

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Seventeenth Legislature

OF THE

State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives

January 3, 1996 to April 3, 1996

Senate

January 3, 1996 to March 13, 1996

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
21st Legislative Day
Thursday, March 7, 1996

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

Prayer by Honorable Joseph H. Bigl of Bucksport.
National Anthem by Gardiner Area High School Barbershop Quartet.

Physician for the day, Stephen J. Michaud, M.D., Portland.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 366)

Maine State Senate
State House Station 3
Augusta, Maine 04333

March 6, 1996

The Honorable Dan A. Gwadosky

Speaker of the House

117th Legislature

Augusta, Maine 04333

Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:
Upon the recommendation of the Joint Standing Committee on Judiciary:

Honorable Carl O. Bradford of Yarmouth for reappointment as Justice of the Maine Superior Court, and

Honorable Ellen A. Gorman of Durham for reappointment as Judge of the Maine District Court.

Sincerely,

S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Majority Report of the Committee on Legal and Veterans Affairs reporting "Ought Not to Pass" on Bill "An Act to Allow Limited Partnerships between Brewers and Wholesalers" (S.P. 607) (L.D. 1611)

Signed:

Senators:

STEVENS of Androscoggin

MICHAUD of Penobscot

Representatives:

NADEAU of Saco

CHIZMAR of Lisbon

CARR of Hermon

FISHER of Brewer

MURPHY of Berwick

BUCK of Yarmouth

GAMACHE of Lewiston

LEMONT of Kittery

TRUE of Fryeburg

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-446) on same Bill.

Signed:

Senator:

FERGUSON of Oxford

Representative:

LABRECQUE of Gorham

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Legal and Veterans Affairs read and accepted.

Was read.

On motion of Representative TRUE of Fryeburg, the Majority "Ought Not to Pass" Report was accepted in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 725)

117TH MAINE LEGISLATURE

March 5, 1996

Senator Stephen E. Hall

Representative Ernest C. Greenlaw

Chairpersons

Joint Standing Committee on

Inland Fisheries and Wildlife

117th Legislature

Augusta, Maine 04333

Dear Senator Hall and Representative Greenlaw:

Please be advised that Governor Angus S. King, Jr. has nominated Ellen N. Peters of New Gloucester, Richard A. Neal of East Lebanon and Russell E. Dyer of Bowdoinham for appointment as members of the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12 MRSA, Section 7033-A, these nominations will require review by the Joint Standing Committee on Inland Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland

President of the Senate

S/Dan A. Gwadosky

Speaker of the House

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

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

The following Communication: (S.P. 726)

117TH MAINE LEGISLATURE

March 5, 1996

Senator Willis A. Lord

Representative Edward L. Dexter

Chairpersons

Joint Standing Committee on

Natural Resources

117th Legislature

Augusta, Maine 04333

Dear Senator Lord and Representative Dexter:

Please be advised that Governor Angus S. King, Jr. has nominated Alice H. Rand of Cape Elizabeth for reappointment as a member of the Land for Maine's Future Board.

Pursuant to Title 5 MRSA, Section 6204, this nomination will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland

President of the Senate

S/Dan A. Gwadosky

Speaker of the House

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

Was read and referred to the Committee on Natural Resources in concurrence.

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:

Business and Economic Development

Bill "An Act to Create the Small Enterprise Growth Program" (H.P. 1337) (L.D. 1831) (Presented by Representative KONTOS of Windham) (Cosponsored by Representative ROWE of Portland, Senator HARRIMAN of Cumberland and Representatives: CAMERON of Rumford, CAMPBELL of Holden, DAVIDSON of Brunswick, FISHER of Brewer, GWADOSKY of Fairfield, JOSEPH of Waterville, LIBBY of Kennebunk, POVICH of Ellsworth, REED of Dexter, RICHARD of Madison, RICHARDSON of Portland, ROBICHAUD of Caribou, SIROIS of Caribou, Senators: ABROMSON of Cumberland, CIANCHETTE of Somerset, GOLDTHWAIT of Hancock) (Governor's Bill)

Marine Resources

Bill "An Act to Amend the Atlantic Salmon Authority" (H.P. 1338) (L.D. 1832) (Presented by Representative BAILEY of Township 27) (Cosponsored by Senator KIEFFER of Aroostook and Representatives: CLARK of Millinocket, JACQUES of Waterville, Senator: HALL of Piscataquis) (Governor's Bill)

Transportation

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (EMERGENCY) (H.P. 1336) (L.D. 1830) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: BOUFFARD of Lewiston, FARNUM of South Berwick, HEINO of Boothbay, O'GARA of Westbrook, RICKER of Lewiston, Senators: CASSIDY of Washington, PARADIS of Aroostook) (Governor's Bill)

Resolve, to Name a Portion of Highway in Millinocket in Honor of Prisoners of War and Those Designated as Missing in Action (EMERGENCY) (H.P. 1335) (L.D. 1829) (Presented by Representative CLARK of Millinocket) (Cosponsored by Senator STEVENS of Androscoggin and Representatives: CARR of Hermon, CHICK of Lebanon, MORRISON of Bangor, O'NEAL of Limestone, PAUL of Sanford, STROUT of Corinth, WHEELER of Bridgewater, Senators: CARPENTER of York, CIANCHETTE of Somerset, MICHAUD of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

ORDERS

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 45)

ORDERED, that Representative Harry W. Bailey of Township 27 be excused March 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William B. O'Gara of Westbrook be excused February 27 to 29 for personal reasons.

