

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
6th Legislative Day
Monday, April 7, 1997

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

Prayer by Reverend Marya L. DeCarlen, Camden.

National Anthem by the Messalonskee High School Concert Choir, Oakland.

Pledge of Allegiance.

Doctor of the day, Russell Radcliffe, M.D., Auburn.

The Journal of Thursday, April 3, 1997 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Establish Family Development Accounts" (H.P. 1216) (L.D. 1716) which was referred to the Committee on **Business and Economic Development** in the House on April 1, 1997.

Came from the Senate referred to the Committee on **Health and Human Services** in non-concurrence.

The House voted to Recede and Concur.

COMMUNICATIONS

The following Communication: (S.P. 581)

118TH MAINE LEGISLATURE

April 2, 1997

Senator Peggy Pendleton

Representative Shirley Richard

Chairpersons

Joint Standing Committee on Education and Cultural Affairs

118th Legislature

Augusta, Maine 04333

Dear Senator Pendleton and Representative Richard:

Please be advised that Governor Angus S. King, Jr. has nominated Edward Gorham and Denison Gallaudet for reappointment, and John C. Turner, Joanna M. Jones, and Diane P. Caddigan for appointment as members to the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/Elizabeth H. Mitchell

Speaker of the House

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

Was read and referred to the Committee on **Education and Cultural Affairs** in concurrence.

The following Communication: (H.C. 136)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

April 2, 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 Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1304 An Act to Provide Nonfederal Matching Funds for a Wood Composite Research and Development Facility for the University of Maine

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

Sincerely,

S/Sen. Michael H. Michaud

Senate Chair

S/Rep. George J. Kerr

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 137)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

April 2, 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. 477 An Act to Require that Health Insurance Benefits for School District Employees Be Subject to the Mandatory Bid Process

L.D. 766 An Act to Provide Options under Managed Care Plans for Counseling by a Primary Care Physician

L.D. 839 An Act to Ensure Reasonable Access to Emergency Medical Services

L.D. 1000 An Act to Ensure Choice of Physicians in Managed Care Programs

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

Sincerely,

S/Sen. Lloyd P. LaFountain, III

Senate Chair

S/Rep. Jane W. Saxl

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 138)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

April 2, 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 Business and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1009 An Act to Equalize the Energy Efficiency Standards for Multifamily Residential Structures Funded by Public Funds

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

Sincerely,

S/Sen. John T. Jenkins S/Rep. Marc J. Vigue
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 139)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES

April 2, 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 Health and Human Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1380 An Act to Clarify and Facilitate Transfers of Health Care Facility Capacity

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

Sincerely,

S/Sen. Judy Paradis S/Rep. J. Elizabeth Mitchell
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 140)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE

April 2, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 337 An Act to Extend the Hunting Day

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

Sincerely,

S/Sen. Marjorie L. Kilkelly S/Rep. Norman R. Paul
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 141)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LABOR

April 2, 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 277 An Act to Require the State to Pay the Full Insurance Premium for Retired Public School Teachers

L.D. 765 An Act to Prohibit the Use of Polygraph Tests by Employers in the Hiring Process

L.D. 870 An Act to Protect Pension Benefits of Participating Local District Members

L.D. 1383 An Act to Provide Part-time State and Participating Local District Employees with the Option of Joining the Maine State Retirement System

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

Sincerely,

S/Sen. Mary R. Cathcart S/Rep. Pamela H. Hatch
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 142)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

April 2, 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 bill out "Ought Not to Pass":

L.D. 1122 An Act to Repeal Municipal Shellfish Ordinances

We have also notified the sponsor and cosponsors 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. 143)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

April 2, 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. 209 An Act to Increase Term Limits to 12 Years for Elected Officials and Constitutional Officers
- L.D. 1238 Resolution, Proposing an Amendment to the Constitution of Maine to Make Changes in the Selection and Term of the Secretary of State and Succession of the Office of Governor

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. Ahearn
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 144)

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TAXATION**

April 2, 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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 14 An Act to Exempt the Sale of Horses from the Sales Tax
- L.D. 94 An Act to Authorize a Local Option Tax on Lodging and Meals in Hancock County to Fund the Ellsworth Convention and Trade Show Center
- L.D. 272 An Act to Establish a New Jobs Tax Credit
- L.D. 290 An Act to Provide a New Jobs Tax Credit
- L.D. 304 An Act to Increase the Income Tax Credit for Employer-assisted Day Care
- L.D. 318 An Act to Amend the Law Determining What Foods Are Considered Snacks
- L.D. 472 An Act to Allow Sales Tax Credit for Recreational Vehicles
- L.D. 511 An Act to Decrease Property Tax
- L.D. 656 An Act to Allow Municipalities to Issue a Semiannual Property Tax Bill
- L.D. 744 An Act to Require That the State Adjust the Standard Income Tax Deduction to Coincide with Changes in the Federal Income Tax Deduction
- L.D. 759 An Act to Allow Trade-in Credit for Lawn Tractors and Lawn Mowers
- L.D. 1041 An Act to Provide a Tax Credit to Water and Sewer District Customers Equal to Increased Charges for Unfunded Mandates

