

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
17th Legislative Day
Thursday, May 1, 1997

The House met according to adjournment and was called to order by the Speaker Pro Tem, Rep. USHER of Westbrook. Prayer by Father John E. Marquis, Chaplain at Colby, Thomas and Unity College, Waterville. National Anthem by Cape Elizabeth Middle School Band. Pledge of Allegiance. The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 632)

ORDERED, the House concurring, that the Joint Standing Committee on Transportation report out legislation regarding the widening of the Maine Turnpike to the Senate. Came from the Senate, read and passed. Was read and passed in concurrence.

Bill "An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands" (S.P. 635) (L.D. 1852)
Came from the Senate, referred to the Committee on **Agriculture, Conservation and Forestry** and Ordered Printed. Was referred to the Committee on **Agriculture, Conservation and Forestry** in concurrence.

Bill "An Act to Allow the Town of Chester to Annex a Certain Parcel of Land" (S.P. 633) (L.D. 1850)
Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed. Was referred to the Committee on **State and Local Government** in concurrence.

Bill "An Act to Amend the Laws Regarding Proposed Unaccepted Streets" (S.P. 634) (L.D. 1851)
Came from the Senate, referred to the Committee on **Transportation** and Ordered Printed. On motion of Representative AHEARNE of Madawaska, was referred to the Committee on **State and Local Government** in non-concurrence and sent up for concurrence.

Ought to Pass as Amended

Report of the Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-127) on Bill "An Act to Provide for State and Federal Criminal Record Checks on Educational Personnel in the State" (S.P. 174) (L.D. 503)
Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-127) as amended by Senate Amendment "A" (S-169) thereto. On motion of Representative RICHARD of Madison, tabled pending acceptance of the Committee Report and later today assigned.

Divided Report

Seven Members of the Committee on **Legal and Veterans Affairs** on Bill "An Act to Amend the Laws Pertaining to Wine Tasting" (S.P. 108) (L.D. 387) report in Report "A" that the same "**Ought to Pass**" as amended by Committee Amendment "A" (S-121)

Signed:
Representatives: TUTTLE of Sanford
CHIZMAR of Lisbon
FISHER of Brewer
TESSIER of Fairfield
TRUE of Fryeburg
LABRECQUE of Gorham
BELANGER of Wallagras

Five Members of the same Committee on same Bill report in Report "B" that the same "**Ought to Pass**" as amended by Committee Amendment "B" (S-122)

Signed:
Senators: DAGGETT of Kennebec
FERGUSON of Oxford
CAREY of Kennebec
Representatives: GAGNE of Buckfield
BIGL of Bucksport

One Member of the same Committee on same Bill reports in Report "C" that the same "**Ought Not to Pass**"

Signed:
Representative: GAMACHE of Lewiston
Came from the Senate with Report "B" "**Ought to Pass**" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-122). Was read. On motion of Representative GAMACHE of Lewiston, tabled pending acceptance of any Report and later today assigned.

Divided Report

Majority Report of the Committee on **Appropriations and Financial Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-142) on Bill "An Act to Increase Access to Education, Training and Employment for Displaced Homemakers" (S.P. 328) (L.D. 1106)

Signed:
Senators: MICHAUD of Penobscot
CLEVELAND of Androscoggin
BENNETT of Oxford
Representatives: STEVENS of Orono
TOWNSEND of Portland
BERRY of Livermore
KERR of Old Orchard Beach
MARVIN of Cape Elizabeth
OTT of York
KNEELAND of Easton
POULIN of Oakland
LEMAIRE of Lewiston

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

Signed:
Representative: WINSOR of Norway
Came from the Senate with the Majority "**Ought to Pass**" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-142). Was read. On motion of Representative KERR of Old Orchard Beach the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (S-142) was read by the Clerk and adopted. The Bill was assigned for second reading Friday, May 2, 1997.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-147) on Bill "An Act to Require Economic Impact Criteria on State Procurement Procedures" (S.P. 361) (L.D. 1220)

Signed:

Senators: NUTTING of Androscoggin
GOLDTHWAIT of Hancock

Representatives: AHEARNE of Madawaska
BUMPS of China
FISK of Falmouth
BAGLEY of Machias
GERRY of Auburn
GIERINGER of Portland
SANBORN of Alton
LEMKE of Westbrook
DUTREMBLE of Biddeford

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

Signed:

Senator: LIBBY of York

Representative: KASPRZAK of Newport

Came from the Senate with the Majority "**Ought to Pass**" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-147).

Was read.

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

On further motion of the same Representative, tabled pending his motion to accept the Majority "**Ought to Pass**" as amended Report and later today assigned.

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

Bill "An Act to Protect Patients of Managed Care Plans" (H.P. 1309) (L.D. 1857) (Presented by Representative BROOKS of Winterport) (Cosponsored by Representatives: BRAGDON of Bangor, LOVETT of Scarborough, SAXL of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Health and Human Services

Bill "An Act to Prevent Hunger Among Unemployed Maine Workers" (EMERGENCY) (H.P. 1311) (L.D. 1859) (Presented by Representative COLWELL of Gardiner) (Cosponsored by Senator TREAT of Kennebec and Representatives: BAGLEY of Machias, MADORE of Augusta, McALEVEY of Waterboro, MITCHELL of Vassalboro, NASS of Acton, WATSON of Farmingdale, Senators: MacKINNON of York, MICHAUD of

Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Legal and Veterans Affairs

Bill "An Act to Allow Private Labeling of Wine for On-premise Consumption" (H.P. 1308) (L.D. 1856) (Presented by Representative PLOWMAN of Hampden) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

State and Local Government

Bill "An Act to Authorize Hancock County to Hold a Referendum Election in November 1997 on a Bond Issue of \$6,000,000 to Construct a New Jail and to Provide Necessary Renovations to the Courthouse to Comply with State Mandates" (EMERGENCY) (H.P. 1312) (L.D. 1860) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: BIGL of Bucksport, BUNKER of Kossuth Township, JONES of Bar Harbor, LAYTON of Cherryfield, PERKINS of Penobscot, PINKHAM of Lamoine, VOLENIK of Brooklin, Senator: RUHLIN of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Taxation

Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of a High-stakes Beano or High-Stakes Bingo Game" (H.P. 1307) (L.D. 1855) (Presented by Representative BISULCA of the Penobscot Nation) (Cosponsored by Representatives: DEXTER of Kingfield, DUNLAP of Old Town, GOODWIN of Pembroke, McKEE of Wayne, TRIPP of Topsham, TRUE of Fryeburg, TUTTLE of Sanford, Senator: CATHCART of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Transportation

Bill "An Act Directing the Department of Transportation to Conduct the Necessary Studies and to Construct an East-west Highway" (H.P. 1310) (L.D. 1858) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Senator MILLS of Somerset and Representatives: DRISCOLL of Calais, GERRY of Auburn, MERES of Norridgewock, SAMSON of Jay, SAXL 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 Representative GAMACHE of Lewiston, the following Order: (H.O. 25)

ORDERED, that Representative Joseph E. Brooks of Winterport be excused April 28 and 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul Chartrand of Rockland be excused April 17, 28 and 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James O. Donnelly of Presque Isle be excused April 16 and 17 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Robert F. Fisk, Jr. of Falmouth be excused April 14 through 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Albert P. Gamache of Lewiston be excused April 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sharon Libby Jones of Greenville be excused April 16 and 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffery G. Joyner of Hollis be excused April 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Carol A. Kontos of Windham be excused April 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative June C. Meres of Norridgewock be excused April 17 and 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Christopher T. Muse of South Portland be excused April 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lois A. Snowe-Mello of Poland be excused April 18 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Marine Resources** reporting "**Ought Not to Pass**" on Bill "An Act to Repeal the Requirement That Lobster Traps Have Tags" (H.P. 68) (L.D. 93)

Signed:

Senators: GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MacKINNON of York

Representatives: ETNIER of Harpswell
PERKINS of Penobscot
PIEH of Bremen
VOLENIK of Brooklin
HONEY of Boothbay
PINKHAM of Brunswick

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-256) on same Bill.

Signed:

Representatives: GOODWIN of Pembroke
BAGLEY of Machias
PINKHAM of Lamoine
LAYTON of Cherryfield

Was read.

On motion of Representative ETNIER of Harpswell the Majority "**Ought Not to Pass**" Report was accepted.

On motion of Representative DONNELLY of Presque Isle the House reconsidered its action whereby the Majority "**Ought Not to Pass**" Report was accepted.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative PINKHAM: Thank you Mr. Speaker, Men and Women of the House. I would urge you not to accept the "Ought Not to Pass" on this bill. This, as you remember, the people that were here two years ago, this is a product of the

lobster bill that was a lot of debate and I'm sure that the people that was here two years ago haven't forgotten it.

This trap tag system, like I say, is a product of that extensive lobster bill that we heard debate on two years ago. It creates a fee and a tag system on the lobster fishery. Each trap in the water that's fished has to have a tag on it at 20 cents apiece.

The Department of Marine Resources has an act of trying to get money from the General Fund for different programs and when they're refused, they'll place a tax or fee on the fisherman, most of the fishermen who least can afford these fees.

Each year the fishermen, now under the tag system, has to replace these tags to some \$2.7 million, tags are taken off these traps each year and deposited somewhere, whether it's in the ocean or on a land fill, or whatever. There's no reason why these tags have to be replaced every year other than to raise money for the Department of Marine Resources. This is a dedicated revenue, the Department takes the dedicated revenue and hires fulltime people where it kind of holds the Legislature hostage to have to keep renewing this because it's a fund that does hire fulltime people.

