerr, Kilkelly, Kneeland, Kontos, Lane, Lemont, Lindahl, Look, Lovett, Lumbr, Marshall, Marvin, McAlevey, McElroy, Meres, Mitchell EH; Morrison, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Ott, Peavey, Pendleton, Pinkham, Plowman, Poirier, Poulin, Rice, Ricker, Rowe, Savage, Saxl, J.; Sirois, Spear, Stedman, Strout, Taylor, Townsend, Truman, Tufts, Tyler, Underwood, Vigue, Watson, Wheeler, Whitcomb, Winn, Winsor, Yackobitz.

NAY - Adams, Ahearne, Barth, Berry, Bigl, Buck, Chartrand, Chase, Chizmar, Davidson, Dexter, Donnelly, Etnier, Fitzpatrick, Gerry, Gooley, Green, Guerrette, Hartnett, Hatch, Johnson, Jones, K.; Joyce, Joyner, Labrecque, LaFountain, Layton, Lemaire, Lemke, Libby JD; Madore, Martin, Mayo, Mitchell JE; Nass, Perkins, Povich, Reed, G.; Richardson, Robichaud, Rosebush, Samson, Saxl, M.; Shiah, Simoneau, Stevens, Treat, Tripp, True, Tuttle, Volenik, Waterhouse, Winglass.

ABSENT - Campbell, Carleton, DiPietro, Driscoll, Farnum, Gieringer, Libby JL; Luther, Pouliot, Reed, W.; Rotondi, Stone, Thompson, The Speaker.

Yes, 83; No, 53; Absent, 14; Paired, 0; Excused, 0; Vacant, 1.

83 having voted in the affirmative and 53 in the negative, with 14 being absent and 1 vacant, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-15) - Minority (5) "Ought Not to Pass" - Committee on Human Resources - on Bill "An Act Relating to the Maine Health Program" (EMERGENCY) (H.P. 271) (L.D. 373) which was tabled by Representative MITCHELL of Vassalboro pending the motion of Representative FITZPATRICK of Durham to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: I promise to be brief. I promise not to repeat anything I said the last time I spoke on this or other related issues.

I ask you to support L.D. 373 in the "Ought to Pass" Report from the Committee on Human Resources.

Let me just give you a quick summary on the bill, just to refresh your memory, so you can differentiate between this bill and the last time we spoke on the drug program bill.

This bill does pay for medications. This bill does pay for doctors visits. This bill does serve Mainers who are generally working, who are just above the Medicaid level. This bill is cost effective in the sense that it doesn't shift cost to municipalities. This bill does have a federal match connected to it. It is a two to one match, so it does draw in a significant amount of money and will allow us to serve through the end of this fiscal year, approximately 2,600 Mainers, again, who are generally working, have families and who have been served by the Maine Health Program for the past number of months.

L.D. 373 is also humane and makes common sense. You have heard all these arguments before when we were talking about the drug program. This program has done good for many. I want to really underscore that because the Maine Health Program is seen by some as being a target, something we should eliminate, somehow it is something that is misguided public policy. I just really want to underscore in this debate that it is a program that has done good for thousands of Mainers. It was a program that I think when we look back in five years we will see that it was innovative for its time, that it was a federal Medicaid waiver and was cost effective for the State of Maine and really kept the costs off the back of the municipalities.

I will say, just in closing, that it is truly sad that today we haven't been able to bridge the future. And, I think the future for us is the report from the Maine Health Care Commission and also the upcoming Medicaid waivers and in a sense, if we don't support the Majority "Ought to Pass" Report, what we will have done is we will have dropped of 2,600 Mainers sort of into the abyss of no insurance, use of emergency rooms, shifting costs to municipalities and probably within the next six or eight months have created an environment that we were going to be able to provide them with health care.

So, I ask for your support on L.D. 373.

Representative LIBBY of Buxton requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I will also be brief, we have debated this at length.

I supported the drug program as you know, as a sort of better than nothing compromise. This program is much better than better than nothing. This is a model program. We are all talking about waivers coming in in January. We are talking about innovative ways to serve people, this is just that. We have something good that does work for a number of people.

We had someone come in and testify in front of our committee, a life-long Republican, had a six figure income, lost his job and the only insurance he had was through the Maine Health Program and he said had it not been for the program he simply, he would be dead, he would not be there testifying. They found a serious heart disease and he was able to get treatment in this way.

The Maine Health Program, unlike the drug program, had a \$667,000 federal match and that is not money from heaven as we all know, but it is money that we need and it is money that is available to us for a very important purpose. I urge you to support this bill.

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

Representative JOHNSON: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote for this bill and it is for a personal reason. I just feel that I am — I am going to use a very preachy word, I have had many blessings in my life and a lot of them have come my way and I necessarily don't deserve them all, I will take some credit. A lot of them have just come to me because other people have been good. Other people have been willing to share. Other people have been willing to share their richness in life, whether it be of a philosophy or whether it be of a monetary value, but they were willing to share it with me.

I got a scholarship to go to Colgate University, someone was willing to share it. That was a great gift. I had some wonderful coaches in college, they were willing to share their experience, it was a great gift.

Then, late in my life, I was able to go to work for the state and become part of the correctional system (the Chaplain) and I was able to share the richness of working with juvenile delinquents in the State of Maine. And, part of that, I got a great reward, I was made a member of the Maine State Employee benefits so when I retired I received a wonderful health package, which has certainly made my retirement years one of security and one of a deep joy and happiness. I have that joy and I have it because other people shared it.

I want to share some of this wealth that I have experienced by putting my vote and my good hope behind this Maine Health Program, that is fair, because that is what life is all about.

In the State of Maine I have been told again and again and again, in the State of Maine we believe in community. The fishermen believe in community. We believe in helping each other. Let's help each other.

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

Representative PERKINS: Mr. Speaker, I would pose a question through the Chair. Has this money already been raised? Could somebody answer that?

The SPEAKER: Representative Perkins of Penobscot has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: To answer the good Representatives question. Approximately, my understanding, approximately \$270,000 is available and was set aside for this program and the rest of the money would need to come out of the Rainy Day

Fund. That was the discussion at the time in the Committee hearing.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I would just like to expand on Representative Fitzpatrick's explanation. Yes, indeed, this money has already been raised. \$13 million a year has been raised specifically for this program. The taxes remain in place. They money, the bulk of the money, has been spent for other purposes. But, yes, indeed, the money was raised for this program.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call a roll call was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Fitzpatrick of Durham that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 22

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Dexter, Dore, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Perkins, Poulin, Povich, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Strout, Townsend, Treat, Tripp, Truman, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Cameron, Chick, Clukey, Cross, Damren, Dunn, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Taylor, True, Underwood, Waterhouse, Whitcomb, Winglass, Winsor.

ABSENT - Campbell, Carleton, DiPietro, Donnelly, Driscoll, Farnum, Gieringer, Kerr, Libby JL; Luther, Pouliot, Reed, W.; Rotondi, Stone, Thompson, Winn, Yackobitz.

Yes, 72; No, 61; Absent, 17; Paired, 0; Excused, 0; Vacant, 1.

72 having voted in the affirmative and 61 in the negative, with 17 being absent and 1 vacant, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-15) 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-15) and sent up for concurrence.

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

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On motion of Representative NADEAU of Saco, the House adjourned at 6:10 p.m., until 9:30 a.m., Thursday, March 30, 1995 in memory of Joseph Lawrence Kenneth Belanger.