

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
23rd Legislative Day
Tuesday, March 12, 1996

The House met according to adjournment and was called to order by the Speaker.
Prayer by Father Michael Lauze, St. Paul Center, Augusta.

National Anthem by Mt. Blue High School Select Chorus, Farmington.

The Journal of yesterday was read and approved.

At this point, the Speaker appointed Representative ROWE of Portland to serve as Speaker Pro Tem.

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

SENATE PAPERS

The following Joint Order: (S.P. 737)

ORDERED, the House concurring, that the Joint Standing Committee on Marine Resources report out, to the Senate, legislation concerning the Salmon Aquaculture Monitoring and Research Fund.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Ought to Pass as Amended

Report of the Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-450) on Bill "An Act to Authorize the Formation of Limited Liability Partnerships" (S.P. 499) (L.D. 1358)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-450).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-450) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 13, 1996.

Ought to Pass as Amended

Report of the Committee on **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-454) on Bill "An Act to Make Changes to the Motor Vehicle Laws" (S.P. 643) (L.D. 1687)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-454).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-454) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 13, 1996.

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought to Pass**" on Bill "An Act Relating to the Sale of Alcoholic Beverages" (S.P. 624) (L.D. 1632)

Signed:

Senators:

Representatives:

FERGUSON of Oxford
MICHAUD of Penobscot
FISHER of Brewer

CARR of Hermon
MURPHY of Berwick
LEMONT of Kittery
BUCK of Yarmouth
GAMACHE of Lewiston

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

Signed:

Senator:

Representatives:

STEVENS of Androscoggin
LABRECQUE of Gorham
NADEAU of Saco
CHIZMAR of Lisbon
TRUE of Fryeburg

Came from the Senate with the Majority "**Ought to Pass**" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "B" (S-456).

Was read.

On motion of Representative TRUE of Fryeburg the Majority "**Ought to Pass**" as amended Report was accepted.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Men and Women of the House: As you will note, my name is shown on the Minority Report. However, the Senate Amendment "B" (S-456) has spoken to those particular things which I objected to and that is the reason that I am making this motion. I believe that that is on your desk. It clarifies two particular things in the bill which did bother some people on our committee. Thank you.

The Bill was read once. Senate Amendment "B" (S-456) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, March 13, 1996.

Divided Report

Majority Report of the Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-451) on Bill "An Act to Amend the Membership of Certain Boards and Commissions" (S.P. 640) (L.D. 1675)

Signed:

Senators:

Representatives:

GOLDTHWAIT of Hancock
CIANCHETTE of Somerset
ROWE of Portland
SIROIS of Caribou
LIBBY of Kennebunk
REED of Dexter
DAVIDSON of Brunswick
RICHARD of Madison
CAMERON of Rumford

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (S-452) on same Bill.

Signed:

Senator:

Representative:

HARRIMAN of Cumberland
BIRNEY of Paris

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-451).

Representative DAVIDSON of Brunswick 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 specially assigned for Wednesday, March 13, 1996.

COMMUNICATIONS

The following Communication: (S.P. 732)

117TH MAINE LEGISLATURE

March 7, 1996

Senator Charles M. Begley
Representative Pamela H. Hatch
Chairpersons
Joint Standing Committee on Labor
117th Legislature
Augusta, Maine 04333

Dear Senator Begley and Representative Hatch:

Please be advised that Governor Angus S. King, Jr. has nominated Peter T. Dawson of Hallowell for reappointment as a public member, Pamela Chute of Brewer for reappointment as an alternate public member, Kathy M. Hooke of Bethel for reappointment as an alternate public member, Gwendolyn Gatcomb of Winthrop for appointment as an employee member and Carol B. Gilmore of Charleston for appointment as an alternate employee member of the Maine Labor Relations Board.

Pursuant to Title 26 MRSA, Section 968, these nominations will require review by the Joint Standing Committee on Labor 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 Labor.

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

The following Communication: (S.P. 733)

117TH MAINE LEGISLATURE

March 7, 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 Katharine C. Littlefield of Belfast for appointment as a member of the Board of Environmental Protection.

Pursuant to Title 38 MRSA, Section 341-C, 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.

The following Communication: (S.P. 736)

117TH MAINE LEGISLATURE

March 8, 1996

Senator Vinton E. Cassidy
Representative Robert W. Spear
Chairpersons
Joint Standing Committee on
Agriculture, Conservation and Forestry
117th Legislature
Augusta, Maine 04333

Dear Senator Cassidy and Representative Spear:

Please be advised that Governor Angus S. King, Jr. has nominated Mary Beth Dolan of Tenants Harbor and Meldon Gilmore of Kingfield for appointment as members of the Land Use Regulation Commission.

