

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
29th Legislative Day
Wednesday, March 26, 1997

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

Prayer by Reverend Gary R. Akeley, Strong United Methodist Church.

National Anthem by the Maine School of Science and Mathematics, Limestone.

Pledge of Allegiance.

Doctor of the day, Brian M. Jumper, M.D., Falmouth.

The Journal of yesterday was read and approved.

SENATE PAPERS
Divided Report

Majority Report of the Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-60) on Bill "An Act to Decrease the Time Period Allowed for the Rescission of a Time-share Contract" (S.P. 65) (L.D. 184)

Signed:

Senators: JENKINS of Androscoggin

MacKINNON of York

RAND of Cumberland

Representatives: VIGUE of Winslow

MURPHY of Kennebunk

FARNSWORTH of Portland

CAMERON of Rumford

SIROIS of Caribou

SHANNON of Lewiston

MacDOUGALL of North Berwick

MACK of Standish

WRIGHT of Berwick

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

Signed:

Representative: BODWELL of Brunswick

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-60).

Was read.

On motion of Representative VIGUE of Winslow, the Majority "**Ought to Pass**" Report was accepted.

The Bill was read once. Committee Amendment "A" (S-60) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, March 27, 1997.

COMMUNICATIONS

The following Communication: (H.C. 107)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE
March 24, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has

voted unanimously to report the following Bills out "Ought Not to Pass":

L.D. 900 An Act Regarding the Decision by an Insurance Carrier Whether to Cover Certain Services

L.D. 911 An Act to Define the Diagnosis of Pregnancy for the Purposes of Insurance Coverage

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

Sincerely,

S/Sen. Lloyd P. LaFountain, III S/Rep. Jane W. Saxl

Senate Chair

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 108)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
March 24, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following Bills out "Ought Not to Pass":

L.D. 586 An Act to Ensure that Children in Kindergarten to Grade 6 Have Complete School Vision Screening

L.D. 684 An Act to Organize Schools in the Unorganized Territory as a Single School Administrative Unit

L.D. 685 An Act to Limit Reimbursement for Administrative Expenses Based on the Size of a Local Educational Unit

L.D. 754 Resolve, to Create a Study Committee to Examine School Union Organization and Governance Issues

L.D. 793 An Act to Require that Medication in Schools be Administered by Licensed Personnel

L.D. 947 An Act to Include Youth in Public Service

L.D. 953 An Act to Ensure That the Technical College System Is More Responsive to the Needs of the State

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

Sincerely,

S/Sen. Peggy A. Pendleton S/Rep. Shirley K. Richard

Senate Chair

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 109)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY
March 24, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following Bills out "Ought Not to Pass":

L.D. 730 An Act to Limit Adverse Possession
L.D. 1081 An Act to Clarify the Adoption Laws
L.D. 1088 An Act to Clarify the Interpretation of Property Descriptions

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

Sincerely,

S/Sen. Susan W. Longley S/Rep. Richard H. Thompson
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 110)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following Bills out "Ought Not to Pass":

L.D. 485 An Act to Limit the Taking of Sea Urchins
L.D. 992 An Act to Amend the Sea Urchin Management Plan

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

Sincerely,

S/Sen. Jill M. Goldthwait S/Rep. David Etnier
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 111)

STATE OF MAINE

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

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following Bills out "Ought Not to Pass":

L.D. 1031 An Act Relating to the Use and Reclamation of Number One Pond in Sanford
L.D. 1299 Resolve, to Establish the Council on Environmental Monitoring and Assessment

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

Sincerely,

S/Sen. Sharon Treat S/Rep. G. Steven Rowe
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 112)

STATE OF MAINE

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

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following Bills out "Ought Not to Pass":

L.D. 449 An Act to Create a Legislative Finance Office
L.D. 926 Resolve, Creating a Special Commission to Erect a Plaque in the Hall of Flags Honoring Those Who Served in the Civilian Conservation Corps from Maine

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

Sincerely,

S/Sen. John M. Nutting S/Rep. Douglas J. Ahearne
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 113)

STATE OF MAINE

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

March 24, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following Bills out "Ought Not to Pass":

L.D. 617 An Act to Prohibit Passing an Emergency Vehicle Using Its Lights and Siren
L.D. 700 An Act to Authorize the Department of Transportation to Cut Brush and Trees along a Highway at the Request of a Business
L.D. 1039 An Act Relating to the Use of Railbeds as Recreational Trails
L.D. 1125 An Act to Amend the Laws Governing Driver's Licenses

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

Sincerely,

S/Sen. William B. O'Gara S/Rep. Joseph D. Driscoll

Senate Chair House Chair
Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Business and Economic Development

Bill "An Act to Limit Indemnification in Construction Contracts" (H.P. 1179) (L.D. 1670) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: CIANCHETTE of South Portland, MADORE of Augusta, NASS of Acton, Senator: MILLS of Somerset)

Bill "An Act to Establish the Licensing of Sexual Assault Nurse Examiners" (H.P. 1181) (L.D. 1672) (Presented by Representative LINDAHL of Northport) (Cosponsored by Senator PARADIS of Aroostook and Representatives: MARVIN of Cape Elizabeth, POWERS of Rockport, Senator: SMALL of Sagadahoc)

Criminal Justice

Bill "An Act Related to Bind-over of Older Juveniles Who Commit Certain Offenses" (H.P. 1183) (L.D. 1674) (Presented by Representative THOMPSON of Naples) (Cosponsored by Senator BENOIT of Franklin and Representatives: JONES of Greenville, MUSE of South Portland, POVICH of Ellsworth, Senators: BENNETT of Oxford, MITCHELL of Penobscot) (Submitted by the Department of Corrections pursuant to Joint Rule 204.)

Education and Cultural Affairs

Bill "An Act Concerning the Calculation of the State's Share of School Funding" (H.P. 1180) (L.D. 1671) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representatives: GAGNE of Buckfield, SIROIS of Caribou, VOLLENIK of Brooklin)

Health and Human Services

Bill "An Act to Amend the Child and Family Services and Child Protection Act" (H.P. 1182) (L.D. 1673) (Presented by Representative MARVIN of Cape Elizabeth) (Cosponsored by Representatives: MADORE of Augusta, MITCHELL of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 204.)

Bill "An Act to Preserve Live Harness Racing in the State" (H.P. 1185) (L.D. 1676) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Senator NUTTING of Androscoggin and Representatives: CHICK of Lebanon, LABRECQUE of Gorham, SAVAGE of Union, TRUE of Fryeburg, VIGUE of Winslow)

Committee on **Agriculture, Conservation and Forestry** suggested.

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

Bill "An Act Regarding the Relocation of a Child by a Parent Having Primary Physical Custody" (H.P. 1178) (L.D. 1669) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: CAMPBELL of Holden, LANE of Enfield, MADORE of Augusta)

Committee on **Health and Human Services** suggested.

On motion of Representative MITCHELL of Portland, the Bill was referred to the Committee on **Judiciary**, ordered printed and sent up for concurrence.

Bill "An Act to Amend the Victims' Compensation Fund" (H.P. 1184) (L.D. 1675) (Presented by Representative THOMPSON of Naples) (Submitted by the Department of the Attorney General pursuant to Joint Rule 204.)

