

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
46th Legislative Day
Tuesday, May 23, 1995

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

Prayer by the Reverend Gregory Jackson, United Baptist Church, Easton.

National Anthem by the Wales Central Handbell Choir, Sabattus.

The Journal of Thursday, May 18, 1995 was read and approved.

SENATE PAPERS
Divided Report

Majority Report of the Committee on Taxation reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-115) on Bill "An Act to Create an Income Tax Stabilization Program" (EMERGENCY) (S.P. 98) (L.D. 238)

Signed:

Senators: HATHAWAY of York
FERGUSON of Oxford
CAREY of Kennebec
Representatives: KEANE of Old Town
TRIPP of Topsham
MURPHY of Berwick
SPEAR of Nobleboro
DUNN of Gray
TUTTLE of Sanford
REED of Falmouth

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

Signed:

Representatives: RICHARDSON of Portland
GREEN of Monmouth
DORE of Auburn

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-115).

Was read.

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

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

COMMUNICATIONS

The following Communication: (H.C. 158)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

May 17, 1995

The Honorable Joseph W. Mayo
Clerk of the House

State House Station #2
Augusta, Maine 04333

Dear Clerk Mayo:

Pursuant to my authority under Public Law 1995, Chapter 99, I have appointed the following members to the Productivity Task Force:

John Orestis of Yarmouth

State Senator Michael Michaud of East Millinocket

State Representative Gail Chase of China

Please let me know if you have any questions regarding these appointments.

Sincerely,

S/Dan A. Gwadosky

Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.C. 159)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

May 19, 1995

The Honorable Joseph W. Mayo

Clerk of the House

State House Station #2

Augusta, Maine 04333

Dear Clerk of the House:

Please be advised that, pursuant to my authority under Resolve 1995, Chapter 8, which amends Resolve 1993, Chapter 1, I have appointed Mr. William L. Ciciotte of Topsham to serve on the Special Commission to Erect a Plaque in the Hall of Flags Honoring Medal of Honor Recipients from Maine. Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Dan A. Gwadosky

Speaker of the House

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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 Concerning Potato Blight Eradication and the Disposal of Cull Potatoes" (EMERGENCY) (H.P. 1096) (L.D. 1540) (Presented by Representative KNEELAND of Easton) (Cosponsored by Representatives: AHEARNE of Madawaska, CAMPBELL of Holden, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DESMOND of Mapleton, DONNELLY of Presque Isle, HEESCHEN of Wilton, HICHBORN of Lagrange, JONES of Pittsfield, JOY of Crystal, KILKELLY of Wiscasset, MARSHALL of Eliot, MAYO of Bath, O'NEAL of Limestone, ROBICHAUD of Caribou, SIROIS of Caribou, SPEAR of Nobleboro, STROUT of Corinth, TYLER of Windham, WHEELER of Bridgewater, Senators: CASSIDY of Washington, KIEFFER of Aroostook, MICHAUD of Penobscot, PARADIS of Aroostook) (Governor's Bill)

Transportation

Bill "An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles" (H.P. 1093) (L.D. 1538) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: BAILEY of Township 27, BUCK of Yarmouth, CAMPBELL of Holden, CHICK of Lebanon, CHIZMAR of Lisbon, DIPIETRO of South Portland, DONNELLY of Presque Isle, DUNN of Gray, FARNUM of South Berwick, GERRY of Auburn, GIERINGER of Portland, GUERRETTE of Pittsford, HATCH of Skowhegan, HICHBORN of Lagrange, JONES of

Pittsfield, JOY of Crystal, JOYNER of Hollis, KNEELAND of Easton, LIBBY of Kennebunk, LIBBY of Buxton, MARSHALL of Eliot, McALEVEY of Waterboro, MURPHY of Berwick, OTT of York, SIMONEAU of Thomaston, STEDMAN of Hartland, TAYLOR of Cumberland, UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton, WINSOR of Norway, Senators: FERGUSON of Oxford, KIEFFER of Aroostook, MICHAUD of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative GOULD from the Committee on **Natural Resources** on Bill "An Act to Reduce Paperwork and Promote On-site Elementary Neutralization of Low-hazard Wastes" (H.P. 475) (L.D. 656) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-277)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-277) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 24, 1995.

Ought to Pass as Amended

Representative DORE from the Committee on **Taxation** on Bill "An Act to Permit the Equitable Taxation of Leased Equipment" (H.P. 486) (L.D. 667) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-283)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-283) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 24, 1995.

Ought to Pass as Amended

Representative GOULD from the Committee on **Natural Resources** on Bill "An Act to Encourage Compliance with Environmental Laws Administered by the Department of Environmental Protection" (H.P. 677) (L.D. 928) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-285)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-285) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 24, 1995.

Ought to Pass as Amended

Representative ROWE from the Committee on **Business and Economic Development** on Bill "An Act to Require Licensure for Use of the Title Athletic Trainer" (H.P. 699) (L.D. 957) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-282)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-282) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 24, 1995.

Ought to Pass as Amended

Representative AHEARNE from the Committee on **State and Local Government** on Resolve, Authorizing the Director of the Bureau of Parks and Recreation to Sell Land and Improvements on Hospital Street in Augusta, Maine Known as the Trial House (H.P. 809)

(L.D. 1126) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-275)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-275) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 24, 1995.

Ought to Pass as Amended

Representative BIRNEY from the Committee on **Business and Economic Development** on Bill "An Act to Increase Venture Capital Access to State Businesses" (H.P. 920) (L.D. 1296) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-272)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-272) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 24, 1995.

Ought to Pass as Amended

Representative AHEARNE from the Committee on **State and Local Government** on Bill "An Act to Repeal the Law Regarding Access to Property via Abandoned Roads" (H.P. 966) (L.D. 1375) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-276)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-276) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 24, 1995.

Ought to Pass Pursuant to Joint Order (H.P. 1088)

Representative KERR from the Committee on **Appropriations and Financial Affairs** on Bill "An Act to Permit a One-time Transfer of Uncommitted Funds for Community Corrections Programs" (EMERGENCY) (H.P. 1095) (L.D. 1539) reporting "Ought to Pass" Pursuant to Joint Order (H.P. 1088)

Report was read and accepted. The Bill read once and assigned for second reading Wednesday, May 24, 1995.

Ought to Pass Pursuant to Joint Order (H.P. 582)

Representative ROSEBUSH from the Committee on **State and Local Government** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1995 (EMERGENCY) (H.P. 1097) (L.D. 1541) reporting "Ought to Pass" Pursuant to Joint Order (H.P. 582)

Report was read and accepted. The Resolve read once.

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

Under further suspension of the rules, the Resolve was passed to be engrossed and sent up for concurrence.

Ought to Pass Pursuant to Joint Order (H.P. 582)

Representative ROSEBUSH from the Committee on **State and Local Government** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1995 (EMERGENCY) (H.P. 1098) (L.D. 1542) reporting "Ought to Pass" Pursuant to Joint Order (H.P. 582)

Report was read and accepted. The Resolve read once.

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

Under further suspension of the rules, the Resolve was passed to be engrossed and sent up for concurrence.

Divided Report

Majority Report of the Committee on Inland Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-264) on Bill "An Act to Require Firearm Hunters to Wear Blaze Orange" (H.P. 586) (L.D. 796)

Signed:

Senator: HALL of Piscataquis

Representatives: ROTONDI of Madison

JACQUES of Waterville

KEANE of Old Town

ROSEBUSH of East Millinocket

CHICK of Lebanon

UNDERWOOD of Oxford

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

Signed:

Senators: KIEFFER of Aroostook

MICHAUD of Penobscot

Representatives: CLARK of Millinocket

TUFTS of Stockton Springs

GREENLAW of Standish

PERKINS of Penobscot

Was read.