Was read and passed.

On motion of Representative GREEN of Monmouth, the following Joint Order (H.P. 1339)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out, to the House, a bill concerning the Milk Handling Tax. Was read and passed and sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

the Bucksport Student Council, project leader Heather Hesselstine, custodian Don Mattson and the following students for their campaign and activities to cleanup the Prospect Ferry Cemetery, the resting place for many area Revolutionary and Civil War veterans: Earl "Buddy" Clement, William Bryant, Ellen Cottrell, Alison Woodward, Michaela Jenkins, Patricia "Tricia" Beaulieu, Shane Foster, Kassandra "Kassie" Enright, Joe Orcutt, Christopher Soper, Matt Cunningham, Kari Varnum, Jessica Vancoy, Kristen Billings, Nicholas Raymond, Michael Archer and Justina "Tina" Ramsdell. We extend our congratulations on this very admirable project; (HLS 954) by Representative BIGL of Bucksport. (Cosponsors: Senator RUHLIN of Penobscot, Representative FISHER of Brewer)

On objection of Representative BIGL of Bucksport was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Bigl.

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House: It is a mighty fine group we have here. In school they are known as the Cemetery Group. I would just like to tell you, that group represents leadership, respect, community concern and an attitude that they can make a difference. I am sure they will take our places some day.

Was read and passed and sent up for concurrence.

the following members of the Bucksport Cheering Squad coached by Lauralee Gilley who won the State Class B cheering championship: Carrie Redman, Dawn Rainey, Kim Youcis, Jami Beck, Jessie Gifford, Aimee Dailey, Dani Blaylock, Candice White, Megan Greenlaw, Christy Dowling, Holly Shute, Lindsay Chadbourne, Abbee Bissonnette and Katie Valenoti; (HLS 955) by Representative BIGL of Bucksport. (Cosponsor: Senator RUHLIN of Penobscot)

On objection of Representative BIGL of Bucksport was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Bigl.

Representative BIGL: Mr. Speaker, Ladies and Gentlemen of the House: As I drove over this morning I was going to try to put together a little competition and have our cheerleaders come down and have some competition from us in the crowd. I looked in the mirror and looked at myself and the people I was thinking of doing this and then I looked at Representative Tufts and Representative Perkins and I decided we won't compete with them. With that, I would like to say they thrilled every single crowd that they have been cheering for this year. I would like to have you give them a great big hand.

Was read and passed and sent up for concurrence.

REPORTS OF COMMITTEES Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-739) on Bill "An Act to Allow Municipalities and Regions to Include Beneficial Use of Waste Originated in Their Jurisdiction As Credit in Demonstrating Recycling Progress" (H.P. 1209) (L.D. 1659)

Signed:

Senators:

LORD of York
RUHLIN of Penobscot
HATHAWAY of York
DEXTER of Kingfield
GOULD of Greenville
POULIN of Oakland
WATERHOUSE of Bridgton
DAMREN of Belgrade
MARSHALL of Eliot
MERES of Norridgewock

Representatives:

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

Signed:

Representatives:

BERRY of Livermore
SHIAH of Bowdoinham

Was read.

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

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House: I rise today in opposition of the Majority Report. The title of the bill implies that this legislation will be beneficial to the municipalities in the region.

During the public hearing and the work sessions, no town representatives or the MMA testified in favor of L.D. 1659. In fact, Richard Rhodner, President of the Maine Resource Recovery Association, a municipal association, sent testimony in opposition of L.D. 1659.

I have a short letter from Edward Boyson, Executive Director of the Northeast Recycling Council for the Eastern Regional Conference Executive Committee. It reads, "The mission of the Northeast Recycling Council, an affiliate of the Eastern Regional Conference of the Council of State Governments, is to ensure the long-term viability of recycling in the northeast while maximizing its full environmental and economic benefits. Much of NERC's resources are currently focused on one priority issue, the need to foster continued investment in recycling processing and manufacturing facilities.

Over the past five years hundreds of millions of dollars have been invested in a facility to manufacture products from recovered waste material, boosting recycling rates for many materials to all time highs and increasing employment in northeast recycling firms to 103,000. Much of this investment has targeted traditional recyclables like glass bottles, old newspapers and office paper. In the case of paper, demand is expected to increase so rapidly that supply shortages could jeopardize some investments. A significant increase in wastepaper recovery is urgently needed.

Many other waste materials like used tires, textiles, yard and food waste continue to be landfilled or incinerated in great quantities. Unfortunately investments in facilities to recycle these materials are often viewed as too risky due to a poor understanding of emerging technology, unproven

markets and a lingering stigma associated with scrap industries. NERC has several projects underway which address these investment challenges."

A question brought up in our committee was what is recycling? Many members of the committee simply state that if it doesn't go in the landfill it is recycling. I believe one portion of recycle is to reduce the amount of material that goes into landfills. I believe the essence of recycling is to promote the wide use of limited natural resources, maintaining the original characteristics and decreasing the demand for virgin material. Incineration destroys the original material.