Committee on **Judiciary** suggested.

On motion of Representative THOMPSON of Naples, tabled pending reference to the Committee on **Judiciary** and later today assigned.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought Not to Pass**" on Bill "An Act to Allow Field Testing of Unregistered Snowmobiles Repaired by Licensed Snowmobile Repair Shops" (H.P. 57) (L.D. 82)

Signed:

Senators: KILKELLY of Lincoln
RUHLIN of Penobscot
HALL of Piscataquis

Representatives: PAUL of Sanford
CHICK of Lebanon
UNDERWOOD of Oxford
TRUE of Fryeburg
USHER of Westbrook
GOODWIN of Pembroke
CROSS of Dover-Foxcroft

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-99) on same Bill.

Signed:

Representatives: CLARK of Millinocket
DUNLAP of Old Town
PERKINS of Penobscot

Was read.

Representative PAUL of Sanford moved that the House accept the Majority "**Ought Not to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Men and Women of the House. I introduced this piece of legislation. I hope you do not accept the Majority "Ought Not to Pass" Report. There was a situation in my area regarding snowmobiles and to be more precise, with the neighbors north of my area in Canada. If Canadians want to have their snowmobiles repaired in my area, they would have to have them be registered in Maine. This bill will merely allow them to have them repaired in Maine and not be required to be registered in Maine. The mere fact that

when they test drive the snowmobiles and those who own snowmobiles, you can't just have them brought to the shop and not have them brought out to see if the repairs are being done and to see if the repairs have, in fact, been made on the snowmobiles. It was brought to my attention from a constituent the fact that he was test driving the snowmobile, one owned by a Canadian from New Brunswick and was stopped and pulled over by a warden and being told he must have it registered in Maine in order to test drive it. This bill merely sets up a procedure similar to a snowmobilers license in which it will allow field testing repairs on unregistered snowmobiles.

A dealer or repair shop will obtain what is called a snowmobile repair license. The fee is only \$15. It is to be no more than \$15 and that is included merely to cover the cost of the registration with the department for administration purposes. The reason why it is not to exceed \$15 is because it is to mirror what the fee is for a snowmobilers license. This is an issue that has arisen in my area. It continues to be a problem for the mere fact that Canadians wish to have their snowmobiles repaired in Maine. The cost is cheaper than it is in their province. I believe this will provide my area with a little bit more incentive, economic prosperity, in terms of allowing Canadians to have their snowmobiles tested or repaired here in Maine and not be required to have them registered.

One part of the bill is if somebody took it to have it field tested, they could not, for example, have a fun drive to test it not being registered in Maine. They must have this dealers plate and the repair shops have to have this snowmobile repaired. It is in my opinion, common sense. I wish you not to accept the Majority "Ought Not to Pass" Report. Madam Speaker, I request a roll call.

Representative AHEARNE of Madawaska requested a roll call on the motion to accept the Majority "**Ought Not to Pass**" Report.

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 Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I must confess this is the first time I have seen this bill. It seems to me that if you consider out of the land border in Maine, we are bordered by two Canadian Provinces and one state. All of which has many, many people riding snowmobiles. We continue to talk about small business and economic development in this state. It seems to me that this is a very, very simple thing that Representative Ahearne has brought forward that affects much more than just northern Aroostook County. If those of you who were here last session remember, the lady that sat in my chair, Representative Murphy, talked about the border county all the time. She didn't realize that Oxford and York both bordered on New Hampshire, but they do. She actually did, but I always pulled her leg about that. Nonetheless, those of us that live in those border counties, we are affected by what goes on in other areas. It seems to me that it makes very good sense to give these small businessmen in these border communities the opportunity to do this one small thing. It doesn't cost anybody anything. It doesn't cost the State of Maine any money. It doesn't affect the taxpayers negatively. If we can confine this effort to allowing these repair people to do a field test, we are talking about a 10-minute ride or 15-minute ride at most. What possible harm can it do? I am totally unclear of why this wouldn't make sense.

Again, to me this is a small business issue and as you travel further north and get closer to the border it becomes more and more of an issue. I think Representative Ahearne has brought a good bill, a very simple bill and a very helpful small business bill.

We continue to talk about helping small business. Here is an opportunity to do it. I urge you not to support the Majority Report so we can go on to pass the Minority Report. Thank you very much.

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

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. Here we go again. We are being asked, the Inland Fisheries and Wildlife, is being asked, to tack on another problem that will give that department, enforcement and administrative costs, that they are not receiving. The department is against this bill and they have concerns that it will create administrative and enforcement problems. The existing snowmobile dealer program is difficult to enforce and this law would merely create another enforcement problem. There is also the problem of businesses that lease snowmobiles. They are not regulated in any way. We feel that licensing the dealers repair shop and licensing the snowmobile could be considered at a later time. We are sympathetic to the idea, but we should not rush into this at this time. I would recommend strongly that you support the Majority "Ought Not to Pass" Report.

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

Representative PERKINS: Madam Speaker, Men and Women of the House. I have been asked by several people around here why my name is on this minority side. I was mildly interested in putting my name on that side because of the small business aspect. It is true as Representative Paul says, it does put, it seems like we have an endless number of requests for the Warden Service, another slight request. What I have been asking them to do on the committee is to prioritize their time. In the interest of small business, I think there is a good argument for voting against the Majority Report.

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

Representative DONNELLY: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative DONNELLY: Thank you. This has some implications for my neck of the woods, which isn't very far from Representative Ahearne. I have heard the argument why we should vote against this is because of the extra burden it lays on the department. No one has said what the extra burden that is laid on the department is for test driving. Before I vote on this issue I would like some clarification on that if somebody would. Thank you.

The SPEAKER: The Representative from Presque Isle, Representative Donnelly has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. It is rare that I vote against anything that will help those of us who are on the border. If you have been reading your papers, you will find that we are having a great deal of difficulty with snowmobiles, in that many, many of them are not adhering to the law. Testimony certainly showed that we have many snowmobilers out there with unregistered vehicles. Therefore, if we allow this, there will be even more. We felt strongly that this would help us, perhaps, curb this and other activities that would cause a problem in this area. Chairman Paul has certainly stated it correctly that, we thought that giving a little more time, we felt that this was not the vehicle and maybe certainly something will be done in the immediate future to help out. I would ask you to support the majority vote.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. To address the concerns about the ministry of cost, I believe that the \$15 for the fee for the license, repair shop license, would, in fact, cover some of those costs and maybe even in terms for the department of enforcement. In terms of unregistered snowmobiles flying all over the state, it is my opinion under Paragraph 3 of the bill under Section 1, covers that issue. If they want to test drive for field testing repairs, they must have a valid snowmobile repair shop number plate issued under this subsection. It must be affixed to the snowmobile during the field test and that the snowmobile is not owned by the snowmobile repair shop or any person employed by the snowmobile repair shop. I think those are adequate safeguards. I think this bill is, as Representative Cameron said, good for local business. I ask you to reject the Majority "Ought Not to Pass" Report.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. We discussed this bill quite thoroughly in the committee. As you can see it was a sizable majority. One of the major problems that we are having in Inland Fisheries and Wildlife is to balance the budget, which we all have been through, just recently, by the way. But, one of the big drawbacks in Inland Fisheries and Wildlife is we have been trying to overcome a \$700,000 deficit on a yearly basis. We are stretched thin with our wardens forces and we felt that the wardens should be looking after the wildlife and the game rather than chasing after snowmobiles, which they are doing more of than they ever did before. This puts another burden on them in enforcement and I urge you, strongly, to accept the Majority "Ought Not to Pass." Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: Thank you. If this bill is not passed, what will the people that operate these repair shops do about field testing their machines?

