

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST REGULAR SESSION
13th Legislative Day
Thursday, February 13, 1997

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

Prayer by Pastor Glenn A. Palmer, Nativity Lutheran Church, Rockland.

National Anthem sung by the First Parish Congregational Church Senior Choir, Gorham.

Pledge of Allegiance.

Doctor of the day, Robert M. Haile, M.D., Scarborough.

The Journal of Tuesday, February 11, 1997 was read and approved.

SENATE PAPERS

Bill "An Act to Amend the Distribution of Revenue Sharing" (S.P. 245) (L.D. 814)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **State and Local Government**.)

Was referred to the Committee on **Taxation** in concurrence.

COMMUNICATIONS

(2-1) The following Communication: (S.P. 299)

118th LEGISLATURE

February 11, 1997

Senator John Jenkins

Representative Marc Vigue

Chairpersons

Joint Standing Committee on Business and Economic Development

118th Legislature

Augusta, Maine 04333

Dear Senator Jenkins and Representative Vigue:

Please be advised that Governor Angus S. King, Jr. has nominated Lyndel J. Wishcamper and Brian E. Thibeau for reappointment as members of the Loring Development Authority.

Pursuant to Title 5, Section 13080-B, these nominations will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/Elizabeth H. Mitchell

Speaker of the House

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

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

The following Communication: (S.P. 300)

118th LEGISLATURE

February 11, 1997

Senator Peggy Pendleton

Representative Shirley Richard

Chairpersons

Joint Standing Committee on Education and Cultural Affairs

118th Legislature

Augusta, Maine 04333

Dear Senator Pendleton and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Joan M. Kelly and W. Tom Sawyer, Jr. for appointment as members and Terrence C. Moore for appointment as the student member of the Maine Maritime Academy Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/Elizabeth H. Mitchell

Speaker of the House

Came from the Senate, read and referred to the Committee on **Education and Cultural Affairs**.

Was read and referred to the Committee on **Education and Cultural Affairs** 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:

Agriculture, Conservation and Forestry

Bill "An Act to Provide Information to the Maine Land Use Regulation Commission" (H.P. 757) (L.D. 1034) (Presented by Representative SAXL of Bangor) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: BAKER of Bangor, COLWELL of Gardiner, FARNSWORTH of Portland, JONES of Greenville, RICHARD of Madison, SAMSON of Jay, VOLENIK of Brooklin, Senator: KILKELLY of Lincoln)

Banking and Insurance

Bill "An Act Directing the Bureau of Insurance to Develop Standards of Conduct for Insurance Adjusters" (H.P. 763) (L.D. 1040) (Presented by Representative COWGER of Hallowell) (Cosponsored by Senator TREAT of Kennebec and Representatives: CHARTRAND of Rockland, COLWELL of Gardiner, QUINT of Portland, SAXL of Bangor, STANLEY of Medway, TUTTLE of Sanford, WATSON of Farmingdale, Senator: MURRAY of Penobscot)

Resolve, Establishing a Task Force to Examine the Desirability of a Model Municipal Building Code (EMERGENCY) (H.P. 775) (L.D. 1052) (Presented by Representative KONTOS of Windham) (Cosponsored by Senator PARADIS of Aroostook and Representatives: AHEARNE of Madawaska, COWGER of Hallowell, JONES of Greenville, Senator: KIEFFER of Aroostook) (Submitted by the State Planning Office pursuant to Joint Rule 204.)

Business and Economic Development

Bill "An Act Concerning Licensing and Recertification of Licensed Counseling Professionals" (H.P. 748) (L.D. 1025) (Presented by Representative BOLDUC of Auburn) (Cosponsored by Senator RAND of Cumberland and Representatives: BERRY of Livermore, BULL of Freeport, CHIZMAR of Lisbon, CROSS of Dover-Foxcroft, FARNSWORTH

of Portland, SKOGLUND of St. George, SNOWE-MELLO of Poland, WHEELER of Eliot)

Bill "An Act to Amend the Real Estate Brokerage Laws" (H.P. 772) (L.D. 1049) (Presented by Representative CAMERON of Rumford) (Cosponsored by Senator JENKINS of Androscoggin and Representatives: FARNSWORTH of Portland, SHANNON of Lewiston, SIROIS of Caribou, VIGUE of Winslow) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Criminal Justice

Bill "An Act to Reduce the Presumptive Amount for Trafficking in Marijuana from 2 Pounds to One Pound" (H.P. 749) (L.D. 1026) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator HALL of Piscataquis and Representatives: AHEARNE of Madawaska, CLARK of Millinocket, CLUKEY of Houlton, DEXTER of Kingfield, GIERINGER of Portland, JONES of Greenville, O'NEAL of Limestone, PAUL of Sanford)

Bill "An Act to Provide Conflict Resolution Education for Juvenile Offenders" (H.P. 756) (L.D. 1033) (Presented by Representative DUNLAP of Old Town) (Cosponsored by Senator JENKINS of Androscoggin and Representatives: CHICK of Lebanon, FISHER of Brewer, MITCHELL of Vassalboro, PAUL of Sanford, POVICH of Ellsworth, ROWE of Portland, Senators: MURRAY of Penobscot, RUHLIN of Penobscot)

Resolve, to Study the Implementation of a Statewide Criminal Record Check of Home Care Providers to Ensure Safety for Citizens Receiving Care in Community-based Settings (H.P. 769) (L.D. 1046) (Presented by Representative FULLER of Manchester) (Cosponsored by Senator PENDLETON of Cumberland and Representatives: COLWELL of Gardiner, DONNELLY of Presque Isle, FARNSWORTH of Portland, LOVETT of Scarborough, WINGLASS of Auburn, Senator: MACKINNON of York)

Reference to the Committee on **Criminal Justice** suggested.

On motion of Representative POVICH of Ellsworth, the Bill was referred to the Committee on **Health and Human Services**, ordered printed and sent up for concurrence.