Pursuant to Title 12 MRSA, Section 683, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry 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 Agriculture, Conservation and Forestry.

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

The following Communication: (H.C. 370)

STATE OF MAINE

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

March 11, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1810

An Act to Amend the
Boundary between Berwick
and South Berwick

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Jane A. Amero
Senate Chair

S/Rep. Beverly C. Daggett
House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 367)

STATE OF MAINE

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

March 11, 1996

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

Dear President Butland and Speaker Gwadosky:

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

L.D. 1070 An Act Regarding Application of the Sales and Use Tax to the Graphics Industry

L.D. 1769 An Act to Provide a Statute of Limitations for the Assessment of Tax for Which a Return Has Not Been Filed

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

Sincerely,

S/Sen. W. John Hathaway S/Rep. Gary W. Reed
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 368)

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

March 11, 1996

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

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

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

L.D. 1816 An Act to Create Uniformity in the Granting of Electric and Gas Utility Easements

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. David L. Carpenter S/Rep. Carol A. Kontos
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 369)

**COMMISSION TO STUDY THE GROWTH IN MAINE'S
TOWNS, CITIES, COUNTIES AND REGIONS
MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

March 7, 1996

The Honorable Jeffrey H. Butland
President, Maine Senate

The Honorable Dan A. Gwadosky
Speaker of the House

Dear President Butland and Speaker Gwadosky:

Pursuant to Resolves 1995, chapter 47, I am pleased to submit the report and legislation proposed by the Commission to Study the Growth in Maine's Towns, Cities, Counties and Regions.

Sincerely,

S/Sen. David Carpenter, Chair
Commission to Study the Growth
in Maine's Towns, Cities,
Counties and Regions

Was read and with accompanying report ordered placed on file.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Mt. Blue High School Girls Ski Team, who have been named the 1996 State Class A Overall Ski Champions: Anna Yates, Ann Ducan, Jenny Caldwell, Avery Jenckes, Joanna Sewall, Casey Philbrick, Rhonda Cullenberg, Jesse Morrill, Betsey Upham, Kathryn Downs, Katie Lawrence, Heather Decker; 1st alternate Sarah Flint and 2nd alternate Rebecca Gross; and their alpine coach Rick Hardy and cross-country coach Jeff Meserve. This is the 5th consecutive year that members of the team have been named the overall champions. We extend our congratulations and best wishes to the team and their coaches; (HLS 974) by Representative GOOLEY of Farmington. (Cosponsor: Senator BENOIT of Franklin)

On objection of Representative GOOLEY of Farmington was removed from the Special Sentiment Calendar.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House: It is with a great deal of pride that I stand before you here today. There are those who excel, whether it is in skiing or singing or academics. Mount Blue High School has done an excellent job over the years in educating its students. Earlier this morning you heard from the Mount Blue Select Chorus in their singing of the National Anthem and also singing outside.

The Mount Blue High School Girls Ski Team, this is a tribute to a special group of young people who have excelled during the 1995-96 winter season. It takes patience and perseverance and a large amount of drive to accomplish what they did. They won the Girls Overall State Class A Championship for 1995-96. Congratulations. Thank you Mr. Speaker.

Was read and passed and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative TREAT from the Committee on Judiciary on Bill "An Act to Amend the Laws Relating to Recovery for Property Damage" (H.P. 1246) (L.D. 1708) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-753)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-753) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 13, 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. 667) (L.D. 1727) Bill "An Act Concerning Special Licenses in the Department of Marine Resources" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-457)

(S.P. 678) (L.D. 1735) Bill "An Act to Clarify the Agency Rule-making Process" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-455)

(S.P. 696) (L.D. 1770) Bill "An Act to Exempt All Individuals Engaged in Fishing from Unemployment

Insurance Requirements" (EMERGENCY) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-453)

(H.P. 244) (L.D. 346) Bill "An Act to Change the Maine Rule of Evidence That Currently Allows the Admission of Subsequent Remedial Measures as Evidence of Negligence" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-754)

(H.P. 546) (L.D. 742) Bill "An Act Regarding Wrongful Death Actions" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-755)

(H.P. 1234) (L.D. 1694) Bill "An Act to Amend the Dispositional Alternatives for Juveniles Adjudicated to Have Committed Gross Sexual Assault upon 2 or More Child Victims" Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (H-752)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 13, 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. 99) (L.D. 134) Bill "An Act to Exempt Certain Small Businesses from Paying the Annual Fee to the Public Drinking Water Fund" (C. "A" H-746)

(H.P. 1292) (L.D. 1774) Bill "An Act to Improve and Expand the Functions of the Department of Audit" (C. "A" H-745)

(H.P. 1299) (L.D. 1782) Bill "An Act to Create the Motor Carrier Training Advisory Board" (C. "A" H-748)

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.