The SPEAKER: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Madam Speaker, Men and Women of the House. I have posed the same question to myself on this very issue because I don't really understand, as I am on the minority on this, how it elevates enforcement problems to basically mandate the wardens having to enforce riding unregistered snowmobiles. If you make it legal for these repair shops to field test snowmobiles, then they don't have to enforce that. It is not a crime for them to be riding the unregistered snowmobile. If it is crime for them to be riding the unregistered snowmobile, then that must be so enforced. I don't see how this really elevates the mission or mitigates the mandate of the Warden Service to maintain safety on the trails. The real problem on the snowmobile trails is lawlessness of the riders. It is not whether or not they have registered their snowmobile or not. I don't think that this is necessarily, from my view point on the minority, an enforcement problem.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. Representative Dunlap is correct. The problem is not registration. The problem is irresponsible drivers. Whether or not these are registered is not going to make a

difference whether or not people drive sensibly on the trail. I am a snowmobiler and I see those things everyday on the trail that people shouldn't be doing. Every one of us in here that does snowmobile does see that.

What I wanted to do mention was what we are presently doing by barring this activity and by the way, registering a snowmobile, if you ride on private property, rarely riding on state property, we are requiring people to pay a registration to ride on somebody else's land to begin with. We are having people come down here from Canada or New Hampshire drive into Maine with their car, go to a local repair shop, have their car repaired and then arrest them when you take the car out to test it on the road because it doesn't have a Maine license. That doesn't make any sense and nobody in this room would accept that if we tried to enforce that kind of a law. Nobody would accept that and these are on public highways. Now we are talking about a piece of equipment that rides on private property, for the most part, pays the state the right to ride on somebody else's property and now we are going to arrest them. It makes no sense to me. Again, I say, this is like a car repair shop repairing a Canadian car and driving on a Maine road and arrest them because they don't have a Maine license. How long would the tourism industry stand for that? They wouldn't. This is the very same thing. Again, I ask you to defeat this report so we can pass the minority.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 61

YEA - Brennan, Bull, Campbell, Chick, Clukey, Cross, Dexter, Fisk, Gagne, Goodwin, Jabar, Jones KW, Kontos, LaVerdiere, McElroy, Paul, Povich, Saxl MV, Taylor, Townsend, True, Tuttle, Usher, Volenik.

NAY - Ahearn, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bouffard, Bragdon, Brooks, Buck, Bumps, Bunker, Cameron, Carleton, Chartrand, Chizmar, Cianchette, Clark, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Foster, Frechette, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Hatch, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemaire, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Peavey, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Thompson, Tobin, Treadwell, Underwood, Vedral, Vigue, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright.

ABSENT - Bodwell, Bolduc, Bruno, Colwell, Fuller, Lemke, Pendleton, Plowman, Sanborn, Tessier, Tripp, Madam Speaker.

Yes, 24; No, 115; Absent, 12; Excused, 0.

24 having voted in the affirmative and 115 voted in the negative, with 12 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-99) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-97) on Bill "An Act to Protect Deer" (H.P. 99) (L.D. 123)

Signed:

Senators: KILKELLY of Lincoln
RUHLIN of Penobscot
HALL of Piscataquis

Representatives: PAUL of Sanford
CHICK of Lebanon
DUNLAP of Old Town
UNDERWOOD of Oxford
TRUE of Fryeburg
USHER of Westbrook
GOODWIN of Pembroke
CROSS of Dover-Foxcroft

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (H-98) on same Bill.

Signed:

Representatives: CLARK of Millinocket
PERKINS of Penobscot

Was read.

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

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

Representative PERKINS: Madam Speaker, Ladies and Gentlemen of the House. It is good to be in the real heavy duty stuff after the budget and the last bill we took up last night.

The SPEAKER: Would the Representative please speak directly into the microphone. I am having trouble hearing. I am not sure about the other members. Thank you.

Representative PERKINS: Thank you. If you will take a look at the bill, there really is no disagreement between the minority and the majority as far as trying to do something to protect the deer in the deer yards. As far as coyote control goes, we have tried bounties and other states all across the country and we found them to be useless. There is a fair consensus that when the deer are concentrated in the yards and the coyotes concentrate on the deer, that expert trappers can do something about them at least on a temporary basis, to help the deer get through the winter.

The Majority Report would take money for this control from the existing damage control money, 75 percent of it. The testimony in our committee was pretty heavily against doing this because deer perdition by coyotes is a problem, but most of this money is needed for beaver control because of the damage the beavers do on the highways.

The Minority Report asks for money to be taken out of the existing budget of the wardens and the biologists. It would be \$5,000 a year out of each. In that, there again as I mentioned on the last bill, it is a matter of prioritizing. For example, the Warden Service sent us a letter in the committee saying that one of the things they do, it is true, we ask them to do more and more all the time. One of the things they do is prosecute drug cases. In the last year they prosecuted 115 drug cases, this is the Fish and Wildlife Department. In the letter they stated that the majority of these were minor, minor offenses. Small quantities of drugs or paraphernalia. One is not saying, I certainly am not saying, that we should turn our back on these things. The wardens do a wonderful job.

The SPEAKER: For what purpose does the Representative rise?

Representative CHICK: I rise to question the germaneness of the present speaker to the subject being discussed.

Representative CHICK of Lebanon requested a ruling by the Chair on the germaneness of the discussion to the Bill.

The SPEAKER: The Representative has stated a point of parliamentary inquiry. The Chair apologizes to both Representatives. She was conducting business on the phone and if the speaker was straying from the point of the report, the Chair would advise him to return to addressing the remarks.

The Chair ruled the discussion was germane to the Bill.

Representative PERKINS: Thank you very much. I think I am directly to the point. I am talking about prioritizing our money. Granted, we don't ask any law enforcement officer who takes the oath saying that they will defend the laws in the Constitution, they can't ignore violations. What we are asking to do is to prioritize, as we would a police officer that perhaps sat behind a remote stop sign way out on the back road and waited for someone who didn't fully stop. What we are talking about is minor offenses here and using some of the money that we might be prosecuting these 115 drug cases with, to do things like this; to protect our deer herds in the yards. That is all the Minority Report does. It uses existing money and to prioritize your time and try to do something to protect these deer. Thank you.

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

Representative CLARK: Madam Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion. Representative Perkins and I thought that it was very convenient to have our own amendment to this bill take money out of personal services and money out of the resource management account instead of the account, which we have now. As you know, we have had a budget crisis of over \$700,000 in the last two years. We have taken money out of the account to cover those circumstances. If we keep on taking money out of that account, there won't be anything left next year or the year after. Five thousand dollars a year from enforcement operations isn't that much to give up and also \$5,000 out of personal services. The wardens are out there anyway. They can see what is going on with the deer population from coyote control. Madam Speaker, when the vote is taken, I would request the yeas and nays.