A recent EPA report identifies municipal waste incinerators as one of the top two sources of mercury nationally. Air emission data confirms that mercury is being emitted from Maine incinerators. Municipal solid waste incinerators have also been cited by the EPA as one of the top two emission sources of dioxin. Air emissions data also confirm that dioxin is being emitted from Maine incinerators. Recycling paper reduces the demand for virgin materials. It takes about 30 percent of the energy to produce a ton of paper from trees, if the paper is made instead from recycled paper. Rising energy costs increase the economic incentives to recycle.

According to Franklin Associates in the Sound Resource Management Group, giving incentives municipal solid waste recent studies estimate that, on average, recycling saves three to five times the energy of incineration, despite the energy generated by incineration.

Maine has two new deinking facilities, Virgin Pulp Substitute in Auburn and BoWater in East Millinocket. Millions of dollars have been invested on these new facilities. There is also an attempt in progress to resurrect the former Statler Tissue Plant. Yorketown Paper Company in Gardiner has been a long time user of wastepaper. I think we can support Maine business by opposing this Majority Report.

In 1993, Maine recycled 33 percent of 380,000 tons of all its solid waste, placing it in the top five states in the country for overall recycling rates. Maine children have been taught the importance of recycling. They learn to reduce, reuse and recycle. I think this bill will send a confusing message on all the progress that we have made in our recycling efforts. Thank you.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: This bill will not stop people from recycling. What the bill says is that if there is no market or the recycling of the goods that you are recycling, then you may receive an incentive for burning it, for using it for another purpose. Why do we want to burn it rather than using it for another purpose? There is no other purpose. Burning does create energy and it helps our economy. What do we do with it if we don't burn it? I will tell you exactly what we do with it if we don't burn it. We will put it into a landfill.

When we passed this bill in 1989, the primary concern people had was that our landfills were getting filled up and they wanted to keep things out of landfills. I don't think that has changed any. This bill will not encourage people not to recycle. Let me give you a little point. I have served on the board of selectmen for 21 years. If we can put money

into our pocket and into the town's coffers by recycling, that is exactly what we are going to do. When there is no market to recycle, we have to do something with this material rather than putting it into landfills. It seems to me that the sensible intelligent thing is to use it for the purpose that will create electricity and so on.

If you get \$180 a ton for plastic and you have to pay \$40 a ton shipping fee to burn it, I guarantee you there are very few municipal officials in this state and they won't be municipal officials very long if they start paying \$40 a ton to burn it rather than selling it for \$40 a ton profit. Let's give the municipal officials a little credit for having a little bit of intelligence and vote to pass this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House: I will also tell you that proposing this Majority Report will not prevent the burning of wastepaper in incinerators. I don't think it is going to change the fact that towns are still going to send their junk paper, whether it is to International Paper or who it is. It doesn't matter. It is easier for them, in some cases, to do that. I don't think they ought to be giving recycling credits for it. What is the point? That is my reason for opposing this Majority Report. I think we need to confirm the goals of recycling and reducing our demand on virgin materials. Thank you.

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

Representative MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill covers basically two commodities that are a problem in our waste stream right now. One is tires and one is waste wood.

Our past policy has been that the beneficial use of ground tires or TES has not been considered recycling. It has been considered incineration. The benefit of tires to a paper company in their plan is that they can add a small percentage of tire fuel to their wood chips and actually reduce their emissions because of the increased heat or temperature. It burns off more of the pollutants. They also can add to that waste stream some of the sludge that they had to landfill previously. Because of the increased energy of the tires going into there, they have sufficient heat now to burn off this wet sludge that they used to have to landfill at great cost. The second one would be wood waste.

Actually on the tires as well, we were so strong on the considering of making electricity from tires in incineration that we wouldn't even allow the couple of companies in our state that invested 4 to 5 million dollars in equipment and research to grind tires and to help us with our stored tire problem. We wouldn't even give them the recycling tax credit because it was considered incineration. These people are still trying to wing it on their own and to be honest with you, some of them are very possibly going to go out of business this summer if they don't come up with some relief from some of the problems we have created for them. We are going to have to go elsewhere to find ways to eliminate our tire piles.

The other one is construction wood waste. Much of the construction wood waste, if it is clean, gets recycled. If you have some windows that you tear out, there are several places that will sell you

windows. I have used windows myself in the construction business. They use lumber, a lot of people will buy, but if it has paint on it, you can't even grind it up and add it to a compost situation because it is considered a contaminate. The only beneficial thing to do with this stuff at the present time, now this may change in the next several years with the change in technology, I don't think that is something we even dare predict, but at the present time the only beneficial use of this stuff is to grind it up and make electricity out of it or steam for cement kilns and things like that.

This bill will just free up the towns, they won't change their waste stream, I think to reiterate Representative Gould's stand. If you can get \$120 a ton for your wastepaper, I don't think you are going to pay \$40, \$50 or \$100 a ton to send it to a waste-to-energy plant and have it burn. Like you said, you wouldn't be the town recycling agent any longer. This only will allow the towns to take credit on it towards our recycling goals and those of you who are town managers know some of the problems with this and what things you can take credit for and what things you can't take credit for and some of them are very arbitrary. Thank you.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I urge you to oppose the Majority "Ought to Pass" Report and go along with Representative Berry on this one. I think it is really sad what we are doing right now to our recycling laws.