Representative JACQUES of Waterville moved that the House accept the Majority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought to Pass" as amended Report and later today assigned.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-268) on Bill "An Act to Legalize the Use of Marijuana for Medical Purposes" (H.P. 678) (L.D. 929)

Signed:

Senator: PINGREE of Knox

Representatives: FITZPATRICK of Durham

JOHNSON of South Portland

SHIAH of Bowdoinham

MARVIN of Cape Elizabeth

ETNIER of Harpswell

MITCHELL of Portland

JONES of Bar Harbor

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

Signed:

Senators: PENDEXTER of Cumberland

BENOIT of Franklin

Representatives: JOYNER of Hollis

WINGLASS of Auburn

LOVETT of Scarborough

Was read.

Representative FITZPATRICK of Durham moved that the House accept the Majority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority

"Ought to Pass" as amended Report and later today assigned.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Decrease the State's Share of Real Estate Transfer Taxes" (H.P. 821) (L.D. 1152)

Signed:

Senator:

Representatives:

HATHAWAY of York

TRIPP of Topsham

TUTTLE of Sanford

KEANE of Old Town

MURPHY of Berwick

GREEN of Monmouth

DORE of Auburn

SPEAR of Nobleboro

DUNN of Gray

REED of Falmouth

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-265) on same Bill.

Signed:

Senators:

FERGUSON of Oxford

CAREY of Kennebec

Representative:

RICHARDSON of Portland

Was read.

On motion of Representative DORE of Auburn, 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 to Pass" as amended by Committee Amendment "A" (H-263) on Bill "An Act to Increase Moose Hunting Permit Application Fees" (H.P. 841) (L.D. 1172)

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

TUFTS of Stockton Springs

GREENLAW of Standish

CHICK of Lebanon

PERKINS of Penobscot

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

Signed:

Representative:

UNDERWOOD of Oxford

Was read.

On motion of Representative JACQUES of Waterville, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-263) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, May 24, 1995.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-267) on Bill "An Act to

Further Support the Community Service Volunteer Programs of the National Senior Service Corps of Maine" (H.P. 889) (L.D. 1242)

Signed:

Senator:

Representatives:

PINGREE of Knox
FITZPATRICK of Durham
JOHNSON of South Portland
SHIAH of Bowdoinham
ETNIER of Harpswell
MITCHELL of Portland
JONES of Bar Harbor

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

Signed:

Senators:

Representatives:

PENDEXTER of Cumberland
BENOIT of Franklin
JOYNER of Hollis
MARVIN of Cape Elizabeth
WINGLASS of Auburn
LOVETT of Scarborough

Was read.

Representative FITZPATRICK of Durham moved that the House accept the Majority **"Ought to Pass"** as amended Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority **"Ought to Pass"** as amended Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 354) (L.D. 474) Bill "An Act Relating to Equipment Start-up, Shutdown and Unavoidable Malfunction" Committee on **Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-278)

(H.P. 425) (L.D. 582) Bill "An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals" Committee on **Taxation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-281)

(H.P. 747) (L.D. 1021) Bill "An Act Authorizing the State Board of Education to Adopt Rules Regarding Certain Early Childhood Personnel" Committee on **Education and Cultural Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-284)

(H.P. 787) (L.D. 1104) Bill "An Act to Amend the Structure of the Electricians' Examining Board" Committee on **Business and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-280)

(H.P. 803) (L.D. 1120) Bill "An Act to Restore State Funding for State Expenses at County Jails" (EMERGENCY) Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-287)

(H.P. 842) (L.D. 1173) Bill "An Act to Add Forfeiture of a Firearm as a Sentence Alternative for the Crime of Possession of a Firearm by a Felon" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-286)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 24, 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. 109) (L.D. 285) Bill "An Act Concerning Placement of Modular Homes"

(S.P. 340) (L.D. 945) Bill "An Act to Allow Candidates to Donate Surplus Campaign Funds to Charitable and Educational Institutions"

(S.P. 375) (L.D. 1052) Bill "An Act to Allow the Collection of Reimbursement for Medical Expenses" (C. "A" S-148)

(S.P. 384) (L.D. 1061) Bill "An Act to Amend Certain Provisions of the Law Relating to Defense" (C. "A" S-144)

(S.P. 448) (L.D. 1221) Bill "An Act to Establish Responsibility for the Investigation of the Use of Deadly Force by Law Enforcement Officers" (C. "A" S-145)

(H.P. 629) (L.D. 854) Bill "An Act to Amend the Charter of the Searsport Water District" (EMERGENCY)

(H.P. 688) (L.D. 939) Bill "An Act to Exclude Services Provided by Home Stitchers from the Definition of Employment for Purposes of Unemployment Compensation"

(H.P. 891) (L.D. 1244) Bill "An Act to Require County and State Inmates to Pay a Health Care Fee" (C. "A" H-270)

(H.P. 892) (L.D. 1245) Bill "An Act Limiting the Types of Municipal Investments" (C. "A" H-262)

(H.P. 943) (L.D. 1332) Bill "An Act to Authorize the Town of Topsham to Increase the Amount the Town May Contribute to the Construction Costs of Sewers That Belong or May Later Belong to the Topsham Sewer District" (EMERGENCY) (C. "A" H-269)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or 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.

On motion of Representative CAMERON of Rumford, the House reconsidered its action whereby Bill "An Act to Authorize the Town of Topsham to Increase the Amount the Town May Contribute to the Construction Costs of Sewers That Belong or May Later Belong to the Topsham Sewer District" (EMERGENCY) (H.P. 943) (L.D. 1332) (C. "A" H-269) was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-269) was adopted.

The same Representative presented House Amendment "A" (H-290) to Committee Amendment "A" (H-269) which was read by the Clerk and adopted.

Committee Amendment "A" (H-269) as amended by House Amendment "A" (H-290) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-269) as amended by House Amendment "A" (H-290) thereto and sent up for concurrence.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise

Pollution" (H.P. 60) (L.D. 96) (H. "B" H-274 to C. "A" H-251)

Bill "An Act to Expand Eligibility for Benefits under the Adoption Assistance Program" (EMERGENCY) (S.P. 247) (L.D. 644) (C. "A" S-109)

Bill "An Act to Apply the Hospital Cooperation Act of 1992 to a Broader Range of Health Care and Social Service Agencies" (H.P. 548) (L.D. 744) (C. "A" H-266)

Bill "An Act Concerning the Sale of Double Gauge Lobster Measures" (S.P. 429) (L.D. 1197) (C. "A" S-143)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

Bill "An Act to Allow the Sale of Irradiated Food in the State" (H.P. 437) (L.D. 603) (C. "A" H-128)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative AHEARNE of Madawaska was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Wednesday, May 24, 1995.

Bill "An Act to Authorize Certain Employees of the Department of Corrections to Use Deadly Force" (S.P. 454) (L.D. 1250) (S. "A" S-149 to C. "A" S-133)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative JACQUES of Waterville was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

ENACTORS

Emergency Measure

An Act Preventing Increases in Certain Processing and Permitting Fees in the Department of Environmental Protection (S.P. 113) (L.D. 288) (C. "A" S-134)

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. 122 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 Measure

An Act to Reestablish the Tax Credit for Intrastate Airlines (S.P. 245) (L.D. 642) (C. "A" S-112)

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. 114 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control (H.P. 614) (L.D. 824) (C. "A" H-227)

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. 120 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 Measure

An Act to Further Restrict the Illegal Harvest of Cultivated Oysters (S.P. 363) (L.D. 989) (C. "A" S-138)

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. 118 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 Measure

An Act to Allocate the State Ceiling Governing the Issue of Private Activity Bonds (H.P. 856) (L.D. 1187)

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. 114 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 Measure

An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1995 (S.P. 504) (L.D. 1363)

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. 115 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish a Paper Industry Council (S.P. 382) (L.D. 1059) (S. "A" S-146 to C. "A" S-136)

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. 109 voted in favor of the same and 4 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act Regarding School Employees Serving on School Boards (H.P. 14) (L.D. 8) (C. "A" H-218)

