

# 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 SPECIAL SESSION  
3rd Legislative Day  
Tuesday, April 1, 1997

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

Prayer by Father Michael Lauze, St. Paul Center, Augusta.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

At this point, the Speaker recognized the Representative from Wallagrass, Representative Belanger, the Representative from Bethel, Representative Barth, the Representative from Holden, Representative Campbell, the Representative from Hampden, Representative Plowman, the Representative from Fairfield, Representative Tessier, the Representative from Oxford, Representative Underwood and they were added to the quorum call of the First Special Session of the 118th Legislature.

**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:

**Banking and Insurance**

Resolve, Establishing the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases (H.P. 1208) (L.D. 1708) (Presented by Representative LANE of Enfield) (By Request) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: BUNKER of Kossuth Township, DEXTER of Kingfield, MacDOUGALL of North Berwick, MERES of Norridgewock, SNOWE-MELLO of Poland, TUTTLE of Sanford, Senator: CATHCART of Penobscot)

**Business and Economic Development**

Bill "An Act to Encourage Employee Stock Ownership" (H.P. 1197) (L.D. 1697) (Presented by Representative BRENNAN of Portland) (Cosponsored by Senator RAND of Cumberland and Representatives: BERRY of Livermore, CAMERON of Rumford, FARNSWORTH of Portland, HATCH of Skowhegan, SAMSON of Jay, SHIAH of Bowdoinham, TOWNSEND of Portland, WRIGHT of Berwick)

Bill "An Act to Provide for the 1997 and 1998 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (H.P. 1210) (L.D. 1710) (Presented by Speaker MITCHELL of Vassalboro) (Cosponsored by Senator JENKINS of Androscoggin and Representatives: CAMERON of Rumford, KNEELAND of Easton, MacDOUGALL of North Berwick, MURPHY of Kennebunk, VIGUE of Winslow, WRIGHT of Berwick, Senators: KILKELLY of Lincoln, MacKINNON of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Bill "An Act to Establish Family Development Accounts" (H.P. 1216) (L.D. 1716) (Presented by Representative KONTOS of Windham) (Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: COLWELL of Gardiner, DONNELLY of Presque Isle, HATCH of Skowhegan, LaVERDIERE of Wilton, POVICH of Ellsworth, SAXL of Portland, Senators: CATHCART of Penobscot, PARADIS of Aroostook)

Bill "An Act to Review Registration of Certified Nursing Assistants" (H.P. 1206) (L.D. 1706) (Presented by Representative BRUNO of Raymond) (Cosponsored by Representatives: BRAGDON of Bangor, QUINT of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 204.)

Committee on **Business and Economic Development** suggested.

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

**Criminal Justice**

Bill "An Act to Repeal the Requirement of Concealed Weapon Permits" (H.P. 1207) (L.D. 1707) (Presented by Representative MACK of Standish) (Cosponsored by Senator FERGUSON of Oxford and Representatives: BELANGER of Wallagrass, CAMERON of Rumford, DUNLAP of Old Town, FOSTER of Gray, JOY of Crystal, LOVETT of Scarborough, MacDOUGALL of North Berwick, SNOWE-MELLO of Poland)

Bill "An Act Addressing Sexual Exploitation of an Abuse Victim by a Law Enforcement Officer" (H.P. 1211) (L.D. 1711) (Presented by Representative O'BRIEN of Augusta) (Cosponsored by Representatives: BRENNAN of Portland, COWGER of Hallowell, POVICH of Ellsworth, WHEELER of Bridgewater)

Bill "An Act to Implement the Recommendations of the Department of Human Services Study Group on Prosecution of Crimes against the Elderly" (H.P. 1214) (L.D. 1714) (Presented by Representative McALEVEY of Waterboro) (Cosponsored by Representatives: BRAGDON of Bangor, QUINT of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 204.)