(H.P. 1050) (L.D. 1469) Bill "An Act to Reinstate the Maine Meat Inspection Act" (C. "A" H-749)

On motion of Representative WATERHOUSE of Bridgton was removed from Second Day Consent Calendar.

The Committee Report was read and accepted. The Bill was read once. Committee Amendment "A" (H-749) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, March 13, 1996.

(H.P. 1181) (L.D. 1620) Bill "An Act to Amend the Charter of the East Boothbay Water District" (EMERGENCY) (C. "A" H-750)

On motion of Representative JACQUES of Waterville was removed from Second Day Consent Calendar.

The Committee Report was read and accepted. The Bill was read once. Committee Amendment "A" (H-750) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, March 13, 1996.

On motion of Representative JACQUES of Waterville, the House reconsidered its action whereby Committee Amendment "A" (H-750) was adopted on Bill "An Act to Amend the Charter of the East Boothbay Water

District" (H.P. 1181) (L.D. 1620) (EMERGENCY) (C. "A" H-750).

On further motion of the same Representative, tabled pending adoption of Committee Amendment "A" (H-750) and later today assigned.

BILLS IN THE SECOND READING

Resolve, for Laying the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1996 (EMERGENCY) (H.P. 1345) (L.D. 1840)

Bill "An Act to Distribute the Assets of the Maine Sardine Council to Council Members upon Dissolution of the Council by the Legislature" (H.P. 1346) (L.D. 1841)

As Amended

Bill "An Act to Amend the Protection from Abuse and Protection from Harassment Statutes" (H.P. 1279) (L.D. 1758) (C. "A" H-751)

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

Bill "An Act to Exempt Working Rural Mail Carriers from the Seat Belt Law" (H.P. 1265) (L.D. 1740) (C. "A" H-747)

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

On motion of Representative KILKELLY of Wiscasset was set aside.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-747) was adopted.

The same Representative presented House Amendment "A" (H-758) to Committee Amendment "A" (H-747) which was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: House Amendment "A" doesn't change the substance of L.D. 1740 in terms of the issue of the rural mail carriers. What it does do is to add a section that reinstates the previous primary infraction of not having a child seat belted in a vehicle that has seat belts.

When the referendum passed last fall and the language that went with that, one of the things that happened is that enforcement of the seat belt law for children, between the ages of 4 and 19, became a secondary offense and not a primary offense. I received a call from a local law enforcement person a couple of weeks ago and his concern was at this point in time if he is driving behind a vehicle and sees two five year old children bouncing around in the back seat of a car, unless there is something else that is being done wrong and he has another reason to stop that vehicle, he can't. Those children are not going to be protected.

I really believe that for the number of people that I talked to, both within the Legislature and outside, I really do believe that this was an oversight. I do not believe that the people that voted on this referendum in the fall intended for the restraint of children in seat belts to be a secondary offense and not a primary offense. Many of us felt that what was being changed was that the law for

adults would become a secondary offense and not a primary offense and that I agree with, absolutely. I would urge your voting in support of this amendment in order to put this very important legislation back in place. Thank you.

On motion of Representative CARLETON of Wells, tabled pending adoption of House Amendment "A" (H-758) to Committee Amendment "A" (H-747) and specially assigned for Wednesday, March 13, 1996.

ENACTOR

An Act to Amend the Law Regarding the Lease of Submerged Lands (H.P. 993) (L.D. 1404) (C. "A" H-728) Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

UNFINISHED BUSINESS

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

JOINT RESOLUTION MEMORIALIZING THE DEPARTMENT OF THE INTERIOR TO SETTLE AN 11-YEAR DISPUTE BETWEEN THE NATIONAL PARK SERVICE AND THE SKI AREA LOCATED ON SADDLEBACK MOUNTAIN (S.P. 718)

- In Senate, Adopted.

TABLED - March 11, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Adoption in concurrence.

On motion of Representative JACQUES of Waterville tabled pending adoption in concurrence and specially assigned for Wednesday, March 13, 1996.

JOINT ORDER - Relative to the Revisor of Statutes being directed to prepare, "Joint Resolution Memorializing Congress and the Department of Energy to Make Full Use of the Rate Funds That Have Already Been Collected to Store and Monitor High-level Nuclear Waste" and that the same be delivered to the Clerk of the House for introduction (H.P. 1332)

- In House, Passed on March 6, 1996.

- In Senate, Indefinitely Postponed in non-concurrence.