I would urge you to vote against this "Ought Not to Pass" and defeat that motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative LEMONT: Thank you Mr. Speaker, Ladies and Gentlemen of the House. I rise today in the support of the motion, accept the Majority "Ought Not to Pass" Report. I am a lobsterman and I'd like to share with you a little bit today of what this trap fund does do. As Representative Pinkham said, it is a dedicated fund. The money is used in the trap tag program to buy tags for the fishermen to apply to their traps and it has also funded three new coastal wardens. This was very important, this was going to help with enforcement and this was the first time in many many years we've had a full compliment of marine officers. The money also went to start the zones which we passed in the last session, this funds the management set up of the zones and giving them the opportunity to do in their areas what's good for the industry.

I do believe the revenue has been well spent and it has been appropriated in a very judicious manner. Also, finally, if you're going to have a trap limit you must tag the traps so you have some way of enforcing the law. I hope you'll support the motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative PINKHAM: Thank you Mr. Speaker, Men and Women of the House. This dedicated fund does support several new positions which was made available under the lobster program but already the fisherman are paying several taxes on these traps before they can put them in the water. There's a sales tax they have to pay, there's a surcharge before they can fish them, from \$25 to \$75, on each license. There's also, now, towns have started to charge personal property tax on each one of these traps at about 25 cents apiece. So there's already several fees that's paid on these traps before they can fish. There's no reason, Massachusetts has a trap limit, they have the honor system there and I don't feel that the fishermen in Massachusetts are any more honorable or honest than the fishermen in the State of Maine and it seems to be working well.

Like I say, this was part of the bill two years ago to raise money. It's to raise money for the Department and I just feel that if these things are so important then they should be funded by the General Fund and the Department should be able to fight for them and, like I say, if they are so important and people go along with it it shouldn't be any problem to get it from the General Fund instead of placing another tax or another fee on the fishermen

and I would urge you to vote against the "Ought Not to Pass." Thank you and I request a Roll Call please.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Thank you Mr. Speaker, Ladies and Gentlemen of the House. In reference to the good representative from Lamoine, Representative Pinkham's last comment concerning the fees that are currently assessed for lobster traps, in terms of the sales tax any fulltime or part-time commercial fisherman who buys lobster traps is exempt from the sales tax on those items, as they are with a number of most of the fishing gear that they purchase. In terms of personal property tax, as the good Representative knows, because we both submitted identical bills to exempt future towns from assessing property tax on lobster traps, there's only one town in the entire State of Maine that is currently assessing this, I believe it's the Town of Camden. Some are undoubtedly thinking about it, I think Gouldsboro being one that we heard, but it's a faint hope that they would ever, on their part pursue it any further once they got the feedback from the local fishing community that they will certainly get.

In terms of the public hearing on this issue, we actually had two public hearings due to the tremendous amount of snow we had at the first one and the majority of the folks, lobster people who came and spoke, spoke in opposition to this bill according to my notes, I see here, including the President and Executive Director of the Maine Lobsterman's Association on behalf of their approximately 1200 members. Nobody likes trap tags, I don't like trap tags, I don't have to pay for them myself, I don't like having to say that lobster fishermen have to pay the 20 cents, that is currently, for them. Nobody likes having to put them on. Nobody likes having to take them off on an annual basis. The fact of the matter is, that if you're supportive of trap limits, which most of the fishermen in the State of Maine appear to be, based on the surveys that have been done, and what we've heard over the last couple of years. If you're supportive of the zone structure of the State of Maine that has been established for lobster fishing, zone management structure with seven zones, which also goes to help support, and pays for one clerk/typist position, I believe to help manage the zone structure for the State, then as part of that, unfortunately, you have to be supportive of trap tags, and again, it's not something that I'm overly wild about. It's a necessary evil, it's also a necessary evil for the enforcement of the trap limit. There's no other way to enforce a trap limit.

The good Representative from Lamoine, Representative Pinkham mentioned Massachusetts. Massachusetts has an 800 trap limit as essentially a joke because they have no means of enforcement and is generally acknowledged as such.

I urge you please to support the Majority bipartisan vote on this Committee Report, "Ought Not to Pass." Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Boothbay, Representative Honey.

Representative HONEY: Thank you Mr. Speaker, Men and Women of the House. Bill and I come out of the same background, Bill was in enforcement I was in administration in the same Department. I urge you to support the motion. Most, if not all, of the lobster fishermen understand that if you're going to have trap limits you have to have trap tags. There's no other system devised yet on this earth that we know of that will give us the opportunity to have trap limits and trap limits are widely

supported by the full time lobster fishermen. This is a good bill and it was highly supported at the public hearing by fishermen except some from downeast and I urge you to vote for the motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Pinkham.

Representative PINKHAM: Mr. Speaker, Men and Women of the House. I felt like Representative Pinkham when I first looked at this bill, but after I listened to all the debate at the hearing it's quite evident to me that the majority, if not all the fishermen, there were in favor of this trap tag. I would urge you to support the "Ought Not to Pass."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lamoine, Representative Pinkham.

Representative PINKHAM: Mr. Speaker, Men and Women of the House. As the good Representative from Harpswell said, we did have two bills in to exempt the town tax on lobster traps and, as you know, both of them was defeated so the towns still can charge taxes. Some of them have already started and there's other ones that will be bringing it up this year at town meetings.

This is a situation where the fishermen has to pay these fees before they can go fishing. I mean it isn't like you can go fishing and pay them later. You've got to pay them before you can go fishing. These tags are also not bought in the State of Maine they're bought from New York and there's four businesses in the State of Maine, small businesses that will probably go under because these tags aren't bought in the State of Maine. When the bids were put out they were spelled out in such a way that almost excluded these businesses from bidding on these tags. All they would have had to do was change them in a small way and the businesses in Maine could have bid on them. But they didn't do that they put them out to bid in New York.

These fees, also, are not set by the Legislature or by the lobster council or anybody else. These fees are set by the Commissioner and they can be raised on a yearly basis with no approval from anyone other than the Commissioner. She doesn't even have to talk to her own advisory council on raising these fees. It raises as much as she wants to or, he, whoever happens to be Commissioner, at whim. There's no approval from anybody. So as they want more money they can raise these fees.

Also, it was testified that there was no opposition. There was plenty of opposition to these tag fees and granted most of it was from downeast, but these people downeast have fished the same way as the rest of the people do in the State, so they should have a voice in this. There was plenty of opposition to it. Hancock and Washington Counties were almost totally against trap tags and the fees. I urge you to vote against this motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House. Just to give you an anecdotal story about this that might help you on your vote. In the committee's public hearing, lobsterman David Cousins, who is the President of the Maine Lobsterman's Association, brought in a lobster trap and placed it in front of the Committee on end and he reached in his pocket and he took out a big wad of one dollar bills, \$68. This was the amount of money that it costs the lobsterman for his trap and for the lines associated with that trap. Then he reached in another pocket and he pulled out two dimes, now these two dimes had nothing to do with a commercial urging you to change your telephone coming, these two dimes were what it costs the same fisherman for his trap tag fee per trap. That 20 cents not only represents what it costs for the tag, but also what it costs for the extra enforcement that the Department needs to spend in order

to carry out the trap limit bill that we passed in this body two years ago. It also enables us to know how many traps and how much gear is in the water fishing.

In the long range scheme of things, the trap tag fee is nothing compared with the attempt by the National Marine Fisheries Service to close down the fisheries in the State of Maine. In fact, the trap tag fee is a tool that allows us to know how many traps and how much gear are in the water so we can truly battle the National Marine Fisheries Service and their proposed regulations.

If we're going to keep our coastal fisheries open, our way of like going, our tourist industry going and, indeed, if we're going to keep the entire economy of the State of Maine going then we need to have this trap tag fee.

I would urge you to accept the Majority "Ought Not to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Mr. Speaker, Ladies and Gentlemen of the House. I did not intend to stand up prematurely. I thought that Representative Volenik had completed his testimony. We had testimony from one lobsterman that I thought was the best, partly because it was the shortest. He came up there and he said, "if it's good for the resource, I support the tags." Thank you.

The SPEAKER PRO TEM: 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. 123

YEA - Ahearn, Baker JL, Belanger IG, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brooks, Bruno, Bull, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Green, Hatch, Honey, Jabar, Jones SL, Jones SA, Joyner, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Mayo, McAleve, McElroy, Meres, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Poulin, Powers, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Spear, Stanley, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright.

NAY - Barth, Belanger DJ, Buck, Clukey, Dexter, Donnelly, Foster, Gerry, Goodwin, Gooley, Jones KW, Joy, Joyce, Kasprzak, Kneeland, Lane, Layton, Mack, Nass, Nickerson, Perkins, Pinkham WD, Povich, Snowe-Mello, Stedman, Vedral, Waterhouse, Wheeler EM, Winglass.

ABSENT - Bagley, Baker CL, Bodwell, Brennan, Lemke, McKee, Plowman, Quint, Skoglund, Stevens, Tuttle, Underwood, Winsor, Madam Speaker.

Yes, 108; No, 29; Absent, 14; Excused, 0.

108 having voted in the affirmative and 29 voted in the negative, with 14 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "Ought Not to Pass" on Bill "An Act to Exempt Watercraft Powered by Electric Motors from Registration Fees" (H.P. 170) (L.D. 225)

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
UNDERWOOD of Oxford
TRUE of Fryeburg
USHER of Westbrook
GOODWIN of Pembroke
CROSS of Dover-Foxcroft

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-265) on same Bill.

Signed:

Representative: PERKINS of Penobscot

Was read.