**Education and Cultural Affairs**

Bill "An Act to Provide Early Childhood Education Opportunities" (H.P. 1195) (L.D. 1695) (Presented by Representative BAKER of Bangor) (Cosponsored by Senator PARADIS of Aroostook and Representatives: BRENNAN of Portland, BROOKS of Winterport, DESMOND of Mapleton, LEMAIRE of Lewiston, McKEE of Wayne, SAXL of Bangor, Senators: CATHCART of Penobscot, PENDLETON of Cumberland)

Bill "An Act to Expand the Law Pertaining to Nepotism" (H.P. 1199) (L.D. 1699) (Presented by Representative AHEARNE of Madawaska) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Bill "An Act Establishing a Higher Education Trust as an Instrumentality of the State" (H.P. 1217) (L.D. 1717) (Presented by Speaker MITCHELL of Vassalboro) (Cosponsored by Senator PENDLETON of Cumberland and Representatives: BELANGER of Caribou, DAVIDSON of Brunswick, GAGNON of Waterville, Senator: KILKELLY of Lincoln)

Bill "An Act to Create a Prepaid Tuition Plan" (H.P. 1218) (L.D. 1718) (Presented by Representative KONTOS of Winslow) (Cosponsored by Senator CATHCART of Penobscot, Representative MARVIN of Cape Elizabeth and Senator AMERO of Cumberland and Representatives: BRENNAN of Portland, LaVERDIERE of Wilton, MURPHY of Kennebunk, RICHARD of Madison, SAXL of Bangor, SAXL of Portland, Senators: RAND of Cumberland, RUHLIN of Penobscot)

**Health and Human Services**

Bill "An Act to Simplify the Process for Applying for State Services for People with Disabilities" (H.P. 1200) (L.D. 1700) (Presented by Representative WATSON of Farmingdale) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: CIANCHETTE of South Portland, HATCH of Skowhegan, JOYNER of Hollis, KANE of Saco, LEMAIRE of Lewiston, SNOWE-MELLO of Poland, Senators: DAGGETT of Kennebec, PARADIS of Aroostook)

Bill "An Act to Promote Economic Independence for Low-income Families" (H.P. 1201) (L.D. 1701) (Presented by Representative GREEN of Monmouth) (Cosponsored by Senator PARADIS of Aroostook and Representatives: GERRY of Auburn, LEMAIRE of Lewiston, MITCHELL of Portland, O'NEAL of Limestone, SPEAR of Nobleboro, TRIPP of Topsham, WINGLASS of Auburn)

Bill "An Act to Prohibit Smoking in Restaurants" (H.P. 1203) (L.D. 1703) (Presented by Representative ETNIER of Harpswell) (Cosponsored by Senator MILLS of Somerset and Representatives: MITCHELL of Portland, QUINT of Portland, ROWE of Portland, TOWNSEND of Portland, Senators: ABROMSON of Cumberland, NUTTING of Androscoggin)

Bill "An Act to Conform the State Revolving Loan Fund for Drinking Water with the 1996 Amendments to the Federal Safe Drinking Water Act" (EMERGENCY) (H.P. 1215) (L.D. 1715) (Presented by Speaker MITCHELL of Vassalboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

**Inland Fisheries and Wildlife**

Bill "An Act to Require the Department of Inland Fisheries and Wildlife to File Monthly Revenue Reports" (H.P. 1204) (L.D. 1704) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, DUNLAP of Old Town, GOODWIN of Pembroke, KERR of Old Orchard Beach, PAUL of Sanford, USHER of Westbrook, Senators: BENNETT of Oxford, KIEFFER of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

**Judiciary**

Bill "An Act to Create a Citizen Panel on Deregulation" (H.P. 1212) (L.D. 1712) (Presented by Representative MACK of Standish) (Cosponsored by Senator FERGUSON of Oxford and Representatives: GERRY of Auburn, GOOLEY of Farmington, LAYTON of Cherryfield, MacDOUGALL of North Berwick, MADORE of Augusta, O'BRIEN of Augusta, VIGUE of Winslow, WINN of Glenburn)

Bill "An Act Relating to Compensatory and Punitive Damages Under the Maine Human Rights Act" (H.P. 1213) (L.D. 1713) (Presented by Representative THOMPSON of Naples) (Submitted by the Maine Human Rights Commission pursuant to Joint Rule 204.)

