

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
21st Legislative Day
Wednesday, May 7, 1997

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

Prayer by Honorable Walter W. Hichens, Eliot.

Pledge of Allegiance.

Doctor of the day, Ira Steinberg, M.D., Lewiston.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Communication: (H.C. 221)

MAINE STATE SENATE

State House Station 3

Augusta, Maine 04333

May 6, 1997

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its previous action whereby it Accepted the Majority Ought Not To Pass Report from the Committee on Appropriations and Financial Affairs on Bill "An Act Concerning Submission of the Legislative Budget within the Unified Budget Document" (H.P. 48) (L.D. 73).

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-181) on Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places" (S.P. 102) (L.D. 381)

Signed:

Senators: CAREY of Kennebec

FERGUSON of Oxford

Representatives: GAMACHE of Lewiston

TRUE of Fryeburg

LABRECQUE of Gorham

BIGL of Bucksport

BELANGER of Wallagrass

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

Signed:

Senator: DAGGETT of Kennebec

Representatives: TUTTLE of Sanford

CHIZMAR of Lisbon

FISHER of Brewer

GAGNE of Buckfield

TESSIER of Fairfield

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-181).
Was read.

On motion of Representative TUTTLE of Sanford the Minority "**Ought Not to Pass**" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Create an Elder Abuse and Fraud Unit in the Department of the Attorney General" (H.P. 476) (L.D. 647) on which Report "B" "**Ought to Pass**" of the Committee on **Appropriations and Financial Affairs** was read and accepted and the Bill passed to be engrossed in the House on May 2, 1997.

Came from the Senate with Report "C" "**Ought to Pass**" as amended of the Committee on **Appropriations and Financial Affairs** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-248) in non-concurrence.

On motion of Representative KERR of Old Orchard Beach, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence.

COMMUNICATIONS

The following Communication: (H.C. 222)

STATE OF MAINE

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

May 5, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 465

An Act to Authorize a General Fund Bond Issue to Improve Indoor Air Quality in Public Schools

L.D. 536

An Act to Authorize a General Fund Bond Issue to Reduce Homelessness

L.D. 1239

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Acquisition of Water Access Sites by the Department of Inland Fisheries and Wildlife

L.D. 1240

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Assist Municipalities to Provide Water and Sewer Service to Areas Zoned by Municipalities for Industrial and Light Industrial Uses

L.D. 1336

An Act to Provide for a General Fund Bond Issue in the Amount of \$25,000,000 as the State's Share for Completion of the Interstate Highway System North to the Canadian Border

L.D. 1668

An Act to Authorize a Bond Issue to Assist Small Businesses in Improving Accessibility for Individuals with Disabilities and to Provide Loans to Individuals with Disabilities

L.D. 1802 An Act to Assist At-risk Students and Strengthen Their Families
We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Michael H. Michaud S/Rep. George J. Kerr
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 223)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE
May 5, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 1470 An Act to Lower Property Taxes by Requiring School Boards to Purchase Certain Insurance from the State
- L.D. 1738 An Act to Include Nontraditional Medical Alternatives under Health Maintenance Organization and Medicaid Coverage and to Allow the Patient to Choose the Method of Treatment
- L.D. 1754 An Act Regarding Hospital Charges for Physicians Not Participating in Health Maintenance Organizations
- L.D. 1775 An Act to Promote Access to Health Care

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

Sincerely,
S/Sen. Lloyd P. LaFountain III S/Rep. Jane W. Saxl
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 224)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
May 5, 1997

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1680 An Act to Amend the Real Estate Brokerage Laws

L.D. 1723 An Act to Require Full Disclosure of Purpose of Data Collected through the Use of Promotional Products

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

Sincerely,
S/Sen. John T. Jenkins S/Rep. Marc J. Vigue
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 225)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
May 5, 1997

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

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 530 An Act to Extend Medicaid Coverage to Certain Children
- L.D. 1743 Resolve, Regarding Consumer-directed Personal Assistance Services and Respite Services

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

Sincerely,
S/Sen. Judy Paradis S/Rep. J. Elizabeth Mitchell
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 227)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY
May 5, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

- L.D. 1064 An Act to Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties
- L.D. 1481 An Act to Impose License Suspension and Other Sanctions on Those Who Fail to Pay Fines and Other Penalties
- L.D. 1510 An Act to Enforce Payment of Spousal Support

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

Sincerely,
S/Sen. Susan W. Longley S/Rep. Richard H. Thompson
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 228)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS

May 5, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1361 An Act to Amend the Laws Concerning Commercial Tenancies

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

Sincerely,
S/Sen. Beverly C. Daggett S/Rep. John L. Tuttle, Jr.
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 229)

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

May 5, 1997

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

Dear President Lawrence and Speaker Mitchell:

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

L.D. 226 Resolve, Requiring the Department of Public Safety, Chief of the State Police to Amend the Commercial Vehicle Inspection Standards to Help Control Diesel Truck Emissions

L.D. 1286 Resolve, to Form a Task Force to Examine Methods of Reimbursing Automobile Owners for Emissions Testing and Consequent Repair Costs

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

Sincerely,
S/Sen. Sharon Anglin Treat S/Rep. G. Steven Rowe
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 230)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE

COMMITTEE ON TAXATION

May 5, 1997

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

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 990 An Act to Exempt Unemployment Compensation Benefits from State Income Taxation

L.D. 1742 An Act to Comprehensively Realign the Tax Structure of the State

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

Sincerely,
S/Sen. Richard P. Ruhlin S/Rep. Verdi L. Tripp
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 231)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION

May 5, 1997

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

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

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

L.D. 1504 An Act to Amend the Notification Requirements for Insurance Companies and Towing Companies

L.D. 1617 An Act to Amend the Sensible Transportation Policy Act

L.D. 1687 An Act to Regulate the Use of Tow Trucks

L.D. 1767 Resolve, Directing the Department of Transportation to Construct an Adequate Railing on the Donald V. Carter Bridge

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

Sincerely,
S/Sen. William B. O'Gara S/Rep. Joseph D. Driscoll
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 232)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY

May 5, 1997

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

McELROY of Unity

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

Signed:

Senator: SMALL of Sagadahoc

Representatives: BARTH of Bethel

STEDMAN of Hartland

BELANGER of Caribou

Was read.

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

On motion of Representative STEDMAN of Hartland, tabled pending the motion of Representative RICHARD of Madison to accept the Majority "**Ought to Pass**" as amended Report and later today assigned.

Divided Report

Eight Members of the Committee on Committee on **Transportation** on Bill "An Act to Implement the Recommendations of the Task Force on Production and Issuance of Registration Plates" (H.P. 207) (L.D. 260) report in Report "A" that the same "**Ought to Pass**" as amended by Committee Amendment "A" (H-364)

Signed:

Senators: O'GARA of Cumberland

JENKINS of Androscoggin

Representatives: FISHER of Brewer

CLUKEY of Houlton

CHARTRAND of Rockland

DRISCOLL of Calais

BOUFFARD of Lewiston

SAVAGE of Union

Four Members of the same Committee on same Bill report in Report "B" that the same "**Ought to Pass**" as amended by Committee Amendment "B" (H-365)

Signed:

Senator: CASSIDY of Washington

Representatives: WINGLASS of Auburn

JOYCE of Biddeford

WHEELER of Eliot

One Member of the same Committee on same Bill reports in Report "C" that the same "**Ought to Pass**" as amended by Committee Amendment "C" (H-366)

Signed:

Representative: LINDAHL of Northport

Was read.

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

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

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-348) on Bill "An Act to Expand Access to Maine's Technical Colleges" (H.P. 263) (L.D. 327)

Signed:

Senators: PENDLETON of Cumberland

CATHCART of Penobscot

SMALL of Sagadahoc

Representatives: RICHARD of Madison

DESMOND of Mapleton

SKOGLUND of St. George

BAKER of Bangor

BARTH of Bethel

WATSON of Farmingdale

BELANGER of Caribou

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

Signed:

Representatives: BRENNAN of Portland

McELROY of Unity

STEDMAN of Hartland

Was read.

On motion of Representative RICHARD of Madison, tabled pending acceptance of either report and later today assigned.

Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-368) on Bill "An Act to Promote Water Skiing in the State" (H.P. 374) (L.D. 519)

Signed:

Senators: KILKELLY of Lincoln

RUHLIN of Penobscot

HALL of Piscataquis

Representatives: PAUL of Sanford

CLARK of Millinocket

CHICK of Lebanon

DUNLAP of Old Town

TRUE of Fryeburg

USHER of Westbrook

CROSS of Dover-Foxcroft

PERKINS of Penobscot

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

Signed:

Representatives: UNDERWOOD of Oxford

GOODWIN of Pembroke

Was read.

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

Representative UNDERWOOD of Oxford moved that the Bill be tabled pending the motion of Representative PAUL of Sanford to accept the Majority "**Ought to Pass**" as amended Report and later today assigned.

The same Representative withdrew his motion to table.

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

The Bill was read once. Committee Amendment "A" (H-368) was read by the Clerk.

On motion of Representative KONTOS of Windham, tabled pending the adoption of Committee Amendment "A" (H-368) and later today assigned.

Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought Not to Pass**" on Bill "An Act to Require Free Access to Waters Stocked with Fish Raised by the State" (H.P. 438) (L.D. 588)

Signed:

Senators: KILKELLY of Lincoln

RUHLIN of Penobscot

HALL of Piscataquis

Representatives: PAUL of Sanford

CHICK of Lebanon
DUNLAP of Old Town
UNDERWOOD of Oxford
TRUE of Fryeburg
USHER of Westbrook
CROSS of Dover-Foxcroft
PERKINS of Penobscot

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

Signed:

Representatives: CLARK of Millinocket
GOODWIN of Pembroke

Was read.

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

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

The same Representative requested a division on his motion to accept the Majority "**Ought Not to Pass**" Report.

A vote of the House was taken. 86 voted in favor of the same and 8 against, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Give Municipal Officials Oversight of School Administrative District Budgets" (H.P. 506) (L.D. 697)

Signed:

Senators: PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives: RICHARD of Madison
BRENNAN of Portland
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
BAKER of Bangor
McELROY of Unity
STEDMAN of Hartland
BELANGER of Caribou

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-350) on same Bill.