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

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. This one here bothers me immensely because taxes, as we all know, can be used for a lot of purposes. They can be used to direct behavior, change behavior and, I think behavior that we should promote, is the use of quiet machines and these electric motors as we all know, are environmentally friendly, people friendly and I think that they should be exempt from taxation to promote, to send a message that this is the type of thing that we want to promote. Related to this, there are a lot of pushes for taxing nonmotorized watercraft. That I think we should fight vigorously. This is a second cousin to that and I would urge you to vote against the pending motion. Thank you.

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

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

Representative CAMPBELL: Mr. Speaker, Men and Women of the House. This is an issue that was brought to my attention by one of my constituents that always calls me when licenses and fees rise and we spend more money but yet never reward those with interests in sportsman's events. This is a situation where it's clean for the environment, it's a small token, or reward, for sportsmen to be able to be on the water under power but also it's clean for the environment. So this, from my perspective is a win-win situation.

I also, along with Representative Perkins, would ask you to vote against the measure. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I would believe that we should support the "Ought Not to Pass" making special arrangements for one segment of our voting public and I would also ask that when the vote is taken it would be by roll call.

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

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

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. I just want to add one point here. Seems to me the whole idea of taxation, one of the main purposes, is to pay for enforcement of the very function that's being taxed. There's

virtually no enforcement problem with electric motors. These things are usually half a horse to one horse or so. They don't even make a wake, so you couldn't even break the wake laws for these. So just keep that in mind. If we're taxing these to pay for enforcement, that's a nonissue. Then ask yourself, why are we taxing them? Thank you.

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

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House. Registrations are needed for many types of vehicles, whether they be motor vehicles, off road vehicles, watercraft on our lakes in the State of Maine. Being assigned registration numbers aid law enforcement in identification purposes should the need arise. Everyone who uses our waterways are expected to contribute to the conservation of our resources. This bill would set up a special exemption which would lead to a barrage of other exemptions down the road.

The Department of Inland Fisheries and Wildlife will require a General Fund appropriation of \$7,500 this year for the costs of reprogramming computer software to eliminate certain requirements for watercraft registration. Also, the estimated decrease of revenues for the years 1997-98 and 1998-99 would be \$14,100 for each year. Thank you. I hope you support the Majority "Ought Not to Pass" Report.

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. 124

YEA - Ahearn, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bunker, Cameron, Chartrand, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones SL, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Layton, Lemaire, Lemont, Madore, Mailhot, Marvin, Mayo, Meres, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Ott, Paul, Perry, Pieh, Povich, Powers, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Spear, Stanley, Taylor, Tessier, Thompson, Townsend, Tripp, True, Usher, Vigue, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Buck, Bumps, Campbell, Carleton, Clukey, Dexter, Fisher, Fisk, Foster, Gerry, Jones KW, Jones SA, Joy, Kasprzak, Lane, Lindahl, Lovett, MacDougall, Mack, McAlevey, McElroy, Nass, Nickerson, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Snowe-Mello, Stedman, Tobin, Treadwell, Vedral, Waterhouse, Winn.

ABSENT - Bagley, Baker CL, Lemke, McKee, Plowman, Poulin, Quint, Skoglund, Stevens, Tuttle, Underwood, Madam Speaker.

Yes, 98; No, 41; Absent, 12; Excused, 0.

98 having voted in the affirmative and 41 voted in the negative, with 12 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on **Agriculture, Conservation and Forestry** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-264) on Bill "An Act to Label All Eggs Produced in the State by Source" (H.P. 425) (L.D. 575)

Signed:

Senator: KILKELLY of Lincoln
Representatives: BUNKER of Kossuth Township
SAMSON of Jay
VOLENIK of Brooklin
SHIAH of Bowdoinham
BAKER of Dixfield
McKEE of Wayne

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

Signed:

Senators: PARADIS of Aroostook
KIEFFER of Aroostook
Representatives: LANE of Enfield
GOOLEY of Farmington
CROSS of Dover-Foxcroft
DEXTER of Kingfield

Was read.

Representative BUNKER of Kossuth Township moved that the House accept the Majority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought to Pass" as amended Report and later today assigned.

Divided Report

Majority Report of the Committee on **Marine Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-274) on Bill "An Act to Change the Membership of the Lobster Advisory Council" (H.P. 536) (L.D. 727)

Signed:

Senators: GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MacKINNON of York

Representatives: ETNIER of Harpswell
PERKINS of Penobscot
BAGLEY of Machias
PIEH of Bremen
PINKHAM of Lamoine
VOLENIK of Brooklin
LAYTON of Cherryfield
HONEY of Boothbay
PINKHAM of Brunswick

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

Signed:

Representative: GOODWIN of Pembroke
Was read.

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

The Bill was read once. Committee Amendment "A" (H-274) was read by the Clerk and adopted. The Bill was assigned for second reading Friday, May 2, 1997.

Divided Report

Majority Report of the Committee on **Transportation** reporting "Ought Not to Pass" on Bill "An Act to Allow Flexible Toll Pricing on the Maine Turnpike" (H.P. 583) (L.D. 774)

Signed:

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

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

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-267) on same Bill.

Signed:

Representative: CHARTRAND of Rockland

Was read.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Mr. Speaker, Men and Women of the House. I won't take a lot of your time with a 12 to 1 report, but being the one vote on the committee for this bill and the sponsor of it, I wanted to tell you a little about it. Basically, this bill would deregulate toll pricing on the Maine Turnpike so that the Authority would have its hands untied from the Legislature and be able to set toll pricing however they see fit.

In the past there's been various laws passed both in the structuring of the turnpike and later on regulated and set certain rules about toll pricing. One of these is that they must set commuter prices at 50 percent of regular pricing. Another one is that they can not alter prices based on time of day or time of week or any other factor and as the Maine Turnpike gets more crowded it's clear that whether or not it's widened, the traffic is going to be, at certain times, more than is manageable and more than is comfortable for drivers. So the issue is, should the Turnpike be allowed to help control that crowding of the Turnpike with pricing based on time of day and should it be allowed to take away discounts they're now giving for people who travel after peak hours.

At the hearing we heard from Charles Cogin, who's the consultant hired by the Turnpike Authority to implement their discount program they did over the past two summers and he testified in support of the bill and said that whether the turnpike is 12 lanes wide or not, there will still be crowding at certain times of day and as he sees it, strategy will have to implement it, sometime in the future will be pricing that gives advantages for traveling at certain times and disadvantages for traveling at other times. We do it in almost every other business today, such as phone calls, motel reservations, other things where those who travel use the product at the least crowded time are given a price benefit and, as Paul Violette, the director of the Turnpike Authority testified at a later hearing, he really believes that the Turnpike who are the business who's selling the product, should be in charge of the pricing. There's no reason why we here in the Legislature need to decide what the Turnpike should do regarding its pricing and, in fact, this bill does not force them to do anything. It just takes away sections of statute that in the past have tied their hands and limited their flexibility in setting toll pricing.

Understandably, in this climate today, anything to do with the turnpike gets immediately cast in to a polarized atmosphere. Unfortunately, that happened with this bill I was accused of submitting in order to slow down the widening or in order to discriminate against residents of southern Maine, who commute on the turnpike, and any number of other things. But really, the intent behind it is to let the Turnpike decide, let them set their

pricing as they see fit. They've obviously shown themselves to be very sensitive to public opinion in the past few years in dealing with any issues relating to the turnpike widening or the use of the Turnpike. I think they'd handle whatever power would be given them with this bill wisely.

So I'd encourage you to vote against the Majority Report and I'd request a division on the vote. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House. The good Representative from Rockland and I debated this bill nearly two years ago around midnight on the last day of the first session of the 117th. One hundred and one votes were cast against this concept at that time. We even had to bring back one of our former members from home so that, at that particular time, we would have the 101 votes. I would urge that you accept the Majority "Ought Not to Pass" Report on this issue which is before us again for the second time in too brief a period of time.

While it is a Turnpike issue, it is also felt by most of us now and certainly in the past that this would have a very, very adverse affect on the tourist industry in the State of Maine. The tourist industry brings into this State in excess of \$2 billion a year. To have tourists arriving in Maine on a Friday afternoon and have to pay a surcharge of X amount of money to come here to spend a weekend, to spend a week, to spend two weeks vacation does not establish the right tone as they enter the Maine Turnpike.

I could go on about this. I don't really think that it is necessary today. I would urge that you support the Committee with its 12 to 1 vote. Thank you.

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

Representative O'NEIL: Mr. Speaker, Men and Women of the House. I have to say that I was a proponent of this bill and I went to the Transportation Committee to testify on its behalf because I thought it made awfully good sense. The reasons have already been mentioned by the Representative from Rockland. In terms of load pricing, everybody pays more when they call before 5:00 p.m. Everybody pays more when they rent a hotel room in Bar Harbor in August than they do if they pay now. Everybody pays more for vegetables in the winter than they do in the summer.

What brought me to testify on the bill was the fact that I had been in the supermarket about two days before the public hearing was to take place and somebody mentioned it, it was a constituent who mentioned the bill to me, and I said, well I'm kind of for the flexible pricing, it's a supply and demand issue. If you travel it at quarter to eight in the morning when the turnpike is heaviest, you're creating the demand. Whereas, if you're traveling at 10:30 when there's nobody there, you're not. The pricing ought to reflect that supply and demand. He said well I think your nuts O'Neil, he said, I have a commuter card because I go in every day to Portland from Saco and I get a 50 percent discount. He said, and I get that discount because I'm a good customer, and I respectively submitted to him that I thought he was a bad customer not a good customer because of the fact that he rides all by himself every morning at quarter of eight.