Last year, this Legislature in a cost cutting move, basically cut all of the state funding that went to municipalities to help them do recycling. I opposed that. I think it was very shortsighted. I think we are going to regret having done that. I hope it is not a long-term decision on our part.

Today we have a bill that says that municipalities can go out and burn materials and call it recycling. In 1989, in an effort to resolve our solid waste crisis, which was leading to a large number of landfills and incinerators being built, which had a series of environmental harm resulting from them, this state put into place a policy that promoted reduction of waste, recycling of waste, reuse and composting with incineration and land fill at the very bottom of that hierarchy. This bill turns that hierarchy on its head and calls something that is at the bottom of the hierarchy, incineration, something that is at the top of the hierarchy is recycling.

There is nothing in current law that prevents a town from burning whatever it wants to burn. We do not have a mandatory recycling law in this state. We have a law that encourages municipalities to recycle by giving them credit towards a recycling goal if they, in fact, recycle. I really find it to be kind of double speak to be coming out with a bill that says something is recycling that is not.

Burning is burning. There is a reason that it is number four or five on the list of preferred methods of waste management. When you burn something there is a residue, that residue is an ash which contains hazardous and toxic materials, in many cases, which needs to be landfilled. You then have to go out and find a landfill for that waste. Again, I think people have very short memories. In this state, back in 1986, there was a crisis where we had people running around the state trying to set up landfills

all over the place. People were very upset. We ended up with a moratorium on landfill development. There were study committees of this Legislature. Our predecessors came up with a policy, a very reasonable and thoughtful policy that encouraged towns to recycle. It did not mandate recycling through the bottle bill and through the program of giving assistance to the towns to encourage them to meet certain recycling goals.

Last year, we took away the money to help the towns pay for that. This year, we are taking away the part of the law that defines what recycling is. It doesn't make sense to me. I think it is very bad policy. It is a very shortsighted policy and I hope that you will join with the minority of the committee on this and vote against the "Ought to Pass" report. Thank you.

Representative MARSHALL of Eliot 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 pending question before the House is to accept the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 303

YEA - Ahearne, Aikman, Ault, Bailey, Barth, Bigl, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Carr, Chick, Clark, Cloutier, Clukey, Cross, Damren, Dexter, Donnelly, Farnum, Fisher, Gooley, Gould, Greenlaw, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kilkelly, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JB; Libby JL; Lindahl, Look, Lovett, Lumbra, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Morrison, Murphy, Nadeau, Nass, O'Gara, O'Neal, Paul, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richard, Ricker, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, Thompson, Tripp, True, Tufts, Tuttle, Underwood, Vigue, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Adams, Benedikt, Berry, Brennan, Chartrand, Chase, Davidson, Desmond, Dore, Etnier, Gamache, Gates, Green, Hartnett, Heesch, Jones, K.; Kontos, Lemke, Luther, Mitchell JE; Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Townsend, Treat, Tyler, Volenik, Watson, Winn.

ABSENT - Birney, Chizmar, Daggett, DiPietro, Driscoll, Dunn, Fitzpatrick, Gerry, Gieringer, Guerrette, Hatch, Johnson, Kerr, LaFountain, Lemaire, Nickerson, Ott, Plowman, Richardson, Rowe, Truman, The Speaker.

Yes, 97; No, 32; Absent, 22; Excused, 0.

97 having voted in the affirmative and 32 voted in the negative, with 22 being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-739) was read by the Clerk and adopted. The Bill was assigned for second reading Monday, March 11, 1996.

CONSENT CALENDAR

First Day

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

(S.P. 38) (L.D. 68) Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services by Providing Mandatory Reimbursement to Counseling Professionals who are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "B" (S-441)

(H.P. 1306) (L.D. 1787) Bill "An Act to Place Penobscot Land in Trust" Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, March 11, 1996 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:

(H.P. 952) (L.D. 1341) Bill "An Act to Limit the Use of Certificates of Participation" (C. "A" H-738)

(H.P. 1229) (L.D. 1682) Bill "An Act to Transfer the Responsibility for Air Search and Rescue from the Commissioner of Transportation to the Chief of the State Police" (C. "A" H-740)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Ensure That Basic Health Care Needs of Women Are Covered in Insurance Policies" (H.P. 976) (L.D. 1385) (C. "A" H-707)

Bill "An Act Authorizing the Town of Mount Vernon to Withdraw from the Cobbossee Watershed District" (H.P. 1176) (L.D. 1608) (C. "A" H-734)

Bill "An Act Concerning the Seasonal Sale of Reformulated Gasoline" (H.P. 1201) (L.D. 1651) (C. "A" H-741)

Bill "An Act to Allow Voluntary Withholding of Federal and State Income Taxes from Unemployment Compensation Benefits" (S.P. 639) (L.D. 1674) (C. "A" S-437)

Bill "An Act to Amend the Commercial Vehicle Weight Laws" (S.P. 674) (L.D. 1734) (C. "A" S-438)

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 Ensure Proper Withholding of State Income Tax" (H.P. 1249) (L.D. 1711) (C. "A" H-735)

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

On motion of Representative DORE of Auburn was set aside.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: If I could just take a moment of your time on item (9-5). It is because of the nature of the legislation that I want to explain where it came from.