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

Sincerely,

S/Sen. Richard P. Ruhl S/Rep. Verdi L. Tripp
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 145)

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 2, 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 bill out "Ought Not to Pass":

- L.D. 1307 Resolve, to Name the New Connector of Route 196 and Route 1 in Topsham

We have also notified the sponsor and cosponsors 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 and Resolve 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 Amend the Licensure Act for Speech Pathologists and Audiologists" (H.P. 1234) (L.D. 1751) (Presented by Representative FARNSWORTH of Portland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Health and Human Services

Bill "An Act Concerning the Rights of Children with Special Needs" (H.P. 1233) (L.D. 1750) (Presented by Representative MITCHELL of Portland) (Cosponsored by Representative: LOVETT of Scarborough)

Transportation

Resolve, Authorizing the Department of Transportation to Erect Signs Identifying the World War II Memorial in Bangor (H.P. 1232) (L.D. 1749) (Presented by Representative SAXL of Bangor) (Cosponsored by Senator MURRAY of Penobscot and Representatives: BAKER of Bangor, BRAGDON of Bangor, PERRY of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

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

ORDERS

On motion of Presented by Representative BELANGER of Wallagrass, the following Joint Resolution: (H.P. 1231) (Cosponsored by Senator PARADIS of Aroostook and Representatives: CARLETON of Wells, GAMACHE of Lewiston, JOY of Crystal, LEMKE of Westbrook, TRUE of Fryeburg, Senators: KIEFFER of Aroostook, MICHAUD of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

**JOINT RESOLUTION MEMORIALIZING
THE COMMISSIONERS OF DEPARTMENTS
OF STATE GOVERNMENT TO VISIT EACH COUNTY
IN THE STATE AT LEAST ONCE EACH YEAR**

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the First Special Session, most respectfully present and petition the commissioners of the departments of State Government as follows:

WHEREAS, the commissioners of the departments of State Government have responsibility for adopting and implementing policies affecting all citizens of the State; and

WHEREAS, commissioners are responsible for adopting rules relating to numerous programs that govern the daily activities of public and private institutions, business and individual citizens; and

WHEREAS, commissioners adopting rules and policies should have an intimate knowledge of all areas of the State, including the issues and problems affecting those areas and the local people who are involved in addressing those issues and policies; and

WHEREAS, it is necessary to visit an area in order to truly understand its problems and know its people; now, therefore, be it

RESOLVED: That the commissioners of the departments of State Government should visit each county in the State at least once each year to visit with local officials and members of the public and gather information about local issues and concerns; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., Governor of Maine and each commissioner of a department of State Government.

Was read and adopted, sent up for concurrence and ordered sent forthwith.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought to Pass**" on Bill "An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike" (H.P. 41) (L.D. 66)

Signed:

Senators: CATHCART of Penobscot
MILLS of Somerset
TREAT of Kennebec

Representatives: HATCH of Skowhegan
SAMSON of Jay
RINES of Wiscasset
BOLDUC of Auburn
STANLEY of Medway
CLARK of Millinocket

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

Signed:

Representatives: JOY of Crystal

JOYCE of Biddeford
PENDLETON of Scarborough
TREADWELL of Carmel

Was read.

On motion of Representative HATCH of Skowhegan, tabled pending acceptance of either report and specially assigned for Tuesday, April 8, 1997.

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought to Pass**" on Bill "An Act to Prohibit the Employment of Professional Strikebreakers" (H.P. 88) (L.D. 113)

Signed:

Senators: CATHCART of Penobscot
MILLS of Somerset
TREAT of Kennebec

Representatives: HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
CLARK of Millinocket
RINES of Wiscasset
STANLEY of Medway

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

Signed:

Representatives: JOY of Crystal
JOYCE of Biddeford
PENDLETON of Scarborough
TREADWELL of Carmel

Was read.

On motion of Representative HATCH of Skowhegan, tabled pending acceptance of either report and specially assigned for Tuesday, April 8, 1997.