An Act to Expand the Membership of the Loring Development Authority of Maine (H.P. 162) (L.D. 210)

An Act to Change Certain Provisions of the Saco River Corridor Law (H.P. 324) (L.D. 445) (C. "B" H-152)

An Act to Modify the Presidential Primary Laws (H.P. 442) (L.D. 608) (C. "A" H-164; S. "A" S-137)

An Act Concerning Municipal Rent Control (H.P. 474) (L.D. 655) (C. "A" H-200)

An Act to Change the Restricted Area around Aquaculture Pens from 500 to 300 Feet (S.P. 268) (L.D. 719) (C. "A" S-139)

An Act to Expand Access to Financing for Health and Social Service Agencies (S.P. 283) (L.D. 771) (C. "A" S-122)

An Act to Amend the Laws Specifying the Place of Imprisonment (H.P. 602) (L.D. 812) (C. "A" H-233)

An Act Authorizing the Director of the Maine Forest Service to Dispose of Facilities and Properties of the Bureau of Forestry in Order to Streamline Operations (S.P. 325) (L.D. 906) (C. "A" S-124)

An Act to Include the Emergency Medical Services' Board in the List of Boards Reviewing Criminal Convictions Before Licensing (S.P. 346) (L.D. 951)

An Act to Amend the Adult Protective Services Act to Allow Referrals of Cases of Abuse, Neglect and Exploitation to Law Enforcement Agencies (H.P. 710) (L.D. 967)

An Act to Amend the Charter of the Somerset Woods Trustees to Eliminate the Cap on the Value of Holdings (S.P. 352) (L.D. 980)

An Act to Repeal the Salmon Aquaculture Monitoring and Research Fund (S.P. 366) (L.D. 992) (C. "A" S-140)

An Act to Amend the Law to Provide for the Notification of Immediate Family Members of Homicide Victims (H.P. 732) (L.D. 1006) (C. "A" H-222)

An Act to Require Prior Notice of Cancellation of Group Health Insurance Policies (H.P. 765) (L.D. 1039) (C. "A" H-231)

An Act to Amend the Law Concerning the Pricing of Discontinued and Test-market Liquor Items (S.P. 372) (L.D. 1049) (C. "A" S-141)

An Act to Delete the Definition of Tanning Devices from the Laws Regulating the Board of Barbering and Cosmetology (S.P. 394) (L.D. 1082) (C. "A" S-127)

An Act to Establish Minimum Qualifications for the Office of Sheriff (H.P. 790) (L.D. 1107)

An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982 (S.P. 421) (L.D. 1144)

An Act to Amend the Maine Bail Code to Penalize Defendants Who Have Been Granted a Stay of Execution and Fail to Report (S.P. 430) (L.D. 1198) (C. "A" S-125)

An Act to Permit Wire-tapped Conversations of or with Prisoners to be Used in Court (S.P. 460) (L.D. 1256) (C. "A" S-130)

An Act to Amend Laws Regarding False Claims for Payment or Approval by the Department of Human Services (S.P. 462) (L.D. 1258) (S. "A" S-147)

An Act to Amend the Income Eligibility Criteria of the Small Community Wastewater Program (H.P. 915) (L.D. 1291)

An Act to Clarify the Supervision of Juveniles Under Observation (H.P. 924) (L.D. 1305)

Resolve, to Require the Department of Agriculture, Food and Rural Resources to Establish a Revolving Loan Fund to Increase Agricultural Growth in the State (H.P. 653) (L.D. 876) (C. "A" H-225)

Were reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted or finally passed, signed by the Speaker and sent to the Senate.

An Act to Require All Persons to Use Safety Belts in Motor Vehicles (S.P. 77) (L.D. 165) (H. "A" H-181; S. "A" S-135 to C. "A" S-91)

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

On motion of Representative MITCHELL of Vassalboro was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

An Act to Amend the Laws Governing Wrongful Death Caused by Truck Drivers (H.P. 292) (L.D. 396) (C. "A" H-212)

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

On motion of Representative ROBICHAUD of Caribou was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

An Act Concerning Sick Leave and Vacation Benefits (H.P. 388) (L.D. 523) (C. "A" H-140)

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

On motion of Representative ROBICHAUD of Caribou was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

An Act to Permit the Buyback of Retirement Time (H.P. 567) (L.D. 768) (C. "A" H-196)

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

On motion of Representative JOYCE of Biddeford was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

An Act to Ensure Disclosures under the Used Car Information Laws (H.P. 859) (L.D. 1190) (C. "A" H-236)

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

On motion of Representative JOYCE of Biddeford was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

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

An Act to Amend the Laws Governing Wrongful Death Caused by Truck Drivers (H.P. 292) (L.D. 396) (C. "A" H-212) which was tabled by Representative ROBICHAUD of Caribou pending passage to be enacted.

Representative ROBICHAUD of Caribou requested a roll call on passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I just want to remind you what this

bill is about. It is the tired trucker bill, but it is completely different from the original bill. It is the compromise that was hammered out by the Judiciary Committee and by the time we voted on it, we had every member of the House bipartisan Judiciary Committee member voting for this bill. It is an amendment to the motor vehicle statutes, not the manslaughter statutes. It is a very fair and appropriate approach to the problem. I ask you to support it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I rise today simply to echo the words of the good Chairperson of the Judiciary Committee. This does represent a compromise of all parties concerned on the Judiciary Committee. We spent literally months on this issue. It is a good, fair and comprehensive resolution of this issue, which I think it is right that we act upon. I urge you to vote for the pending motion.

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 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 pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 105

YEA - Barth, Benedikt, Berry, Bouffard, Brennan, Buck, Cameron, Carleton, Chartrand, Chase, Chick, Chizmar, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gooley, Green, Hartnett, Hatch, Heesch, Jacques, Johnson, Jones, K.; Joseph, Joyner, Keane, Kerr, Kontos, LaFountain, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Luther, Madore, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, Nass, O'Neal, Perkins, Plowman, Pouliot, Povich, Reed, G.; Richardson, Ricker, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Stevens, Stone, Townsend, Treat, Tripp, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Watson, Winglass, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Bigl, Birney, Bunker, Campbell, Clark, Clukey, Cross, Damren, Donnelly, Driscoll, Dunn, Farnum, Gieringer, Gould, Greenlaw, Heino, Hichborn, Jones, S.; Joy, Joyce, Kneeland, Labrecque, Lane, Layton, Look, Lovett, Lumbra, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Nickerson, O'Gara, Peavey, Pendleton, Pinkham, Poirier, Poulin, Reed, W.; Rice, Robichaud, Rosebush, Rotondi, Savage, Spear, Stedman, Strout, Taylor, Thompson, True, Waterhouse, Wheeler, Whitcomb, Winsor.

ABSENT - Adams, Dexter, Guerrette, KilKelly, Lindahl, Morrison, Ott, Paul, Truman, Yackobitz.

Yes, 81; No, 60; Absent, 10; Excused, 0.

81 having voted in the affirmative and 60 voted in the negative, with 10 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 18, 1995, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-175) - Minority (3) "Ought Not to Pass" - Committee on Appropriations and Financial Affairs on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Line-item Veto (H.P. 729) (L.D. 1003) TABLED - May 18, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative KERR of Old Orchard Beach to accept the Majority "Ought to Pass" as amended Report. (Roll Call Ordered)

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative KERR of Old Orchard Beach to accept the Majority "Ought to Pass" as amended Report and later today assigned. (Roll Call Ordered)

SENATE DIVIDED REPORT - Report "A" (8) "Ought Not to Pass" - Report "B" (4) "Ought to Pass" as amended by Committee Amendment "A" (S-117) - Report "C" (1) "Ought to Pass" as amended by Committee Amendment "B" (S-118) - Committee on Utilities and Energy on Bill "An Act to Release the Public Utilities Commission from Mandatory Participation in Welfare Programs" (S.P. 149) (L.D. 335)

- In Senate, Report "B" "Ought to Pass" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-117).