Anyway, not to belabor the point, this bill has no poison pills, it has no hidden agenda, it's just a tool to allow the Turnpike Authority to help manage traffic a little better. They do have a bit of a traffic problem from time to time and we'll be hearing more about that for sure in the near future. It is not, it does not mandate to the Authority that they do this, it gives them the ability to.

As to the fine Representative from Bath, Representative Mayo's contention that the tourism industry would be adversely affected, I really have to wonder where somebody can fly in on one day for \$149 from New York and pay \$349 the next day just because it's off peak and peak. Whether or not maybe a .50 cent difference in a toll is going to hurt and, whereas they pay a dollar to drive on ten miles of highway in New Hampshire and then they get a better rate here, and whereas they've got a thousand bucks in their pocket when they come on vacation are they really worried, have they even noticed a surcharge? My reason for rising is because I just had to scratch my head and wonder why the 12 to 1 report came out and I still haven't heard a good reason. Thank you.

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

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

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

Representative CARLETON: Mr. Speaker, Men and Women of the House. I represent Wells in the Legislature. It is about 11 miles up from York which is where the turnpike starts. It costs 70 cents from Wells to York on the turnpike at the present time. Under plans that are in place, I believe that it will rise to about \$1 or \$1.25, under existing plans.

We all know that the turnpike is, well some of us who drive the turnpike during certain hours know that it is, crowded at certain points, especially between Biddeford and Portland. The real problem, the real serious problem with traffic on the turnpike does occur during the summer hours, the summer months. It occurs all during the summer months especially on Fridays and Saturdays and Sundays when our tourists come into the State and also when they leave the State.

I don't think that congestion pricing is going to affect that situation for the following reasons. People who come to Maine to rent a tourist place, maybe stay a week, maybe spend \$1,000 as the Representative from Saco says, are not going to be deterred from coming and getting their rooms, which are generally leased, if you're renting by the week on Saturday after 4:00. The only thing that's going to happen if you charge a big price for them to come during that time is that they're going to be mildly irritated at their first experience with Maine. They will see this as a rip off. They will have a bad experience and their not going to like us very much. If congestion pricing during those periods is effective, it's not going to stop people from coming during those times. All it means is that we're going to have more congestion on Route 1 and all of the other feeder roads that lead off the turnpike to various places and I can assure you that the traffic during the summer months is much worse there than it is on the Maine Turnpike.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. This looks like a very good idea to me and I still haven't heard any of the committee people on the other side speak against it and I would like to ask if somebody might answer what is wrong with this bill from the committee. It seems to work for airlines, at least some of the airlines have been doing this for years, and it seems to work. It makes good sense to me that you be creative with taxation as we've said on one of the other bills. What's wrong with trying it? If it doesn't work, change it.

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

Representative WHEELER: Mr. Speaker, Men and Women of the House. I wasn't going to rise on this bill because I figured it was cut and dry, it was a 12 to 1 report. I mean, it wasn't like

we didn't debate it in committee. The reason I was on the Majority "Ought Not to Pass" was that I feel this is just a Band-Aid approach to stop the widening and there wasn't any real testimony on what benefits this would have for anybody using the turnpike to allow the flexible toll pricing and I urge your support of the Majority "Ought Not to Pass."

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. 125

YEA - Ahearne, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brooks, Bruno, Buck, Bumps, Bunker, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gamache, Gieringer, Goodwin, Gooley, Hatch, Honey, Jabar, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, Ott, Paul, Peavey, Pendleton, Perry, Pinkham RG, Pinkham WD, Poulin, Richard, Rines, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Sirois, Snow-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Treadwell, Tripp, True, Usher, Vedral, Vigue, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright.

NAY - Baker JL, Barth, Brennan, Bull, Chartrand, Cowger, Farnsworth, Gagnon, Gerry, Green, Jones KW, Jones SL, Kane, LaVerdiere, O'Neil, Perkins, Pieh, Povich, Powers, Quint, Rowe, Shiah, Townsend, Volenik, Watson, Winn.

ABSENT - Bagley, Baker CL, Bragdon, Plowman, Skoglund, Tuttle, Underwood, Madam Speaker.

Yes, 117; No, 26; Absent, 8; Excused, 0.

117 having voted in the affirmative and 26 voted in the negative, with 8 being absent, the Majority "**Ought Not to Pass**" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on **Banking and Insurance** reporting "**Ought Not to Pass**" on Bill "An Act to Require Public Insurers to Supply Insurance Data to Schools and Municipalities" (H.P. 603) (L.D. 828)

Signed:

Senators: LaFOUNTAIN of York

MURRAY of Penobscot

Representatives: PERRY of Bangor

DAVIDSON of Brunswick

SAXL of Bangor

O'NEIL of Saco

BRUNO of Raymond

STANLEY of Medway

JONES of Pittsfield

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-272) on same Bill.

Signed:

Senator: ABROMSON of Cumberland

Representatives: MAYO of Bath

CARLETON of Wells

WINN of Glenburn

Was read.

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

On further motion of the same Representative, tabled pending his motion to accept the Majority **"Ought Not to Pass"** Report and specially assigned for Monday, May 5, 1997.

Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting **"Ought Not to Pass"** on Bill "An Act to Prohibit the Use of Artificial Devices by Game Wardens for the Purpose of Causing Hunting Violations" (H.P. 697) (L.D. 961)

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"** as amended by Committee Amendment "A" (H-266) on same Bill.

Signed:

Representatives: CLARK of Millinocket

UNDERWOOD of Oxford

Was read.

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

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. I rise today in opposition to the pending motion. This is one of my personal bills, the only bill I put in personally this year. It has to deal with mechanical devices, which is the decoy deer. There's a lot of problems in the State this year, and over the last couple of years, with game wardens putting decoy deer wherever they want.

First of all, I believe it's entrapment. Second of all it's a safety issue. If you have a mechanical deer in a field with a road occupied adjacent to the field and in back of the field you have a trail or where people like to go for walks. They put a mechanical deer out in the field so it's visible to the roadway and people walking by. When a hunter sees a mechanical deer, mostly the adrenaline is pumping about 100 because most of the time is usually right before dusk or early in the morning. The violations of shooting a decoy deer is nothing except if you do it illegal, like shooting from a paved way or hunting without proper hunting clothing which is artificial orange.

We have a problem in the northern part of the State with decoy deer being placed on public property. We have problems with it luring people that shoot it illegally, might miss it, might hit somebody on the other side of the mechanical deer if it's adjacent to a pathway.

I put an amendment to this bill, the original bill was to outlaw mechanical deer or artificial devices completely, 24 hours a day but I put an amendment to the bill which is (H-266), which has it during daylight hours only. I feel that mechanical deer has a great need for it in the night time for jacking purposes only. But I do not feel that people should be taken during the day time. I

wish that you would join me and support the Majority "Ought to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Ladies and Gentlemen of the House. I'm really sorry that a lot of the confusion was going on because Representative Clark had a lot of good things to say. It's hard to understand what goes on up north in the great north woods. I don't think there's anything I've heard, complaints on more than some of the ways the wardens use to find their criminal charges and this being one of the biggest. I think it is entrapment, I agree with that, but I have another concern about this whole thing and it doesn't go just with the warden service it goes into other areas too and that is the perception out there, and even goes into the way the wardens are being trained. I have a very, very good friend who is a warden but some of the training that he has been receiving and the way he approaches the public, I really have a problem with. It's a we/they criminal type mentality so that the hunters out there, fishermen out there, are potential criminals, everyone of them, and it's our job to make sure they get caught. Well they'll get caught all right, but they're not criminals and I think something like this decoy deer that sets them up to have the appearance of being a criminal is in itself kind of a criminal way of training our wardens and I ask you to support this and vote against the Majority "Ought Not to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I must speak plainly on this bill. It is a dumb bill. We discussed this at length in our committee and I asked the warden colonel and the warden major, very pointedly, that if there's a decoy deer in a field and I pull over to the side of the road and I egress my vehicle, dawn my blaze orange, remove myself 10 feet from the paved way, load my rifle and shoot at that decoy deer, have I broken a law. The answer is, unequivocally, no.

The premise is that in order to be summonsed for any violation, some violation must have occurred. Firing from your vehicle, not wearing the blaze orange, firing from the paved way, these are all statutes under Title 12 and that is really the crux of what the decoy deer provides. To attach an amendment on it, to prohibit their use only during the day light hours, means that it's perfectly legal to me to go out and shoot out my truck window at noon time but it's against the law at night.

I had made a statement that made its way into a great many newspapers and I think it's really the crux of the argument and that is; the presence of that decoy deer bankrupts no one of an opportunity to obey a law, and that's the issue. It's not that people are being entrapped, it's that they're breaking a law and they're getting caught for it. If that's a real deer and there's no warden around and I shoot out my truck window that's OK because there was no warden around and there's no decoy deer, it's a real deer. That's against the law, that's why those laws are in affect. It's for the safety and well being of the people of this State and it's also to protect the resource and the ultimate question in our Committee, as on any bill, does this do anything to enhance, protect the resource or improve people's access to it? This bill does none of those things and I urge you to support the Majority "Ought Not to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative MCALEVEY: Mr. Speaker, Men and Women of the House. Given the events of this year and the things that we've read in the newspapers about the warden service, there's a trend that's occurring. The Commissioner was quoted in the Bangor paper saying something to the effect that he believed 80

percent of the sportsmen out there are crooks. Look at what happened during the training incident.

The SPEAKER PRO TEM: For what purpose does the Representative rise?

Representative CHICK: Mr. Speaker, I question the germaneness of the subject on this debate.

The SPEAKER PRO TEM: Members of the House should keep to the pending question.

Representative MCALEVEY: Thank you Mr. Speaker. May I continue?