Education and Cultural Affairs

Resolve, to Review the Components of the Operating Costs in the School Finance Formula (H.P. 759) (L.D. 1036) (Presented by Representative McELROY of Unity) (Cosponsored by Representatives: BRENNAN of Portland, BUCK of Yarmouth, BUMPS of China, CLUKEY of Houlton, CROSS of Dover-Foxcroft, SKOGLUND of St. George, STEDMAN of Hartland, Senator: SMALL of Sagadahoc)

Resolve, to Create the Task Force on Research and Development Investment (H.P. 768) (L.D. 1045) (Presented by Representative BIGL of Bucksport) (Cosponsored by Representatives: ETNIER of Harpswell, TOBIN of Dexter)

Resolve, to Establish a Task Force to Review the Regional Applied Technology Centers (H.P. 771) (L.D. 1048) (Presented by Representative McELROY of Unity) (Cosponsored by Representatives: BELANGER of Caribou, BUCK of Yarmouth, CLUKEY of Houlton, PERKINS of Penobscot, STEDMAN of Hartland, TOBIN of Dexter)

Health and Human Services

Bill "An Act to Clarify Requirements Pertaining to the Maine Certificate of Need Act" (H.P. 767) (L.D. 1044) (Presented by Representative FULLER of Manchester) (Cosponsored by Senator PINGREE of Knox and Representative: BRUNO of Raymond) (Submitted by the Department of Human Services pursuant to Joint Rule 204.)

Inland Fisheries and Wildlife

Bill "An Act to Enhance the State's Moose Hunt" (H.P. 774) (L.D. 1051) (Presented by Representative PAUL of Sanford) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: CHICK of Lebanon, CLARK of Millinocket, DUNLAP of Old Town, NICKERSON of Turner, O'NEIL of Saco, SAMSON of Jay, SIROIS of Caribou, TUTTLE of Sanford)

Judiciary

Bill "An Act to Amend the Maine Probate Code" (H.P. 751) (L.D. 1028) (Presented by Representative THOMPSON of Naples) (Cosponsored by Representatives: JABAR of Waterville, NASS of Acton, WATERHOUSE of Bridgton)

Bill "An Act to Simplify the Filing of Claims in Probate Estates" (H.P. 755) (L.D. 1032) (Presented by Representative FISK of Falmouth) (By Request)

Bill "An Act to Protect People with Limited Mental Capacity" (H.P. 765) (L.D. 1042) (Presented by Speaker MITCHELL of Vassalboro) (Cosponsored by Senator DAGGETT of Kennebec)

Bill "An Act to Revise the Prelitigation Malpractice Screening Panel Procedures, Criteria and Composition" (H.P. 773) (L.D. 1050) (Presented by Representative SAVAGE of Union)

Labor

Bill "An Act to Clarify the Definition of Total Incapacity for the Purpose of Workers' Compensation" (H.P. 746) (L.D. 1023) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Senator CATHCART of Penobscot and Representatives: CLARK of Millinocket, LEMAIRE of Lewiston, RINES of Wiscasset, STANLEY of Medway)

Bill "An Act To Provide That Disability Benefits for Partial Incapacity Be Continued for the Full Duration of Disability" (H.P. 747) (L.D. 1024) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Senator CATHCART of Penobscot and Representatives: CLARK of Millinocket, LEMAIRE of Lewiston, STANLEY of Medway)

Bill "An Act to Permit Teachers to Transfer Retirement System Creditable Service Earned as a Teacher's Aide while Employed by a School and Covered by a Participating Local District" (H.P. 750) (L.D. 1027) (Presented by Representative DRISCOLL of Calais) (Cosponsored by Senator CASSIDY of Washington and Representatives: AHEARNE of Madawaska, BOUFFARD of Lewiston, CLUKEY of Houlton, GOODWIN of Pembroke, LINDAHL of Northport, Senator: O'GARA of Cumberland)

Legal and Veterans Affairs

Bill "An Act to Provide Fairness in Ballot Access" (H.P. 752) (L.D. 1029) (Presented by Representative THOMPSON of Naples) (By Request)

Bill "An Act to Prohibit Persons Registering to Vote from Voting unless they Provide Adequate Identification" (H.P. 770) (L.D. 1047) (Presented by Representative MERES of Norridgewock) (Cosponsored by Representatives: BODWELL of

Brunswick, KASPRZAK of Newport, LANE of Enfield, UNDERWOOD of Oxford)

Natural Resources

Bill "An Act Relating to the Use and Reclamation of Number One Pond in Sanford" (H.P. 754) (L.D. 1031) (Presented by Representative TUTTLE of Sanford) (Cosponsored by Senator MacKINNON of York and Representatives: BULL of Freeport, CHICK of Lebanon, COWGER of Hallowell, JONES of Greenville, McKEE of Wayne, NASS of Acton, PAUL of Sanford, Senator: NUTTING of Androscoggin)

Bill "An Act Regarding Board of Environmental Protection Reports" (H.P. 758) (L.D. 1035) (Presented by Representative SAVAGE of Union) (By Request)

State and Local Government

Bill "An Act to Require That the Attorney General Be an Attorney in Good Standing in Maine" (H.P. 753) (L.D. 1030) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Senator LaFOUNTAIN of York and Representatives: AHEARNE of Madawaska, CARLETON of Wells, OTT of York, Senators: AMERO of Cumberland, KIEFFER of Arostook, LONGLEY of Waldo, MILLS of Somerset)

Taxation

Bill "An Act to Provide a Tax Credit to Water and Sewer District Customers Equal to Increased Charges for Unfunded Mandates" (H.P. 764) (L.D. 1041) (Presented by Representative MacDOUGALL of North Berwick) (Cosponsored by Representatives: FOSTER of Gray, WHEELER of Eliot, WRIGHT of Berwick, Senator: MacKINNON of York)

Transportation

Bill "An Act to Require That a Person under 16 Years of Age Wear Protective Headgear when Riding a Bicycle" (H.P. 761) (L.D. 1038) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: BERRY of Livermore, BULL of Freeport, Senator: PENDLETON of Cumberland)

Bill "An Act Relating to the Use of Railbeds as Recreational Trails" (H.P. 762) (L.D. 1039) (Presented by Representative MACK of Standish)

Utilities and Energy

Bill "An Act to Modify the Prohibition against Bathing in Sebago Lake within 2 Miles of the Intakes of the Portland Water District" (H.P. 760) (L.D. 1037) (Presented by Representative MACK of Standish) (Cosponsored by Senator O'GARA of Cumberland)

Bill "An Act to Expand Local Calling Areas" (H.P. 766) (L.D. 1043) (Presented by Representative LANE of Enfield)

Reported Pursuant to Public Law

Representative THOMPSON for the Family Law Advisory Commission pursuant to Public Law 1995, chapter 694, Part A asks leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Family Law Advisory Commission Concerning Parental Rights and Responsibilities" (H.P. 776) (L.D. 1053) be referred to

the Joint Standing Committee on **Judiciary** for Public Hearing and printed pursuant to Joint Rule 218.