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-154) on Bill "An Act to Increase Health Insurance Benefits for Retired Educators" (H.P. 132) (L.D. 174)

Signed:

Senators: CATHCART of Penobscot
MILLS of Somerset
TREAT of Kennebec

Representatives: HATCH of Skowhegan
SAMSON of Jay
RINES of Wiscasset
BOLDUC of Auburn
STANLEY of Medway
JOY of Crystal
PENDLETON of Scarborough

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

Signed:

Representatives: JOYCE of Biddeford
TREADWELL of Carmel

Was read.

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

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Madam Speaker, Ladies and Gentlemen of the House. Three points on this bill. This is going to require the state to pay a greater portion of the health

insurance for retired teachers. The first point you have to remember is that we have absolutely no control over which health plans the teachers unions and municipalities go with. I don't think it is fair that we should pay more.

The second point is that this isn't an issue of fairness with the state employees. Right now we pay 100 percent of the state employees retired health insurance. If this is an issue of fairness and then this bill would be 100 percent and not 30 percent.

Finally, the fiscal note I want you to look at. It is nearly \$1.2 million. Madam Speaker, I request a roll call.

Representative JOYCE of Biddeford 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 Lewiston, Representative Lemaire.

Representative LEMAIRE: Madam Speaker, Men and Women of the House. I think it is important to note this is a matter of fairness. The state employees have had 100 percent since the inception of the retirement plan. It has been six years since there has been any increase. I would have loved to have gone for 100 percent, but we all know that would be completely, financially out of bounds. We are doing the best we can after six years. We have many teachers who have retired and been retired for a long time that are spending almost all of their money just on health insurance. Seventy-five percent for that group is a long, long time to wait for a slight increase of 5 percent. Of course there is a fiscal note on it. We will be prepared to discuss that on the Appropriations Table. I think this is a good bill. It is a good step forward for retired teachers who, frankly, I think should have been paying 100 percent all along. Thank you Madam Speaker.

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. I am sorry because this may have already been asked. I was interrupted. Is there a fiscal note on this bill and if so, how do we intend to pay for it?

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 Lewiston, Representative Lemaire.

Representative LEMAIRE: Madam Speaker, Men and Women of the House. Yes, there is a fiscal note on this. It is approximately \$1 million. We will attempt to do some manipulating of the bill to make it less costly. I think that is up to the Appropriations Table. We will discuss it at that time. Thank you.

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: How many dollars are there set aside for the Appropriations Table now that the budget is gone?

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 Portland, Representative Townsend.

Representative TOWNSEND: Thank you Madam Speaker. There is approximately \$3.5 million.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Madam Speaker, Men and Women of the House. I think this is a question of fairness. The additional million dollars that it is going to cost to support this bill, The state has absolutely no control over, the state employees who have their insurance funded at 100 percent. Their insurance is controlled by the state. I do think it is a question of fairness of us supporting something or being asked to support something that we have absolutely no control over when the school units set this premium in their contract negotiations and then they passed the bill onto the state and expect us to pay it with no control whatsoever over the amount of the payment.

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

ROLL CALL NO. 76

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Bunker, Cameron, Campbell, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jones SL, Joy, Kane, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Madore, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Tessier, Thompson, Tobin, Townsend, Usher, Vedral, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Buck, Dexter, Foster, Jones SA, Joyce, Joyner, Kasprzak, Layton, MacDougall, Mack, Marvin, Stedman, Taylor, Treadwell, Underwood, Waterhouse, Winsor.

ABSENT - Barth, Carleton, Jabar, Jones KW, Kerr, Mailhot, Muse, Ott, Plowman, Stevens, Tripp, True, Tuttle.

Yes, 121; No, 17; Absent, 13; Excused, 0.

121 having voted in the affirmative and 17 voted in the negative, with 13 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-154) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, April 8, 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 Sunday" (H.P. 217) (L.D. 281)

Signed:

Senators: KILKELLY of Lincoln
RUHLIN of Penobscot
HALL of Piscataquis

Representatives: PAUL of Sanford
CLARK of Millinocket
CHICK of Lebanon
DUNLAP of Old Town
TRUE of Fryeburg
USHER of Westbrook
CROSS of Dover-Foxcroft
PERKINS of Penobscot

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

Signed:

Representatives: UNDERWOOD of Oxford
GOODWIN of Pembroke

Was read.

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

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-155) on Bill "An Act to Require Overtime Pay for Employees of Large Agricultural Employers" (H.P. 283) (L.D. 347)

Signed:

Senators: CATHCART of Penobscot
MILLS of Somerset
TREAT of Kennebec

Representatives: HATCH of Skowhegan
SAMSON of Jay
CLARK of Millinocket
RINES of Wiscasset
STANLEY of Medway
BOLDUC of Auburn

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

Signed:

Representatives: JOY of Crystal
PENDLETON of Scarborough
TREADWELL of Carmel

Was read.