The SPEAKER PRO TEM: The Representative may proceed.

Representative MCALEVEY: Thank you. This bill represents, I believe the attitude of the general public. That they wish to take away a tool from the warden service that in the past has been a legitimate tool. But given the event of light which I've referred to, there are some supervisors and some managers in that agency who don't seem to trust the sportsmen anymore. Unfortunately, the old days, the warden service had every degree of respect by the sportsmen because the sportsmen, in many cases, were their eyes and ears. In regards to this bill, I think we should return to the old days when our law enforcement officers in fish and game respected the sportsmen and we as citizens respected them. Let them catch the poachers the old fashioned way before they used mechanical deer. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I strongly believe in enforcing laws, anybody who knows me from the 117th serving on the Criminal Justice Committee knows that I'm very tough on crime. The point here, I think, is I don't think our law enforcement people in the Fish and Game Department should be testing people to break the law.

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

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House. I am on the side of "Ought Not to Pass" for the following reason. That sitting in judgment in this manner, as a committee member, many of the illustrations and examples that were given to this committee definitely showed that the hunters were in violation of the law and each one of us who are licensed and each one are licensed whether it's driving or what have you, we should know the law, we should respect the law and it seems that most of the people that are summoned are breaking the law. Now, certainly we have to cast judgment as to whether or not this is harassment or what have you. However, it has proved to be certainly effective and this seems to be the only tool whereby we can prevent people from shooting from roads and shooting from their vehicles.

I have hunted all my life and that does not seem to me to be fair and certainly not in the articles of good sportsmanship. Thank you.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. It seems like I speak on every bill, but I want to point out that there are some days that go by that I don't speak at all I hope you realize. It just seems like a whole rash of them coming that are dear to my heart here.

On the committee I voted against the repeal of the use of the decoy. I'm in an awkward position, there was a group that came over from my sporting club, I made a pledge to them, they're big fellows, but in my heart I think with Representative Clark's amendment he's right on track. The use of these at night is perfectly legitimate. What we're talking about is priorities of time

too. Sure somebody's breaking the law if they jump out of their car and they don't grab their orange hat, they're breaking the laws. But would we want to pay policemen to sit around on some back road at a yield sign? OK, sit at a yield sign for somebody to not fully yield or a stop sign out on the back road if they didn't fully stop. That's tantamount to this and what I asked them for was to make sure they're prioritizing their time and our money. I asked for a report on some of the violations that they prosecute and I have it here. I didn't quite get it in time to pass out but I did summarize it. For a three-day time period of the use of these decoys, this is the breakdown, 52 violations. Hunting from a public way was 24, almost half of them were hunting from a public way and do you know what that means? They didn't get completely ten feet off the road. Now listen people, what we're doing here you can argue entrapment but here's our police people, wardens, putting out something to entice people to do something that is dangerous. It isn't just having anything to gain the reason that we have this law it's a public danger apparently. But 24 out of 52 violations that they prosecuted in a three day period were for hunting from a public way, a dangerous thing to do. One of the second largest violations was guess what - orange clothing. Probably they jumped out and didn't grab their hat. So here's two things that constitute 62 percent of the violations. Now this is daytime use, this is exactly the kind of thing that bothered me about the use of decoy deer in the daytime and I think Representative Clark is on the right track. I have pledged to my club that I am going to continue my vote in that way, but search your soul. Thank you.

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

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House. As you've already heard, this bill, if passed, will eliminate a very effective tool that the wardens of Inland, Fisheries and Wildlife use to deter crime. I received that communication from the District Attorney of Piscataquis and Penobscot Counties and I would like to quote just a brief section of it. It states that, "The Maine Law Court has already ruled that using a decoy deer to catch poachers does not constitute entrapment. Wardens who use decoy deer are catching those hunters who are already predisposed to violate Maine game laws. Entrapment requires that a government agent, badger, beguile or repeatedly encourage a person to commit a crime. Using a decoy deer hardly constitutes entrapment." The commissioner at the public hearing told us that the Maine Warden Service maintains a written policy on the use of wildlife simulators and obtain the endorsement of all county District Attorneys prior to the use of wildlife simulators in their respective counties. The Maine Warden Service had the support of many of the sportsmen clubs in the State and routinely received donations from the clubs in support of the wildlife simulator program. In addition, many other outdoors and natural resource based organizations have supported the use of the extremely effective tool.

Now, ladies and gentlemen, when you vote today, and light up your light on the board, I sincerely believe if you, if I look at a red light up there, I will assume that you are aiding the poacher in pulling the trigger. Thank you.

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

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House. There again, the artificial devices used by the wardens has been one of the most effective means of controlling poaching that there is. Again, we've been trying to protect the deer herd and now you don't want to because somebody might get caught who shouldn't be out there doing

what is illegal. I'm sorry, but I think you all ought to except the "Ought Not to Pass" Report. Thank you.

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

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

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I don't support this pending motion and I'm not a poacher and I don't support poaching, I'm not even a hunter. I was wondering if I could pose a question through the Chair to any of the Committee members?

THE SPEAKER PRO TEM: The Representative may pose his question.

Representative WATERHOUSE: Thank you Mr. Speaker. Do we have statistics on how many hunters were actually cited a violation for shooting at a decoy?

The SPEAKER PRO TEM: 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 Old Town, Representative Dunlap.

Representative DUNLAP: Thank you Mr. Speaker. To answer the Representative from Bridgton's question, I don't have a precise number at my fingertips but the approximate number is around 1,000 last year.

The SPEAKER PRO TEM: 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. 126

YEA - Ahearne, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, Brennan, Brooks, Bruno, Bumps, Bunker, Cameron, Campbell, Chartrand, Chick, Cianchette, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gamache, Gieringer, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Mailhot, Marvin, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Nass, O'Brien, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shiah, Sirois, Spear, Stevens, Taylor, Thompson, Townsend, Treadwell, Tripp, True, Usher, Vedral, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Winn, Winsor, Wright.

NAY - Bolduc, Buck, Carleton, Chizmar, Clark, Gagnon, Gerry, Goodwin, Gooley, Joy, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, MacDougall, Mack, Mayo, McAlevey, Nickerson, O'Neal, O'Neil, Pinkham RG, Pinkham WD, Sanborn, Shannon, Snowe-Mello, Stanley, Stedman, Tessier, Tobin, Waterhouse.

ABSENT - Bagley, Baker CL, Bragdon, Bull, Lovett, Madore, Muse, Plowman, Skoglund, Tuttle, Underwood, Wheeler EM, Madam Speaker.

Yes, 105; No, 33; Absent, 13; Excused, 0.

105 having voted in the affirmative and 33 voted in the negative, with 13 being absent, the Majority "**Ought Not to Pass**" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Passamaquoddy Representative District (H.P. 701) (L.D. 965)

Signed:

Senators: CAREY of Kennebec
DAGGETT of Kennebec
FERGUSON of Oxford

Representatives: TUTTLE of Sanford
GAMACHE of Lewiston
CHIZMAR of Lisbon
FISHER of Brewer
GAGNE of Buckfield
BIGL of Bucksport
BELANGER of Wallagrass

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-271) on same RESOLUTION.

Signed:

Representatives: TESSIER of Fairfield
TRUE of Fryeburg
LABRECQUE of Gorham

Was read.

On motion of Representative GAMACHE of Lewiston, tabled pending acceptance of either Report and later today assigned.

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-270) on Bill "An Act to Remove Restrictions on Items that May Be Auctioned by Public Broadcasting Stations" (EMERGENCY) (H.P. 953) (L.D. 1316)

Signed:

Senators: FERGUSON of Oxford
DAGGETT of Kennebec
CAREY of Kennebec

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

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

Signed:

Representatives: GAGNE of Buckfield
BELANGER of Wallagrass

Was read.

On motion of Representative GAMACHE of Lewiston, tabled pending acceptance of either Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 387) (L.D. 1272) Bill "An Act to Ensure Enforcement of Protection from Abuse Laws" Committee on **Judiciary** reporting "**Ought to Pass**"

(S.P. 74) (L.D. 213) Bill "An Act to Create the Position of Director of Econometric Research within the Bureau of Taxation"

Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-141)

(S.P. 126) (L.D. 405) Bill "An Act to Create an Historic Preservation Tax Credit" Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-139)

(S.P. 183) (L.D. 601) Bill "An Act to Provide Municipal Notification of Utility Services" Committee on **State and Local Government** and Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-146)

(S.P. 187) (L.D. 605) Bill "An Act to Provide for an Additional Staff Member for the Business Enterprise Program" Committee on **Appropriations and Financial Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-145)

(S.P. 210) (L.D. 669) Bill "An Act Relating to Value of Property Held by Portland Yacht Club" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-149)

(S.P. 278) (L.D. 886) Bill "An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-151)

(S.P. 293) (L.D. 944) Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-152)

(S.P. 295) (L.D. 946) Bill "An Act to Protect the Confidentiality of Financial Records" Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-148)

(S.P. 303) (L.D. 1011) Bill "An Act to Ensure the Accurate Collection of Excise Tax on New Motor Vehicles" Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-140)

(S.P. 401) (L.D. 1296) Bill "An Act to Amend the Maine Probate Code to Eliminate Interest on Claims of Creditors of Insolvent Estates" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-150)

(H.P. 161) (L.D. 203) Bill "An Act Regarding Trap-tending Requirements" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**"

(H.P. 518) (L.D. 709) Bill "An Act to Define the Term 'Occupational Therapy Practitioner' in the Laws Regulating Professions and Occupations" Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-287)

(H.P. 538) (L.D. 729) Bill "An Act to Amend the Maine Pharmacy Act" Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-288)