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

By unanimous consent, all reference matters requiring Senate concurrence having been acted upon were ordered sent forthwith.

ORDERS

On motion of Representative GAMACHE of Lewiston, the following Order: (H.O. 14)

ORDERED, that Representative Paul Chartrand of Rockland be excused February 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Arthur F. Mayo III of Bath be excused February 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michael J. McAlevey of Waterboro be excused February 3 through 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roy I. Nickerson of Turner be excused February 5 through 7 for personal reasons.

Was read and passed.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

the First Parish Senior Choir, of Gorham, for being selected to sing in Vienna, Austria's 14th annual International Advent Sing. Participants were Ann Mason-Osann, director; Beth Barefoot-Jones, accompanist; Nancy and Roger Acker-Wolfhagen, Richard Barden, Thomas Brewster, Carole Brown, Anne Emerson, Barbara Guimond, Dana and Kathy Hodgkins, Stephen Jones, Amy Kimball, Susan Knedler, Marion Marsh, Richard Mason-Osann, Nils Peter Mickelson, Barbara and Paul Neal, Clark Neily, Rosamond Phinney, Sarah Potter, Allison and John Rimkunas, Cynthia Smith, Beverly Snee, and Diane Trafton. We extend our congratulations and best wishes; (HLS 83) by Representative LABRECQUE of Gorham. (Cosponsors: Representative PENDLETON of Scarborough, Senator O'GARA of Cumberland)

On objection of Representative LABRECQUE of Gorham, was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative LABRECQUE: Madam Speaker, Ladies and Gentlemen of the House. This afternoon we had the honor of listening to the First Parish Church of Gorham. I cannot tell you how very happy I am to have these folks here for you all to hear. We are very, very proud of them back in Gorham.

This 30-member choir was invited to sing in Vienna, Austria during the Advent season of last year. It was an extremely prestigious invitation. Choirs from all over the world are invited. They were one of 50 international choirs. One of only 14 from the United States and the only one from New England. They had several performances while they were there, but Saturday evening was their premier performance in Vienna's City Hall, which resulted in tears, smiles and a standing ovation. This was the highlight for many of them and listening to the various members tell me of their experiences, it really does bring goose

bumps. This was no small thing these people did. I thank them most sincerely for being our ambassadors of goodwill and song and especially to Anne Mason Osan, who had the confidence and ability to direct this group of mostly amateurs. I think you will agree with me that they are no longer amateurs.

Was read and passed and sent up for concurrence.

In Memory of:

Robert E. Murray, Sr., former chairman of Bangor and Penobscot County Democratic committees. He and his family were hosts in 1978 to President Jimmy Carter and later was named to receive the first briefing on SALT II treaties by the President and Zbigniew Brzezinski, national security adviser. Married for 50 years to the former Laura Guite, and the father of five children, Bob also shared his time, talents and faith with his family, church and community. He will be sadly missed by all those whose lives he touched; (HLS 84) by Representative SAXL of Bangor. (Cosponsors: Senator CATHCART of Penobscot, Representative PERRY of Bangor, Representative BAKER of Bangor)

On objection of Representative SAXL of Bangor, was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Madam Speaker, Ladies and Gentlemen of the House. The Bangor community lost one of its favorite sons when Robert Murray died. He was a modest, quiet man with a twinkle in his eye, a broad smile and a kind word for everyone. Bob Murray and his wife of 50 years, Laura, are the kind of people that everyone liked. They are an important fabric of our community. He was not a big tycoon, but rather one of us. Proud of his Irish decent, devoted to his family and dedicated to his church. He was for 38 years, an employee of Sears.

The way we know Bob best is through his volunteer work. Much of those efforts were directed to church related projects. He and Laura were Eucharist Ministers and weekly brought communion to those of the Philip Strickland House. He had been active in Christian youth organizations. He was named outstanding Catholic gentleman and served as a member of the first St. John's Board. He also served as a member of the Board of Directors of the St. Michael's Center, Mt. Pleasant Cemetery and St. John's Parish Council. At one time he was active in the Boy Scouts of America, when his children were young. When I knew him best, he served on the Board of Directors of the Bangor House. He was a lifelong Democrat and was elected as both Bangor and Penobscot County Committee Chairs. He passed his political interest and loyalty as a legacy to his family.

Two of his sons served in this body, the Reverend Frank Murray, now the pastor of St. Mary's Parish, served two terms in the 1970s. Robert Murray, Jr., "Buddy," now a prominent Bangor attorney served two terms in the House in the 80s and is currently a member of the other body. His son-in-law, Severin Beliveau, was a candidate for Governor of Maine. Bob Murray will be missed and remembered in Bangor and throughout the state. We offer our condolences to his wife Laura and his entire family. Thank you.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Amend the Treatment of Security Deposits to Provide a Remedy for Failure to Comply" (H.P. 91) (L.D. 115)

Signed:

Senators: DAGGETT of Kennebec
FERGUSON of Oxford

Representatives: TESSIER of Fairfield
BIGL of Bucksport
GAMACHE of Lewiston
BELANGER of Wallagrass
LABRECQUE of Gorham
TUTTLE of Sanford
TRUE of Fryeburg
CHIZMAR of Lisbon

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

Signed:

Senator: CAREY of Kennebec
Representatives: GAGNE of Buckfield
FISHER of Brewer

Was read.