TABLED - May 18, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative KONTOS of Windham to accept Report "A" "Ought Not to Pass."

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative KONTOS of Windham to accept Report "A" "Ought Not to Pass" and later today assigned.

Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation" (H.P. 100) (L.D. 135) (C. "A" H-214)

TABLED - May 18, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

On motion of Representative JACQUES of Waterville, tabled pending passage to be engrossed and later today assigned.

On motion of Representative JACQUES of Waterville, the House recessed until 5:00 p.m.

(After Recess)

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

House Divided Report - Committee on Inland Fisheries and Wildlife - (7) Members "Ought to Pass" as amended by Committee Amendment "A" (H-264) - (6) Members "Ought Not to Pass" on Bill "An Act to Require Firearm Hunters to Wear Blaze Orange" (H.P. 586) (L.D. 796) which was tabled by Representative JACQUES of Waterville pending his motion to accept the Majority "Ought to Pass" as amended Report.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: I am on the minority side of this one. I would like to say, here we go again. It seems to me we are talking about another unneeded mandate.

A little bit of history, a lot of you know I will be quick. In 1965, my first awareness of the discussion mandating orange. I came over here with a wildlife management class from the University of Maine. At that time there were proponents there holding up orange clothing trying to get the Legislature to pass a mandate for orange clothing for deer hunting. I guess it didn't pass until about 1974. Since that time, as you all know, deer hunting fatalities have dropped immensely and mandating the orange probably has a lot to do with it.

I want you to put it into perspective. A lot of other things came together too. Bucks only in a lot of areas. People looked their deer over. Telescope sights almost virtually universal now. Knocking a half hour off the twilight hunting time had a lot to do with it and education. The education classes the fish and wildlife have been doing since about 1958. I think we have to take all these things into consideration. I am not saying orange clothing won't make you safer.

In about 1990 or 1991, there were zero deer hunting fatalities. About that time, there was a terrible tragedy in Bangor, the Karen Wood case. There was a tremendous public outcry to the legislators. Do something. Do something. Remember there was not one hunting fatality the year before that. The Legislature did something in response to that. The Legislature passed a second piece of orange clothing. Up to that time, from 1974 until about 1990, there was one piece of orange clothing mandated. The Legislature reacted to that outcry by passing a second piece of orange clothing, as you know, had nothing to do with the Karen Wood case, but it was to do something.

We are working on the margins here. It has become so safe now, it is safer than skiing and so many other sports that we take for granted. We are working on the margins, in fact, I asked the Commissioner of Fish and Wildlife for a run down on all the educational material they have put out in the last 10 years or so. One of the things in here, put out by their safety officer says, "We must not be complacent, even though we are doing a lot better. Our goal should be an absolute zero, whether the doom profits feel it possible or not."

Folks, we are working out on the margins here where the cost to change people's behavior, the costs to wardens, they are already stretched too thin. We are working on the margins and I think we have gone far enough with the two pieces now mandated for deer hunting. We are talking about now mandating for bird hunting and I ask you, is there a big outcry in your area that bird hunting is dangerous. That bird

hunting is in jeopardy because of the non-hunters hear of all these dangerous acts. Not in my area, I don't hear that. I certainly don't hear claims for more mandates from the government.

In this report from the commissioner it also states, "That hunter orange vests and hats have been standard issue to personnel working in the fields since the 1970's". They are standard issue, but they don't mandate their own people. They do not mandate their own people to wear orange, but they want to mandate for safety for the public. This is basically a department bill. If it is truly a safety issue, why haven't they mandated it for their own people that work in the field?

I just got a letter from George Smith, the Executive Director of SAM, who represents 13,000 sportsmen in Maine. "SAM strongly opposes mandating blaze orange for bird or rabbit hunters. There is no demand among sportsmen for this, but there is strong opposition, including ours." What of education? We are right back to the same question. What is the role of government in these types of things? I say it is the role of government to learn the facts and to educate people. Where is the notice with their hunting license? Where is the notice in their game law books? Where are the signs out in the bird hunting areas along the road of how important it is that we wear orange.

They have put articles in the Fish and Wildlife Magazine. The commissioner sent me several copies over the last several years, about 13,000 circulations of that publication. There are no notices in the newspaper. If we truly believe it is dangerous, why haven't we been educating people. I say we should educate, before we mandate. Remember choice is the essence of democracy. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am not going to take up too much of your time on this issue. It is not one of earth shattering importance, but I think it does make a difference when you start looking at the facts.

What Representative Perkins has said is exactly true. Once we implemented hunter orange in the state of Maine, we reduced fatalities to some years where there were none. In the old days, they were killing eight, nine, 10 or 15 people out deer hunting. How that was accepted in this state, the years that it was still baffles me. The fact of the matter is, hunter orange made a difference. The two pieces of clothing for hunter orange in deer season had nothing to do with Karen Wood. It had nothing to do with Karen Wood.

It was done based on a study that was done that said if you had just one piece of article of clothing, there was always a possibility that clothing was obstructed by brush in the woods and that there was still a chance that someone would not be able to see you and identify you as a hunter. One of the suggestions, the safety council made was if you had two pieces, a hat, which is visible from all sides and a vest or pair of pants, which are visible from all sides, you would further reduce the chance of mistaken identity in the woods of Maine.

As a result of the Karen Wood incident, there is now a hunting homicide law in the state of Maine, which was sponsored by me. We were the first state to do it, but other states have followed suit that

clearly holds the hunter responsible if he discharges his firearm without identifying his game and kills someone. It is the same standard as if you shot someone in this parking lot out here. That came as a result of the Karen Wood incident.

This bill is brought to our committee from the safety council again. It was sponsored by Representative Chick from Lebanon and they basically said that, yes, we have dealt with deer hunting fatalities and accidents, but we have a glowing hole in this law and that is that there are still a large number of accidental shootings involving bird hunters, specifically in the month of October, when the leaves are thickest and identification is the most difficult. They had a list of seven or eight of these occurrence and in most cases it was the fact that they weren't able to see their hunting partners that resulted in someone getting hit by bird shot.

The suggestion at the time was to put two articles of clothing and a majority of the committee thought that was unnecessary, but they did go along with one article of clothing, because they felt that it would do something to make your hunting partners more accessible and visible to you and thereby, hopefully, even reduce further the amount of hunting accidents that occur in the month of October. I want to point out that hunting in Maine today is safer than snowmobiling, water-skiing, boating, skiing and none of these other sports come under the scrutiny that hunting does. The simple fact of the matter is, the social pressures on hunting as a sport have always been there and will continue to be there and are becoming more and more pressing as time goes on.

I didn't think this was a major mandate because I have about 20 pieces of fluorescent clothing now and many different hats. When I leave to go bird hunting, I had to make a choice whether I took the khaki hat, the camouflage brown hat or the fluorescent orange hat. Just because I care about my eyes and the side of my face, I have always chosen the fluorescent orange hat, because I want everybody around me to know where I am. The only thing this says is when you are going out the door instead of picking the brown hat, green hat or blue hat, pick the fluorescent orange hat that you probably have already. If you do so, your hunting partners will probably have a better chance of seeing where you are and avoid an accident.

Ladies and gentlemen of the House, in the state of Maine today, if you are hunting with your best friend, father-in-law, son or your brother and they accidentally hit you with bird shot while hunting grouse, woodcock or rabbit in the state of Maine, regardless of the circumstances, regardless of the fact there was no criminal intent there, you will lose your privilege to hunt for five years. Period. There is a provision in the law that says you can repeal that to the commissioner and that is it. You can go and appeal it and the commissioner has no authority to waive that.

Pretty sad state of affairs where you would accidentally shoot one of your hunting partners, maybe your son or best friend, and you lose your license for five years. I believe having everyone wear one piece of fluorescent orange will even further reduce that possibility and make the woods that much safer for everybody and we can go on and keep bragging about how hunting has become one of the safest sports in the state of Maine for the amount of participants that are participating and no one will

have to go through that problem of losing their license for five years, because they accidentally shot one of their colleagues hunting, because they just couldn't see him in thick leaves. The choice is up to you.