Signed:

Representative: BARTH of Bethel

Was read.

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

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

Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-367) on Bill "An Act to List Specific Threatened and Endangered Species" (H.P. 598) (L.D. 789)

Signed:

Senators: KILKELLY of Lincoln
RUHLIN of Penobscot
HALL of Piscataquis

Representatives: PAUL of Sanford

CHICK of Lebanon
DUNLAP of Old Town
UNDERWOOD of Oxford
TRUE of Fryeburg
USHER of Westbrook
GOODWIN of Pembroke
CROSS of Dover-Foxcroft
PERKINS of Penobscot

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

Signed:

Representative: CLARK of Millinocket

Was read.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative JOY: Madam Speaker, Men and Women of the House. Are all of the life forms that were on that list, were all of those included, to be added to this list?

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. The list that was submitted by the department was approved by the entire committee with one exception. The exception not being the list, but the one member. Thank you.

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

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

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

ROLL CALL NO. 150

YEA - Baker CL, Baker JL, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Cianchette, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gamache, Gieringer, Gooley, Green, Hatch, Honey, Jones KW, Jones SL, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Nass, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Perkins, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Taylor, Tessier, Thompson, Townsend, Tripp, True, Underwood, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Ahearn, Bagley, Barth, Belanger DJ, Belanger IG, Bragdon, Buck, Bunker, Chizmar, Clark, Clukey, Driscoll, Foster, Gerry, Goodwin, Joy, Kasprzak, Kneeland, Lane, Layton, Lovett, MacDougall, Mack, McElroy, Nickerson, Pendleton, Pinkham RG, Pinkham WD, Snowe-Mello, Stanley, Stedman, Treadwell, Tuttle, Vedral, Wheeler EM, Winn, Winsor.

ABSENT - Bodwell, Dexter, Gagnon, Jabar, Jones SA, Joyce, Joyner, Muse, Plowman, Samson, Stevens, Tobin.

Yes, 102; No, 37; Absent, 12; Excused, 0.

102 having voted in the affirmative and 37 voted in the negative, with 12 being absent, the Majority "**Ought to Pass**" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-367) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, May 8, 1997.

At this point, the House went at ease for the purpose of joining in "Welcome Back Day" ceremonies.

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-355) on Bill "An Act to Amend the Enhanced 9-1-1 Laws" (H.P. 712) (L.D. 976)

Signed:

Senators: CAREY of Kennebec

CLEVELAND of Androscoggin

Representatives: USHER of Westbrook

O'NEAL of Limestone

LaVERDIERE of Wilton

BERRY of Belmont

JOY of Crystal

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "B" (H-356) on same Bill.

Signed:

Senator: HARRIMAN of Cumberland

Representatives: JONES of Bar Harbor

KONTOS of Windham

COLWELL of Gardiner

VEDRAL of Buxton

TAYLOR of Cumberland

Was read.

Representative JONES of Bar Harbor moved that the House accept the Minority "**Ought to Pass**" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative O'NEAL: Madam Speaker, Men and Women of the House. I rise to ask you to vote against the pending motion and to accept the Majority Report. Both reports are exactly the same with one slight difference. The Majority Report would not allow the news media to have the E-911 tapes and we feel that that could cause problems either with abuse or stalking. There will be other people to speak for this, but I would urge you to vote against the pending motion and help us support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

Representative LAVERDIERE: Madam Speaker, Men and Women of the House. I also rise with my colleague to urge that you defeat the pending motion and adopt the Majority Report. I do so because it is important that you understand that the sole difference between the two reports is the question of whether or not the actual 911 tapes are to be released to the media or not. In all of the respects, the committee basically agreed and the two bills are, in fact, the same. I want to explain to you why the majority felt that the E-911 tapes should not be released.

Basically, the bill provides for the fact that actual transcripts of the 911 calls are going to be available to anyone that asks for those transcripts. They will not contain the name. They will not contain the telephone number or the address of the person who calls, but the actual transcripts will be available to anyone that wants one. They can have one. The minority feels that in addition to that, the actual tapes themselves should be released. We heard testimony from individuals on the committee. We heard testimony from individuals who asked that the tapes be released, basically the broadcast media because they feel that there may be something on that tape that they want to make sure is heard. They may not be sure what the transcript may pick up. In order to guard against that, the committee agreed to insert in there a provision that said if the media has any suspicion whatsoever or any fear that there may have been something left out, they have the right to petition a court and ask for the release of the tapes. The court will release the tapes for them to review. They have an actual transcript. They have the right to go to court to seek the release of the tapes. What we object to is the actual release in every situation of the tape.