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

BILLS IN THE SECOND READING

Resolve, to Name the Body of Water on Route 27 in Coburn Gore "Fabian's Dunk" (S.P. 15) (L.D. 13)

Was reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was Passed to be Engrossed in concurrence.

ENACTORS

An Act to Amend the Laws Specifying When an Indictment in a Criminal Case Is Not Required (H.P. 12) (L.D. 8)

An Act to Increase the Fees for Attachment of Real Estate and Personal Property (H.P. 20) (L.D. 45)

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 11, 1997, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

JOINT ORDER - Relative to a special election to implement the Compact for Maine's Forests (H.P. 665)

TABLED - February 6, 1997 by Representative LEMKE of Westbrook.

PENDING - Passage.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I wish to speak in passage of the pending motion. Since some of you know that I have a tendency to wander. I am going to refer to notes. I am arguing for a quick election and I hope to give you a quick presentation. The issue before you is clear cut. It is fundamental to our system of government. The State Constitution is clear. Article IV, Legislative Power, Section 18, 2, states that when a referendum initiative question has competing measures and one measure receives more than the others and more than one-third of the vote total, but fails to achieve over 50 percent of the total vote cast, there must be a

second election, up or down on that one measure. The Constitution further requires that the election be held at the next general election, unless, the Legislature sets a special election. The provision for a special election was put in the Constitution precisely to avoid the situation that we are now confronted with regarding the forestry compact 2B. It is there to assure a timely election.

The power is vested in the Legislature, not the Governor, not the Judiciary. Recently, the State Supreme Court refused to answer questions posed by the Executive regarding how the Legislature might proceed. That left the issue wisely and properly right where it belongs, with us. The question is not whether there be an election, but when. All logic, common sense, if you will, argues for us to get on with it. The status of Maine's forests and the many jobs involved and the democratic process all argue for us to move ahead. There is no truly compelling argument to defer letting the people be heard for a full year. Certainly, to now put off an election does not square with all the arguments made last November or the arguments made two months prior when we had a special session.

Some of you remember those, in fact, a number of us made those arguments. We were told then that an expeditious resolution was absolutely necessary to Maine's forest environments. Is there any less urgency today than in November? We were told that we had to move forward to end uncertainty detrimental to our forest products industry and the jobs involved. Has that economic need now miraculously evaporated off either?

We were told that small woodlot owners and small companies required a resolution. They were worried about where they stood, their rights and what the regulations were. They wanted answers. Don't they still require answers today? The fact is that there is no way that the concerns of November are no longer the same in February. When the compact was put on the ballot as a competing measure by the 117th Legislature, there were some questions about the procedure at that time, but that is history. It was done and when it was done, those of us who were in the 117th Legislature had to accept responsibility for the very clear possibility, which the Secretary of State, at that time, and others pointed out that we might very well end up in this particular situation with three competing measures.

It is here, and now it is up to the 118th Legislature to decide whether we take the responsibility for moving on or delay. I said last September and I say it again today, there is a bigger issue involved here than even the important issue of our forest practices policy. That is the integrity and the credibility of us, state government. It is a concern that I take seriously as someone who teaches constitutional history, but much more importantly, I take seriously as a citizen. One of the arguments made now is that suddenly it is irrelevant to put off an election. I am sure you have all heard some of them and perhaps you will hear more of them today.

Let me share three of them that I have heard. You might have heard others. Number one, I was told by a lobbyist and paper industry management that the corporations felt that they needed a year to "retool" their message. If at a cost of around \$6 or \$7 million that was not enough and they can't do it by June, should we be holding the democratic process prisoner so they can have time to retool their message and subject voters to yet another long expensive campaign? I am sure all of us would like to have a year to retool our message when we go before a committee or when we have to debate on the floor. We don't have that luxury. If it is a good bill or a good idea, we take our chances that it is going to stand up in the give and take of the democratic process within a reasonable period of time. Are

special interests exempt from this and more to the point are they somehow to dictate to us when elections are held?

Secondly, I have been told by various groups that if the election is delayed, they think they will have a better chance of winning in November. Maybe, but again, if every other election, including the elections we are subject to, are held within a reasonable and timely fashion, why is it different on this issue? Are we some kind of banana republic where elections can be put off to meet this party or that parties agenda? This is Maine. This isn't Equador.

Thirdly and finally, there is the so-called cost argument. Ladies and gentlemen, it will cost money to hold a special election. That was true in the past and it is true today. It is going to be true in the future. I suppose a free election, if you are putting just cost on it, is a misnomer to begin with. It isn't going to cost the numbers being floated around here. I have been around here long enough to have heard it all. These numbers that miraculously appear whenever some issue comes up. It also ignores the possibility that there very well may be other issues on the ballot anyway and we are going to have an election anyway in June.

Let's consider the real costs involved. First, what about the cost to the State of Maine of continued uncertainty. As the *Portland Sunday Telegram* says supporting a June election, "The expense of an early election is negligible compared to the cost of uncertainty." Secondly, what about the cost we have already incurred holding a special session of the Legislature on that issue. That costs money. Was it not worth it to have the forestry compact on the ballot? Thirdly, what about the incredible cost of going through another campaign like the last campaign. Don't think for a moment that we aren't all paying a cost for such campaigns to sell and retool messages for voters that can translate into all kinds of costs for those voters. Lastly, and to me, I must admit, most importantly, it overshadows all the other costs, there is the cost to our democratic process of putting off an election of a free people. I don't think you can and I don't think you should put a price tag on the most important of our freedoms. As Harry Truman said, "The buck stops here." We all know when he was talking about the buck, he wasn't talking about a dollar bill. He was talking about what our responsibility is to the public.

As the *Kennebec Journal*, in calling for a special election said, "The Governor and some legislative leaders have expressed concern over the cost of holding a special election in June. The democratic process ought not to be held hostage to budget considerations. June elections have been held routinely in the past, even in off years." Let's settle the matter once and for all, as soon as possible. That is the bottom line. Let's forget about all of the political gamesmanship. Let's forget about the smoke screen. Let's forget about cost and please, please don't create a precedent that ill serves the credibility of this Legislature and betrays the right of the people to be heard. In the final analysis, it is the people, not any special interest, not even politicians who are sovereign. Let's live up to the motto on the flag behind the Speaker. Let's really show that Maine is on the move. Let's get on with it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. It was stated that it would be a short message by my colleague, Representative Lemke, in his address to this group. I assure you, mine will be short. If he doesn't know the difference, listen.