Representative CLARK of Millinocket requested a roll call on the motion to accept the Majority "**Ought to Pass**" as amended Report.

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 Dover-Foxcroft, Representative Cross.

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. This bill is "An Act to Protect Deer." One of the biggest and largest amounts of money spent in the state in tourism and that kind of thing is hunting. This is an effort to try to protect the deer herd. The money that they are talking about, again, has to be paid for if the wardens are being used to do this. What this does really, totally, is it allows agents to be trained by the Warden Service to set snares and those kinds of things near deer yards to protect the deer from being slaughtered by coyotes. The biggest problem we have had, specifically, is coyotes killing too many deer. Forget the transfer of dollars, if you will, because that is an interdepartmental process and remember what you are voting for. You are voting on "An Act to Protect Deer." Thank you very much.

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

Representative USHER: Madam Speaker, Members of the House. This is a small amount of money when you are asking to protect the deer herd of the State of Maine, \$5,000 each year. This was part of the budget process. It is nothing but the

department being responsible to the committee. The committee has asked the department to be responsible and in their presentation we went through every bit of their budget, line item. Stop and think, \$5,000 for the whole State of Maine. This is a good resource and we have to protect it.

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

Representative PERKINS: Madam Speaker, Ladies and Gentlemen of the House. I am sorry to take so long on this one. I just wanted to make sure you understand what you are voting on. The Minority Report and Majority Report both take the same amount of money for the same project, okay, to protect deer from the coyotes in the deer yards. Both the minority and the majority are the same money to do the same job. The only difference is where the money comes from. The carrying account that the majority talks about taking the money from is excess money that people who buy hunting and fishing licenses. It is excess money that we have paid and is sitting in this account. The Minority Report asks for the same amount of money and the same effort, but to be done in the existing budget. The state will prioritize their time and their money. Thank you.

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

Representative PAUL: Madam Speaker, Men and Women of the House. The good Representative from Oxford is right. I guess it all depends where the money comes from. During the last budget work sessions that we had with the Department of Inland Fisheries and Wildlife, let's not forget that the committee with the Appropriation Committee's approval, we deducted from the department \$480,000 over the biennium that the commissioner has to find by leaving positions vacant and so forth within the department. You can stretch that rubber band only so far before it breaks. The Minority Report would affect positions for the Warden Service and the biologists. They are hurting right now. We can't afford to lose anymore. The Majority Report takes the money out of the carrying account, from what I understood this morning, it has approximately \$3 million in it. We would take that money from their carrying account. Please consider voting for the Majority Report.

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

ROLL CALL NO. 62

YEA - Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Buck, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clukey, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Hatch, Honey, Jones KW, Jones SA, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, Ott, Paul, Peavey, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stedman, Stevens, Taylor, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Tuttle, Underwood, Usher, Vedral, Vigue, Watson, Wheeler EM, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Ahearne, Barth, Clark, Fisk, Jones SL, Joy, Layton, Mack, Mayo, McAlevey, McElroy, O'Neil, Perkins, Pinkham RG, Pinkham WD, Stanley, Volenik, Waterhouse, Winn, Winsor.

ABSENT - Bagley, Bodwell, Bruno, Chartrand, Colwell, Green, Jabar, Pendleton, Plowman, Tessier.

Yes, 121; No, 20; Absent, 10; Excused, 0.

121 having voted in the affirmative and 20 voted in the negative, with 10 being absent, the motion to accept the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-97) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on **Criminal Justice** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-103) on Bill "An Act to Permit Investigative Officers within the Employ of the Department of Corrections to Exercise the Powers of Law Enforcement Officers" (H.P. 246) (L.D. 310)

Signed:

Senators: MURRAY of Penobscot
O'GARA of Cumberland
MITCHELL of Penobscot

Representatives: O'BRIEN of Augusta
PEAVEY of Woolwich
McALEVEY of Waterboro
POVICH of Ellsworth
JONES of Greenville
TOBIN of Dexter
BUNKER of Kossuth Township
FRECHETTE of Biddeford
WHEELER of Bridgewater

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

Signed:

Representative: MUSE of South Portland
Was read.

On motion of Representative POVICH of Ellsworth the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-103) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on **Natural Resources** reporting "Ought Not to Pass" on Bill "An Act to Establish Cost-benefit Analysis for Environmental Rules" (H.P. 433) (L.D. 583)

Signed:

Senators: TREAT of Kennebec
NUTTING of Androscoggin
BUTLAND of Cumberland
Representatives: ROWE of Portland
COWGER of Hallowell
JONES of Greenville
MERES of Norridgewock
SHIAH of Bowdoinham
BULL of Freeport
McKEE of Wayne

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-95) on same Bill.

Signed:

Representatives: DEXTER of Kingfield
FOSTER of Gray
NICKERSON of Turner

Was read.

Representative ROWE of Portland moved that the House accept the Majority "**Ought Not to Pass**" Report.

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

Divided Report

Majority Report of the Committee on **Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-96) on Bill "An Act to Amend the Laws Regulating the Installation and Inspection of Septic Systems" (H.P. 442) (L.D. 592)

Signed:

Senators: TREAT of Kennebec

NUTTING of Androscoggin

Representatives: ROWE of Portland

SHIAH of Bowdoinham

BULL of Freeport

COWGER of Hallowell

JONES of Greenville

McKEE of Wayne

DEXTER of Kingfield

NICKERSON of Turner

MERES of Norridgewock

FOSTER of Gray

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

Signed:

Senator: BUTLAND of Cumberland

Was read.

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

The Bill was read once. Committee Amendment "A" (H-96) was read by the Clerk and adopted. The Bill was assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 205) (L.D. 258) Bill "An Act Concerning Compensation under the Natural Resources Protection Laws" Committee on **Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-111)

(H.P. 339) (L.D. 461) Bill "An Act to Include Domestic Water Fowl in the Animal Trespass Statutes" Committee on **Agriculture, Conservation and Forestry** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-113)

(H.P. 369) (L.D. 514) Bill "An Act to Provide Limited Voting Authority for Associate Supervisors of Maine's Soil and Water Conservation Districts" Committee on **Agriculture, Conservation and Forestry** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-112)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 27, 1997 under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 26) (L.D. 24) Bill "An Act to Clarify the School Budget Approval Process"

(S.P. 212) (L.D. 671) Bill "An Act Concerning Towing in Cable Areas"

(S.P. 265) (L.D. 873) Resolve, to Appoint a Study Group to Determine How to Consolidate and Preserve the Health Sciences Library in Maine

(S.P. 340) (L.D. 1118) Bill "An Act to Amend the Oil and Solid Fuel Board Laws"

(S.P. 46) (L.D. 156) Bill "An Act to Amend the Charter of the Loring Development Authority as It Pertains to Immunity of the Authority" (EMERGENCY) (C. "A" S-63)

(S.P. 86) (L.D. 266) Bill "An Act to Conform State Laws Regarding Fair Housing for Older Persons with Federal Laws" (C. "A" S-59)

(S.P. 115) (L.D. 394) Bill "An Act to Preserve Senior Volunteerism" (C. "A" S-61)