We feel that way because we don't want to discourage people from using the 911 system for fear that what they say will appear on the 6 o'clock news. If people know that what they say on the 911 system will wind up on the 6 o'clock news, they may not provide all of the information. Some may not even use the system. In fact, in some communities there are ways of getting in touch with authorities without the 911 system. We want to discourage that. We want to encourage people to use the new 911 system and to feel comfortable that what they say will not necessarily be released. Someone from the Maine Broadcasting Association said to us, well, if we play the tapes, no one is going to know who that voice is. I pointed out to them that that may be true in Portland, Lewiston or Augusta, but I can guarantee you, I will pick on my good colleague Representative Joy, that if they say that someone called from Crystal and they have the actual tape, everyone in Crystal will know exactly who that was that made that phone call. We feel very strongly that the actual tapes should not be released. That is the only difference between the two bills. We urge that you defeat the pending motion and adopt the Majority Report. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Madam Speaker, Men and Women of the House. I urge you to vote for the pending motion. I am on the Minority Report and I would like to speak to my motion. The good Representative from Wilton is correct. The committee was in 99 percent agreement on this, although I don't view freedom of the press as a minor issue, the disagreement is on the point of the audio tapes being public information. Currently, they are public information. This would be a vast departure from the law as we know it now. When this bill originally came to our committee in Utilities we worked very hard to produce unanimous reports. We like to do our debating within the committee. We just had a very distinct and legitimate difference of opinion on this.

The public Safety Department originally wanted to make all this information on E-911 confidential information. I would suggest that, were the case given the recent tragic events on the Maine Turnpike, that we would not be able to tell if the system was broken. We would not know if there were any sort of cover up. We would not be well served. The public interest would not be well served. I ask you, is it in our public interest to restrict the light of day on these matters? I think that it is not. If, in fact, in the second half of this session our Maine media uses these tapes in a sensational manner. I will personally sponsor the legislation to remove these tapes from public information. Let's

give the media the right to prove us wrong before we vote to limit one of our most important constitutional rights. The right to free speech. I would urge you to vote for the current motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Vedral.

Representative VEDRAL: Madam Speaker, Men and Women of the House. I am on this report on the "Ought to Pass" as amended Minority Report that allows the release of the edited audio tapes from E-911 systems. I can assure you that with either of these two reports the identity and nature of the call is confidential in regards to an individual. Information that is released has been very well discussed in our committee. I would support either of these two reports and, I urge you, if you do vote not to accept this Minority Report that you do accept the Majority Report and make sure that we do preserve the privacy of all individuals who use the E-911 system.

The SPEAKER: The Chair recognizes the Representative from Belmont, Representative Berry.

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

The SPEAKER: The Representative may pose his question.

Representative BERRY: Madam Speaker, Men and Women of the House. The question is, did the Judiciary Committee consider E-911 during this session? I address this to any member of that committee.

The SPEAKER: The Representative from Belmont, Representative Berry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Madam Speaker, Men and Women of the House. In response to the Representative from Belmont's question, I actually sponsored the 911 bill that requested Judiciary to look at exactly this issue. Either motion on the floor of the moment actually fits that exact bill to the T. The only thing that we didn't discuss in that legislation was the audio, I believe. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. The Judiciary Committee did look at that bill on confidentiality in enhanced 911. We felt as though it was not the proper way to go. The big difference between the E-911 and the 911 now, from my recollection, was that with the new possibility of when you call in, you automatically will be identified of who you are and where you live as opposed to the old 911. If someone wanted to call up to report something and they didn't want to be known who they were, they could do it on the present system, but I don't think they would be able to do it on the new enhanced 911. If my memory serves me right and some other members of the Judiciary Committee can correct me if I am wrong, we defeated that bill unanimous in committee. Thank you.

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

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I thank the good Representative from Wilton for pointing out the problems that arise in small towns. It is very true that it only takes just a matter of moments if you listen to more than one sentence or two sentences of a person's voice and you can identify them on the tape. Madam Speaker, I request when the vote is taken, it be taken by the yeas and nays.

Representative JOY of Crystal requested a roll call on the motion to accept the Minority "**Ought to Pass**" as amended Report.

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

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

ROLL CALL NO. 151

YEA - Baker CL, Bragdon, Brooks, Chartrand, Colwell, Cowger, Gamache, Goodwin, Jones KW, Kontos, Lemaire, Muse, Poulin, Povich, Saxl MV, Taylor, True, Volenik.

NAY - Ahearne, Bagley, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Brennan, Bruno, Bull, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Clark, Clukey, Cross, Desmond, Dexter, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gieringer, Gooley, Green, Honey, Jones SL, Jones SA, Joy, Joyner, Kane, Kasprzak, Kerr, Kneeland, Labrecque, Lane, LaVerdiere, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Nass, Nickerson, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Powers, Quint, Richard, Rines, Rowe, Sanborn, Savage, Saxl JW, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Tessier, Thompson, Townsend, Treadwell, Tripp, Tuttle, Underwood, Usher, Vedral, Vigue, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright.

ABSENT - Buck, Bunker, Cianchette, Davidson, Donnelly, Hatch, Jabar, Joyce, Lemont, O'Brien, Ott, Samson, Spear, Tobin, Winsor, Madam Speaker.

Yes, 18; No, 117; Absent, 16; Excused, 0.

18 having voted in the affirmative and 117 voted in the negative, with 16 being absent, the Minority "**Ought to Pass**" as amended Report was not accepted.

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

The Bill was read once. Committee Amendment "A" (H-355) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, May 8, 1997.

Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-369) on Bill "An Act to Clarify the Duties of the Maine Atlantic Salmon Authority" (H.P. 857) (L.D. 1162)

Signed:

Senator: KILKELLY of Lincoln

Representatives: PAUL of Sanford

CHICK of Lebanon

DUNLAP of Old Town

TRUE of Fryeburg

CROSS of Dover-Foxcroft

UNDERWOOD of Oxford

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

Signed:

Senators: RUHLIN of Penobscot

HALL of Piscataquis

Representatives: CLARK of Millinocket

USHER of Westbrook

GOODWIN of Pembroke

PERKINS of Penobscot

Was read.

On motion of Representative PAUL of Sanford, the Bill and all accompanying papers was recommitted to the Committee on **Inland Fisheries and Wildlife** and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting "**Ought Not to Pass**" on Resolve, to Change the Name of the University of Maine at Augusta to Maine State University (H.P. 985) (L.D. 1365)

Signed:

Senators: PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives: RICHARD of Madison
BRENNAN of Portland
DESMOND of Mapleton
SKOGLUND of St. George
BARTH of Bethel
McELROY of Unity
STEDMAN of Hartland
BELANGER of Caribou

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-353) on same Resolve.

Signed:

Representatives: WATSON of Farmingdale
BAKER of Bangor

Was read.

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

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting "**Ought Not to Pass**" on Resolve, to Restructure the University of Maine System and Enhance the Role of the Faculty in Campus Governance (H.P. 1032) (L.D. 1449)

Signed:

Senators: PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives: RICHARD of Madison
BRENNAN of Portland
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
BARTH of Bethel
McELROY of Unity
STEDMAN of Hartland
BELANGER of Caribou

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-351) on same Resolve.

Signed:

Representative: BAKER of Bangor

Was read.

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

Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**" on Bill "An Act Concerning Rabbit Hunting with Dogs" (H.P. 1132) (L.D. 1588)

Signed:

Senators: KILKELLY of Lincoln
RUHLIN of Penobscot

Representatives: PAUL of Sanford
DUNLAP of Old Town
TRUE of Fryeburg
GOODWIN of Pembroke
PERKINS of Penobscot

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

Signed:

Senator: HALL of Piscataquis
Representatives: CLARK of Millinocket
CHICK of Lebanon
UNDERWOOD of Oxford
USHER of Westbrook
CROSS of Dover-Foxcroft

Was read.

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

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

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. I rise this morning to explain that I am not opposed to hunting rabbits with dogs. However, this is a bill that would allow this practice to place during the open season on white tail deer. The white tail deer is our most sought after wildlife in Maine and has the greatest value. I am familiar with hunting with dogs. I hold a current Maine Guide's License and have for a long time. I have many friends that hunt rabbits with dogs. Their greatest concern is that the dog will depart from the rabbit and pursue the deer. This being something that many people know about, they would frequent the area during the open season on deer where people are hunting rabbits with dogs knowing that many of them will stray from their prime target and take after the deer. I would urge you to defeat this motion and go with the "Ought Not to Pass." Thank you.

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

Representative PERKINS: Madam Speaker, Colleagues of the House. I think there is a little confusion, even in our committee, on this. Presently in 11 counties in Maine you can hunt rabbits with dogs in November. Eleven out of the 16 counties. This bill just brings the other five into compliance so that it is the same. Hancock County being one and Washington and there are three others. This came up at a department public meeting back in my district. People asked why they couldn't hunt in November with our dogs when the rest of the state can? The department people said that has just been on the books so long, most of them didn't even know why. It probably had to do with some of the laws down our way, hunting deer, with them decades ago. This is just to bring it into compliance. Some of the people on the "Ought Not to Pass" apparently believed that this is opening up something, but already it is in the books. This just would allow the five counties that you can't hunt presently, to be in compliance with the rest of the counties. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative WHEELER: Madam Speaker, Men and Women of the House. To anyone who could answer, does

anybody know the five counties that you cannot hunt with dogs during November?

The SPEAKER: 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 Sanford, Representative Paul.

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. The counties that would be included if this bill passes, would be Hancock, Knox, Lincoln, Sagadahoc, Waldo and Washington Counties. I hope you will support the Majority "Ought to Pass" Report.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. I think a point of clarification may be in order here. The statute as it was written was enacted, I did a little bit of research on this, sometime in the 1920s basically because people who hunted with hounds hunted with hounds. There was not much distinction as to what they were hunting those hounds with. They were using blue ticks, black and tans and walkers to hunt rabbits, raccoons and bears with. At the time during the rabbit season, if a rabbit stopped someone from running dogs with deer, they said they were running rabbits. The law was passed on the books at the time to do away with dog hunting during the deer season to eliminate any kind of eye winking confusion of hunting rabbits when actually they were running deer, which as been illegal as long as there has been legal deer hunting in the State of Maine. In that interim period of time it has come through Inland Fish and Wildlife, that the laws have been allowed, structures such that you could have dog hunting on rabbits on November, but somehow the coastal counties have fallen through the cracks on this, and this, as Representative Perkins earlier stated, would simply bring those counties into compliance with the rest of the state. It is not a problem running deer with dogs during hunting season in the other counties where it is legal. We felt, in the majority, that that would not necessarily erupt in some immense number of violations in the coastal communities. We felt that it was a good bill. Thank you.