Number one, he is concerned about the cost. It is minimal. Numbers have been thrown around and it doesn't amount to anything. I will not sign or have my vote recorded that I

advocated spending \$500,000 to \$750,000 needlessly. There is no need to enact this bill or have it voted on June 10th. The investment by the companies involved, the wood mills, the paper mills and the saw mills is going on today. They started in January. I don't think that we need to spend an extra \$500,000 to \$750,000 when this vote comes up. Madam Speaker, a roll call please.

Representative CROSS of Dover-Foxcroft requested a roll call on passage.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I have been told by one member of our body that was supporting this effort that the reason behind their effort was to thwart the Governor's effort to get a decision from the court and us take the decision out of the hands of the people. We know that can't happen now. The court has made a decision not to decide. In effect, that says that we go through the process that my colleague, Representative Lemke laid out in the Constitution. I think that is a great process and I have no issue with that. I would like to let it go through the process like it is supposed to.

The question was raised of why it was an issue last fall, but now it is not an issue. Make no mistake, there is a very clear difference between last September and today. The anti-forest referendum is history now. Maybe for a short period of time, because these things will never go away. It is presently history. We are not voting on that issue. There is not the threat to the industry that there was in September. The industry as the previous speaker said, is in the process of making investments. The company that I worked for was purchased by another company for \$640 million on November 1. That is not chicken feed, folks. Somebody in that company felt that Maine was going to do the right thing. The immediate emergency has passed. The choice now is the forestry compact that was worked out with the industry, environmentalists and all the other interested parties or the status quo. Neither of which are going to have the destructive economic impact that the original referendum question would have had. There is a clear and huge difference between September of 1996 and February of 1997.

As far as the cost, three-quarters of a million dollars to me is a lot of money. Maybe it is going to be divided up by 400 towns. I do not want to be a party to making that happen, if no other issues come up. I have a level of cynicism about why we need to do this in June. We have a low number of people turn out. I could talk for a period of time about that but it is probably not appropriate.

The editorials that we saw come across our desk, don't forget are one person's opinion. That is all those editorials are. We are here to make the decision. We are the ones that will be imposing this burden, this potential burden, on the towns. There is no rush. We are going to have an election in November. We will meet the parameters that are in the constitution, if we have the election in November. Again, the emergency has passed. I don't hear anybody in the industry saying that we need to do this now. I don't hear anybody in the public saying we need to do this now, just the editorials. Again, they are one person's opinion.

The other issue that I would like to raise is if we should pass this resolution, and remind you that not all towns have their spring election in June, some have them in other times, if we should pass this and the towns don't have any other issue on which to vote and they have to have a special election because of this, does this become a mandate.

Madam Speaker, I would appreciate a ruling as to whether or not if this is passed if it would be a mandate. Thank you.

Representative CAMERON of Holden requested a ruling from the Chair if this is in violation of the Mandate provision.

The Speaker ruled that this is not in violation of the mandate provision.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I represent the Town of Hampden, which has about 5,000 people and the rest of my people are spread between a little town called Dixmont with 1,007 people and Newburg, which has 1,300 or 1,400. A special election in Dixmont cripple what's left in their budget. It may be only \$400 or \$500 to you, but \$500 to a town with 1,007 people who are desperately trying to take care of everything else that we force onto them are not happy and they specifically asked me in a joint meeting between the school board and the selectmen to please not put any special elections on them this year and to please let them be able to spend the money on town services. I would ask you not to put this on our small towns and to vote against this. Thank you.

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

Representative BUNKER: Madam Speaker, Men and Women of the House. As the Chair of Forestry, Conservation and Agriculture, you can imagine how much wrangling I have had with this subject. I would be standing up here with Representative Lemke and yelling and screaming for a special election in a heartbeat if I thought that meant our committee could move forward and deal with some of these issues that affect the state. My problem is timing. June 10th is too late for us to do anything. I don't care what position you hold in this body, whether you are 2A, 2B or 2C. All the ramifications of going out and spending the money to have a special election kind of implies that we are going to do something productive after the election. If we are not going to be able to do anything until next year when we come in the short session, what are we doing?

Business impact, I think it has been spoken earlier. The business impact is not what it was last November. If you are a 2A supporter and 2A happened to fail last November, that is the way the vote went last November. Did that relieve much of the business and the concerns of many of the investors and financial people within the forestry industry in the State of Maine? Yes, it did. Did that relieve the urgency to not invest? I think most likely that did. Does it relieve all the urgency? Of course not. There is a broad spectrum of bills out there that go outside the purview of the compact and the question that needs to go before the people. Does that cause urgency? Certainly, but don't get mixed up when we are arguing this point about that urgency and something that doesn't have anything to do with that urgency. That is the fact, that we have a moral obligation to allow the people to speak on the referendum question with a stand alone up or down. It is not affecting business and financial investment at this point at most levels.

Cost of the election, people have already spoken of that. It is an enormous cost. In my mind, we don't spend money. We are now in the area of performance-based budgeting. You guys had a strategic planning thing today. If we are going into performance-based budgeting, you got to ask this question to every legislator, what are we spending the money for and what is our return? Are we spending the money the best way to get results? I would respectfully submit to this body that voting on June 10th, it is not going to get any results. Therefore, the expenditure of that money would be ill advised, in my opinion.

Also, on my desk, I have a letter from the Chief Executive. We went and met with him and posed a lot of these questions.