**Labor**

Bill "An Act Regarding Errors and Inconsistencies in the Maine Employment Security Law" (H.P. 1209) (L.D. 1709) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Senator CATHCART of Penobscot and Representatives: HATCH of Skowhegan, SAMSON of Jay, TREADWELL of Carmel) (Submitted by the Department of Labor pursuant to Joint Rule 204.)

**Natural Resources**

Bill "An Act Regarding Low Emission and Zero Emission Vehicles" (H.P. 1196) (L.D. 1696) (Presented by Representative BRENNAN of Portland) (Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: SHIAH of Bowdoinham, TOWNSEND of Portland)

Bill "An Act Regarding Just Compensation for Private Waste Companies" (H.P. 1205) (L.D. 1705) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representative: DEXTER of Kingfield)

Committee on **State and Local Government** suggested.

On motion of Representative AHEARNE of Madawaska, the Bill was referred to the Committee on **Natural Resources**, ordered printed and sent up for concurrence.

**Taxation**

Bill "An Act Regarding the Tax-exempt Status of Literacy Volunteers" (H.P. 1198) (L.D. 1698) (Presented by Representative GAGNON of Waterville) (Cosponsored by Senator CAREY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Bill "An Act to Change the Method of Taxing Borrow Pits" (H.P. 1202) (L.D. 1702) (Presented by Representative GOODWIN of Pembroke)

On motion of Representative SAXL of Bangor, the House reconsidered its action whereby Resolve, Establishing the Commission to Study the Issue of Discrimination against Veterans in Workers' Compensation Cases (H.P. 1208) (L.D. 1708) was referred to the Committee on **Banking and Insurance**.

On further motion of the same Representative, the Resolve was referred to the Committee on **Labor**, 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 Speaker MITCHELL of Vassalboro, the following Joint Resolution: (H.P. 1219) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: BARTH of Bethel, BERRY of Livermore, BERRY of Belmont, BODWELL of Brunswick, BRENNAN of Portland, BUMPS of China, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, COLWELL of Gardiner, COWGER of Hallowell, DESMOND of Mapleton, DRISCOLL of Calais, FARNSWORTH of Portland, FULLER of Manchester, JABAR of Waterville, JOY of Crystal, LEMAIRE of Lewiston, MACK of Standish, MURPHY of Kennebunk, O'BRIEN of Augusta, RICHARD of Madison, SAMSON of Jay, SAXL of Bangor, STEDMAN of Hartland, VIGUE of Winslow, WINN of Glenburn, WRIGHT of Berwick, Senators: ABROMSON of Cumberland, BUTLAND of Cumberland, CASSIDY of Washington, CATHCART of Penobscot, CLEVELAND of Androscoggin, DAGGETT of Kennebec, TREAT of Kennebec)

JOINT RESOLUTION RECOGNIZING THE MONTH OF APRIL  
AS NATIONAL TECHNICAL AND COMMUNITY  
COLLEGE MONTH IN MAINE

**WHEREAS**, Maine's first vocational-technical institute was established in 1946 to serve veterans returning from World War II; and

**WHEREAS**, today, the State's 7 technical colleges are serving 20,000 people in certificate, diploma and associate degree programs and continuing education courses in Auburn, Bangor, Fairfield, Presque Isle, South Portland, Calais and Wells; and

**WHEREAS**, the technical colleges are successfully preparing the people of this State for skilled careers and lifelong learning, placing 85% of graduates in jobs, 98% of which are in this State; and

**WHEREAS**, the State's technical colleges provide an important higher education option for citizens of this State, offering affordable, flexible programs and a well-rounded technical and academic experience; and

**WHEREAS**, the technical colleges are a vital resource for the State's employers, helping businesses and citizens of the State adjust to new technologies and global competition; and

**WHEREAS**, the technical colleges are contributing to the State's overall competitiveness and helping to position the State for the future; now, therefore, be it

**RESOLVED**: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the First Special Session, take this occasion to recognize the month of April as National Technical and Community College Month in Maine and encourage all citizens to recognize the values and opportunities available to them at technical colleges in the State; and be it further

**RESOLVED**: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Maine Technical College System.

Was read and adopted and sent up for concurrence.