(H.P. 769) (L.D. 1046) Resolve, to Study the Implementation of a Statewide Criminal Record Check of Home Care Providers to Ensure Safety for Citizens Receiving Care in Community-based Settings Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-284)

(H.P. 772) (L.D. 1049) Bill "An Act to Amend the Real Estate Brokerage Laws" Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-289)

(H.P. 778) (L.D. 1066) Bill "An Act to Amend the Prehearing Settlement Process" Committee on **Health and Human**

Services reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-286)

(H.P. 831) (L.D. 1136) Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (EMERGENCY) Committee on **Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-278)

(H.P. 897) (L.D. 1214) Bill "An Act to Provide a Warranty for Assistive Devices for Persons with Disabilities" Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-290)

(H.P. 909) (L.D. 1252) Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (EMERGENCY) Committee on **Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-277)

(H.P. 910) (L.D. 1253) Bill "An Act to Amend the Charter of the Winterport Sewer District" Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-280)

(H.P. 928) (L.D. 1275) Bill "An Act to Allow a Separate, Nonsmoking Area for a Beano or Bingo Game" Committee on **Health and Human Services** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-285)

(H.P. 1112) (L.D. 1555) Bill "An Act to Create the River Flow Advisory Commission within the Department of Defense and Veterans' Services" Committee on **Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-279)

(H.P. 1151) (L.D. 1616) Bill "An Act to Amend the Laws Regulating Occupational Therapy Practice" Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-282)

(H.P. 1171) (L.D. 1648) Bill "An Act to Increase Home Ownership" (Governor's Bill) Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-281)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 2, 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. 337) (L.D. 1115) Bill "An Act to Make Technical Corrections in the Maine Administrative Procedure Act"

(S.P. 402) (L.D. 1297) Bill "An Act Pertaining to Free Meals for Legislators during a Prayer Breakfast"

(S.P. 516) (L.D. 1600) Bill "An Act to Assist the Maine Potato Industry"

(S.P. 132) (L.D. 411) Bill "An Act to Bring Certain State Retirement Laws into Compliance with Federal Laws" (C. "A" S-134)

(S.P. 258) (L.D. 866) Bill "An Act to Amend the Law Concerning Municipal Review and Regulation of Subdivisions" (C. "A" S-129)

(S.P. 270) (L.D. 878) Bill "An Act to Further Facilitate the Purchase of Service Credit in the Maine State Retirement System" (C. "A" S-136)

(S.P. 310) (L.D. 1019) Bill "An Act to Allow Foam Food and Beverage Containers in School Cafeterias" (C. "A" S-123)

(S.P. 399) (L.D. 1294) Bill "An Act to Clarify the Jurisdiction of the Public Utilities Commission over Telecommunication Utilities' Special Rate Contracts" (C. "A" S-130)

(S.P. 463) (L.D. 1435) Bill "An Act to Clarify Reimbursement by Responsible Parties to the Maine Coastal and Inland Surface Oil Clean-up Fund" (C. "A" S-128)

(H.P. 713) (L.D. 977) Bill "An Act to Establish the Rider Safety Act"

(H.P. 223) (L.D. 287) Bill "An Act to Improve the Administration of Tax Increment Financing" (C. "A" H-263)

(H.P. 431) (L.D. 581) Resolve, to Establish the Commission to Determine the Adequacy of Services to Persons with Mental Retardation (EMERGENCY) (C. "A" H-273)

(H.P. 737) (L.D. 1001) Bill "An Act to Encourage Organ Donation by Establishing an Organ Donation Registry" (C. "A" H-260)

(H.P. 865) (L.D. 1182) Bill "An Act to Amend Coded Licenses" (C. "A" H-262)

(H.P. 995) (L.D. 1387) Resolve, to Authorize the Lincoln County Commissioners to Borrow Not More Than \$600,000 to Build the Lincoln County Communications Center (EMERGENCY) (C. "A" H-268)

(H.P. 1106) (L.D. 1549) Bill "An Act to Promote Microbreweries" (C. "A" H-269)

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.

(S.P. 373) (L.D. 1232) Bill "An Act to Provide Relief from Barking Dogs" (C. "A" S-138)

On motion of Representative CAMERON of Rumford, was removed from the Second Day Consent Calendar.

The same Representative further moved that the Bill and all accompanying papers be indefinitely postponed.

On motion of Representative SAXL of Portland, tabled pending the motion of Representative CAMERON of Rumford to indefinitely postpone the Bill and all accompanying papers and later today assigned.

(H.P. 744) (L.D. 1008) Bill "An Act to Make Allocation for Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1998" (C. "A" H-261)

On motion of Representative MURPHY of Kennebunk, was removed from the Second Day Consent Calendar.

On further motion of the same Representative, tabled pending acceptance of the Committee Report and specially assigned for Monday, May 5, 1997.

BILLS IN THE SECOND READING As Amended

Bill "An Act to Clarify the Provisions that Implement Performance Budgeting in State Government" (S.P. 151) (L.D. 430) (C. "A" S-124)

Bill "An Act to Amend the Laws Relating to Auctioneers" (S.P. 219) (L.D. 678) (C. "A" S-107)

Bill "An Act to Extend the Lobster Promotion Council and Its Personnel Requirements" (H.P. 921) (L.D. 1264) (C. "A" H-250)

Resolve, to Create a Task Force to Develop a Single Payment System for State and Federal Taxes for Small Businesses (H.P. 988) (L.D. 1368) (C. "A" H-240)

Bill "An Act to Allow Lobster Management Zones to Restrict Entry" (H.P. 1056) (L.D. 1488) (C. "A" H-247)

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

Bill "An Act to Require That Headlights Be on during Inclement Weather" (S.P. 144) (L.D. 423) (C. "A" S-137)

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

On motion of Representative TRIPP of Topsham, was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed as amended and specially assigned for Friday, May 2, 1997.

Bill "An Act to Allow a Greater Share of the Transfer Tax to Remain in the Counties Where it is Collected" (S.P. 91) (L.D. 271) (C. "A" S-126)

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

On motion of Representative BOUFFARD of Lewiston, was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed as amended and specially assigned for Friday, May 2, 1997.

Doctor of the day, Douglas P. Boyink, M.D., Mount Vernon.

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.

SENATE DIVIDED REPORT - Majority (7) "**Ought Not to Pass**" - Minority (6) "**Ought to Pass**" as amended by Committee Amendment "A" (S-131) - Committee on **State and Local Government** on Resolve, Establishing the Maine Council on Competitiveness (S.P. 221) (L.D. 680)

- In Senate, Majority "**Ought Not to Pass**" Report read and accepted.

TABLED - April 30, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.

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

Representative DONNELLY of Presque Isle requested a roll call on the motion to accept the Majority "**Ought Not to Pass**" Report.

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

The SPEAKER PRO TEM: 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. 127

YEA - Ahearn, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bumps, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, McElroy, McKee, Meres, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright.

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

ABSENT - Bagley, Baker CL, Fisk, Paul, Plowman, Rines, Skoglund, Tuttle, Underwood, Madam Speaker.

Yes, 79; No, 62; Absent, 10; Excused, 0.

79 having voted in the affirmative and 62 voted in the negative, with 10 being absent, the Majority "**Ought Not to Pass**" Report was accepted in concurrence.

SENATE DIVIDED REPORT - Majority (8) "**Ought Not to Pass**" - Minority (5) "**Ought to Pass**" as amended by Committee Amendment "A" (S-135) - Committee on **Appropriations and Financial Affairs** on Bill "An Act to Flat Fund the Legislative Budget" (EMERGENCY) (S.P. 329) (L.D. 1107)

- In Senate, Majority "**Ought Not to Pass**" Report read and accepted.

TABLED - April 30, 1997 (Till Later Today) by Representative KERR of Old Orchard Beach.

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

On motion of Representative SAXL of Portland, tabled pending the motion of Representative KERR of Old Orchard Beach to accept the Majority "**Ought Not to Pass**" Report and later today assigned.

SENATE DIVIDED REPORT - Majority (11) "**Ought to Pass**" as amended by Committee Amendment "A" (S-98) - Minority (2) "**Ought Not to Pass**" - Committee on **State and Local Government** on Bill "An Act to Establish Basic Standards and Procedures for Personal Services Contracting by the State" (S.P. 294) (L.D. 945)

- In Senate, Majority "**Ought to Pass**" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-98).

TABLED - April 30, 1997 (Till Later Today) by Representative AHEARNE of Madawaska.

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

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 PRO TEM: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative KASPRZAK: Mr. Speaker, Ladies and Gentlemen of the House. I would ask that we would not accept the Majority "Ought to Pass" Report, that we accept the Minority Report for the reason that the minimum standards proposed in this bill would create a predisposition against contracting with entities outside of state government for services. A more appropriate posture might be for the state law to create a level playing field with no bias or predisposition as to whom can best meet the needs of any state agency.

The issue should not be public versus private, it should be competition versus monopoly. If state employees can provide a service at a price and quality better than any potential supplier, they should receive the contract, but it should be through a competitive bid process not through predetermination or built-in bias in the law. Neither benefits the State or the taxpayers who end up paying more than necessary or receiving services of less than the highest quality. I would ask that you would vote with me on this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Madawaska, Representative Ahearn.

Representative AHEARNE: Mr. Speaker, Ladies and Gentlemen of the House. This is not an anti-privatization bill, this bill will establish basic standards for contracting personal services as none exists now. This bill will help agencies and departments with some guidance when considering contracting out. We spend more than \$100 million in contractive services each biennium. This bill will increase the likelihood that the money will be spent wisely. It makes sense that the laws of Maine would promote a contracting procedure that ensures accountability.