One of the questions is my concern on the environmental side is, people out there doing all kinds of bad things now and does this give them a lot more time to do the bad things before the people speak? I have a letter dated today, in front of me, signed by that same person that indicates the following land companies, Vas Keegan, Champion International, Frasier Paper, Georgia Pacific, Great Northern Paper, Hancock Timberlands, International Paper, J.D. Irving Limited, J.M. Hubert Corporation, J.M. Sewall Company, James River Timberlands, Mead Corporation, Prentiss & Carlyle, S.D. Warren, Seven Island Land Company, United Timber Corporation, all these companies collectively have 9 million acres of land and 60 percent of the total forested area in the State of Maine. They all, since January 1, 1997, have voluntarily complied with the aspects of the compact, just in good faith, other than the things we have to make legislative approval on that you are not allowed to do. They are out there trying to heed the concern that the people need to speak on this issue before they do anything. They are trying to follow that. Is there a broad spectrum of other people who are unregulated that are out there doing things? Sure, but it has nothing to do with the compact questions or the things inside the compact. Don't get confused. I ask you to defeat this order. Thank you.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Men and Women of the House. Most of the previous speakers have already covered the ground that I was going to cover. I would just add that I represent 18 towns and plantations in western Maine. If they get eight people at a town meeting, some of them, that is a big turnout and the cost for them to hold a referendum vote like this and get three or four people to vote, is not very cost effective and certainly would be a cost that they don't want to pass on to their tax payers. I think what is really the issue here that we have to come with grips with is whether or not we, as the 118th Legislature sitting here today can indeed pass legislation dealing with this issue. The court has said hands off, but the way I interpret it is because the Executive Department asked the courts about a ruling on the Legislature, they were uneasy with that or whatever. I say we go ahead and pass legislation that will work with our current Forest Practices Act so that when the vote is held in a referendum in November, there will be no need for anyone to vote yes for 2B. Thank you.

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

Representative USHER: Madam Speaker, Men and Women of the House. My early concern on this, at the first of the year, was based on the fact that I work with a lot of wood haulers in my occupation. I discussed a lot of things with them as we worked through the weekends. The major concern with dealing with their wood hauling is in limbo. Nobody is making investments. They have major investments \$200,000 or \$300,000 in their equipment and a lot of it is sitting idle or at a slow pace. This is back in January when I did most of this discussion. I did check with the Attorney General's office. They said we have to wait until we find a ruling, because we want an early election. The Supreme Court chose not to make a ruling on this and now it is back to us. I am very concerned about the wood haulers from now until November.

First of all, none of these people live in my district, but they sell their product and deliver their product to part of my district. You might call this the little guys' bill. The big companies are going to control this or is the major issue the cost of the election? That is part of our democratic society. We have a lot of elections for little people. Let's consider this one for the little people. The

guy that just barely makes it to haul the wood products around with his own equipment, there is many, many of these people around in the State of Maine. That is a long time from now until November that he has to just mosey along and wonder what is going to happen in November. By the time they tally up the results, it is probably January before they make a final decision. I urge you to pass this Joint Order.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. I don't think the forests of Maine have changed all that much since November 5th of last year when this was voted on. Waiting until November on this issue would seem appropriate. Some companies have already adopted their own compacts, which includes much of which is in 2B. A special election, as has been mentioned, would cost hundreds of thousands of dollars and I don't hear where businesses are holding back on expansion programs because of the lack of a vote on 2B. I say let 2B be voted on in November and let's be further educated on the merits of 2B. Thank you.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. First of all, I am very pleased that I have the opportunity to speak on this particular issue, because it is an issue that is very close to my heart. I am probably not the only one in this issue, but I am one that was born in a home that was provided by the paper mills. My first job was in the wood industry of taking wood off a train and you know that hasn't been done for years. I am amused by the articles that were given to us to read about this issue. They are certainly straight forward and advocated that this question ought to be settled soon, which may be all right until you finish the article and no where has the cost been even noted. I know other speakers have talked about the cost and I certainly know what Representative Usher is talking about. By the way, I want to commend him and he probably doesn't want me to say this, but he was in my first class that I ever taught. He is young. I don't know where that places me.

The difference in waiting from June to November is approximately four months. I have asked people about the actual cost and as other speakers have said, they do not have a cost that is definite. The cost, which was given to me was much more than what the previous speakers have said. In fact, if I take a median, it is somewhere around \$850,000. Now, my esteemed colleagues, waiting four months so as not to burden our citizens with another \$850,000 to \$900,000 bill when they are already burdened with bills and I remind you that we are here and in the last month, we have gone over budget. How many of those budgets showed that we made profits last year? Let us use common sense with thoughtfulness and think a great deal about fiscal responsibility. I believe that if we decide to vote to do this earlier, such a cost, you will see it in the newspaper articles and I don't actually know, I can't read their minds, as to whom they will blame.

It was stated that this is Maine and we owe it to our constituents to certainly do something early and to have some sort of action. I agree with that. I ask you to please vote against this resolve and think of those people that have to put their hands in their pockets and dig deep for even the money to live on today. Thank you.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. I just have to comment on the earlier comment from the Representative from Dover-Foxcroft about the length of

my speech. Ladies and gentlemen, that was short for me. If you don't believe it, ask my students. I will be much briefer this time, but I want to address several things that are out there that really beg to have at least a brief answer. First of all, I have heard, I am a history professor, but I have heard the forestry issue is history. Ladies and gentlemen, it isn't over. It isn't history. In fact, the Forestry Compact is not even enacted until we have a second election. Let's not act like it has already taken place. We are not going to know what to do to implement it or what to put in its place until the process has been worked through. To put that off until less than a month before we come in again does not, to me, seem the most prudent and practical way to approach it. I have also heard that some are cynical about having elections in June. Heck, some people are cynical about having elections anytime, but I think it is the best investment that we have. You can't put a price tag on democracy. If we start getting into that habit of it's worth \$500 or \$500,000, we are setting a terrible precedent for the future. I would like to think that I am fiscally conservative and I think I proved that by some votes on the floor. I don't that this even fiscally prudent, let alone democratically, if you will, practical approach to this issue.

Representative Usher works at S.D. Warren. I represent the district that S.D. Warren is in. I can tell you that there are a lot of working little people, if you will, that want a resolution to this. Their paychecks and plans for the future are very dependent on us getting along with it. There was a comment that well, what about these editorials and that they were only one person's opinion. It may be a group. I know how they do these things, but whatever. I have heard plenty of people's opinion in Westbrook. They ask, why don't we get on with it? I must say, I think we should.