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

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. The original bill that came out could have, in fact, affected more employees than was intended by the sponsor of this bill. That is why the amendment is on this bill. At the hearing we had a lot of proponents and the intent of the bill as amended is to require that overtime be paid to all employees at large egg processing facilities. The reason for that is, as you might have noted, we have had conversations in regards to this. Some employees were being treated very badly and were being forced to work long hours in excess of 40, whether they wanted to work or not was not an option if they valued their job, is what we heard. I have here a payroll stub on one worker. In the first week 82 hours. In the next week 93.25 hours. The following week 102.25 hours. The following week 100.75 hours, 109.75 hours, 119.75, 119.50 hours. He missed one week of work. If you figured that out, most of these agricultural workers in this plant worked six days a week. If you figure out 119.50 hours in one week and figure out how many hours this person had to work.

The opponents on this bill, there were only two. Most of it was opposition to the original bill. The bill has been worked through the departments of Labor and Human Services. One person opposed this bill on the principle that one business should not be singled out, when, in fact, there are two other producers who also would be affected by this bill. They came forward and said they did not mind because they do treat their employees fairly. They furnish benefits and most of them do not work in excess of 40 hours. The bill removes the exemption from

overtime pay requirements for individuals employed in an egg processing facility that has over 300,000 laying birds. That is pretty specific, I would say. The fiscal note on this is there would be a slight appropriation of \$39,000 in the first year and \$41,000 in the second year for an additional labor and safety inspector plus operating costs for enforcement. I would ask you to support this bill. It is timely and is desperately needed. I would appreciate your support. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Fellow Members of the House. I am in opposition to this bill, at this time, because I feel that the Department of Labor already has the mechanisms to enforce overtime wages and they haven't been doing it. We should be directing our activities at them, not at individual employers. I feel that there are a lot of unintended circumstances in this bill. If we go through with it, it will affect agricultural employment in this state. As you all know, agricultural employment in this state is very important. I feel that the Department of Labor should be the one bearing the brunt of this. I know it was brought on by one employer and one employer only. If the Department of Labor was enforcing the rules at that one employment site, we would not have had this before us today. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I rise to support Representative Pendleton's position on this matter. Again, we are being asked to bail out the Department of Labor because they failed to do the job that goes along with their responsibility. Any time that you pass a bill aimed directly at one employer or one individual there are always some spillover affects which are going to haunt us down the road. I urge you to oppose this pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Nickerson.

Representative NICKERSON: Madam Speaker, Ladies and Gentlemen of the House. I would advise you to defeat this and get on with our other business. I live a half a mile from Decoster Egg Farm. The people that are going to hurt on this bill are the Hispanics. If they are not allowed to work any overtime, they are going to hurt. Right now they are working 60 or 80 hours a week and that is the only way that they can make their car payments. They all drive new cars that are better than you and I drive. I don't know what is going to happen to them if you pass this bill and cut them back to a 40 hour week. They are not going to get much overtime up there if this bill passes. They will just hire more people, that is all. Hopefully, they will be natives of the towns. We could use some more business around there. The Mexicans are getting along very good there if we would just leave them alone. They are content. You have had about one or two maybe or six at the most complaining. The rest of them are very good workers and they are doing a fine job there. I say if we leave them alone and get off their backs and get on Decosters back then everything will settle out and be doing good there. Thank you.

On motion of Representative TREADWELL of Carmel, tabled pending the motion of Representative HATCH of Skowhegan to accept the Majority "**Ought to Pass**" as amended Report and specially assigned for Tuesday, April 8, 1997.

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-150) on

Bill "An Act to Restore State Funding for Mediation Services Provided by the Maine Labor Relations Board" (H.P. 294) (L.D. 358)

Signed:

Senators: CATHCART of Penobscot
TREAT of Kennebec

Representatives: HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
CLARK of Millinocket
RINES of Wiscasset
STANLEY of Medway

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

Signed:

Senator: MILLS of Somerset
Representatives: JOY of Crystal
JOYCE of Biddeford
PENDLETON of Scarborough
TREADWELL of Carmel

Was read.