(S.P. 129) (L.D. 408) Bill "An Act to Include Operation and Maintenance in the Life-cycle Costs Analysis Required for Public Improvements" (C. "A" S-62)

(S.P. 162) (L.D. 491) Bill "An Act to Repeal Provisions of the Probate Code Relating to Depositing Wills in Court within the Testator's Lifetime" (C. "A" S-48)

(S.P. 178) (L.D. 561) Bill "An Act to Provide the Maine Turnpike Authority with Representation on the State Employee Health Commission" (C. "A" S-54)

(S.P. 237) (L.D. 806) Bill "An Act to Include Health Maintenance Organizations in the Bureau of Insurance's Regulatory Assessment" (C. "A" S-55)

(S.P. 253) (L.D. 822) Bill "An Act to Grant Visually Impaired Operators of Government Vending Facilities Access to State Health Insurance at Their Own Expense" (C. "A" S-56)

(S.P. 313) (L.D. 1022) Bill "An Act to Promote Investments in Maine through the Establishment of Merchant Banking Organizations" (EMERGENCY) (C. "A" S-57)

(S.P. 474) (L.D. 1476) Bill "An Act Making Unified and Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (Governor's Bill) (C. "A" S-47)

(H.P. 405) (L.D. 550) Bill "An Act to Ensure Fairness to Merchants under an Implied Warranty of Merchantability"

(H.P. 874) (L.D. 1191) Resolve, Regarding Legislative Review of Chapter 850, Health Plan Accountability, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (EMERGENCY)

(H.P. 31) (L.D. 56) Bill "An Act to Increase the Fee That May Be Assessed against a Prisoner to Help Defray the Costs of Incarceration" (C. "A" H-102)

(H.P. 208) (L.D. 261) Bill "An Act to Establish the Crime of Elevated Aggravated Assault" (C. "A" H-101)

(H.P. 271) (L.D. 335) Bill "An Act to Prohibit Certain Activities by Insurance Adjusters" (C. "A" H-107)

(H.P. 381) (L.D. 526) Bill "An Act to Establish a Part-time Liquor License" (C. "A" H-94)

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

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

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Exempt Churches from the Real Estate Transfer Tax" (S.P. 17) (L.D. 15) (C. "A" S-32)

Bill "An Act to Amend the Marine Resources Special Licensing Laws to Provide for Test Marketing and Development of New Seafood Products" (EMERGENCY) (H.P. 157) (L.D. 199) (C. "A" H-84)

Bill "An Act to Amend the Maine Consumer Credit Code" (H.P. 554) (L.D. 745) (H. "A" H-105 to C. "A" H-90)

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

Bill "An Act to Amend the Site Law Concerning State and Local Review of Transmission Lines" (S.P. 79) (L.D. 218) (C. "A" S-31)

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

On motion of Representative ROWE of Portland was set aside.

On further motion of the same Representative, the House reconsidered adoption of Committee Amendment "A" (S-31).

The same Representative presented House Amendment "A" (H-106) to Committee Amendment "A" (S-31), which was read by the Clerk and adopted.

Committee Amendment "A" (S-31) as amended by House Amendment "A" (H-106) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-31) as amended by House Amendment "A" (H-106) thereto in non-concurrence and sent up for concurrence.

Bill "An Act to Authorize the Issuance of a Credit Card to Benefit the Scholarships for Maine Fund" (H.P. 705) (L.D. 969) (C. "A" H-93)

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

On motion of Representative DAVIDSON of Brunswick was set aside.

The same Representative presented House Amendment "A" (H-100), which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-93) and House Amendment "A" (H-100) and sent up for concurrence.

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

The House recessed until 4:00 p.m.

(After Recess)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 205) (L.D. 258) Bill "An Act Concerning Compensation under the Natural Resources Protection Laws" (C. "A" H-111)

(H.P. 339) (L.D. 461) Bill "An Act to Include Domestic Water Fowl in the Animal Trespass Statutes" (C. "A" H-113)

(H.P. 369) (L.D. 514) Bill "An Act to Provide Limited Voting Authority for Associate Supervisors of Maine's Soil and Water Conservation Districts" (C. "A" H-112)

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

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Protect Deer" (H.P. 99) (L.D. 123) (C. "A" H-97)

Bill "An Act to Permit Investigative Officers within the Employ of the Department of Corrections to Exercise the Powers of Law Enforcement Officers" (H.P. 246) (L.D. 310) (C. "A" H-103)

Bill "An Act to Amend the Laws Regulating the Installation and Inspection of Septic Systems" (H.P. 442) (L.D. 592) (C. "A" H-96)

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

Bill "An Act to Allow Field Testing of Unregistered Snowmobiles Repaired by Licensed Snowmobile Repair Shops" (H.P. 57) (L.D. 82) (C. "A" H-99)

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

On motion of Representative USHER of Westbrook was set aside.

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

Representative USHER: Madam Speaker, Men and Women of the House. I am preparing an amendment for this and I would appreciate if somebody would table this for one legislative day.

On motion of Representative PAUL of Sanford, tabled pending passage to be engrossed as amended and specially assigned for Thursday, March 27, 1997.

SENATE PAPERS

The following Communication: (H.C. 114)

**MAINE STATE SENATE
STATE HOUSE STATION 3
AUGUSTA, MAINE 04333**

March 26, 1997

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its previous action whereby the Majority Ought Not to Pass Report from the Committee on State and Local Government on Bill "An Act to Allow Municipalities to Advertise Public Legal Notices in Weekly Papers" (S.P. 18) (L.D. 16) was accepted.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
Was read and ordered placed on file.

Bill "An Act to Authorize a Bond Issue to Assist Small Businesses in Improving Accessibility for Individuals with Disabilities and to Provide Loans to Individuals with Disabilities" (S.P. 550) (L.D. 1668)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

Bill "An Act to Require Bids from Health Care Providers for State Employees to Include Medicaid Coverage" (S.P. 546) (L.D. 1664)

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

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

Bill "An Act to Permit Involuntary Medication of Mentally Ill Persons Residing in Department of Corrections Facilities" (S.P. 549) (L.D. 1667)

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

Was referred to the Committee on **Criminal Justice** in concurrence.

Bill "An Act to Ensure the Appropriate Treatment of Autism" (S.P. 545) (L.D. 1663)

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

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

Resolve, Establishing a Task Force to Propose Targeting of Revenue Sharing Dollars to Communities That Accept Community-based Services (S.P. 544) (L.D. 1662)

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

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

Bill "An Act Concerning the Authority of the Secretary of State to Suspend and Revoke Licenses and Privileges to Operate in Maine" (EMERGENCY) (S.P. 548) (L.D. 1666)

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

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

Bill "An Act to Amend the Charter of the Hebron Water Company" (S.P. 547) (L.D. 1665)

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

Was referred to the Committee on **Utilities and Energy** in concurrence.

ENACTORS Emergency Measure

An Act Making Unified and Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999 (S.P. 474) (L.D. 1476) (Governor's Bill) (C. "A" S-47)

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

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

Representative MURPHY: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative MURPHY: Thank you Madam Speaker. First, is this the DOT budget?

The SPEAKER: The Chair would answer in the affirmative.