There was a comment that we need more time to educate the people. Let's give the people a little bit of credit here. They don't need us constantly educating them. That sounds like something a professor would say. They have heard this and they have heard that ad nauseam. They are ready to deal with it. I urge you to also be ready to deal with it and vote to move expeditiously to resolve this so we can get moving.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Members of the House. I am glad that this isn't about chickadees or we would never get out of here today. I represent a group of small towns in eastern Washington County who are just barely keeping their heads above water. They can't afford this special election. Their tax rates are sky high. Their funds that they have to put into education is overwhelming them. This election that they are calling in June would just put them further under and at the same time, I doubt whether you would get a very good turnout for that election. I hope you would join with me in defeating this motion so that we can put whatever money we would have spent in June toward our schools. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Men and Women of the House. I think we owe it to our constituents to stay out of the realm of conjecture and out of the realm of anecdotal information. To that end, I placed a phone call to a very sweet lady in my district last week. She has always been very sweet. She lives right down the street from me. Her name is Lucette Pellerin. She is our Town Clerk. I said, Lucette, what will be the effect in dollars of a special election in June on the City of Saco? She got back to me and added up what I perceive to be pretty real numbers as opposed to pie in the sky. To be specific, she would have to expend \$3,500 to pay her workers. It would cost her \$700 to program her memory cards and \$1,600 to hire the

Board of Registration for 10 days. I went to an old college professor and borrowed his calculator and added it up and I came up with a \$5,800 cost to the City of Saco. Let's say that 20 percent of the voters show up. That is a cost of roughly \$8 per vote and not a bargain to my way of thinking.

She had one more point and that was that the city clerks and town clerks throughout the state have come together on a venture that they are undertaking. Many of them began right after November 5, 1996, and that venture is the purging of their files. The National Voter Act requires that they update their voter files. That is a service in which, I'm sure we can all find value personally. They have to have this done by the year 2000. They have targeted the period from November 6, 1996 to November of 1997 to get this done. That was just the frosting on the cake in her argument as to why we should not support having an election in June. Thank you.

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

Representative THOMPSON: Thank you Madam Speaker. I can only tell you the result of this resolve on two of the towns in my district would be to hold two elections within a week. Two of my towns have their meetings on a Saturday of that week and always have their general elections for municipal officers on that Friday. They would be required to hold two elections within one week and would be calling me wondering what are we doing in Augusta?

The SPEAKER: The Chair recognizes the Representative from Sedgwick, Representative Volenik.

Representative VOLENIK: Madam Speaker, Men and Women of the House. The Agriculture, Conservation and Forestry Committee has before it a pile of bills dealing with forestry issues. Those bills will be put aside if this goes through. I am reluctantly rising to urge you to reject this Joint Order. If we pass it, there will be no time between June 10th and the end of session to deal with anything dealing with forestry of substance. Therefore, we will, in all likelihood, put off until the next year of the session any bills that are before us now. If we reject this, we still have two choices before us. We can leave the vote until November or we can call for an even quicker special election. It is possible for us to have a special election as early as two and a half months from now. If we do this, we would actually have time between what would be around May 1st and the end of session to actually deal with some of the legislation before us. Either passing it or rejecting it. We would be doing some of the people's business. If we don't do this and we pass this, we will be accomplishing nothing this year. If we don't pass this and leave it until November, we will also be accomplishing nothing this year. I would urge you to reject this and perhaps move on to a new Joint Order with an earlier date. Thank you.

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

ROLL CALL NO. 8

YEA - Ahearn, Chartrand, Dexter, Goodwin, Hatch, Jones KW, Kerr, Lemke, O'Neal, Townsend, Usher.

NAY - Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bumps, Bunker, Cameron, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Honey, Jabar, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey,

McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neil, Ott, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Treadwell, Tripp, True, Tuttle, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

ABSENT - Barth, Campbell, Dutremble, Paul, Underwood.

Yes, 11; No, 135; Absent, 5; Excused, 0.

11 having voted in the affirmative and 135 voted in the negative, with 5 being absent, the Joint Order (H.P. 665) failed of passage.

Bill "An Act to Amend the Watercraft Registration Laws" (EMERGENCY) (H.P. 564) (L.D. 755)
(Committee on **Inland Fisheries and Wildlife** suggested)
TABLED - February 6, 1997 by Representative PAUL of Sanford.
PENDING - Reference.

Representative SAXL of Portland moved that the Bill be referred to the Committee on **Inland Fisheries and Wildlife**.

On motion of Representative TRIPP of Topsham, tabled pending the motion of Representative SAXL of Portland that the Bill be referred to the Committee on **Inland Fisheries and Wildlife** and later today assigned.

Bill "An Act to Grandfather Existing Structures in Relation to Fire Doors and Exits" (H.P. 725) (L.D. 989)
(Committee on **Criminal Justice** suggested)
TABLED - February 11, 1997 (Till Later Today) by Representative POVICH of Ellsworth.
PENDING - Reference.

On motion of Representative POVICH of Ellsworth, the Bill was referred to the Committee on **Legal and Veterans Affairs**, ordered printed and sent up for concurrence.

Bill "An Act to Promote Commercial Aquaculture" (H.P. 688) (L.D. 952)
(Committee on **Marine Resources** suggested)
TABLED - February 11, 1997 (Till Later Today) by Representative ETNIER of Harpswell.
PENDING - Reference.

On motion of Representative ETNIER of Harpswell, 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:

Bill "An Act to Amend the Revised Maine Securities Act" (H.P. 717) (L.D. 981)
(Committee on **Business and Economic Development** suggested)
TABLED - February 11, 1997 by Representative VIGUE of Winslow.
PENDING - Reference.

On motion of Representative VIGUE of Winslow, the Bill was referred to the Committee on **Banking and Insurance**, ordered printed and sent up for concurrence.