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

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. This bill is a fairly simple bill to understand. Prior to 1993 the state paid for all mediation for the first three days and at that time the law was changed because of budget problems. This bill brings it back to the state paying for the first three days of mediation. Mediation is a process, at times, that will settle a dispute between unions, management and municipal arenas. I think it is a good bill and I urge you to vote in favor.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. I rise today in opposition to this bill. The first three days of mediation when the state was paying for it have resulted in little or no activity in the first day, second day and third day. It didn't seem to move along until they were paying for it later on. The State Mediation Board has found that this is very effective since the towns have been sharing the cost of the \$100 per day, plus expenses. I see no reason to change this at this time to increase the cost to the State of Maine. It is fair. It is equitable. It is even for both sides and it is bringing together quicker because they are paying for it. It was also brought out at the hearing that both sides were sitting there being represented by other people that they were paying a great deal of money for and this is just an added incentive on their part to bring the two sides together during mediation. Thank you very much.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. My only issue with doing what we are talking about is that this mediation process is available to about 12 percent, maybe less than 12 percent, of the workers in the State of Maine. That leaves 88 percent of the workers in the State of Maine contributing taxes to pay for the cost of this for a very small group. That is my only concern about doing this. This is a fairness issue when all the taxpayers pay in, they should all benefit as much as possible. This is directed at a very small group of workers, less than 12 percent of the total.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. I rise to say that this is a fairness issue. It is a fairness issue for the citizens of the State of Maine and the municipalities who have school districts whose teachers are unionized. They have to go to mediation. This helps out in the first three days. We all know that the recession in the last few years has caused many school districts not to have contacts with their teachers for long periods of time. This would definitely help out. Those 88 percent of people who do not use these services, as the good Representative from Rumford has said so well, have to pay for that through their property taxes if we don't have this in place. This is another one of those things that we gave back to the municipalities a few years ago to balance our budget and it is time that we did the right thing. I encourage you to vote yes to the "Ought to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Men and Women of the House. I found in my lifetime, which spans quite a few years, that if you don't pay for anything, you have no sense of ownership in that process. In the first three days as has been indicated prior to 1993, the first three days were paid for in mediation processes by the state. We have heard that this was put into place due to budget problems. I would suggest that our budget problems are nowhere near over. I also feel that this is a very small amount of money and it has already been indicated that there are pretty high paid people usually at the table, anytime mediation is going on. Madam Speaker, I would like to pose a question through the Chair. I am wondering has the number of cases referred to mediation decreased during the time when the parties have had to pay for it or have they stayed about the same? Thank you.

The SPEAKER: The Representative from Crystal, Representative Joy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Jay, Representative Samson.

Representative SAMSON: Madam Speaker, Men and Women of the House. In answer to Representative Joy, I believe they have stayed about the same or increased a little. I may be wrong. I was going to get up and speak on another matter if I may. In response to the Representative from Rumford when he says that only 12 percent of the people are affected and 88 percent are not. That is not true since now, currently, the municipalities pay a large share of the cost of mediation. If you live in a municipality, you are paying part of that cost. Thank you.

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

ROLL CALL NO. 77

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, McKee, Meres, Mitchell JE, Morgan, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Tessier, Thompson, Townsend,

Tripp, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Barth, Carleton, Jabar, Jones KW, Muse, Ott, Plowman, Stevens, True, Tuttle.

Yes, 78; No, 63; Absent, 10; Excused, 0.

78 having voted in the affirmative and 63 voted in the negative, with 10 being absent, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-150) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, April 8, 1997.

Divided Report

Majority Report of the Committee on **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-149) on Bill "An Act Requiring Qualified Investigation of Certain Truck-related and Bus-related Fatalities" (H.P. 469) (L.D. 640)

Signed:

Senators: O'GARA of Cumberland

JENKINS of Androscoggin

Representatives: WINGLASS of Auburn

FISHER of Brewer

CLUKEY of Houlton

CHARTRAND of Rockland

BOUFFARD of Lewiston

SAVAGE of Union

WHEELER of Eliot

DRISCOLL of Calais

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

Signed:

Senator: CASSIDY of Washington

Representatives: JOYCE of Biddeford

LINDAHL of Northport

Was read.

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

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Joyce.

Representative JOYCE: Madam Speaker, Men and Women of the House. This bill is going to require that the state police investigate every accident involving a truck over 10,000 pounds and resulting in a death. Currently there are already municipalities across the state that have these qualified investigators on their staff. What this bill would be doing is forcing these municipalities to still call on the State Police when they are already qualified to handle the investigation. There are also small towns around the state that don't have the qualified personnel. They already call in the State Police because they realize that they are not qualified to investigate these acts. The other point to remember is that right now 70 percent of all these truck accidents are already investigated by the State Police. I think we are mandating something to municipalities that really

isn't needed. This bill is just a feel-good bill, in my opinion. It is not going to bring back any of the victim's wives and it is not going to prevent anybody else from getting killed. Thank you.