Representative MURPHY: Thank you Madam Speaker. The second would be that I had the misfortune to run into former Representative Murphy in the hall. I had asked her how her hearing went on the lighthouse and she said that she had been told at that hearing that the chickadee is in this budget. Is there any member of that committee that could respond?

The SPEAKER: The Representative from Kennebunk, Representative Murphy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Thank you Madam Speaker. Could I have the question again, please?

The SPEAKER: The Representative from Calais has asked the Representative from Kennebunk to repeat his question please.

Representative MURPHY: Thank you Madam Speaker. Is the chickadee in this DOT budget bill?

Representative DRISCOLL: Madam Speaker, Ladies and Gentlemen of the House. The chickadee plate is in a separate LD.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative MACK: I would like to ask, if included in this emergency bill, are fee increases dealing with the motor vehicle department?

The SPEAKER: The Representative from Standish, Representative Mack has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Thank you Madam Speaker. I am sorry. I do have a hearing problem and it is not coming through. If you could repeat your question, please.

The SPEAKER: I would ask the Representative from Standish, Representative Mack to repeat his question. I, too, had a problem hearing you. If you could pull your microphone up a little higher and closer to your mouth. Thank you. Try again.

Representative MACK: Thank you Madam Speaker. I asked if there were any fee increases to the Motor Vehicle Department or if there are any fee increases for license renewals or other things?

Representative DRISCOLL: Madam Speaker, Ladies and Gentlemen of the House. We did increase two fees by \$5.

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

Representative WHEELER: Madam Speaker, Ladies and Gentlemen of the House. This was a unanimous vote of the committee too, on these increases.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. The fee increase was a \$5 fee for those having their license suspended to get it reinstated and a \$5 increase on your title registrations.

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. If I am not mistaken, this is a supplemental budget and the fee increases are in the budget for the Highway Fund, not the supplemental. Am I wrong?

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

Representative DRISCOLL: Madam Speaker, Men and Women of the House. He is right. This is the supplemental budget and those fees are not in this budget. I thought we were running the main budget.

The SPEAKER: The Chair would advise the members to look at the title. It says fiscal year June 30, 1998 and June 30, 1999.

Representative DRISCOLL: Excuse me Madam Speaker, Men and Women of the House. We are running the main budget for 98-99 and those fees are included in that budget.

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

Representative STEDMAN: Madam Speaker, Ladies and Gentlemen of the House. I don't seem to have the Senate Amendment 47. Has that been circulated?

The SPEAKER: The Chair would respond in the affirmative. It has been circulated, but we will send a page to get a copy for you. If you have not received a copy of Senate Amendment (S-47), could you indicate by showing your hands.

On motion of Representative CHARTRAND of Rockland, tabled pending passage to be enacted and later today assigned.

An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages (I.B. 1) (L.D. 1017) (C. "A" H-104)

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. Ordered sent forthwith.

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

An Act Making Unified and Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999 (EMERGENCY) (S.P. 474) (L.D. 1476) (Governor's Bill) (C. "A" S-47) which was tabled by Representative CHARTRAND of Rockland pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 12 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith

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

ORDERS

On motion of Representative KONTOS of Windham, the following Joint Order: (H.P. 1186)

ORDERED, the Senate concurring, that all matters in the possession of the Legislature, including working papers and drafts in the possession of nonpartisan staff offices and gubernatorial nominations, at the time of adjournment of the First Regular Session of the 118th Legislature are held over to the next special or regular session of the 118th Legislature.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Men and Women of the House. Let me reiterate what you just heard from the Speaker when she spoke to us off the record. This order is designed to protect, so to speak, the bills that are currently anywhere within the system, which means those that might be in the Revisor's Office, committee and on the table. If you look at the language in the order, the key phrase here is, any bills in the possession of nonpartisan staff offices. It also includes gubernatorial nominations. If you will please notice, it is the order that you have heard discussed before. I believe you will feel comfortable in supporting it.

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative CAMPBELL: Madam Speaker, Men and Women of the House. I wholeheartedly support the motion and recommend we support it.

Was read and passed and sent up for concurrence. Ordered sent forthwith.

ENACTORS

Emergency Measure

An Act to Clarify the Law Concerning Evictions from Mobile Home Parks (S.P. 22) (L.D. 20) (C. "A" S-27)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 14 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Commissioner of Marine Resources to Report on the Status of Discussions with the Passamaquoddy Tribe (H.P. 209) (L.D. 273) (C. "A" H-33)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Mandate

An Act to Clarify Municipal Review and Enforcement of Sludge Spreading and Storage Permits (S.P. 10) (L.D. 2) (C. "A" S-30)

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

Representative CAMERON: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CAMERON: Can somebody tell me what the mandate is? Is it monetary and if so, how much?

The SPEAKER: The Representative from Rumford, Representative Cameron has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. I apologize for the delay. I have the amendment. It is Senate Amendment (S-30). The mandate is the requirement for municipalities to provide certain notifications to the Department of Environmental Protection. It is actually nothing more than the communications cost which involves telephone calls, to my understanding. Thank you.

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 7 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Raise the Fee for Congressional and Legislative Registration Plates (H.P. 19) (L.D. 44) (C. "A" H-31)

An Act Concerning Prisoner Participation in Public Works Projects (H.P. 70) (L.D. 95) (C. "A" H-47)

An Act to Preserve Roadside Springs (S.P. 48) (L.D. 158) (C. "A" S-29)

An Act to Amend the Permitting Laws for Septic Waste Disposal Sites (H.P. 156) (L.D. 198) (C. "A" H-67)

An Act to Allow the Maine Forest Service to Retain Funds from the Sale of Real Estate (S.P. 117) (L.D. 396) (C. "A" S-23)

An Act to Change the Laws Pertaining to the Issuance of Copies of Birth, Marriage or Death Certificates by Towns (S.P. 159) (L.D. 488) (C. "A" S-21)

An Act to Repeal the Maine Surplus Energy Auction Program (S.P. 251) (L.D. 820)

An Act to Exempt Public Airports with Approved Airport Layout Plans from Subdivision Review (S.P. 327) (L.D. 1105)

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.

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

UNFINISHED BUSINESS

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

HOUSE REPORT - **Refer to the Committee on Education and Cultural Affairs** - Committee on **State and Local Government** on Bill "An Act to Make the University of Maine System Board of Trustees an Elected Body" (H.P. 952) (L.D. 1315)

TABLED - March 25, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Acceptance of Committee Report. (Roll Call Ordered)

On motion of Representative AHEARNE of Madawaska the Committee Report was not accepted.

On further motion of the same Representative, the Bill was recommitted to the Committee on **State and Local Government** and sent up for concurrence.

HOUSE REPORT - **Refer to the Committee on Education and Cultural Affairs** - Committee on **State and Local Government** on Bill "An Act to Make the State Board of Education Elected" (H.P. 962) (L.D. 1325)

TABLED - March 25, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - Acceptance of Committee Report. (Roll Call Requested)

On motion of Representative AHEARNE of Madawaska the Committee Report was not accepted.

On further motion of the same Representative, the Bill was recommitted to the Committee on **State and Local Government** and sent up for concurrence.