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

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

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

ROLL CALL NO. 152

YEA - Baker CL, Baker JL, Barth, Berry DP, Berry RL, Bigl, Bolduc, Bragdon, Brennan, Brooks, Bull, Bumps, Bunker, Campbell, Chartrand, Chizmar, Colwell, Cowger, Davidson, Dexter, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Fuller, Gagne, Gagnon, Gieringer, Goodwin, Green, Honey, Jones KW, Kane, Kontos, Lemaire, Madore, Mailhot, Mayo, McElroy, McKee, Meres, Mitchell JE, Morgan, Nickerson, O'Neal, O'Neil, Paul, Peavey, Perkins, Perry, Pieh, Pinkham RG, Poulin, Povich, Powers, Quint, Rines, Rowe, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Taylor, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Vedral, Vigue, Volenik, Watson, Wheeler EM, Madam Speaker.

NAY - Ahearne, Bagley, Belanger DJ, Belanger IG, Bodwell, Bouffard, Bruno, Cameron, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Desmond, Dutremble, Fisk, Frechette, Gamache, Gerry, Gooley, Hatch, Jones SL, Jones SA, Joy, Joyner, Kasprzak, Kneeland, Labrecque, Lane, LaVerdiere, Layton,

Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevy, Murphy, Muse, Nass, Ott, Pendleton, Pinkham WD, Plowman, Richard, Savage, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Treadwell, Underwood, Usher, Waterhouse, Wheeler GJ, Winglass, Winn, Wright.

ABSENT - Buck, Donnelly, Jabar, Joyce, Kerr, O'Brien, Samson, Spear, Tobin, Winsor.

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

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

The Bill was read once and assigned for second reading Thursday, May 8, 1997.

Divided Report

Majority Report of the Committee on **Education and Cultural Affairs** reporting "**Ought Not to Pass**" on Bill "An Act Requiring Voter Approval for the Relocation of an Elementary School Class" (H.P. 1162) (L.D. 1626)

Signed:

Senators: PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives: RICHARD of Madison
BRENNAN of Portland
DESMOND of Mapleton
WATSON of Farmingdale
BARTH of Bethel
McELROY of Unity
STEDMAN of Hartland
BELANGER of Caribou

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-352) on same Bill.

Signed:

Representatives: BAKER of Bangor
SKOGLUND of St. George

Was read.

Representative RICHARD of Madison moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Madam Speaker, Ladies and Gentlemen of the House. I hope you will not accept the "Ought Not to Pass" Report on this. I do plan to ask for a roll call on it in case you are planning to wander off while I am talking. This is a matter that Representatives from rural areas, particularly, have wanted to vote on for a long time. I am giving you this opportunity to do so. It seems time consuming, but I think if I explain the circumstances that brought this to the floor, it will save time and give you a better understanding. As I understand the law now, before a school can be closed in a town, the town has to vote to permit this school to be closed. However, a school board, in a school administrative district, can take a school apart class by class until there is hardly any school left. In St. George, we are in the same district with Thomaston and Cushing, School Administrative District 50. A few years ago the school board had hearings in each town on building a middle school in Thomaston. The people at the hearing at St. George told them 100 percent, don't even think about it. We do not want our 7th and 8th grades taken out of town. The school board said that they have studied the matter and they know more about it than you do. We will proceed with our plans for a middle school.

The town meeting then voted and passed a resolve instructing the school board, do not proceed, we do not want to send our 7th and 8th grade children out of town. To which the school board replied, more or less, you can't stop us and proceeded with plans. Eventually, this created a great dissension within the district and turned one family against the other and you know how these things proceed when you have a school problem. I am sure this happens in other towns in the state and does not need to. If it is wise for a class to be taken out of town, if it is prudent to do so, then let that town vote on that matter. You don't need to be afraid of democracy. Often, a school board in a school administrative district does not perceive things exactly in the way members in each town do. We have seen local schools close town by town and we have seen much of rural Maine become an educational and cultural wasteland. We see the stores close in rural Maine. We see the post offices go. We see the churches close. We see the schools go. We close our communities down bit by bit. Then we come up with a program called Communities for Children. What can a community do for children when there is no community left?

What this bill would do, if passed, would permit the town to say that we want to maintain a school in this community. Madam Speaker, when the vote is taken, I ask for the yeas and nays.

Representative SKOGLUND of St. George requested a roll call on the motion to accept the Majority "**Ought Not to Pass**" Report.

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

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Madam Speaker, Men and Women of the House. The committee sympathized with Representative Skoglund's position and I think the committee sympathizes with any small town where the school is closed. There is one little glitch in this bill. Maybe it is a big glitch and that is if at the beginning of a school year it was discovered that one class was too large and they felt they had to move that class into another building, this could not be done until a town meeting had been called and a vote of the community had been taken. It was on this basis that most of us chose "Ought Not to Pass" on this bill. As Representative Skoglund has said, in a community where the school board decides to close the school by eliminating one class at a time without accepting the input of the townspeople, that is a sad situation and we agree with him 100 percent. It is the other half of the situation that caused us to vote "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Unity, Representative McElroy.