It is not going to make or break the department, but clearly it was a matter of safety and an attempt to even further reduce, because I still believe one hunting accident is one to many. That is why I signed the Majority Report. I don't think when you look at the amount of intrusions that we place upon our citizens in life everyday, that asking to wear a hat of one color, when they probably are going to wear a hat anyway, is that much of an intrusion to ask, if it will either save somebody's eyesight or maybe someday save somebody's life. You vote the way you want. That is just the way that I came down when I looked at it, based on being around here a long time and listening to the arguments made. Thank you.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House: Just a couple of words. Some of the proponents in the committee pointed out that bird hunters usually are friends, quite often. The majority of time bird hunters, if they are with anybody, they are with relatives and as Paul points out, sons, best friends and so forth. Is this the role of government to tell this group of friends to reach up and decide which hat to wear? Can't those people encourage each other to wear the right hat at the right time. How about shooting glasses? As far as safety goes, perhaps we should get a whole bundle of things that we are going to mandate at the same time. Can you imagine going back to your coffee shop here next week and someone says, "what did you do for me over there in Augusta last week?" "Well, Frank, last week you could choose whether to wear your seat belt and you could choose what hat to wear bird hunting, now we are telling you what to wear." I don't want to do that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Keane.

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: I am reminded of that little cartoon character puzzle and I guess he once said, "We have met the enemy and he is us." I never believed that anybody could shoot somebody else bird hunting, until I got on the IFW.

It is a fact, people do shoot other people while they are bird hunting. If it is a fact, that blaze orange prevents hunting accidents significantly and it has proven in the deer hunting season. I share Representative Perkins regard. I understand it and empathize with it. I don't like the government creeping into my life every time I turn around. On the other hand, sometimes we have to protect ourselves from ourselves. In this case, I voted on the Majority "Ought to Pass" Report. Thank you.

The Chair ordered a division on the motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Underwood.

Representative UNDERWOOD: Mr. Speaker, Ladies and Gentlemen of the House: I ask for your support of this pending motion. This legislation, if passed, will require bird hunters to wear only one article of blaze orange. Normally it is against my principles to ask government to regulate safety to adults. I have and will continue to be opposed to mandatory

seat belt and helmet laws. There is a difference here. An adult not wearing a seat belt or helmet can only hurt themselves. If you are hunting and accidentally shoot someone, not only is the person who has been hurt suffer an injury, but the person who pulled the trigger is also affected.

If you accidentally shoot someone, you not only have to live with that for the rest of your life, but you can also look forward to hefty fines and as the Representative from Waterville stated, you are also looking at losing your license for five years. Since the introduction of blaze orange in 1973 for big game hunting, the amount of incidents have steadily dropped. Since in 1973, we have seen a reduction of 75 percent during the deer season. Bird hunting during the same period has increased. Over the past five years, more than half of the incidents could have been avoided if the hunter had been wearing blaze orange that could be better seen.

Over the past several years, the Safety Division of the Department of Inland Fisheries and Wildlife through education and safety measures have done a fantastic job making hunting one of Maine's safest sports. This legislation is the next logical step in reducing these numbers even further. I ask you, ladies and gentlemen of the House, to vote yes on this pending motion.

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

ROLL CALL NO. 106

YEA - Benedikt, Berry, Bouffard, Brennan, Cameron, Carleton, Chartrand, Chase, Chick, Cloutier, Daggett, Desmond, DiPietro, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gerry, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kontos, LaFountain, Lemaire, Luther, Marvin, Mayo, McAlevey, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Gara, O'Neal, Pouliot, Reed, G.; Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Stevens, Stone, Townsend, Treat, Tripp, Tyler, Underwood, Vigue, Volenik, Watson, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Bunker, Campbell, Chizmar, Clark, Clukey, Cross, Damren, Davidson, Donnelly, Driscoll, Dunn, Gates, Gooley, Gould, Greenlaw, Heino, Jones, S.; Joy, Joyner, Kneeland, Labrecque, Layton, Libby JD; Libby JL; Look, Lumbr, Madore, Marshall, Martin, McElroy, Morrison, Nass, Nickerson, Ott, Pendleton, Perkins, Pinkham, Poirier, Poulin, Povich, Reed, W.; Rice, Robichaud, Savage, Spear, Stedman, Strout, Taylor, Thompson, True, Tufts, Tuttle, Waterhouse, Wheeler, Winglass, Winsor.

ABSENT - Adams, Dexter, Gieringer, Guerrette, Hartnett, Joyce, Kilkelly, Lane, Lemke, Lemont, Lindahl, Lovett, Meres, Paul, Peavey, Plowman, Rotondi, Truman, Whitcomb, Yackobitz.

Yes, 67; No, 64; Absent, 20; Excused, 0.

67 having voted in the affirmative and 64 voted in the negative, with 20 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-264) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, May 24, 1995.

House Divided Report - Committee on Human Resources - (8) Members "Ought to Pass" as amended by Committee Amendment "A" (H-268) - (5) Members "Ought Not to Pass" on Bill "An Act to Legalize the Use of Marijuana for Medical Purposes" (H.P. 678) (L.D. 929) which was tabled by Representative FITZPATRICK of Durham pending his motion to accept the Majority "Ought to Pass" as amended Report.

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

Representative FITZPATRICK: Thank you Mr. Speaker. I rise to ask your support for the Majority "Ought to Pass" Report as amended on L.D. 929.

L.D. 929 is a very narrow bill. Let me repeat that. It is not a pro-marijuana bill. It was a bill that was worked for quite a while in our committee. It is really the culmination of breaking down the three bills we had to look at. Again, it is a very narrow bill that allows for an affirmative defense, which allows the treating physician to confirm to the prosecutor that a person was experiencing anorexia, nausea and vomiting as a result of chemotherapy or radiation treatment for the treatment of cancer or HIV. Again, it is a very narrow bill that looks to bring some relief to people who are suffering from either cancer or HIV who have significant side effects. This affirmative defense can only be used if specific requirements are met.

This bill will sunset on July 1, 1997, by request of the Attorney General's Office. I will also say that this bill was crafted with significant involvement of the Attorney General's Office and the medical community. Again, this is not a pro-marijuana bill. In fact, other members of the Human Resources Committee will confirm this, that the marijuana lobby or the folks that want to grow marijuana in the back yard stormed out of our work session yelling very loudly at the committee. It made for an interesting work session.

Again, this was worked by the committee, word by word with the Attorney General's Office. It is intended only to give relief to some seriously ill Maine citizens. Again, I ask for your support for the Majority "Ought to Pass" Report as amended. Thank you.

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

Representative WINGLASS: Mr. Speaker, Ladies and Gentlemen of the House: I will confirm that I was present when the incident that the distinguished Representative from Durham describes. It really was quite unsettling. But nonetheless, the situation we confront here is my standing to request your consideration of a vote against this "Ought to Pass" motion. I think the compelling evidence that we heard in this committee drew our attention to the fact that this particular drug, if that is what one would refer to it as, in fact, does provide some additional relief for those enduring AIDS and cancer, particularly from the stand point of nausea and vomiting.

Marijuana is a quick fix to those kinds of problems and the evidence was overwhelming and compelling even for me. If that were, in fact, the situation, if we were licensing pharmacists or physicians to, in fact, provide marijuana in altered form to cancer and AIDS patients, I would be standing in line to support it. Regrettably, that is not the case, because what we have on our hands here is

marijuana, which is listed as a schedule 1 federal drugs, which means, in fact, it cannot be prescribed nor dispensed by pharmacists here in our state or anywhere else in the nation.