SENATE DIVIDED REPORT - Majority (7) "**Ought to Pass**" as amended by Committee Amendment "A" (S-20) - Minority (5) "**Ought Not to Pass**" - Committee on **State and Local Government** on Bill "An Act to Require That a Vacancy in the Office of Sheriff Be Filled by an Appointee from the Same Political Party" (S.P. 33) (L.D. 31)

- In Senate, Majority "**Ought to Pass**" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-20).

TABLED - March 25, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.

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

On motion of Representative AHEARNE of Madawaska, tabled pending acceptance of the Majority "**Ought to Pass**" as amended Report and specially assigned for Thursday, March 27, 1997.

HOUSE DIVIDED REPORT - Majority (10) "**Ought Not to Pass**" - Minority (2) "**Ought to Pass**" as amended by Committee Amendment "A" (H-68) - Committee on **Taxation** on Bill "An Act to Include Slide-in Truck Campers in Property That May Be Included in the Trade-in Allowance Credit" (H.P. 62) (L.D. 87)

TABLED - March 25, 1997 (Till Later Today) by Representative TRIPP of Topsham.

PENDING - Motion of same Representative to accept the Majority "**Ought Not to Pass**" Report.

Representative TRIPP of Topsham requested the Clerk read the Committee Report.

The Committee Report was read by the Clerk in its entirety.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Madam Speaker, Men and Women of the House. As you heard, it is a 10-to-2 report from Taxation. This legislation allows trade-in credits for slide-in campers by including them in the term, camper-trailers. The current law provides that a credit be allowed toward taxable sale prices of a

camper-trailer when another camper-trailer is traded in against it. Since a camper-trailer is one that is towed by a vehicle, on a slide-in truck camper does not currently qualify as a camper-trailer, then the current legislation does not apply. This would change that. The committee listened to this bill and we decided as a majority that this is a problem that we need to look at. We wanted to have time to look at that during the time that we were considering the reform instead of hitting an exemption here or there. That is pretty much the reasoning of the majority side of the committee.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. As a committee, we did listen to this proposed legislation and it does make a lot of sense if you stop and think about it. You have a heavy-duty pickup truck and you can either tow a trailer behind it or put in a slide-in camper. Those slide-in campers are worth sometimes about as much as some of these trailers you tow. When you have a slide-in camper and you go out to trade for a camper, the way the law is now, you can't get any credit for a trade-in so you pay a sales tax on the full amount. You are dealing with the same industry. You are going to end up with a recreation vehicle here. As the Taxation Department told us, it just simplifies it. Why this has come about is because they have been given in the past, tax credits for this. The problem has arisen when auditors have gone out to some of these people who are selling them, they found that they should not have been giving that credit. Everybody thought all along that you could give that credit. This really does simplify it and makes it uniform. As the good Representative from Topsham says, we could look it as tax reform in a package, but I think this is quite simple. I think it is straightforward and I think we really ought to look at this one and defeat the "Ought Not to Pass" motion. Thank you.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. This is a bill that I sponsored and it does have a lot of merit. The intent is to keep sales within the state. I have had some letters from different RV Centers around the state. One is from the Midcoast RV Center and they say it seems quite unfair that truck camper owners need to pay a full excise tax when registering their truck campers and are yet not allowed a trade-in allowance on them. Brian Mahany, the State Tax Assessor, says that some members of the industry have had the misconception that all campers, not just camper trailers are allowed trade-in credits and have been allowing these credits. Upon audits these allowances have been disallowed and the retailer has been assessed tax interest and penalties. Enactment of this legislation will eliminate this confusion and ease the administration of trade-in credits. Enactment will also provide consistency in the law. I really would appreciate having this passed. I think it would be a benefit to all those who are in the RV business. It would also be good for the State of Maine. Thank you.

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

Representative TUTTLE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Thank you. Is there a fiscal note on this bill and if there is, what is the fiscal note?

The SPEAKER: The Representative from Sanford, Representative Tuttle has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. Yes, there is a fiscal note on this. With the decrease in the general fund revenue would be \$10,915 in the first year and \$18,076 in the second year. Also, it is said that the Bureau of Taxation would require a general fund appropriation of \$21,000 in FY 97-98 for printing and mailing notifications of changes to taxpayers. I guess I question that, but that is what I was told. A lot of these people who do business, they go to New Hampshire now and I think that we would be doing the State of Maine a big favor if we were to pass this because there would be more of an offset in business than there would be in a decrease in general fund revenues. Thank you.

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

Representative TRUE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative TRUE: To anyone who would like to answer them. In making this vote and deciding on this, would you please tell me what the difference is between a slide-in camper, getting credit for it or any other type of camper, such as the pop up. Number two, my question would be, should not all of these type vehicles be considered like all types of automobiles or trucks because you can even have those delivered on another truck and it doesn't even go. It is my understanding that they get credit if it is done in the same year. I see no difference. I certainly feel strongly about this and the Representative from Farmington is absolutely correct, living where we do when they can go seven telephone poles up and trade in New Hampshire and get all of these things.

The SPEAKER: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Madam Speaker, Ladies and Gentlemen of the House. In answer to the Representative from Fryeburg's question, the Bureau of Taxation defines a camper trailer as one that is towed behind a vehicle and because a slide-in camper is not towed behind the vehicle, the credit for the tax is not allowed. I must say that I agree with the good Representative from Fryeburg. It seems to me that we should be consistent and fair in our tax policy and it doesn't make any sense to me just because someone buys a camper that is towed behind their vehicle that they are able to get the trade-in credit, but yet if you buy, in most cases, a less expensive model that slips into the back of your pick-up truck, you are not allowed the credit. I think this is an issue of fairness and I would urge you all to vote in favor of this bill. Thank you.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I just felt compelled to talk. I was on the "Ought Not to Pass" Report and I did want to explain. Representative Gooley quoted from part of the State Tax Assessors Report. Let me on the offset say that you can vote on this. This bill is one that I don't find fault with. I think it is part of a larger effort that the committee is planning to undertake. Many of us felt we would like to look at all these exceptions at one time to try to put more consistency in. This is taking one at a time.

What this bill does not do and I would like to also quote from the Director of the Bureau of Taxation's letter, it says, "It should be noted, however, that since Title 36, MRSA, Section 1764 subjects the casual sales of camper-trailers to tax, this legislation will not impose tax on the casual sale of a truck camper since the definition of camper trailer does not include truck campers. If it is the intent like most other items that which are provided trade-in

credits to also tax the casual sale in Section 1764 should also be modified to include truck campers." I don't think that amendment was made to the bill. I could be wrong. I am pretty sure I am not wrong. The idea there is that right now these camper trailers are these trailers that you hook up to the back of your truck. When you trade them in there is a credit. When there is a casual sale, you pay a sales tax on that casual sale. If we expand that definition of camper-trailers to include slide-in trailers, you are getting a credit on the trade-in, but you don't pay tax on the casual sale. The State Tax Assessor pointed out to us that is an inconsistency. I, like all of you, want to make the State Tax Code more consistent. I thought we ought to look at this on a broader picture and deal with both those issues. There is nothing wrong with this probably. I am telling you this is half of what we probably ought to fix. It is part of a larger fix. I see this as unnecessary, doing it now. It also, I think, puts something out of kilter that would have to come back and repair doing a broader tax reform. I invite somebody to tell me I am wrong, but I feel strongly about that. I felt compelled to stand. Thank you.