I would like to repeat, this is not an anti-privatization bill, it is a bipartisan bill, it is simply a mechanism that will hopefully guide state agencies in the privatization process. There is no reason why we shouldn't have some level of accountability and I urge you to accept the pending motion and I request that the Clerk read the Committee Report.

Representative AHEARNE of Madawaska requested that the Clerk read the Committee Report.

The Clerk read the Committee Report in its entirety.

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

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House. I move this item be tabled one legislative day.

On motion of Representative CARLETON of Wells, tabled pending the motion of Representative AHEARNE of Madawaska to accept the Majority "**Ought to Pass**" as amended Report and specially assigned for Friday, May 2, 1997. (Roll Call ordered)

HOUSE DIVIDED REPORT - Report "A" (9) "**Ought Not to Pass**" - Report "B" (3) "**Ought to Pass**" - Report "C" (1) "**Ought to Pass**" as amended by Committee Amendment "A" (H-248) - Committee on **Appropriations and Financial Affairs** on Bill "An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General" (H.P. 476) (L.D. 647)

TABLED - April 30, 1997 (Till Later Today) by Representative KERR of Old Orchard Beach.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House. This is one of those difficult decisions that had to be made. Through the budgetary process, as I said during that deliberation, that we try to meet most of the needs of Maine people but yet we were not able to meet all the needs. In the Department of Attorney General, this bill that is before you today, requests that we hire two positions, we'll be adding two positions to state government, for a very good purpose, I might add.

Although I did not support this piece of legislation, and cannot support it because of all the pending issues that will be coming before us, I guess an easy way out for this Legislature is to vote for this bill and then send it to the Appropriations Table. I think at least you should know what you're voting on. I don't think anyone of us in here would enjoy, or will enjoy, for those who will, vote against this legislation.

What this bill does, it would add two positions to the Attorney General's Office. One of those positions would be an Assistant to the Attorney General in a special investigative position, for a total cost in the first year biennium would be an additional \$67,000. And in FY 98 would be a little over \$93,000. This decision did not come lightly with the Appropriations Committee, that's why you have three different reports.

In reviewing the Attorney General's budget, when the Attorney General came to the Appropriations Committee, not having enough revenue to meet the needs, we asked the Attorney General to prioritize his spending, what would he like to have the most and he did. The Attorney General told the Appropriations Committee, which I in turn told this body, that one of the priorities was the Chief Medical Examiner who brought on two positions in the budget that was voted on in this Chamber. The other was a very critical area dealing with hate crimes. So we brought on one investigator to deal with civil rights violations. Those were the two top issues for the Attorney General's Office. Also, we raised fees and that debate has taken place earlier today on other areas. But in the Attorney General's Office, we've increased fees for doctors and their travel expenditures from \$45 to \$70 for inspections and from \$20 to \$50 to go to a death scene. That one had a negative impact on the General Fund because we are paying more for those services.

So when it came down to take a vote, on whether or not the majority of the committee should support the hiring of these two positions, it was driven by whether or not there were enough resources available. The Attorney General's Office, the budget over the next biennium is a little over \$10.2 million. Those of us that are on the Majority "Ought Not to Pass" Report felt that if that need was that relevant, that given within those existing resources, the Attorney General could find the available resources to bring on these people. As you all know, our District Attorney's deal with these issues, also.

Also, in the Attorney General's Office, as you know, the District Attorney's salaries in the past were not always paid for out of the General Fund. If you look at the Department of Attorney General's Office, including the four program areas over the biennium, that budget has increased a little over 26 percent. In all fairness, as I stated earlier, that includes the District Attorney's salaries. If you back out that portion of the budget, not including the District Attorney's salaries, the budget has increased almost 8 percent over the biennium and that's a fair way of looking at that budget, by backing out the District Attorney's salaries.

It was a tough decision to vote against the bringing on personnel to create an elder abuse and fraud unit in the

Department of Attorney General. Again, had it been a priority of the Attorney General when he came before the Committee with the original budget and, frankly, he couldn't convince the Governor because it wasn't even in the Governor's budget.

I would urge you to support the "Ought Not to Pass" Report even though it's going to be a very difficult one.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative MCALEVEY: Mr. Speaker, Men and Women of the House. This is different standing over here. I rise to urge you to defeat the pending motion and accept Minority Report B which does fund these positions. In the waning days of the 117th Legislature we received an omnibus bill dealing with many issues surrounding our elderly. One of those issues was abuse and exploitation and we didn't have time to deal with it then so we sent it out to a committee, a study committee. Now if there's one thing I've learned is if you wish to kill a bill or diffuse the issue, send it out to a study committee. But I hope that is not the case today.

As you've heard, eloquently, from our colleague from Old Orchard this does establish two positions, an investigator and an attorney, to prosecute these crimes. Why do we need that? The study committee held hearings in Bangor and Portland and we discovered that exploitation, now I'm not talking about physical abuse, because I think that's handled adequately with our domestic violence shelters, but exploitation of the elderly is occurring. It's occurring by organized people. Now you think of organized crime you think of the mobsters, but we've heard from police officials that there are organized groups who run the gambit of the State identifying elderly people. There are a group of people in Maine who make a very good living preying on our elderly. They identify them through the obituaries, who are the widows, they identify them through handicapped plates, they drive around communities and look for the elderly, and they do financially exploit them. That's one group.

A second group, unfortunately, are their relatives. This issue is a statewide issue and putting together a criminal case to document this is, in many cases, beyond the resources of our local police department. So that's why we need a statewide effort.

We learned that the crooks out there refer to the elderly victims as dents, which stands for dents, once they've been hit, like the old days dealing with vagabonds, their property is marked. So they're marked for exploitation. All of the people on the Appropriations Committee agreed that this was something that deserves some merit. Everybody that spoke at the hearing spoke for the bill and, yes, it wasn't in the Governor's Part I budget, that's why I had put the L.D. in.

It's a multi-jurisdictional problem and we need a state solution to the problem. Our elderly deserve the best protection we can afford them. Our elderly, with their sacrifices, have paved a way of life for us today. Their contributions are legion. We enjoy a high degree of prosperity and security because of their sacrifices and contributions in the past. We owe them a lot.

Unfortunately, some of our elderly, due to many conditions, whether age, infirmity or illness have become vulnerable. A very specific group of people who have been identified and targeted for exploitation.

We must take every step we can to protect them. Enacting this legislation goes a long way to that goal. Everyone in this room, in this chamber, if you think has a friend, relative, neighbor, someone who has been financially exploited and we've got to protect them.

As legislators we are constantly asked, do you really make a difference in Augusta? As one vote, does your one vote make a difference? And as you know, it certainly does. Today your one

vote, our collective support, for this legislation will make a difference in the quality of life for one special segment of our society, a segment that is vulnerable, has nowhere to turn for assistance and needs a statewide solution to their problems. This, by the way, is probably the longest speech I've delivered in my three years here and I promise, should I rise again, it won't be as long. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House. In the 117th we funded a position to protect our gay and lesbian population and I voted for that and I think that it was the right thing to do. I think these people, our elder population, deserves at least an equal amount of protection and I urge you to at least give them that kind of protection. I thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Mr. Speaker, Men and Women of the House. If my figures are correct, we have about 400,000 citizens in our State who are age 50 or over. That's a pretty sizable group and, I think, one that deserves a voice in this legislative process. We've heard about the fraud and abuse and how many of those citizens have been victimized by people who come and prey upon them.

This bill, as stated, would provide the staffing through the Attorney General's Office to prosecute those who try to take advantage of our elderly. It's also been stated this bill is not something that's a knee jerk reaction, it comes out of a study that was reported to 118th Legislature and was the genesis for this bill and, as you know, we spend a lot of time and money creating task forces that carry out studies, we think it's necessary to gather detailed expertise in order to make sure we act responsibly when we're considering various proposals. I think we now have the details. You've heard from Representative Kerr the cost of this. It totals \$160,960. The question is whether or not we want to spend that type of money to provide protection for a vulnerable segment of our society.

I urge you to support this bill. To do otherwise would short change Maine's most vulnerable citizens. Thank you.

Representative MAYO of Bath requested a roll call on the motion to accept Report "A" **"Ought Not to Pass."**

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

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

Representative WHEELER: May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative WHEELER: If we do add these two positions, will this eliminate the two additional DA positions that we passed for York County?

The SPEAKER PRO TEM: The Representative from Eliot, Representative Wheeler has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House. This vote on this particular issue that's before us will have no impact on the two DAs in York County. The fee, I believe the C Report would have an impact on the two DAs in York County which was presented by a member in the other body. But that is not before us now.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. The joy of serving on the Committee on Appropriations and Financial Affairs is that we get a singular opportunity to look at the cost of all of state government, which I find fascinating, and I never fail to learn something every day.

The down side on that Committee is that we have a limited amount of funds and we are not able to fund every position, good idea which comes along. I think you can see by the Committee Report here that there was disagreement as to the best way to address this difficult issue. I am on the Majority "Ought Not to Pass" Report. I was, however, the House lead on the comprehensive bill addressing issues of long-term care to which Representative McAlevey refers and I'll stand behind my record on issues affecting the elderly.

As Representative Kerr has pointed out, our Committee has addressed some issues pertaining to the Attorney General's Office already this year. We gave tremendous latitude in the emergency budget to the Chief Medical Examiner to hire an assistant and also included a raise in that package for that assistant. We funded the Governor's recommendation to create a hate crime unit in the Attorney General's Office. So we have taken a good deal of action regarding the Attorney General's Office.