On motion of Speaker MITCHELL of Vassalboro, the following Joint Resolution: (H.P. 1220) (Cosponsored by President LAWRENCE of York and Representatives: BERRY of Livermore, HATCH of Skowhegan, LEMAIRE of Lewiston, SAMSON of Jay, Senators: CATHCART of Penobscot, MICHAUD of Penobscot, PINGREE of Knox, RAND of Cumberland, TREAT of Kennebec)

JOINT RESOLUTION IN SUPPORT OF THE CALIFORNIA  
STRAWBERRY WORKERS' ORGANIZING CAMPAIGN  
OF THE UNITED FARM WORKERS OF AMERICA

**WHEREAS**, the farm workers toiling in strawberry fields are among the most exploited workers in the nation; and

**WHEREAS**, over 20,000 men, women and children working in California strawberry fields typically spend 10 to 12 hours a day picking the fruit from ankle-level plants; and

**WHEREAS**, the strawberry workers often labor amid pesticides and suffer chronic back injuries and other occupational injuries and maladies but have few or no medical benefits; and

**WHEREAS**, the strawberry workers have not received a pay raise above poverty-level wages for 10 years; and

**WHEREAS**, many strawberry workers are subject to sexual harassment, have deplorable bathroom conditions and lack fresh drinking water; and

**WHEREAS**, the strawberry workers are tired of the terrible working conditions and seek safety, security and a voice on the job; and

**WHEREAS**, a few large corporations shoulder most of the responsibility for establishing labor relations in the strawberry industry and these corporations exercise great control over roughly 270 strawberry growers by supplying them with loans and plants from nurseries, by packaging and marketing the crop, by developing varieties of strawberries and by establishing the prices; now, therefore, be it

**RESOLVED**: That We, the members of the 118th Legislature now assembled in the First Special Session, express indignation at the abuses committed against the farm workers and commend and support the California strawberry workers' organizing campaign of the United Farm Workers of America to improve conditions for the strawberry workers; and be it further

**RESOLVED**: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the union headquarters of the United Farm Workers of America.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

**Divided Report**

Majority Report of the Committee on **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-125) on Bill "An Act to Require Confidentiality of Law Enforcement Officers Involved in Motor Vehicle Accidents" (H.P. 21) (L.D. 46)

Signed:

Senators: O'GARA of Cumberland  
CASSIDY of Washington  
JENKINS of Androscoggin

Representatives: WINGLASS of Auburn  
FISHER of Brewer  
JOYCE of Biddeford  
CLUKEY of Houlton  
CHARTRAND of Rockland  
LINDAHL of Northport  
DRISCOLL of Calais  
SAVAGE of Union  
WHEELER of Eliot

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

Signed:

Representative: BOUFFARD of Lewiston

Was read.

On motion of Representative DRISCOLL of Calais, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-125) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, April 2, 1997.

**Divided Report**

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought Not to Pass**" on Bill "An Act to Allow Hunting on the Sunday Following Resident Only Day" (H.P. 642) (L.D. 895)

Signed:

Senators: KILKELLY of Lincoln  
RUHLIN of Penobscot  
HALL of Piscataquis

Representatives: PAUL of Sanford  
CHICK of Lebanon  
DUNLAP of Old Town  
TRUE of Fryeburg  
USHER of Westbrook

GOODWIN of Pembroke  
 CROSS of Dover-Foxcroft  
 PERKINS of Penobscot

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

Signed:

Representatives: CLARK of Millinocket  
 UNDERWOOD of Oxford

Was read.

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

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 92) (L.D. 116) Bill "An Act to Amend the Law Regarding Fog Lights" Committee on **Transportation** reporting "**Ought to Pass**"

(H.P. 796) (L.D. 1084) Bill "An Act to Allow After-market Window Tinting of Multi-purpose Vehicles" Committee on **Transportation** reporting "**Ought to Pass**"

(H.P. 162) (L.D. 204) Bill "An Act to Amend the Laws Pertaining to Electricians" Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-142)

(H.P. 308) (L.D. 372) Bill "An Act to Require Employees of Public Utilities to Be Licensed When Providing Services Outside the Regulated Activities of the Utility" Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-132)