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

Representative GOOLEY: Madam Speaker, Men and Women of the House. Yes, I do have an amendment, but that would come after this vote if the "Ought to Pass" does prevail. If the amendment . . .

The SPEAKER: The Representative will confine his remarks, please, to the report. The pending question is the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Madam Speaker, Men and Women of the House. I won't extend this very long. I just want to point out that if you go to New Hampshire and you buy a vehicle or an item, you are going to pay a use tax on it when you come back to the State of Maine if you are honest. There is really not a lot that is going to be gained.

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

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. That may well be true, Representative Tripp, but can you answer the question, what happens if somebody goes over and makes it out as buying it in New Hampshire and the residence is a post office box?

The SPEAKER: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond.

The Chair ordered a division on the motion to accept the Majority "Ought Not to Pass" Report.

Representative GOOLEY of Farmington requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 63

YEA - Ahearn, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagnon, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, Lemaire, McKee, Morgan, O'Neal, Paul, Perry, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Stevens,

Thompson, Townsend, Tripp, Tuttle, Volenik, Watson, Wright, Madam Speaker.

NAY - Belanger DJ, Belanger IG, Berry DP, Bigl, Bouffard, Bragdon, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Donnelly, Foster, Gagne, Gamache, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, LaVerdiere, Layton, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Plowman, Samson, Savage, Skoglund, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Underwood, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Barth, Bodwell, Bruno, Dexter, Fisk, Mitchell JE, Muse, O'Neil, Tessier.

Yes, 63; No, 79; Absent, 9; Excused, 0.

63 having voted in the affirmative and 79 voted in the negative, with 9 being absent, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-68) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, March 27, 1997.

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" - Committee on **Legal and Veterans Affairs** on Bill "An Act to Prohibit Liquor Licensing of an Establishment Managed by a Person with a Criminal Record" (H.P. 367) (L.D. 512)

TABLED - March 25, 1997 (Till Later Today) by Representative TUTTLE of Sanford.

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

On motion of Representative TUTTLE of Sanford, tabled pending acceptance of the Majority "Ought Not to Pass" Report and specially assigned for Thursday, March 27, 1997.

Bill "An Act to Extend Access to Chiropractic Care under Health Maintenance Organization Managed Care Plans" (H.P. 179) (L.D. 234)

TABLED - March 25, 1997 (Till Later Today) by Representative KONTOS of Windham.

PENDING - Motion of Representative SAXL of Bangor to indefinitely postpone House Amendment "A" (H-70). (Roll Call Ordered)

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

Representative CARLETON: Madam Speaker, Men and Women of the House. I shall be brief. As you recall, this bill would allow patients to go around their primary care provider in managed care plans and obtain chiropractic services directly without obtaining that authorization. The bill also contains a provision which exempts state employees.

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

Representative SAXL: Thank you Madam Speaker. Point of order.

THE SPEAKER: The Representative would please state her point of order.

Representative SAXL: We are talking about the amendment, not the main bill.

The SPEAKER: The Representative would please confine his remarks to the pending motion, which is the Indefinite Postponement of House Amendment "A."

Representative CARLETON: Thank you Madam Speaker. As to the amendment, the amendment would eliminate the exemption of state employees and legislators from affects of this bill. The bill itself contains the exemption. My amendment would eliminate the exemption of state employees, including legislators. Our constituents may disagree about the benefits and burdens of the bill. Employers may not like it and employers may like it. I think that whether you like the bill or you don't like the bill, any of our constituents would certainly agree that the requirements of this bill should be fair and equitable. The requirements of any bill should be fair and equitable. I think they certainly would agree that if this bill applies to everyone else in the state, it certainly ought to apply to legislators as well. I think they will be upset if they find out that it does not. If this bill does not have a high enough priority for the state to pay for its fair share of the cost, how can we argue that it has a high enough priority that it should be applied to anyone else? How can we do this?

As I said before, if you can look your constituents straight in the eye and say that this bill should apply to them, whether they be employers or employees, but not to legislators and other state employees, then you should vote against this amendment. If you feel otherwise, I request your support. The support being to vote no on the motion to Indefinitely Postpone. Thank you.

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

Representative SAXL: Madam Speaker, Men and Women of the House. I feel compelled to answer what was just said. I want you to be assured that chiropractic services are available to the state employees, but because of the plan we have, we have a point of service option and thus the employees are able to have insurance coverage for chiropractic care. Let me remind you of when we ended debate the last time that what this amendment really does is add a fiscal note to the bill in an effort to kill the bill. Thank you.

A roll call having previously been ordered was taken now:

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

ROLL CALL NO. 64

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bull, Bumps, Bunker, Cameron, Campbell, Chartrand, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Kane, Kasprzak, Kerr, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McKee, Meres, Morgan, Murphy, Nickerson, O'Brien, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Thompson, Tobin, Townsend, Treadwell, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Bigl, Buck, Carleton, Clukey, Donnelly, Foster, Joy, Joyner, Kneeland, Layton, McAlevey, McElroy, Nass, Pinkham RG, Pinkham WD, Taylor, True, Underwood, Vedral, Waterhouse.

ABSENT - Barth, Bodwell, Bruno, Dexter, Fisk, Mitchell JE, Muse, O'Neil, Poulin, Spear, Tessier.

Yes, 120; No, 20; Absent, 11; Excused, 0.

120 having voted in the affirmative and 20 voted in the negative, with 11 being absent, House Amendment "A" (H-70) was indefinitely postponed.

Subsequently, the Bill was passed to be engrossed and sent up for concurrence.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were tabled and today assigned:

HOUSE DIVIDED REPORT - Majority (12) "**Ought Not to Pass**" - Minority (1) "**Ought to Pass**" as amended by Committee Amendment "A" (H-92) - Committee on **Banking and Insurance** on Bill "An Act to Prohibit Rebates and Other Incentives Pertaining to Insurance Claims" (H.P. 407) (L.D. 552)
TABLED - March 25, 1997 by Representative JONES of Pittsfield.

PENDING - Motion of Representative SAXL of Bangor to accept the Majority "**Ought Not to Pass**" Report.

On motion of Representative KONTOS of Windham, tabled pending acceptance of the Majority "**Ought Not to Pass**" Report and specially assigned for Thursday, March 27, 1997.

HOUSE DIVIDED REPORT - Majority (12) "**Ought Not to Pass**" - Minority (1) "**Ought to Pass**" - Committee on **State and Local Government** on Bill "An Act to Amend the Qualifications for the Office of Sheriff" (H.P. 609) (L.D. 834)

TABLED - March 25, 1997 by Representative SAXL of Portland.

PENDING - Motion of Representative MUSE of South Portland to reconsider acceptance of the Majority "**Ought Not to Pass**" Report.

On motion of Representative KONTOS of Windham, tabled unassigned.

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

Bill "An Act to Amend the Victims' Compensation Fund" (H.P. 1184) (L.D. 1675) which was tabled by Representative THOMPSON of Naples pending reference.

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

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

On motion of Representative HATCH of Skowhegan, the House adjourned at 6:10 p.m., until 10:00 a.m., Thursday, March 27, 1997.