We all got these pink slips on our desks telling us who to call back. I have a constituent in Auburn, his name is Jerry Morin. Over the last 10 years, I have had several calls from Jerry on a variety of issues. He is one of those constituents that you call "engaged." He will call you tell you when he agrees with you and will call to tell you when he disagrees with you and what a thick head you have when he disagrees with you. For those of you have heard me say, always talk to your constituents and always go door to door, because you learn a lot. I just wanted to take a moment today and just describe this.

My constituent, Jerry Morin, came up to me one day and said, "NonMainers who work in the construction industry temporarily in this state are not paying income tax. They are getting away with it and sometimes they are from Canada, because they claim eight people on their forms and it is not right. I am sitting down with my lunch pail next to this guy and he says, 'Look at my pay stub and look at your pay stub and I have another hundred and some odd dollars this week because I claim eight people.'"

Of course, they truck back to whatever state they came from at the end of the construction job. It is just a union construction worker. A lot of people are very tempted to do this who are contractors in Maine because sometimes you are laid off for a while and it boosts your income and then come January, you end up with a big bill that you owe the state. We get in trouble and those out-of-state workers we don't collect from them. I went to the state tax assessor and said this is happening, how can we fix this? I wrote some legislation and the state tax assessor suggested an easier way to do it.

I am bringing this to your attention because Jerry Morin, from Fairview Court in Auburn, brought to the state an income of over \$600,000 this year. I told Jerry for the rest of his life, the State of Maine will get over \$600,000 a year from out-of-staters who were skirting our income tax laws. That is a lot of money to bring into the state that is owed us from people who are making their living in this state and it is all because he insisted there is a problem and brought it to my attention. You never know who is going to give you some good advice. I am happy to say it had the overwhelming support of the committee.

Those folks out there can do good things for Maine. A little more honesty and our taxes done right decreases the pressure to increase any taxes. It makes the people who always pay and are always honest feel a lot better about paying their taxes. Hats off to the Jerry Morins of Maine. Thank you.

Subsequently, was passed to be engrossed as amended and sent up for concurrence.

ENACTORS

Emergency Measure

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the

Fiscal Year Ending June 30, 1997 (H.P. 1193) (L.D. 1637) (S. "A" S-440)

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 Consolidate Insurer Billing Procedures and to Streamline the Licensing Process for Reinsurance Intermediaries (H.P. 1231) (L.D. 1684) (C. "A" H-718)

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. 106 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 Law Allowing the Growth and Sale of Cultivated Ginseng in Maine (S.P. 649) (L.D. 1691) (C. "A" S-434)

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 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Discourage the Spread of "Crack" Cocaine (H.P. 1038) (L.D. 1457) (C. "A" H-696)

An Act to Implement the Recommendations of the Study Commission on Property Rights and the Public Health, Safety and Welfare Establishing a Land Use Mediation Program and Providing for Further Review of Rules (H.P. 1188) (L.D. 1629) (C. "A" H-711)

An Act Enabling the Maine Employers' Mutual Insurance Company to Better Serve the Needs of Small Business (H.P. 1200) (L.D. 1650) (C. "A" H-719)

An Act to Amend the Maine Insurance Code with Respect to Domestic Violence (H.P. 1215) (L.D. 1665) (C. "A" H-720)

Resolve, Authorizing the Sale by the State of a Certain Parcel of Land to Joseph Squeglia (H.P. 1254) (L.D. 1723) (C. "A" H-717)

Resolve, to Authorize the Exchange of a Parcel of Land Owned by the State with One Owned by Luke Bolduc (H.P. 1275) (L.D. 1751)

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.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 729)
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, March 11, 1996, at 9:00 o'clock in the morning.
 Came from the Senate read and passed.
 Was read and passed in concurrence.

Bill "An Act to Clarify the Definition of Commercial Whitewater Outfitter" (EMERGENCY) (S.P. 727) (L.D. 1833)
 Came from the Senate, referred to the Committee on Inland Fisheries and Wildlife and Ordered Printed.
 Was referred to the Committee on Inland Fisheries and Wildlife in concurrence.

ORDERS

On motion of Representative STROUT of Corinth, the following Joint Order (H.P. 1340)

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation report out, to the House, a bill on logo signs.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Stevens.

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

The SPEAKER: The Representative may pose her question.

Representative STEVENS: Thank you Mr. Speaker. My question is to Representative Strout or any member of the Transportation Committee. What exactly is a logo sign and what is the intent and content of this bill?

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

Representative STROUT: Mr. Speaker, Men and Women of the House: The answer to the Representative's question is last year we had a bill presented to the committee and the Transportation Committee decided that we could not deal with the logo signs at that time and we asked the Department of Transportation to do a study and report back to us on some recommendations for these logo signs. We have had two meetings with the department in recent weeks and as of yesterday, the department came to us with recommendations for logo signs and because the committee felt strongly that the various interested parties would like to have more information on these logo signs, it was decided at that time that we would put in a joint order to hold a public hearing some time in the next two weeks to deal with this issue. The recommendations that are coming forward, the committee has some reservations with and we just feel that it is important that the public have a chance to see these recommendations so that is why we are moving forward with the joint order to have a public hearing.

Was read and passed and sent up for concurrence.

On motion of Representative JACQUES of Waterville, the House reconsidered its action whereby Bill "An Act to Amend the Atlantic Salmon Authority" (H.P. 1338) (L.D. 1832) was referred to the Committee on Marine Resources.