(H.P. 384) (L.D. 529) Bill "An Act to Conform the Lien Procedures Within the Charter of Boothbay Harbor Sewer District to Statutory Lien Procedures" Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-133)

(H.P. 500) (L.D. 691) Bill "An Act to Clarify the Sanctions for Violating Laws Relating to Animal Pulling Events" Committee on **Agriculture, Conservation and Forestry** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-140)

(H.P. 533) (L.D. 724) Bill "An Act to Amend the Charter of the Portland Water District" (EMERGENCY) Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-134)

(H.P. 651) (L.D. 904) Bill "An Act to Clarify the Audit Requirement of the Maine State Housing Authority" Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-141)

(H.P. 748) (L.D. 1025) Bill "An Act Concerning Licensing and Recertification of Licensed Counseling Professionals" Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-135)

(H.P. 785) (L.D. 1073) Bill "An Act to Create the Tenants Harbor Standard Water District" (EMERGENCY) Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-131)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, April 2, 1997 under the listing of Second Day.

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(H.P. 336) (L.D. 458) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Manner in Which the Legislature Calls Itself into Special Session Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-144)

On motion of Representative DONNELLY of Presque Isle, the Resolution was removed from the First Day Consent Calendar.

The report was read and accepted and the Bill was read once. Committee Amendment "A" (H-144) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, April 2, 1997.

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 353) (L.D. 1172) Bill "An Act Regarding the Funded Depreciation Accounts of the Maine Veterans' Homes"

(S.P. 321) (L.D. 1061) Bill "An Act to Authorize State-chartered Community Development Credit Unions" (C. "A" S-69)

(S.P. 325) (L.D. 1063) Bill "An Act Allowing Registered Nurses Employed by Licensed Home Health Care Agencies to Possess and Administer Certain Noncontrolled Prescription Drugs under Certain Conditions" (C. "A" S-67)

(H.P. 328) (L.D. 450) Bill "An Act to Amend the Date for Recognizing Marginal Discharges of Mortgages"

(H.P. 829) (L.D. 1134) Resolve, Regarding Legislative Review of Chapter 21 (21.03), Amendments to License Agent Reporting Requirements, a Major Substantive Rule of the Department of Inland Fisheries and Wildlife (EMERGENCY)

(H.P. 871) (L.D. 1188) Bill "An Act to Amend the Maine Administrative Procedure Act to Clarify the Definition of a Proposed Rule and the State Agencies' Ability to Solicit Input into the Rule Development Process"

(H.P. 85) (L.D. 110) Bill "An Act to Exempt the American Legion from Certificates of Title and Registration Fees" (EMERGENCY) (C. "A" H-126)

(H.P. 96) (L.D. 120) Bill "An Act to Remove Travel Policy from the Maine Administrative Procedure Act and to Transfer the Authority for Fixed Assets Inventory" (C. "A" H-128)

(H.P. 616) (L.D. 841) Bill "An Act to Amend the Dental Licensure Laws to Authorize Special Permits for Instruction in Dentistry and to Identify and Rehabilitate Impaired Dentists" (C. "A" H-127)

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.

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(H.P. 639) (L.D. 864) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Voting Rights (C. "A" H-129)

On motion of Representative DONNELLY of Presque Isle, the Resolution was removed from the Second Day Consent Calendar.

The same Representative moved the Resolution and all accompanying papers be indefinitely postponed.

On motion of Representative TUTTLE of Sanford, tabled pending the motion of Representative DONNELLY of Presque Isle to indefinitely postpone the Resolution and all accompanying papers and later today assigned.

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**BILLS IN THE SECOND READING  
As Amended**

Bill "An Act to Protect Near-shore Groundfish Spawning Areas" (EMERGENCY) (S.P. 171) (L.D. 500) (C. "A" S-68)

Bill "An Act to Create a Cemetery Permanent Care and Improvement Fund" (H.P. 372) (L.D. 517) (C. "A" H-120)

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 concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

**ENACTORS  
Emergency Measure**

An Act to Allow Wholesale Seafood License Holders to Process Parts of Lobster Tails (H.P. 157) (L.D. 199) (C. "A" H-84)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, to Establish a Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits (H.P. 286) (L.D. 350) (C. "A" H-89)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 14 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Establishing a Task Force to Examine the Desirability of a Model Municipal Building Code (H.P. 775) (L.D. 1052) (C. "A" H-91)

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. 85 voted in favor of the same and 45 against, the Resolve failed of final passage and was sent up for concurrence.