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

Representative LEMKE: Madam Speaker, Men and Women of the House. This bill is actually a very straightforward bill. I want to comment that the Transportation Committee, they got what I considered a good bill, but they made it a better bill through deliberation and analysis. All this does is it makes sure that when there is a truck-related fatality the best possible investigation takes place by the State Police who have the accident reconstruction ability and the commercial enforcement unit when the locality does not have the ability. If the locality does have adequate constructionists after checking with the State Police, they get the green light. What was mentioned earlier by the Representative from Biddeford is essentially a misstatement of fact. I, therefore, urge you to vote for this pending motion.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Men and Women of the House. I hope you will support the Majority "Ought to Pass" Report on this bill. This bill, if you wanted to see the bill itself, it has actually been replaced by House Amendment "A" with a filing number of 149. It changes the bill considerably. The bill was supported by the Department of Public Safety and the Attorney General's Department. The object, as just mentioned, is to get the best possible investigation of a fatal or a serious personal injury accident involving a commercial vehicle. I would also like to point out that it does not require that the State Police investigate these accidents. What it does require is that if an officer, it can be a local officer that is investigating a commercial vehicle accident where there is serious personal injury or fatal, is required to call an accident reconstructionist. There are 70 accident reconstructionists in the State of Maine and 42 of them are not State Police Officers. Forty-two of them are deputy Sheriffs or local officers. If the investigating officer has one of these accident reconstructionists in his own department, he can call that officer. If he doesn't have one, he can call an officer in the adjoining local department. He does not have the State Police. Another thing the amendment does is it requires the Attorney General to appoint an assistant Attorney General, who is familiar with the federal commercial vehicle laws, to assist the District Attorney in the prosecution of these cases. It also requires, I think this is important, that the Commercial Vehicle Enforcement Unit, the unit that deals with commercial vehicles and weighs trucks on a day-to-day basis, be called in in one of these fatal or serious personal injury accidents.

I would like to read to you from the Maine Motor Vehicle Laws. This is Section 2351. "Except as provided in Section 2355, the vehicle may not be operated with a gross weight exceeding on a single-axle unit, 22,400 pounds and on a tandem-axle unit, 38,000 or three on a tri-axle unit, 48,000. The single-axle of a tandem-axle unit may not support more than 60 percent of the total weight supported by the tandem-axle unit unless neither axle exceeds the legally allowed on a single-axle unit of that vehicle. The single-axle of a tri-axle unit may not support more than 40 percent of the total weight supported by that tri-axle unit. The maximum gross weight of the vehicle or axle may not be increased by the addition of an axle unless it supports at least 50 percent of the added weight submitted by its addition." What was said in Section 2353, subsection 1 and 2, "A vehicle may be operated on the Interstate Highway System with a maximum weight permitted by this subsection if the weight does not exceed 80,000 pounds or the following formula,

whichever is less." The formula is $W=500 \times L \text{ over } N1+12N+36$. This goes on for several pages like this.

The reason I am pointing this out to you is these commercial vehicle axles are a little more complicated than a regular motor vehicle accident. It requires the expertise of people who have been working with these types of vehicles on an ongoing basis. The Commercial Vehicle Enforcement Unit uses a 20 page North American Standard Level 1 Inspection Procedure. In that is a very specific standard that they must follow. I am looking at one page. It says "the lower fifth wheel checks for unsecured nut to the frame of any missing or damaged parts. Check for visible trace between the upper and lower fifth wheel plates. Verify that the locking jaws around shay and around the head of the kingpin." Ninety-nine percent of the troopers in this state would not be able to understand these regulations. Most all of the local officers would not either. That is why they need the help of the Commercial Vehicle Enforcement Unit in these investigations. What is wrong with getting the best possible investigation that you can on a fatal commercial vehicle accident? I will request that you support the unanimous "Ought to Pass." Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Thank you. Seeing how this requires municipalities or local law enforcement agencies to do this, would this be a mandate?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. No, this would not be a mandate. If the Commercial Vehicle Unit is called in and it turns out to be a State Police Officer, the cost can be absorbed by the Department of Public Safety. They said that in the public hearing. We have been told at the public hearing and in the work sessions that this is not a mandate. It would be the right thing.

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

Representative DRISCOLL: Madam Speaker, Men and Women of the House. I agree wholeheartedly with Representative Clukey and everything he has said. This was well debated in committee and the vote was 10 to 3. When the vote is taken, I request the yeas and nays. Thank you.