TABLED - March 11, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

Representative KILKELLY of Wiscasset moved that the House Insist.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: This order is an interesting opportunity, I believe, for this Legislature to go on record as saying it is not OK for governments to collect money under the guise of spending it for one purpose and then to hold it for another purpose or to expend it for another purpose. That is exactly what

is going on right now in Washington regarding high-level nuclear waste disposal fees.

In 1982, the Nuclear Waste Act was passed and one-tenth of one cent on each kilowatt hour comes from ratepayers and goes to the federal government for the storage, monitoring and disposal of nuclear waste, high-level waste. The federal government has now collected well over 12 billion dollars. They have spent less than 4 billion dollars and they now say there is not enough money to continue with this project. Nuclear plants need to find other ways to do storage.

For example, at Maine Yankee where reracking is currently underway, ratepayers are not only paying the federal government an amount of money to deal with nuclear storage, but they are also having to support a project at Maine Yankee to also deal with the storage of high-level nuclear waste. They are paying twice. At some plants across the country, they are actually paying three times. They have had to do some short-term above ground storage. There is reracking that gets paid for by ratepayers. There is short-term above ground storage that gets paid for by ratepayers and then there is money that goes to the federal government, which is now set aside in order to offset the budget deficit and make the deficit look smaller.

I am a selectman in Wiscasset, as well as being a member of this body, and have been involved for the last year with a group of municipal officials who are working hard on some legislation pending before Congress to have them use this money for the purpose for which it had been collected and to move on the issue of high-level storage. This is not an issue that is a pronuclear issue or an antinuclear issue. This is an issue about accountability in government. When any government says they are collecting money for a particular purpose, the money ought to be spent for that purpose. It should not be set aside. It shouldn't be used to offset the deficit and then for members of the administration and Congress to come back and say they can't afford to do this.

Last spring, when I was at the NCSL Conference in Milwaukee, a person from the Department of Energy spoke and she was explaining why it was that the 1998 date that had been set in the Nuclear Waste Act at the time in which the federal government would be prepared to take custody of this nuclear waste, why it wouldn't be ready? She said, "We just don't have the money. The money is not available. We have had to deal with budget cuts just like every other department in the federal government." Well, that is all well and good, but when I got up and asked her about the 8 billion dollars you have collected from ratepayers, that shouldn't be sitting there waiting for the use for something else, there was an interesting silence.

I think it is important that this Legislature say to the people, the ratepayers of the State of Maine in particular, that this is not OK. Someone needs to be speaking on their behalf and someone needs to be telling the federal government that this is not an appropriate use of money that is collected for the storage and monitoring of high-level waste. I would urge you to support my motion to insist and send it to the other body and hope that they also care about the consumers of the State of Maine. Mr. Speaker, I request a roll call.

The same Representative requested a roll call on her motion to Insist.

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 Cumberland, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Men and Women of the House: I don't put an awful lot of faith in some of these resolutions, but I do feel this is a good one that we should support and send forth to Washington for whatever good it will do. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Insist. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 305

YEA - Adams, Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Campbell, Carleton, Carr, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heesch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemke, Lemont, Libby JL; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richard, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

MAY - Libby JD.

ABSENT - Brennan, Cloutier, Dunn, Nickerson, Richardson, Stevens, Truman, Underwood.

Yes, 142; No, 1; Absent, 8; Excused, 0.

142 having voted in the affirmative and 1 voted in the negative, with 8 being absent, the motion to Insist did prevail.

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-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 11, 1996 by Representative JACQUES of Waterville.

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.

The following item was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES Ought to Pass as Amended

Representative LOOK from the Committee on Marine Resources on Bill "An Act to Restrict the Taking of Eels Less than 6 Inches in Length from Maine Coastal Waters" (EMERGENCY) (H.P. 137) (L.D. 185) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-759)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-759) was read by the Clerk.

On motion of Representative JACQUES of Waterville, tabled pending adoption of Committee Amendment "A" (H-759) and specially assigned for Wednesday, March 13, 1996.

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

Bill "An Act to Amend the Charter of the East Boothbay Water District" (H.P. 1181) (L.D. 1620) (EMERGENCY) (C. "A" H-750) which was tabled by Representative JACQUES of Waterville pending adoption of Committee Amendment "A" (H-750).

Representative CAMERON of Rumford presented House Amendment "A" (H-760) to Committee Amendment "A" (H-750) which was read by the Clerk and adopted.

Committee Amendment "A" (H-750) as amended by House Amendment "A" (H-760) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-750) as amended by House Amendment "A" (H-760) thereto and sent up for concurrence.

On motion of Representative DAGGETT of Augusta, the House adjourned at 10:40 a.m., until 9:00 a.m., Wednesday, March 13, 1996.