**Emergency Measure**

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 (H.P. 874) (L.D. 1191)

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. 129 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**Emergency Mandate**

An Act to Amend the North Yarmouth-Cumberland Town Line (H.P. 638) (L.D. 863) (C. "A" H-86)

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

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) (C. "A" S-20)

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

An Act to Designate Square Dancing as the Official Folk Dance of Maine (H.P. 111) (L.D. 135) (C. "A" H-30)

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

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

An Act to Provide Authority to Close Marine Waters to Fishing in the Event of Contamination (H.P. 361) (L.D. 506) (C. "A" H-85)

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

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

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

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; H. "A" H-100)

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.

Bill "An Act to Make the University of Maine System Board of Trustees an Elected Body" (H.P. 952) (L.D. 1315)

- In House, Unanimous "**Refer to the Committee on Education and Cultural Affairs**" Report of the Committee on **State and Local Government** read and rejected and the Bill and accompanying papers recommitted to the Committee on **State and Local Government** on March 26, 1997.

- In Senate, Unanimous "**Refer to the Committee on Education and Cultural Affairs**" Report of the Committee on **State and Local Government** read and accepted and the Bill referred to the Committee on **Education and Cultural Affairs** in non-concurrence.

TABLED - March 31, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - Further Consideration.

On motion of Representative AHEARNE of Madawaska, the House voted to Insist and ask for a Committee of Conference and was sent up for concurrence.

Bill "An Act to Make the State Board of Education Elected" (H.P. 962) (L.D. 1325)

- In House, Unanimous "Refer to the Committee on Education and Cultural Affairs" Report of the Committee on State and Local Government read and rejected and the Bill and accompanying papers recommitted to the Committee on State and Local Government on March 26, 1997.

- In Senate, Unanimous "Refer to the Committee on Education and Cultural Affairs" Report of the Committee on State and Local Government read and accepted and the Bill referred to the Committee on Education and Cultural Affairs in non-concurrence.

TABLED - March 31, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - Further Consideration.

On motion of Representative AHEARNE of Madawaska, the House voted to Recede and Concur.

#### TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-117) - Committee on Taxation on Resolve, to Include an Optional Contribution Check-off Box on State Income Tax Forms to Benefit the Women in Military Service Memorial (H.P. 195) (L.D. 248)

TABLED - March 31, 1997 by Representative SAXL of Portland.

PENDING - Motion of Representative TRIPP of Topsham to accept the Majority "Ought Not to Pass" Report. (Roll Call Ordered)

Subsequently, a roll call on the motion to accept the Majority "Ought Not to Pass" Report having previously been ordered was taken now.

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. 67

YEA - Bagley, Baker JL, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bumps, Bunker, Cameron, Chartrand, Chizmar, Colwell, Cowger, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Joyce, Joyner, Kane, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lindahl, Mailhot, McElroy, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stevens, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vedral, Vigue, Volenik, Watson, Wheeler EM, Winn, Wright, Madam Speaker.

NAY - Ahearne, Barth, Belanger IG, Bodwell, Buck, Bull, Campbell, Carleton, Chick, Clark, Clukey, Cross, Dexter, Donnelly, Foster, Gerry, Gieringer, Honey, Jones SA, Joy, Kasprzak, Lane, Layton, Lemke, Lemont, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, Meres, Murphy, Nass, Nickerson, O'Brien, Perkins, Plowman, Snowe-Mello, Stanley,

Stedman, Taylor, Tessier, Tobin, Treadwell, Underwood, Waterhouse, Wheeler GJ, Winglass, Winsor.

ABSENT - Baker CL, Belanger DJ, Bragdon, Cianchette, Davidson, Fisk, Gooley, Kerr, Mayo, Ott, Pinkham WD.

Yes, 90; No, 50; Absent, 11; Excused, 0.