Representative DRISCOLL of Calais requested a roll call on his 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 Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, Men and Women of the House. I am in the minority on this bill because I don't honestly feel it is needed. All officers who investigate fatal motor vehicle accidents within this state are, by law, trained at the Criminal Justice Academy. At the academy they receive training on what they should do when the encounter a fatal motor vehicle accident. Each and every one of these officers, if they are involved in a motor vehicle fatality will call the State Police or reconstruction if they feel it is needed. Go home and ask your local Sheriff or police chief if you need a law telling you that you have got to do this. Every one of those are a professional person and if it is needed, they will do it. It is not needed. Seventy percent of these accidents are now currently

constructed. It used to be around 40 percent. The Chief of the State Police sent out a letter to all agencies saying that the service was available and that number has been increased to 70 percent with the local activities of Parents Against Tired Truckers and the publicity received in local papers. This is not needed. Your local agencies are proficient. They are trained professionals and they will call a reconstructionist if they are needed.

Madam Speaker, I have a question for you. As far as this being a mandate, in committee we did discuss whether or not this would be a mandate and it was determined that the State Police could fund these and there would be no cost to the town. However, in my experience, these fatalities happen in very rural areas of the state and if this law takes affect, it is going to be a mandate that they must call the Commercial Vehicle Enforcement and if they do, they must have a reconstructionist and that local agency, whoever it is, will have to possibly pay overtime while that officer is at the scene, maybe one, two or three officers at the scene. They are going to have to wait for commercial vehicle enforcement or a reconstructionist to come to the scene. Probably they should if they are going to do their job properly. I feel that, yes, this would be a mandate. It would require an expenditure by local municipalities. Thank you.

Representative LINDAHL of Northport requested a ruling of the Chair as to whether or not this Bill was a mandate.

The Bill was tabled pending a ruling of the Chair. (Roll Call Ordered)

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Limit Corporate Contributions and to Establish Voluntary Spending Limits for Citizen-Initiated Ballot Campaigns" (H.P. 475) (L.D. 646)

Signed:

Senators: CAREY of Kennebec
DAGGETT of Kennebec
FERGUSON of Oxford

Representatives: FISHER of Brewer
CHIZMAR of Lisbon
TESSIER of Fairfield
TRUE of Fryeburg
BIGL of Bucksport
GAGNE of Buckfield
BELANGER of Wallagrass
LABRECQUE of Gorham

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-153) on same Bill.

Signed:

Representatives: GAMACHE of Lewiston
TUTTLE of Sanford

Was read.

On motion of Representative SAXL of Portland, tabled pending acceptance of either report and later today assigned.

Divided Report

Majority Report of the Committee on **Labor** reporting "**Ought Not to Pass**" on Bill "An Act to Allow Persons 15 Years of Age or Older to Work at Games of Skill" (H.P. 648) (L.D. 901)

Signed:

Senators: CATHCART of Penobscot
MILLS of Somerset

TREAT of Kennebec
Representatives: HATCH of Skowhegan
SAMSON of Jay
BOLDUC of Auburn
CLARK of Millinocket
STANLEY of Medway
JOY of Crystal
TREADWELL of Carmel

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

Signed:
Representative: RINES of Wiscasset
Was read.

On motion of Representative HATCH of Skowhegan, the Bill and all accompanying papers were recommitted to the Committee on **Labor** and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 903) (L.D. 1246) Bill "An Act Regarding Sales Tax Trade-in Credits and Farm Machinery" Committee on **Taxation** reporting "**Ought to Pass**"

(H.P. 924) (L.D. 1267) Bill "An Act to Abolish the Judicial Council" Committee on **Judiciary** reporting "**Ought to Pass**"

(H.P. 1055) (L.D. 1487) Bill "An Act to Authorize Clerks to Sign Notices of Certain Court Actions" Committee on **Judiciary** reporting "**Ought to Pass**"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 8, 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. 19) (L.D. 17) Bill "An Act Regarding Funding for the Extended Responsibilities of the Department of Inland Fisheries and Wildlife"

(S.P. 158) (L.D. 487) Bill "An Act Concerning the Charter of the Northern Maine Development Commission, Inc." (EMERGENCY)

(S.P. 45) (L.D. 155) Bill "An Act to Amend the Laws Regarding Hunting from a Paved Way" (C. "A" S-80)

(S.P. 82) (L.D. 262) Bill "An Act to Permit the Public Utilities Commission to Exempt Certain Telephone Utilities from Obtaining Approval to Serve" (C. "A" S-84)

(S.P. 85) (L.D. 265) Bill "An Act to Amend the Maine Apiary Laws" (C. "A" S-78)

(S.P. 127) (L.D. 406) Bill "An Act to Amend the Election Laws Pertaining to Absentee Ballots" (C. "A" S-83)

(S.P. 201) (L.D. 629) Resolve, Authorizing the Conveyance of the Interest of the State in Certain Property in Augusta (C. "A" S-77)

(S.P. 238) (L.D. 807) Bill "An Act to Adopt a New Charter for the Winthrop Water District" (C. "A" S-85)