Representative MCELROY: Madam Speaker, Ladies and Gentlemen of the House. Seldom do I rise in this body, primarily because most of the arguments that are being presented, we have all heard before. However, this to me is a fairly significant issue regarding schools and the operation of schools. I sympathize with the good Representative from St. George on this occasion and on others I sometimes do not. Let's make the assumption that we belong to a multi-school unit, and remember this is not about cats and dogs or churches or stores or anything of that kind. It is about school units and school houses. I happen to come from an area where one SAD has 11 towns. Those 11 towns have only six schools. The flexibility is needed on placing of students. There is no intent on any issue of student placement of closing a school. That is a separate issue by itself. We do, however, need the flexibility of moving, as the good Representative Richard has already said. We need the flexibility of moving students from one school to another so that we don't end up with a school that has room enough for 100

having 200 students and the other school has room enough for 40 having only 20 students. We need to be able to move these students back and forth between these school units. This is usually done with agreement between the parents and the school administrators. When we have an issue such as the good Representative of St. George speaks of, then that becomes more of an internal political issue and not what is best for the students of that area. Thank you very much.

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. 153

YEA - Ahearne, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Labrecque, LaVerdiere, Layton, Lemaire, Lemont, Lindahl, Lovett, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Stanley, Stedman, Stevens, Taylor, Tessier, Townsend, Treadwell, Tripp, Tuttle, Underwood, Usher, Vedral, Vigue, Watson, Wheeler GJ, Winglass, Winn, Winsor, Madam Speaker.

NAY - Bagley, Baker CL, Bolduc, Bunker, Chartrand, Chizmar, Dexter, Foster, Gerry, Joy, Kontos, Lane, Lemke, MacDougall, McKee, Perkins, Pinkham WD, Savage, Sirois, Skoglund, Snowe-Mello, True, Volenik, Waterhouse, Wheeler EM, Wright.

ABSENT - Buck, Davidson, Donnelly, Jabar, O'Brien, Samson, Spear, Thompson, Tobin.

Yes, 116; No, 26; Absent, 9; Excused, 0.

116 having voted in the affirmative and 26 voted in the negative, with 9 being absent, the Majority "**Ought Not to Pass**" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Utilities and Energy** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-354) on Bill "An Act to Extend the Electric Rate Stabilization Program" (EMERGENCY) (H.P. 1252) (L.D. 1771)

Signed:

Senators: CAREY of Kennebec
CLEVELAND of Androscoggin
HARRIMAN of Cumberland

Representatives: JONES of Bar Harbor
KONTOS of Windham
USHER of Westbrook
O'NEAL of Limestone
COLWELL of Gardiner
LaVERDIERE of Wilton
BERRY of Belmont
JOY of Crystal
TAYLOR of Cumberland

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

Signed:

Representative: VEDRAL of Buxton
Was read.

On motion of Representative JONES of Bar Harbor the Majority **"Ought to Pass"** as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-354) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, May 8, 1997

CONSENT CALENDAR
First Day

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

(S.P. 538) (L.D. 1657) Bill "An Act to Establish the Interstate Economic Development Commission for the Northern New England States" Committee on **Business and Economic Development** reporting **"Ought to Pass"**

(S.P. 28) (L.D. 26) Bill "An Act to Clarify Use of Tree Stands" Committee on **Inland Fisheries and Wildlife** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-177)

(S.P. 260) (L.D. 868) Bill "An Act Regarding the Form of Motorcycle License Plates" Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-180)

(S.P. 370) (L.D. 1229) Bill "An Act to Authorize the Conversion and Reuse of the Perry Hayden Hall at Pineland Center as an Elementary School" (EMERGENCY) Committee on **Education and Cultural Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-178)

(H.P. 39) (L.D. 64) Bill "An Act to Provide Reimbursement to Counties for Persons Jailed on Probation Revocations" (EMERGENCY) Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-380)

(H.P. 241) (L.D. 305) Bill "An Act to Prohibit the Inhaling of Toxic Vapors for Effect" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-382)

(H.P. 264) (L.D. 328) Bill "An Act to Increase the Penalty for Burglary When the Actor has Prior Convictions for Certain Enumerated Crimes" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-384)

(H.P. 376) (L.D. 521) Bill "An Act to Encourage Collaboration and Cooperation among Agencies in the Interests of Juveniles within the Juvenile Court System" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-379)

(H.P. 394) (L.D. 539) Bill "An Act to Clarify the Laws Regarding the Board of Licensure in Medicine and Ensure That Physician Discipline Is Reported to the Appropriate Licensing Board" Committee on **Business and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-359)

(H.P. 397) (L.D. 542) Bill "An Act to Make Appeals to the Law Court From Revocation of Probation Proceedings Conditional and to Clarify the Matter of Bail Pending Final Disposition of a Motion for Revocation of Probation" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-377)

(H.P. 453) (L.D. 616) Bill "An Act to Provide Protection from Assault for Emergency Medical Care Providers" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-376)

(H.P. 480) (L.D. 651) Bill "An Act to Expand the Definition of 'Aggravated Criminal Mischief' to Make It a Class C Crime to Damage Property by Fire or Explosion" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-383)

(H.P. 487) (L.D. 658) Bill "An Act to Reduce MTBE in Maine Drinking Water" Committee on **Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-386)

(H.P. 546) (L.D. 737) Bill "An Act to Create an Apprentice Registration Category and to Exempt Certain Persons from Licensure under the Propane and Natural Gas Act" Committee on **Business and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-358)