Therefore, the medical communities hands are tied and the bill really serves not useful, as I can see, medical or health purpose. I think there is one other thing you have to keep in mind and that is the danger of a misrepresentation. Once again, as the distinguished Durham lawmaker has pointed out, this is a narrowly focused bill, but it may not be interpreted that way by those who read the post-action reporting on what we do here tonight.

Instead, I think there is at least a fear on my part that the public might, in fact, detect a legislative willingness to, in fact, open the door for general acceptance of marijuana. I know that is not what is conveyed in the bills content and it is not what any of us on the committee intend that I am aware of. Nonetheless, I think it is a risk and so I, therefore, rise in opposition to motion as advanced. Thank you for your attention.

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

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

The SPEAKER: The Representative may pose his question.

Representative LIBBY: If marijuana is illegal, how are they going to get a hold of it to treat for medical services?

The SPEAKER: The Representative from Kennebunk, Representative Libby has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Orono, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: This bill does not legalize marijuana. I am the sponsor of this bill. I inherited it from former Representative Anne Larrivee who we all know experienced great tragedy in her family, because of the course that cancer treatment took on her daughter and I believe her husband while her daughter was pregnant.

This bill, unlike others, that have passed through this body does not legalize marijuana. It does not allow for the growing of marijuana, the prescription of marijuana or really the possession of marijuana. What it does is if someone is arrested, booked and tried for possession of an ounce and a quarter or less, which right now is a civil infraction, not a criminal offense, in the event they are certifiably ill, with cancer or AIDS, this bill gives a judge certain room to interpret the language that would allow for a pardon of a person if certifiably ill with and ounce and a quarter or less of marijuana.

It is called affirmative defense, because the federal government has marijuana scheduled as schedule 1, which is entirely illegal. This does not make marijuana legal. It strictly changes the interpretation that a judge may offer, in the event that an ill person is apprehended with an ounce and a quarter or less. No marijuana will be prescribed. None will be tolerated. None will be overlooked. It simply, in the event of an arrest of an ill person, allows room for a judge to behave in a certain way that would not, probably be seen in the event that the person were not ill with cancer or AIDS.

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

Representative CARLETON: Thank you Mr. Speaker. I remember in previous Legislatures that we have had problems with marijuana bills and in just reading this bill now, I see that a person is not subject to forfeiture if marijuana is prescribed by someone licensed by the Board of Licensure in Medicine and the person has certain physical conditions or AIDS. Just thinking about this bill, it seems to me that one could have said that if a person is licensed by the Board of Licensure of Medicine and prescribes marijuana for the particular medical condition which is also mentioned here, that this language would be tighter.

In other words, the bill does not say that the marijuana must be prescribed for medicinal purposes or the medical purposes for which one presumes that it is going to be used. We had a problem like this last time. I would like to hear from somebody why the language did not connect the prescription with the medical condition?

The SPEAKER: The Representative from Wells, Representative Carleton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Thank you Mr. Speaker. In response to the question, this is something the committee looked at and took a fair amount of testimony from the medical association as well as receiving information from other individual physicians and we simply came down to the issue that marijuana is classified by the federal government as a class 1 drug. The Maine State Legislature could not grant the ability to prescribe a class 1 drug, they would simply lose their license, their DEA license.

That was the quandary we had. No one on the committee was particularly comfortable with the notion of people acquiring marijuana illegally and that is why you see the affirmative defense. We are all of us taken, no matter what side we came down on this issue with the testimony of the people who were very seriously ill and suffering significant side effects and devastating side effects from their illnesses and for whom marijuana seemed the drug that worked the best. Again, we had medical testimony that indicated that marijuana is very fast acting, given the alternatives available.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in opposition to this piece of legislation. I provided information before the committee that the Food and Drug Administration does have a program available so that if you, as a patient, go to your doctor and he feels that marijuana would be the best medical treatment for you, he can sign up under a program under the Food and Drug Administration, which is an experimental program and it has been declining over the years, as a matter of fact, the state of Maine was part of an experimental program a few years ago. It just wasn't utilized and was abolished. The program still exists. If your doctor feels that marijuana would be a benefit to you as a treatment, he has that as a course of action and he can do that today.

Marijuana is grown under controlled situations at the University of Mississippi and the actual marijuana is delivered to the doctor and the doctor

gives it to the patient under the direction of the DEA. This bill here requires that the person go out and break the law in buying it. They are requiring that somebody else break the law to provide the marijuana to this person. I think this is a bad piece of legislation and I would urge you encourage the patients that need marijuana for medicinal purposes to have that doctor sign up under the special program that is available today and not straddle the courts with a situation like this. Thank you.

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

Representative FITZPATRICK: Thank you Mr. Speaker. In response to the availability of a federal program is something that the committee also looked into and it was a sense that the chairs of the committee and other members of the committee, as well as our conversations with the Attorney General's Office that this program was either virtually non-accessible or simply didn't exist anymore. Frankly, if this program was something readily available to the people who came before our committee, we would have opted for it. Again, we had no interest in, frankly, helping people break the law. Increasing the availability of marijuana or anything of the sort, so the reality is this is a very small bill that will help a very small number of people with AIDS and cancer get some relief and that is all it is.

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

Representative CLUKEY: Thank you Mr. Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CLUKEY: My question has to do with highway safety. I would ask if we passed this bill, what is going to prevent an individual who has AIDS or cancer from using this drug and then going out and driving a motor vehicle, thereby, complicating the highway safety problem that we have already with alcohol and other drugs. Is there anything in the bill that would prevent a person from operating a motor vehicle after using it?

The SPEAKER: The Representative from Houlton, Representative Clukey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Thank you Mr. Speaker. In response to that question, what we heard was there are other medications that don't work as well that people take to try to take care of the side effects from chemotherapy or from other medications used to treat AIDS. These medications also have side effects that would probably preclude you from operating a motor vehicle. They simply don't work as well as marijuana does. Whatever the medication whether it is marijuana or whatever you can get by prescription, you certainly shouldn't drive a motor vehicle. I think what we are talking about is substituting one drug for another. Again, we are not encouraging people to drive under the influence of anything.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: I call this bill just a toe hole into the tent. About four years ago in the Audit Committee, we had a marijuana bill presented to us. People came in to testify and one fellow had been caught with 24 plants in his home. When asked why he had 24 plants in his home. He said, "for medical purposes only." He had 24 plants worth \$3,000 dollars a piece. Enough marijuana to give everyone in the state of Maine medical attention.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Again, this bill is very limited. This does not allow growing of marijuana. It does not allow prescriptions of marijuana. All we could do under federal was to allow for affirmative defense if someone has written notice from a doctor that they have AIDS or cancer. This is very, very limited and no one is going to be growing 24 plants without getting arrested.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to confirm that I did personally talk to folks in Washington from the Food and Drug Administration, that program still exists and is in use today. It has been declining and it is down around 40 programs. The program does exist. Again, I would say that these cancer patients or HIV patients are going to be out there buying from a person and could be putting themselves in a position of testifying against that person that they are buying from causing to the stress. Boy, I'll tell you, if there is a program available, lets use it. When that program isn't available, then we should start looking for another solution. Until then, I would encourage you to vote no on this.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative FITZPATRICK: Thank you Mr. Speaker. Let me just close in saying this is no wild eyed bill. This is a very simple bill that was drafter, again, word by word with the Attorney General's Office, so we weren't opening doors. We are simply bringing some relief to some desperately ill people. End of story. Thank you.

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

Representative JOY: Thank you Mr. Speaker. I request when the vote is taken it be taken by the yeas and nays. I would like to add that it is illegal to grow it. It is illegal to buy it. Here we are creating a whole system of things that are going to make people do illegal acts. I think this is barking up the wrong tree. I hope you will oppose this motion. Thank you.