Furthermore, it was clear to me that this was only one of a number of recommendations made by the task force. I would encourage you to read the report, it's long, it's thoughtful, it's comprehensive. It recommends not only this, but creating positions in other areas of state government. It indicates it is probably a good idea to increase staff at the Department of Human Services. We have not heard a bill to do that. It also recommended that the ranks of local prosecutors, including District Attorneys, be increased to better deal with the problem.

So I think that it's a complicated issue. One for which there is no one simple answer and I think it might be better to report a comprehensive omnibus bill which address each of those problems.

Finally, I want to point out that, in the budget, we did do a number of issues, address a number of issues important to our elder. One was that we accepted the proposal of the Maine Hospital Association which dealt with the hospital tax and we applied that money to nursing homes at their recommendation. We continued the indexing of the elderly homeowners circuit breaker program to provide tax relief to our elder citizens. Thirdly, an issue that I supported, and argued strenuously for, was the issue of spousal impoverishment, a priority of the Alzheimer's Association of Maine which addresses the fact that under the Medicaid Program the spouse who is left behind when an elderly citizen enters a nursing home can retain a certain number of assets. But, we do not have the equivalent provision for the spouse of an elder who enters a boarding home or who is treated under home-based care. So I think that we have done a fair amount for both the Attorney General's Office and for our elder citizens and while we would like to fund everything it's simply not possible. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative MCALEVEY: Mr. Speaker, Ladies and Gentlemen of the House. This, by the way, is the first time in my tenure for speaking to an issue a second time. The argument that the AG. had certain priorities is a valid argument. But I'm not arguing to give the AG. something new. I'm arguing on behalf of our elderly.

The piece that I left out before, because I got flustered using a different microphone, was the other aspect of what these two people are going to do in the AG's Office is to work with the Academy and set up a training program training our local

detectives throughout the State on how to deal with elderly victims. They're a special class of people because you need to do a lot of things that you don't usually do with a regular victim. Certifying that they can hear, getting our the issue if they're partially blind and that's very important. So we're going to get a lot of bang for the buck out of this. Not only are we going to get some help for our elderly but we're going to increase our police skills in dealing with issues.

We do have a limited resource. We enacted a budget last year of this biennium that is, and I get a lot of talks from colleagues and I get a lot of joking about this, \$4,700 millions of dollars and to say we can't afford \$67,000, \$67,000 really flies in the face of things here. Given the existing budget we have, it costs about \$6.8 million a day to run our services in the State of Maine and to say we can not afford \$67,000 is bewildering to me. I appreciate the efforts of the Appropriations Committee, they've heard a lot of dialogue, we had three work sessions on this, two more than they probably should of had and I appreciate the Committee going the extra length to try to come to some consensus and they did wrestle with this. Thank you.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. This is an important subject and I just can't see that we cannot vote in favor of the proposal and vote in opposition of the "Ought Not to Pass." Has anybody in this body ever been a victim of a crime? I mean, just think of the people that you know who have been victims of a crime, and then think of them as being the elderly that are being victims. My goodness, ladies and gentlemen, those people are the most, they just can't deal with that. The crime's are just, they prey upon this body of people and these aren't the people in the nursing homes, these aren't the people that may be, for financial reasons, in a nursing home, but these are the people that are more than likely living independently still in your area, still in your backyard and still living a very, very nice life and then somebody comes in and wipes them clean. There's not enough assets out there in the local community to help these elderly people fight these kinds of problems and this criminal activity. Of all things, I understand we had a report that dealt with a broad spectrum of issues for the elderly and I agree with everybody in here, we'd love to fund every bit of that but there's a criminal aspect to this and I don't think we've done anything in the criminal aspect to help our elderly. We've done a lot in the support aspect and care aspects but we're not doing anything in the criminal aspect. And then when we talk about the budget process and the Attorney General and the Part I budget and the Governor's proposal, it's our job, ladies and gentlemen of this body, it's our job to set policy. It's our job to tell the Attorney General's Office what we think are priorities. And if his priorities are in hate crimes and all the other things that they do, the murders and whatever in his priorities, he's got a full plate, no wonder he didn't put anything into his Part I budget. It's our job to set what we think are priorities and to give direction to our departments that we have cognizant authority over under budgetary basis and I think we need to vote this motion down so we can approve the Minority Report and send it down to Appropriations to rest on the table with all the other issues that are going to be competing down there. Thank you.

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

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House. Permission to ask a question through the Chair.

Mr. SPEAKER: The Representative may pose his question.

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House. My question is how much money is left on the Appropriations Table at this point?

The SPEAKER PRO TEM: The Representative from Wells, Representative Carleton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House. As you all know, those of us that supported the budget, we left about \$3.5 million on the Appropriations Table. There are bills between the Chambers, some that will cost money that are already on the table in the other body, and there are bills still that are being worked on. I would venture to say that just from what was voted on and what we've already taken off the table, there is probably somewhere in the area of \$3 million.

I would also remind you, that for those of you that chose not to support the budget, that you did want additional cuts of somewhere in the area of \$130 million. These are the tough decisions that we have to make. This issue, I could have very easily have voted for. We have other issues that are just as important. I truly feel that the Attorney General could find these resources within his existing budget to fund these positions if, in fact, they're that much of a priority. I would urge your support on the Ought Not Pass Report.

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

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House. Request permission to ask a further question through the Chair.

The SPEAKER PRO TEM: The Representative may proceed.

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House. How much of that \$3 million is actually committed?

The SPEAKER PRO TEM: The Representative from Wells, Representative Carleton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House. The way the process works is that once we get done with our business then we review the Appropriations Table, we will take and vote there, then it goes to leadership. So, we have not committed any of those dollars as of yet, but it's a two prong process. We'll address those bills and issues on the Appropriations Table, then those same issues will go to leadership and it could possibly be changed between what the Appropriations Committee votes and what leadership votes.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House. This is an important issue and I hadn't planned on speaking on this and, I hadn't planned on saying that, but it's really distressing me to hear that we're talking about who voted for the budget and who didn't, as opposed to whether the bill is a good idea or not. It distresses me to no end to hear that we make tough decisions on other things but we're not willing to make tough decisions to fund a couple of positions to protect the elderly.

If we need any further proof that this is going on in our state today, you only need to look at what was on your desk when you arrived here this morning. There's a press release from the State Treasurer reminding the elderly, who are specifically being targeted by some out-of-state firms, on unclaimed money. They're trying to rip them off. They're trying to take \$29 out of their pocket for a phone call and another \$10 for a report that they get for free from the State of Maine.

This is only one small issue that is going in here and I can tell you from personal experience, having had my grandmother be a victim of crimes against the elderly, people who are going door-to-door soliciting business, doing roofing, ripped her off and there was nobody there to help her. These crimes should not be stood for, these crimes cannot be accepted and this Legislature should hang its head in shame if we walk away and not support this bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to give a little example of what happened in Winslow. We had a lady that was kind of targeted by three unruly characters and they went in and took \$12,000 out of her savings account and spent it and after they spent the \$12,000 they went on and tried to get \$35,000 out of her account and they'd bring her right down to the bank to clean the place out. Fortunately, the bank teller called the daughter that was living in Rhode Island, and ultimately, they were arrested. But the turmoil caused her to have a heart attack and she died and what happened was that the three characters were released and these guys are now free because she died and the legal system sometimes doesn't exactly work the way it should. There are legal things that happened with these people and they should be changed. There should be a method or some one that would help these people and I think this here is a possibility. At least it's a step in the right direction.

I think we have to look at our priorities. In the 117th we had less money, much less money, spent then we have done in the 118th and because of priorities and we thought the pressure we were receiving from the elements that wanted to pass a certain piece of legislation, it was passed and again it becomes the case if these people, these older people, were a little bit uglier we would probably respond in a different fashion. I urge you to oppose the pending motion and go on to pass this piece of legislation. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I believe I have equal time here, even though it's getting late and probably some of you would like to have a lunch. However, by looking at this citizen's guide, I find that many of the people in the House have had careers that have included service that would understand this problem. It's a real problem, I don't wish to ask for something that this bill would provide only for this group of people. I have supported other measurers that include other groups. However, in my hometown, in my district, there

have been needs for this type of service in the recent past and I'm sure you people that watch the news and read the papers know that this occurs in many towns in the State of Maine. So I would urge you to defeat this motion and go on to support "Ought to Pass" on this bill. Thank you.

On motion of Representative SAXL of Portland, tabled pending the motion of Representative KERR of Old Orchard Beach to accept Report "A" "**Ought Not to Pass**" and later today assigned. (Roll Call Ordered)

Resolve, to Establish Qualifications for Constitutional Officers and the State Auditor (EMERGENCY) (S.P. 80) (L.D. 219) (C. "A" S-99)

TABLED - April 30, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Final Passage.

On motion of Representative AHEARNE of Madawaska, tabled pending final passage and specially assigned for Friday, May 2, 1997.

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

House Divided Report - Committee on **Appropriations and Financial Affairs** - (9) Members Report "A" "**Ought Not to Pass**" - (3) Members Report "B" "**Ought to Pass**" - (1) Member Report "C" "**Ought to Pass**" as amended by Committee Amendment "A" (H-248) - on Bill "An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General" (H.P. 476) (L.D. 647) which was tabled by Representative SAXL of Portland pending the motion of Representative KERR of Old Orchard Beach to accept Report "A" "**Ought Not to Pass.**"

Representative KERR of Old Orchard Beach withdrew his motion to accept Report "A" "**Ought Not to Pass.**"

On motion of the same Representative Report "B" "**Ought to Pass**" was accepted.

The Bill was read once and was assigned for second reading Friday, May 2, 1997.

On motion of Representative LEMKE of Westbrook, the House adjourned at 12:45 p.m., until 9:00 a.m., Friday, May 2, 1997.