On further motion of the same Representative, the Bill was referred to the Committee on Inland Fisheries and Wildlife, ordered printed and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

An Act Pertaining to the Northern New England Passenger Rail Authority (H.P. 1228) (L.D. 1681)

- In House, passed to be enacted on February 22, 1996.

- In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-445) in non-concurrence.

TABLED - March 6, 1996 by Representative STROUT of Corinth.

PENDING - Further Consideration.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I move that we recede and concur. The rail authority has asked me to read into the record a statement on the amendment that was adopted in the other body. The amendment removes the text of the bill relating to the application of the Administrative Procedures Act as unnecessary because action of the authority in consulting with Amtrak about Amtrak fares are not rulemaking within the meaning of the Administrative Procedure Act. Thank you very much.

On motion of Representative STROUT of Corinth, the House voted to Recede and Concur.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-732) - Minority (5) "Ought Not to Pass" - Committee on Criminal Justice on Bill "An Act to Allow Charitable Solicitation by Law Enforcement Officers, Agencies and Associations" (H.P. 478) (L.D. 659)

TABLED - March 6, 1996 by Representative CLARK of Millinocket.

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

Representative CLUKEY of Houlton requested a division on the motion to accept the Majority "Ought to Pass" as amended Report.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House: People ought to know what this bill does. This bill repeals the provision that we currently have in Maine law that prohibits law enforcement officers from soliciting funds when there may be pecuniary interest for the law enforcement officer, his family, agency or any of the other law enforcement officers. The reason this law was put into effect was to do away with what is at least the appearance of impropriety or coercion when police officers solicit for their own behalf.

The law does allow police officers to solicit for charitable organizations, but it does not allow them to solicit when there is some interest to a police officer or their family. What repealing this law would result in is, I believe, a situation where law enforcement officers could be out soliciting money and without any wrongdoing at least create the appearance of wrongdoing. What we are trying to do by keeping this law in effect is to maintain the integrity of police and the appearance of integrity.

As a lawyer, if a law enforcement officer can come to me and solicit money, I am put in a very tenuous situation because I may be seeing that law enforcement officer in a court case the next week. It puts me in a very uncomfortable position to say no to him. I also think of one of the big issues that we have before this Legislature and that being the issue of the trucking industry and how we are trying to crack down on the trucking industry and how we are trying to make sure that our roads are safe by policing that industry. What is going to be the public reaction if trucking industry people are being solicited for funds by the police. Perhaps there is an incident where someone from that same company, one of their trucks gets involved in some type of an accident.

We are putting ourselves in a position of having the integrity of our law enforcement be questioned. I think the repeal of this bill is a mistake. It has worked in the state of Maine and I think we should leave it where it is. I urge you to vote against the Majority "Ought to Pass" Report.

Representative CLARK of Millinocket requested the Clerk to read the Committee Report.

The Clerk read the Committee Report in its entirety.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: The Majority Report is very clear. No matter how you vote today law enforcement officers are still going to have the right to go around and solicit. You are not going to stop that. It is still in statute today.

The only thing we are asking for is if a police officer or a law enforcement officer can use that revenue to generate money for their own good. You may have had police officers that might have got hurt, their wives, family members or whatever. There is nothing wrong with that. There is nothing wrong with having a police officer knock on your door soliciting for whatever it may be. I don't have a problem with that. I would have more of a problem if there was an attorney knocking on my door asking for money than a police officer. I hope when you vote today, you vote for the Majority Report. Thank you very much.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support the Majority "Ought to Pass" Report. I think that the opposition to this bill is trying to lead everyone in this body and the other body to believe that if you vote no on this, solicitation is not going to take place. The law enforcement agencies are soliciting now. This bill, whether it passes or fails, they will be able to solicit. All this does is authorize them to use those funds to support law enforcement type activities along with all of the other charitable activities that they support. I urge you to give them the two years that this bill authorizes to prove to you and all the other folks in the state that nothing is going to change and the solicitation is going to aid them in supporting some of the DARE programs and other programs that are available. Thanks.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCH: Mr. Speaker, Men and Women of the House: I just wanted to read from the statutes, from the historical statutory notes, to the act that is proposed to be repealed. Purpose, 1991 Act, Laws 1991, Chapter 510, Section 5 provided, "It is the intent of the Legislature to repeal all exceptions to the prohibition against solicitation by law enforcement agencies, officers and associations. The Legislature finds that the various exceptions to the prohibition enacted over the years, in fact, have led to inherently coercive solicitations and that those exceptions ultimately undermine the integrity of law enforcement. As a consequence, the Legislature repeals these exceptions and reenacts the prohibition on solicitations by or on behalf of law enforcement."

"The Legislature further finds that solicitations for charitable purposes unrelated to law enforcement activities are not inherently coercive because the person solicited will know that law enforcement agencies or officers do not gain any tangible benefits and consequently will not be concerned with who donates."

"This act," the one that we are repealing, "clarifies and reaffirms that the primary and compelling purpose underlying the current laws, governing solicitation by law enforcement officers is to eliminate the coercion that is inherent in solicitations by and on behalf of law enforcement officers by prohibiting such solicitation. When a law enforcement officer solicits from a prospective donor, the donor may not feel totally free to reject the request in light of the officers position. This occurs regardless of the subjective intent of the officers to coerce the prospective donor."