(S.P. 256) (L.D. 825) Bill "An Act to Clarify the Laws on Personal Information of State Employees" (C. "A" S-74)

(H.P. 718) (L.D. 982) Bill "An Act to Conform the Maine Tax Laws for 1996 with the United States Internal Revenue Code" (EMERGENCY)

(H.P. 872) (L.D. 1189) Bill "An Act to Revise the Procedure to Appeal Nonacceptance into a Self-employment Assistance Program"

(H.P. 901) (L.D. 1244) Bill "An Act to Clarify Part-time School Week for the Purpose of Enforcing Child Labor Laws in the State"

(H.P. 902) (L.D. 1245) Bill "An Act to Revise the Confidentiality Provisions of the Maine Revised Statutes, Title 26"

(H.P. 519) (L.D. 710) Bill "An Act Amending the Maine Consumer Credit Code" (C. "A" H-147)

(H.P. 716) (L.D. 980) Bill "An Act to Amend Provisions Applicable to Property Casualty Insurers and Reporting Requirements to the Bureau of Insurance" (C. "A" H-148)

(H.P. 1092) (L.D. 1535) Bill "An Act to Fund the Collective Bargaining Agreement for the Law Enforcement Services Bargaining Unit" (EMERGENCY) (Governor's Bill) (C. "A" H-152)

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.

BILLS IN THE SECOND READING

Bill "An Act to Designate 2 Weekends When a Person May Fish without a License" (S.P. 24) (L.D. 22)

As Amended

Bill "An Act to Give an Antlerless Deer Permit to a Person Who Kills 5 or More Coyotes" (S.P. 63) (L.D. 182) (C. "A" S-65)

Bill "An Act to Allow a Patient to Order Contact Lenses through the Mail without a Prior Visit to a Physician" (S.P. 78) (L.D. 217) (C. "A" S-82)

Bill "An Act to Enhance the State's Moose Hunt" (H.P. 774) (L.D. 1051) (C. "A" H-151)

Were reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were Passed to be Engrossed or 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

Resolve, Regarding Legislative Review of Chapter 840: Private Purchasing Alliances, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (H.P. 873) (L.D. 1190) (C. "A" H-121)

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. 136 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.

An Act to Clarify That a Town's Mooring Ordinance May Grandfather Existing Commercial or Noncommercial Moorings (H.P. 63) (L.D. 88) (C. "A" H-119)

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

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

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)

An Act to Improve Management in the Elver Fishery (H.P. 289) (L.D. 353) (C. "A" H-114)

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

An Act Regarding Potato Bin Pilers and Refund of Sales Tax (H.P. 342) (L.D. 464) (C. "A" H-116)

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

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

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

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

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, April 3, 1997, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

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 - April 2, 1997 (Till Later Today) by Representative CAMPBELL of Holden.

PENDING - Motion of Representative LANE of Enfield to commit the Bill and all accompanying papers to the Committee on **Agriculture, Conservation and Forestry**.

Representative LANE of Enfield withdrew her motion to commit the Bill and all accompanying papers to the Committee on **Agriculture, Conservation and Forestry**.

Subsequently, the Majority "**Ought Not to Pass**" Report was accepted 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 (11) "**Ought to Pass**" as amended by Committee Amendment "A" (H-146) - Minority (2) "**Ought Not to Pass**" - Committee on **Legal and Veterans Affairs** on Bill "An Act to Increase the Number of High-stakes Beano Games" (H.P. 426) (L.D. 576)

TABLED - April 3, 1997 by Representative KONTOS of Windham.

PENDING - Motion of Representative TUTTLE of Sanford to accept the Majority "**Ought to Pass**" as amended Report. (Roll Call Ordered)

On motion of Representative SAXL of Portland, tabled pending the motion of Representative TUTTLE of Sanford to accept the Majority "**Ought to Pass**" as amended Report and later today assigned. (Roll Call Ordered)

HOUSE DIVIDED REPORT - Majority (8) "**Ought Not to Pass**" - Minority (5) "**Ought to Pass**" as amended by Committee Amendment "A" (H-145) - Committee on **Natural Resources** on Bill "An Act to Clarify Sanitary District and Sewer District Authority to Adopt Impact Fees" (H.P. 576) (L.D. 767)

TABLED - April 3, 1997 by Representative ROWE of Portland.

PENDING - Acceptance of Either Report.

On motion of Representative ROWE of Portland, the Bill and all accompanying papers were recommitted to the Committee on **Utilities and Energy** and sent up for concurrence.

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

On motion of Representative WHEELER of Eliot, the House adjourned at 11:18 a.m., until 9:30 a.m., Tuesday, April 8, 1997.