Representative JOY of Crystal 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 Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I would like to put a face on this

issue. We have already heard reference to a former member of this body. Twenty years ago my husband's brother died and he was 45 years old. It seemed a year ago, his daughter, age 40, has breast cancer. His daughter is being treated at Dana Farber and their daughter is having chemotherapy. There seems to be no medication for her. The breast cancer is very serious and she has had to resort to taking marijuana. You are asking her to break the law, because here she is in Maine and far away from Dana Farber and the people who are treating her. Trying to take care of her three children and trying to survive.

I have two children who are pharmacists. We have talked about this issue over and over again. They have mentioned their past association with the Food and Drug Program, but don't see doctors getting themselves involved or sending them prescriptions that would give them either the marijuana or the marijuana substitutes. Other prescription drugs are just as lethal on the highway. I can assure you that members of my family who I know had serious cancer and some had died would not be able after chemotherapy to drive a car. They are hardly able to leave their sofa or their bed. They are hardly able to care for themselves and this is when you say thank you hospice and home health care.

I ask you to put a face to this issue. We are not legalizing marijuana. We are asking very ill people to break the law under today's circumstances. With this legislation, if they can access from almost any Junior High School child, a little marijuana or wherever they may find it, they will get it. I am sorry, but you have heard the legal definition of affirmative action and you have also heard that if it is less than an ounce and a quarter, which I can assure you it must be, that, in fact, they will not have to pay the same kind of penalties as those people buying and selling and using.

I ask you to think of those persons, maybe in your family sometime and I am sorry that it is my family. Thank you.

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

Representative CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: Back in 1978 a bill was passed and it was passed for a former member of ours. A very good friend of all of ours. Many of you probably remember his name. He wanted to kill this bill and for good reasons at that time, he thought. He wanted to kill the bill because the word marijuana scare him. I have a very close brother who sells pharmaceutical sales and he distributed drugs all over the world. He says simply that there are a lot more prescription drugs on the market that are a lot more dangerous than this particular drug.

I have to tell you a little bit about our friend who defiled this bill. Who wanted this bill killed, until he came down with cancer. That good friend of all of us, ladies and gentlemen, was Louie Jalbert. I used to take Louie back and forth to Lewiston, because he was too sick to drive. He used to tell me after wanting to kill this bill, he once experienced this particular drug and he worried about the law. He worried about getting caught, but he thought it was the best thing for him. He came back and stood up in the corner of the House and he said that this is the best thing for me. He kept on repeating that when I took him back to Lewiston.

We have another former member, the Honorable Anne Larrivee, whose family had to make a decision who was going to get caught doing this for our dad. Which one is going to go down to the police station to be locked up? You have two reputable people who have gone through this and have advocated it. For a drug that is not halfway as harmful as many of the prescription drugs that are out there on the market.

Lets put ourselves in a former colleagues shoes, not put our families in jeopardy of having to be locked up. Lets let them make a free decision. We could be in their shoes at one time. Maybe we will be there someday. I ask you to please accept the Majority "Ought 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 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 Waterboro, Representative McAlevey.

Representative McALEVEY: Mr. Speaker, Ladies and Gentlemen of the House: I can appreciate all the things that have been said in regards to this issue, especially in regards to people that are very ill. Make no mistake that the business of growing marijuana, the business of selling marijuana and trafficking marijuana is a dirty business. People make millions of dollars in this state doing this. The marijuana crop in Maine is transported to places in Massachusetts that we probably don't want to live in. That is converted into cocaine and that is brought back to this state.

When I started my law enforcement career, if you stopped someone with a pound of marijuana in the trunk and that marijuana is worth \$300 dollars and they put their hands up in the air and say, "Hey man, you got me. Take me to jail." Fifteen years later you stopped someone with a pound of marijuana it would be worth \$3,000 dollars and they would kill you for it. If we want to allow very sick individuals to use marijuana, then lets legalize it. Lets do that and then enact this legislation. Lets not put the cart before the horse.

Earlier this year this body unanimously enacted a law that I sponsored dealing with the .02 law. I am grateful for that. I am grateful to you for that. We enacted dropping the .02 out of the juvenile law, because it created a presumption that children thought they could have alcohol. I am afraid this law would create a presumption also. It is that first presumption down that road. If we want to legalize marijuana, lets rise our hands or push the buttons and legalize it then we can use it for medical purposes, but lets not just do it in the opposite direction. Thank you for listening.

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

Representative GERRY: Thank you Mr. Speaker. After listening to all the discussion, I rise in opposition of this bill. My dad died of cancer and it was suggested that he could use this. He decided against using it because of it not being a legalized drug. I agree with what I have heard and if we really want to help the people then we should craft a

bill to make it legal for the druggists to prescribe it and issue it. Please vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick. Having spoken three times now requests unanimous consent to address the House a fourth time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative FITZPATRICK: Thank you Mr. Speaker. I promise not to speak on this again. I am told I shouldn't promise. The reason we can't legalize marijuana is it is a schedule 1 drug as far as the federal government is concerned, that takes precedence. That was not an option for us. It was nothing we discussed, again, that is why we crafted something very narrow. Thank you.

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

ROLL CALL NO. 107

YEA - Benedikt, Berry, Bouffard, Brennan, Cameron, Chase, Cloutier, Daggett, Davidson, Desmond, DiPietro, Driscoll, Etnier, Fisher, Fitzpatrick, Gates, Gould, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kontos, Lemaire, Lemke, Martin, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Neal, Ott, Perkins, Pinkham, Poulin, Pouliot, Richardson, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Volenik, Watson, Winn, The Speaker.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Birney, Buck, Bunker, Campbell, Carleton, Chartrand, Chick, Chizmar, Clark, Clukey, Cross, Damren, Donnelly, Dunn, Farnum, Gamache, Gerry, Gooley, Greenlaw, Heino, Joy, Joyner, Kneeland, Labrecque, LaFountain, Layton, Libby JD; Libby JL; Look, Lumbr, Luther, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Morrison, Nass, Nickerson, O'Gara, Pendleton, Poirier, Povich, Reed, G.; Reed, W.; Rice, Ricker, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Wheeler, Winglass, Winsor.

ABSENT - Adams, Dexter, Dore, Gieringer, Guerrette, Hartnett, Jones, S.; Joyce, Kilkelly, Lane, Lemont, Lindahl, Lovett, Meres, Paul, Peavey, Plowman, Rotondi, Shiah, Truman, Whitcomb, Yackobitz. Yes, 60; No, 69; Absent, 22; Excused, 0.

60 having voted in the affirmative and 69 voted in the negative, with 22 being absent, the Majority "Ought to Pass" as amended Report was not accepted.

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

House Divided Report - Committee on Human Resources - (7) Members "Ought to Pass" as amended by Committee Amendment "A" (H-267) - (6) Members "Ought Not to Pass" on Bill "An Act to Further Support the Community Service Volunteer Programs of the National Senior Service Corps of Maine" (H.P. 889) (L.D. 1242) which was tabled by Representative FITZPATRICK pending his motion to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-267).

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

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: I rise again to support the "Ought to Pass" Report as amended from the Committee on Human Resources. The debate on this bill was not around the merits of the program to be funded by this bill, but it was really around the relatively small fiscal note. FY 96 is \$86,000 dollars. FY 97 is \$94,100.

L.D. 1242 provides funds beyond that found in Governor King's budget to the Retired and Senior Volunteer Programs, the Foster Grandparent Program, the Senior Companion Program, which makes up the Natural Senior Service Corps of Maine. The way to look at this is in an era of diminishing public money that volunteerism really has become a crucial means of replacing programs in our community. All our communities are really touched by the programs I just noted. These programs really produce thousands of hours of volunteer services in hospitals, clinics, mental health programs, substance abuse programs, courts and child care programs. This bill was really intended to note that there was a tremendous return for a relatively small investment. I ask you again to give your support to L.D. 1242.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Joyner.