"In addition to the effect on the prospective donor, the appearance of the transaction to third persons may undermine public confidence in the integrity of the public office. At least the appearance of coercion inheres in every solicitation that tangibly benefits law enforcement agents and the appearance undermines the integrity of the office. The Legislature finds that the state has a compelling interest in preserving the integrity of law enforcement officers and finds that regulating all law enforcement solicitations that tangibly benefit law enforcement is necessary to promote this compelling state interest."

I would submit to the members of this body that we should uphold the same intent and purpose here that was so well expressed in 1991. I urge you to oppose the pending motion.

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

Representative BAILEY of Township 27 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 Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Men and Women of the House: We got a little bit of history

on how this law became. Having been here during the debate in 1991, as I recall it, the issue that caused this law to go into effect was some police officers in another state were out intimidating people and collecting money.

I think Maine has a unique history and Maine had a long history of public servants who acted in the best interests of their people. The reasons, I understand from Representative Bailey, a former state trooper, distinguished and Representative Wheeler, a former county sheriff, well thought of, I think this position ought to go, our public servants spent time with this law, is it to change when our public servants are spending time protecting us? They are not always out there making the big bucks. They personally have things that happen on the job that cause great financial distress to them. These still need to be, as I understand it under the repeal approved by the Attorney General for the solicitation.

If a member of the Houlton Police Department, or the Presque Isle Police Department or Kittery is injured on the job and they need to go around or set up a can in the store to raise money to pay for their hospital bills or any other instances that may occur, I guess I don't have a problem with that. I have never been intimidated by one of my community's police. If we do in a particular community, it is incumbent upon us as citizens to bring that to the forefront. I don't think it is right to punish those who serve us. I hope that you will vote with the Majority "Ought to Pass" and follow Representative Clark's light. Thank you.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I belong to a nonprofit organization and am chairman of the board of directors for Rural Health Centers of Maine and I am also on the board for a rural health center. We are in the process right now of trying to raise \$100,000 locally to support the building of a new building. This bill is only going to allow those law enforcement associations to be able to use those funds to support law enforcement folks that need it.

The Troopers' Association two years ago, they paid the entire funeral bill for a family in Baileyville, Maine, a wife who lost her husband and three children. They paid the entire funeral bill for that. They are allowed to solicit through their magazine. If that happened to be a law enforcement officer's family that was in need of that help, they wouldn't be able to do it. This bill doesn't expand the authority to solicit. It only allows them to use those funds in a manner that would be fair and equitable among all of the groups. Every other organization that solicits is able to use those funds in a manner that they see fit. This bill only allows that to happen. Thank you.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House: I just want to clarify a few things. Nothing in the existing law keeps police officers from donating to their own. If a police officer is injured or the family is in trouble, they can donate to that family. You can't go around soliciting though on behalf of any cause that would benefit a police officer, the family or the agency.

One other issue I would like to bring up here is that this bill was opposed by the Commissioner of Public Safety, Maine Chiefs of Police and the Attorney General's Office. All of them agree that the current law, which has been upheld by the courts, should remain in place. Thank you.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I was here in the 115th Legislature when we discussed this bill at length. The problem being is that many of these situations, people will solicit and you have no choice.

I recall when I had my businesses, they were having a policemen's ball and I would end up having to buy four tickets to the policemen's ball, not because I wanted to go the policemen's ball, but because I felt pressured into buying these tickets. I had solicitation by outfits coming from New York. If you looked into it, it wasn't done by the Sheriff's Department nor was it done by the police department. It was done by a professional group coming out of New York and therefore using the Sheriff's Department or the police department as draw.

I would be very uncomfortable with having this passed and forcing my people to have to give. If they want to give, to situations like what we have in Waterville where you give because the heart tells you to give, not to give because you feel forced or because of a person's position. It is almost like a judge coming out and trying to solicit money from you when you are going to be before the judge in the future. Believe me, you had better give. I want to try to keep this feeling out of the solutions for the Sheriff's Department and the police department. I am totally in opposition to allowing this to pass. Thank you.

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

Representative McALEVEY: Mr. Speaker, Ladies and Gentlemen of the House: This is a tough issue. It is probably one of the toughest issues that I have faced as a member of the committee. If the existing law that we have is truly effective, it would prohibit all solicitation, which it doesn't.

I just want to set something into perspective. Police officers now can solicit as long as the proceeds don't go to one of their own, one of their family members. They solicit for DARE. They solicit for a number of other items. If it is coercive for them to solicit and you think of the argument that it may be coercive period, then why are we allowing them to solicit now because it is for the benefit of the community?

The Maine Sheriffs split on this issue. I think you will find that we, as the House, are split. It is complex. We met with the Attorney General, a number of committee members, it was his suggestion that we come up with this existing report that we are looking at as the Majority Report. Let's repeal it, look at it for two years and see how it works. My suggestion is if we strike this report down, then we ought to think about in the future changing the solicitation law that prohibits all solicitations. The argument I hear today about what is wrong with solicitations applies to the existing solicitations that happen.