90 having voted in the affirmative and 50 voted in the negative, with 11 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-118) - Committee on Taxation on Resolve, to Reimburse a Lumber Company in Connection with Sales Tax Paid by the Company (H.P. 316) (L.D. 438)

TABLED - March 31, 1997 by Representative SAXL of Portland.

PENDING - Motion of Representative TRIPP of Topsham to accept the Majority "Ought Not to Pass" Report. (Roll Call Ordered)

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

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. For those of you who weren't here yesterday, I would just like to bring you up to date on just what this bill is. I would hope that you would vote against the "Ought Not to Pass" Report so we could pass the "Ought to Pass" Report. This is a lumber company in Jefferson, Maine, that by a mistake of the computer, paid double their sales tax to the state in the amount of over \$100,000. It was discovered through an internal audit. The state did not discover it in their own audit. Through an internal audit they discovered it and they went back and the state did verify it and the state paid the company back a sum of \$67,000. They could only pay \$67,000 of the \$100,000 because of the three-year statute of limitations. In order to go beyond that it takes a vote of the Legislature. What this company is asking for us to do is to go beyond the three-year statute of limitations and pay them back the money that is due them that they overpaid the state.

Once again, they put in a computer system and the computer system calculated 12 percent instead of 6 percent. Neither they nor the state picked it up in the first audit that they did. When it was discovered even the state agreed that it had been overpaid, but there was a limit of what they could go back and pay. Once again, this is a fairness issue. I would hope that we could defeat the "Ought Not to Pass" so we can go on and do the "Ought to Pass" Report. Thank you.

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

Representative TRIPP: Madam Speaker, Men and Women of the House. Especially for those who weren't here yesterday to hear the debate on this particular issue, this is the same bill that was heard in 1995 and was defeated here in the House. This company paid 12 percent sales tax to the state from 1990 to the time that they discovered the error. What they are looking for is reimbursement on the time frame that was not covered during the time of the statute of limitations. We felt, in discussions with the committee, that this company has had several years to find this mistake. Your company paid 12 percent sales tax for several years and you didn't discover that error. It seems like that would be a very big problem. We are asking you to support the "Ought Not to Pass." This would also open up to a number of other people and companies once this door is open. Thank you.

Subsequently, a roll call on the motion to accept the Majority "Ought Not to Pass" Report having previously been ordered was taken now.



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. 68**

YEA - Ahearn, Bagley, Baker JL, Berry RL, Bolduc, Brennan, Brooks, Bull, Bunker, Chartrand, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Joyce, Joyner, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Plowman, Poulin, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bouffard, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Clukey, Cross, Dexter, Donnelly, Foster, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Kasprzak, Kneeland, Lane, Layton, Lovett, MacDougall, Mack, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Rines, Savage, Skoglund, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Tuttle, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Baker CL, Bragdon, Davidson, Fisk, Madore, Mayo, Ott, Pinkham WD.

Yes, 81; No, 62; Absent, 8; Excused, 0.

81 having voted in the affirmative and 62 voted in the negative, with 8 being absent, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (12) "**Ought Not to Pass**" - Minority (1) "**Ought to Pass**" - Committee on **Taxation** on Bill "An Act to Exempt Certain Landowners from Hiring a Licensed Forester" (H.P. 782) (L.D. 1070)

TABLED - March 31, 1997 by Representative DONNELLY of Presque Isle.

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

On motion of Representative KONTOS of Windham, tabled pending the motion of Representative TRIPP of Topsham to accept the Majority "**Ought Not to Pass**" Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (10) "**Ought Not to Pass**" - Minority (3) "**Ought to Pass**" as amended by Committee Amendment "A" (H-95) - Committee on **Natural Resources** on Bill "An Act to Establish Cost-benefit Analysis for Environmental Rules" (H.P. 433) (L.D. 583)

TABLED - March 31, 1997 by Representative WATERHOUSE of Bridgton.

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

On motion of Representative KONTOS of Windham, tabled pending the motion of Representative ROWE of Portland to accept the Majority "**Ought Not to Pass**" Report and later today assigned.

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

On motion of Representative FULLER of Manchester, the House adjourned at 12:30 p.m., until 9:00 a.m., Wednesday, April 2, 1997.