Representative JOYNER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to ask for your support to vote for the Minority "Ought Not to Pass". As the good speaker, Representative Fitzpatrick from Durham, stated the committee did not have any problems with the merit of this bill. We all agreed that it had good merits and it was a strong bill. The problem that we did disagree on is the funding. The Chief Executive has proposed in his budget for the next two years \$76,000 dollars each year. We thought that was adequate, especially with the tough economic times that we face. Basically that is why we have the division on this bill. We did not feel that we should send another bill down to the Appropriations Table. I ask when the vote be taken it be the yeas and nays.

Representative JOYNER of Hollis requested a roll call on the motion to accept the Majority "Ought to Pass" as amended 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 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 Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Mr. Speaker, Men and Women of the House: This L.D. is mine. I was asked by my local RSVP organization to sponsor this bill. I understand fiscal responsibility. I am the first to ensure that we are fiscally responsible. In this case, I see this as a small investment. As the good Representative just mentioned, there is \$75,000 dollars in the Governor's budget for this organization. As I see a small investment, the difference between \$75,000 dollars and \$162,000

dollars and \$170,000 in the second year of the biennial budget there is a significant savings.

With this amount of money \$162,000 dollars and \$170,000 dollars there is a savings to the state at an average wage, which is calculated on minimum wage of \$5,000,000 dollars. So for this small investment of \$162,000 dollars the state will save in different departments such as Motor Vehicle and the non-profit organizations a minimum of \$5,000,000 dollars. That could if we use the average compensation for hour nationally, which is about \$11.63 save a significant amount upwards of \$11,000,000 dollars in a year. I guess at this point, I would ask for your support of this L.D., L.D. 1242 in hopes that we can extend the volunteer programs and save the state money. Thank you.

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

Representative JOHNSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to ask for your support of this volunteer program, particularly at this time in the life of our state. I am speaking as one who has worked with the Foster Grandparent Program. Although I look like a foster grandparent, but at the time I worked for them, I was not a foster grandparent. I fought at work at the Maine Youth Center in 1975, when the Foster Grandparent Program began there. We had these senior citizens, 60 years of age, men and women come to work with young men and women at the Maine Youth Center. The difference that they made in the lives of these young people cannot be expressed in dollars and cents.

A quality of home and family was experienced by these young people for whom home and family had deteriorated to a point of disappearance. That program of Foster Grandparents has continued not only at the Maine Youth Center, but in all other centers up and down the state. At this time in the life of our state when we are letting people go, because we cannot support them in terms of wages. We have on hand a number of elderly senior citizens ready to do some work. They need the support of a small stipend and many cases no stipend at all. They need the support of structure which will not cost very much.

As the eminent lawmaker from Durham has said, it is a small cost. We are looking at some \$89,000 dollars in 96 and in 97 \$94,100 dollars. I ask you please to support the good people and the good work that they do. Thank you.

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

Representative FISHER: Mr. Speaker, Men and Women of the House: Back a few years ago, one of our Presidents used the expression, "Thousand Points of Light". I think the men and women who are involved in this program are certainly symbols for that thousand points of light. I would hope that you would support the motion and keep the lights bright rather than allow them to dim. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Could somebody tell me what the money goes for? Someone said a small stipend, but this is a volunteer program and I don't

understand what the money is for. Why isn't it voluntary?

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Thank you Mr. Speaker. Through the Chair, I would like to address the question. The question is, in fact, some of the organizations and there are seven, some, not all, do receive a stipend. Others go into the small portion of the administration budget and is distributed among all seven of the organizations. In some cases there is a small stipend and others it all goes directly to support the organization.

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

Representative JOHNSON: Thank you Mr. Speaker. The one program I know where there is a stipend is the Foster Grandparent Program and that was the jewel program for Mrs. Reagan. She supported that program with graciousness. The money helped elderly persons who needed a small amount of money to help them through each week of their life. I know personally for many of these senior citizens who I knew at the Maine Youth Center that small stipend made a great difference in their life, but they would have done it even without the stipend. Thank you.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would just like to speak briefly to the Senior Companion Program which would benefit from this money. When the question was asked about where the money goes, those people who perform functions as senior companions do get a small stipend, but there is also a reimbursement for their expenses, for mileage, which enables them to go and visit and take older people to doctors appointments and to do some activities with them.

A part of the Senior Companion Program allows for some older people to remain at home and to have someone in contact with them. I would just add to Representative Campbell's comments that, indeed, this can save the state a lot of money, because we are able to keep older people in their own homes. Those people who serve as senior companions have to be income eligible in order to get a stipend. These are low-income elderly.

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

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

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: We have heard discussions on both sides of the issue here. The numbers that I am hearing are not the numbers that are in the amendment. We have heard that there is a \$75,000 dollar thing in the Governor's bill. In the amendment it says that the numbers are listed as the numbers that the Governor has proposed. The amendment was supposed to correct it to that point. On the pro side I heard other numbers other than what are listed in the amendment also. I would like to have those clarified if I could, please.

The SPEAKER: The Representative from Hartland, Representative Stedman has posed a question through

the Chair to anyone who may care to respond. The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer this. I rise yet again. What happened in the amendment before you, the bill was amended to decrease the appropriations to the Nation Senior Service Corps from the original bill to take into account the money that was already allocated in the Chief Executive's budget. That is why you see a discrepancy, I think, between the original bill and the amendment that you have in front of you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Mr. Speaker, Ladies and Gentlemen of the House: No one wants to vote against this bill. These are those nice ladies that were downstairs last week with the cookies. They have a wonderful program and it is great for all of us, but the issue is fiscal responsibility. The Chief Executive did not include additional funding in his budget. I think the reason for the mix-up with the numbers is he included a flat funding, but he did not include what they wanted. I think the real issue here becomes do we keep sending things down to Appropriations that we don't give them any way to pay for. We aren't willing to cut other programs to fund this program. If we are not willing to do that, I don't think it is fair to ask Appropriations to keep making our cuts and keep doing our work.

The bigger issue beyond that, I asked them that day, what would happen if you don't get this funding.? They said, "I guess we will figure a way to get by." If they can figure a way to get by, then I think we need to ask them to do that. We would love to fund them, but we don't have the money. There is a lot of programs that need the money desperately. This just isn't on the priority list. Please vote "Ought Not to Pass". Thank you.

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

ROLL CALL NO. 108

YEA - Ahearne, Bailey, Benedikt, Berry, Bigl, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, DiPietro, Donnelly, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gooley, Gould, Green, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kneeland, Kontos, LaFountain, Lemaire, Lemke, Libby JD; Look, Lumbra, Luther, Madore, Marshall, Martin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Murphy, O'Gara, O'Neal, Pendleton, Perkins, Pinkham, Povich, Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Sirois, Stevens, Strout, Thompson, Treat, Tripp, True, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, The Speaker.

NAY - Aikman, Ault, Barth, Birney, Buck, Carleton, Clukey, Damren, Greenlaw, Joy, Joyner, Kerr, Labrecque, Layton, Libby JL; Marvin, Nass, Nickerson, Ott, Poirier, Pouliot, Reed, G.; Savage, Simoneau, Stedman, Stone, Taylor, Townsend, Underwood, Waterhouse, Winglass, Winn, Winsor.

ABSENT - Adams, Bouffard, Dexter, Dore, Gieringer, Guerrette, Hartnett, Jones, S.; Joyce, Kilkelly,

Lane, Lemont, Lindahl, Lovett, Meres, Nadeau, Paul, Peavey, Plowman, Poulin, Rotondi, Shiah, Spear, Truman, Whitcomb, Yackobitz.

Yes, 92; No, 33; Absent, 26; Excused, 0.

92 having voted in the affirmative and 33 voted in the negative, with 26 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-267) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, May 24, 1995.

Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation" (H.P. 100) (L.D. 135) (C. "A" H-214) which was tabled by Representative JACQUES of Waterville pending passage to be engrossed.

On motion of Representative KONTOS of Windham, the Bill was recommitted to the Committee on Utilities and Energy and sent up for concurrence.

On motion of Representative SAXL of Bangor, the House adjourned at 6:25 p.m., until 9:30 a.m., Wednesday, May 24, 1995.