I was involved in my department when my department solicited. It was a terrible experience. I was a

detective. I had people calling me complaining and trying to file a criminal complaint thinking that they were being scammed by scam artists. They were. It was an outside agency, a department from outside the state. It was a terrible experience. I was embarrassed. I am still embarrassed to this day about it. I would like to enact some law eventually that would prohibit telephone solicitation. It is an awful gray area. I guess that is why we are here to add some color to this argument. Thank you very much.

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

ROLL CALL NO. 304

YEA - Ahearne, Bailey, Barth, Bigl, Bouffard, Bunker, Cameron, Campbell, Carr, Clark, Cross, Desmond, Dexter, Donnelly, Farnum, Gooley, Gould, Guerrette, Hichborn, Joy, Joyce, Kilkelly, Kneeland, Labrecque, Layton, Libby JL; Lindahl, Look, Madore, McAlevey, Morrison, Nass, O'Neal, Paul, Pouliot, Reed, W.; Rice, Sirois, Stone, Strout, True, Tufts, Tuttle, Wheeler, Whitcomb, Winn, Winsor.

NAY - Adams, Aikman, Ault, Benedikt, Berry, Brennan, Buck, Carleton, Chartrand, Chase, Chick, Clukey, Damren, Davidson, Dore, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Green, Greenlaw, Hartnett, Hatch, Heeschen, Heino, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joyner, Keane, Kontos, Lane, Lemaire, Lemke, Lemont, Libby JD; Lovett, Lumbra, Luther, Marshall, Martin, Marvin, Mayo, McElroy, Meres, Mitchell EH; Mitchell JE; Murphy, Nadeau, O'Gara, Peavey, Pendleton, Perkins, Pinkham, Poirier, Poulin, Povich, Reed, G.; Richard, Ricker, Robichaud, Rosebush, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Stedman, Stevens, Taylor, Thompson, Townsend, Treat, Tripp, Tyler, Vigue, Volenik, Waterhouse, Watson, Winglass.

ABSENT - Birney, Chizmar, Cloutier, Daggett, DiPietro, Driscoll, Dunn, Gieringer, Kerr, LaFountain, Nickerson, Ott, Plowman, Richardson, Rowe, Spear, Truman, Underwood, The Speaker.

Yes, 47; No, 85; Absent, 19; Excused, 0.

47 having voted in the affirmative and 85 voted in the negative, with 19 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.

An Act to Establish the Freeport Towne Square Mental Retardation Facility (H.P. 1196) (L.D. 1646) (C. "A" H-709)

TABLED - March 6, 1996 by Representative MITCHELL of Vassalboro.

PENDING - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

SENATE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (S-442) - Committee on Natural Resources on Resolve, to Form a Task Force to Examine Methods of Reimbursing Automobile Owners for Emissions Testing and Consequent Repair Costs (EMERGENCY) (S.P. 661) (L.D. 1721) - In Senate, Majority "Ought Not to Pass" Report read and accepted.

TABLED - March 6, 1996 by Representative MITCHELL of Vassalboro.

PENDING - Motion of Representative GOULD of Greenville to accept the Majority "Ought Not to Pass" Report.

Subsequently, the Majority "Ought Not to Pass" Report was accepted in concurrence.

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-712) - Minority (2) "Ought Not to Pass" - Committee on Criminal Justice on Bill "An Act to Include Sexual Contact in the Definition of Prostitution" (H.P. 1216) (L.D. 1666)

TABLED - March 6, 1996 by Representative MITCHELL of Vassalboro.

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

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative CLARK of Millinocket to accept the Majority "Ought to Pass" as amended Report and specially assigned for Monday, March 11, 1996.

Resolve, Regarding Legislative Computer Information Systems (EMERGENCY) (H.P. 1226) (L.D. 1679)

(Committee on State and Local Government suggested)

TABLED - March 6, 1996 by Representative MITCHELL of Vassalboro.

PENDING - Reference.

On motion of Representative JACQUES of Waterville, tabled pending reference and specially assigned for Monday, March 11, 1996.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" - Minority (5) "Ought Not to Pass" - Committee on Legal and Veterans Affairs on Bill "An Act to Clarify the Laws Regarding the Ejection of a Person from a Boardinghouse" (H.P. 779) (L.D. 1076)

TABLED - March 6, 1996 by Representative TRUE of Fryeburg.

PENDING - Acceptance of Either Report.

On motion of Representative TRUE of Fryeburg, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

BILL HELD

Bill "An Act to Amend the Law as It Pertains to Payment of Rent by a Blind or Visually Impaired Individual Who Operates a Vending Facility" (S.P. 610) (L.D. 1614) (C. "A" S-435)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-435)

HELD at the Request of Representative TUTTLE of Sanford.

On motion of Representative TUTTLE of Sanford, the House reconsidered its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-435).

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-435) was adopted.

The same Representative presented House Amendment "A" (H-744) to Committee Amendment "A" (S-435) which was read by the Clerk.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House: Essentially this amendment is being offered on behalf of the committee on engrossed bills to clarify the application of the original Committee Amendment.

The same Representative presented House Amendment "A" (H-744) to Committee Amendment "A" (S-435) which was adopted.

Committee Amendment "A" (S-435) as amended by House Amendment "A" (H-744) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-435) as amended by House Amendment "A" (H-744) thereto and sent up for concurrence.

On motion of Representative POULIN of Oakland, the House adjourned at 12:20 p.m., pursuant to the Joint Order (S.P. 729).