Bill "An Act to Make the Commissioner of Inland Fisheries and Wildlife an Elected Position" (H.P. 698) (L.D. 962)
(Committee on **State and Local Government** suggested)
TABLED - February 11, 1997 by Representative AHEARNE of Madawaska.

PENDING - Reference.

On motion of Representative AHEARNE of Madawaska, the Bill was referred jointly to the Committee on **State and Local Government** and the Committee on **Inland Fisheries and Wildlife**.

BILL HELD

Expression of Legislative Sentiment recognizing the Belfast High School Boys Football Team (SLS 26)
HELD at the Request of Representative DONNELLY of Presque Isle.

On motion of Representative DONNELLY of Presque Isle, the House reconsidered its action whereby the Legislative Sentiment (SLS 26) was passed.

On further motion of the same Representative, the Legislative Sentiment was indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth who wishes to speak on the record.

Representative BARTH: Thank you Madam Speaker. Unfortunately, ladies and gentlemen, I was just coming through the door when the vote closed on the forestry issue that we were debating and I think from my sentiments expressed on the record, had I been here, I would have been with the majority in voting that down. Thank you.

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

SENATE PAPERS

The following Joint Order: (S.P. 323)

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, February 18, 1997, at 10:00 o'clock in the morning.

Came from the Senate, read and passed.
Was read and passed in concurrence.

Bill "An Act to Promote Investments in Maine through the Establishment of Merchant Banking Organizations" (EMERGENCY) (S.P. 313) (L.D. 1022)

Bill "An Act to Provide Health Insurance Coverage for Prostate Cancer Screening" (S.P. 320) (L.D. 1060)

Bill "An Act to Authorize State-chartered Community Development Credit Unions" (S.P. 321) (L.D. 1061)

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

Were referred to the Committee on **Banking and Insurance** in concurrence.

Resolve, Directing the Office of Tourism and Community Development and the Maine Tourism Commission to Include Lewiston as Part of Southern or South-central Maine (S.P. 315) (L.D. 1055)

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

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

Resolve, to Name the Richardson Township Boat Landing "Georges Landing" (S.P. 314) (L.D. 1054)

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

(The Committee on Reference of Bills had suggested reference to the Committee **Agriculture, Conservation and Forestry**)

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

Bill "An Act Allowing Increased Flexibility of Swing Beds" (S.P. 311) (L.D. 1020)

Bill "An Act to Promote the Establishment of Individual Development Accounts by Low-income Families" (S.P. 312) (L.D. 1021)

Bill "An Act to Establish the Maine Compassionate Use Act" (S.P. 319) (L.D. 1059)

Came from the Senate, referred to the Committee on **Health and Human Services** and Ordered Printed.

Were referred to the Committee on **Health and Human Services** in concurrence.

Bill "An Act to Amend the Laws Regarding Wrongful Death and Recoveries for Wrongful Death" (S.P. 317) (L.D. 1057)

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

Was referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Strengthen the Sanctions for Failure to Respond to an Employee's Request for Reason for Termination of Employment" (S.P. 309) (L.D. 1018)

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

Was referred to the Committee on **Labor** in concurrence.

Bill "An Act to Authorize Courts to Suspend Driving Privileges for Youth Who Violate Tobacco Laws" (S.P. 316) (L.D. 1056)

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

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

Bill "An Act to Allow Foam Food and Beverage Containers in School Cafeterias" (S.P. 310) (L.D. 1019)

Bill "An Act to Require Legislative Review of Any Proposed Interstate Agreement Related to the Atmospheric Transport of Ozone" (S.P. 318) (L.D. 1058)

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

Were referred to the Committee on **Natural Resources** in concurrence.

Reported Pursuant to Statutes

Report of the Judicial Compensation Commission pursuant to the Maine Revised Statutes, Title 4, section 1701 asks leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission" (S.P. 322) (L.D. 1062) be referred to the Joint Standing Committee on **Judiciary** for public hearing and printed pursuant to Joint Rule 218.

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

Was referred to the Committee on **Judiciary** in concurrence.

The following Joint Resolution: (S.P. 324)
JOINT RESOLUTION RECOGNIZING THE 20TH
ANNIVERSARY
OF THE ALBION LIONS CLUB

WHEREAS, the Albion Lions Club is celebrating its 20th Anniversary on February 15, 1997; and

WHEREAS, the Albion Lions Club is a service organization dedicated to helping citizens throughout the greater Albion area; and

WHEREAS, the members of the Albion Lions Club have contributed countless hours to the Albion Field Days; and

WHEREAS, the Albion Lions Club service also extends to providing eyewear for those in need; and

WHEREAS, the members of the Albion Lions Club deserve our gratitude and respect for their dedicated service to the community; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the First Regular Session, take this opportunity to offer our congratulations and best wishes to the members of the Albion Lions Club on the occasion of their organization's 20th anniversary; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Albion Lions Club as a token of our high esteem.

Came from the Senate read and adopted.

Was read and adopted in concurrence.

Non-Concurrent Matter

Bill "An Act to Promote Snowmobile Safety by Restricting the Transport of Alcoholic Beverages to Sleds Pulled by Snowmobiles" (H.P. 673) (L.D. 925) which was referred to the Committee on **Legal and Veterans Affairs** in the House on February 11, 1997.

Came from the Senate referred to the Committee on **Inland Fisheries and Wildlife** in non-concurrence.

The House voted to Recede and Concur.

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

Bill "An Act to Amend the Watercraft Registration Laws" (EMERGENCY) (H.P. 564) (L.D. 755) which was tabled by Representative TRIPP of Topsham pending the motion of Representative SAXL of Portland to refer to the Committee on **Inland Fisheries and Wildlife**.

Representative SAXL of Portland withdrew his motion to refer the Bill to the Committee on **Inland Fisheries and Wildlife**.

On motion of Representative TRIPP of Topsham, the Bill was referred to the Committee on **Taxation**, ordered printed and sent up for concurrence.

On motion of Representative DONNELLY of Presque Isle, the House adjourned at 4:45 p.m., pursuant to the Joint Order (S.P. 323) and in honor and lasting tribute to the memory of Robert E. Murray, Sr., and Dr. Debra J. Summers.