(H.P. 643) (L.D. 896) Bill "An Act to Increase the Time Limit for Registering Deer to 24 Hours" Committee on **Inland Fisheries and Wildlife** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-370)

(H.P. 781) (L.D. 1069) Bill "An Act to Require Prisoners in Correctional Facility Work Programs to Pay Court Fines" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-378)

(H.P. 783) (L.D. 1071) Bill "An Act to Ensure That Crime Victims Are Informed of Their Rights" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-381)

(H.P. 1049) (L.D. 1466) Bill "An Act to Provide Flexibility and Costs-savings in Department of Transportation Property Acquisition Procedures" Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-362)

(H.P. 1133) (L.D. 1589) Bill "An Act to Amend the Composition of the Information Services Policy Board and Establish a Clearinghouse on State Information and Information Technology" Committee on **Business and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-357)

(H.P. 1135) (L.D. 1591) Bill "An Act to Amend the Washington County Budget Process" (EMERGENCY) Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-385)

(H.P. 1232) (L.D. 1749) Resolve, Authorizing the Department of Transportation to Erect Signs Identifying the World War II Memorial in Bangor Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-363)

(H.P. 1251) (L.D. 1770) Bill "An Act to Create the Pleasant River Standard Water District" (EMERGENCY) Committee on **Utilities and Energy** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-360)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 8, 1997 under the listing of Second Day.

(S.P. 510) (L.D. 1572) Bill "An Act to Make Technical Changes in the Laws Relating to the Sale of Alcoholic Beverages" Committee on **Legal and Veterans Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-182)

On motion of Representative KONTOS of Windham, was removed from the First Day Consent Calendar.

On further motion of the same Representative, tabled pending acceptance of the Committee Report and specially assigned for Thursday, May 8, 1997.

CONSENT CALENDAR

Second Day

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

(S.P. 228) (L.D. 797) Bill "An Act to Create Equity in the Taxation of Special Fuels"

(S.P. 484) (L.D. 1492) Bill "An Act to Provide Recipients of All Assisted Living Programs and Services Residents' Rights and Equivalent Reporting and Enforcement Opportunities"

(S.P. 125) (L.D. 404) Bill "An Act to Amend the Laws Regarding Snowmobile Registration" (C. "A" S-175)

(S.P. 229) (L.D. 798) Bill "An Act to Protect the Department of Inland Fisheries and Wildlife from Unfunded Mandates" (C. "A" S-176)

(H.P. 120) (L.D. 144) Bill "An Act Regarding the Duties of Guardian Ad Litem" (C. "A" H-345)

(H.P. 303) (L.D. 367) Bill "An Act to Provide That the Operator of a Limousine Is Not Responsible for Securing in a Seat Belt a Passenger Transported for a Fee" (C. "A" H-334)

(H.P. 382) (L.D. 527) Bill "An Act to Strengthen the Mandatory Child Abuse Reporting Laws" (C. "A" H-346)

(H.P. 504) (L.D. 695) Bill "An Act to Amend Security Deposit Provisions for Residential Rental Units" (C. "A" H-333)

(H.P. 569) (L.D. 760) Bill "An Act to Increase Penalties for Subsequent Violations of the Laws Prohibiting Indecent Conduct" (C. "A" H-341)

(H.P. 858) (L.D. 1163) Bill "An Act to Amend Child Protective Laws" (C. "A" H-344)

(H.P. 888) (L.D. 1205) Bill "An Act to Amend Certain Provisions Regarding the Presumption of Negotiating a Worthless Instrument" (C. "A" H-342)

(H.P. 967) (L.D. 1347) Bill "An Act to Require a Vehicle to be Registered in the Town in Which the Owner Resides" (C. "A" H-335)

(H.P. 998) (L.D. 1390) Bill "An Act to Protect the Voting Rights of Stalking Victims" (C. "A" H-332)

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 as Amended and sent up for concurrence.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Provide for State and Federal Criminal Record Checks on Educational Personnel in the State" (S.P. 174) (L.D. 503) (S. "A" S-169 to C. "A" S-127)

Bill "An Act to Clarify the Right of a Real Estate Broker to a Lien on Land, Improvements or Structures" (H.P. 577) (L.D. 768) (C. "A" H-323)

Bill "An Act to Repeal the Presidential Primary" (H.P. 645) (L.D. 898) (C. "A" H-336)

Resolve, to Establish a Commission to Designate Outstanding Maine Citizens Whose Portraits Are to Be Displayed in the State House (H.P. 1145) (L.D. 1610) (C. "A" H-328)

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

Bill "An Act to Prohibit the Gathering of Signatures at a Polling Place" (H.P. 64) (L.D. 89) (C. "A" H-339)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed as amended and specially assigned for Thursday, May 8, 1997.

ENACTORS

An Act to Create an Historic Preservation Tax Credit (S.P. 126) (L.D. 405) (C. "A" S-139)

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

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

On further motion of the same Representative, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same Representative presented House Amendment "A" (H-372) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

On motion of Representative BOLDUC of Auburn, the House adjourned at 12:27 p.m., until 9:00 a.m., Thursday, May 8, 1997.