

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST SPECIAL SESSION
39th Legislative Day
Sunday, June 1, 1997

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

Prayer by Honorable June C. Meres, Norridgewock.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Discourage Smoking by Maine's Youth" (H.P. 1352) (L.D. 1898) (Presented by Representative CAMERON of Rumford)(Governor's Bill)

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

On motion of Representative BOUFFARD of Lewiston, tabled pending reference and later today assigned.

ENACTORS

An Act to Ensure the Availability of Expertise on Dam Safety (H.P. 591) (L.D. 782) (S. "B" S-425 to C. "A" H-172)

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

Resolve, to Establish the Task Force to Study Strategies to Support Parents as Children's First Teachers (H.P. 1287) (L.D. 1832) (C. "A" H-540)

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

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

On further motion of the same Representative, tabled pending final passage and later today assigned.

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

Under suspension of the rules, members were allowed to remove their jackets.

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Address Federal and State Accessibility and Public Safety Issues (BOND ISSUE) (S.P. 612) (L.D. 1813) (C. "A" S-329) which was passed to be enacted in the House on May 30, 1997.

Came from the Senate failing of passage to be enacted in non-concurrence.

The House voted to Adhere.

Non-Concurrent Matter

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Fund Capital Expenses for Vocational High Schools (BOND ISSUE) (H.P. 413) (L.D. 558) (C. "A" H-617) which was passed to be enacted in the House on May 30, 1997.

Came from the Senate failing of passage to be enacted in non-concurrence.

The House voted to Adhere.

Non-Concurrent Matter

An Act to Require That Workers' Compensation Coverage Be Equitably Applied to the Timber Industry (S.P. 475) (L.D. 1477) (C. "A" S-299) on which the Bill and accompanying papers were indefinitely postponed in the House on May 31, 1997.

Came from the Senate passed to be enacted in non-concurrence.

Representative WATERHOUSE of Bridgton moved that the House Adhere.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. We debated this long and heavily the other day. I wish you would stick to our position where we overwhelmingly, I think, to Indefinitely Postpone. I wish you would stick to that. Thank you.

Representative SAXL of Bangor moved that the House Insist and ask for a Committee of Conference.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. The motion on the floor is to Insist and ask for a Committee of Conference.

The SPEAKER: The Chair would answer in the affirmative.

Representative WATERHOUSE Does that take precedence over the Adhere motion.

The SPEAKER: The Chair would answer in the affirmative.

Representative WATERHOUSE of Bridgton requested a roll call on the motion to Insist and ask for a Committee of Conference.

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 Kingfield, Representative Dexter.

Representative DEXTER: Madam Speaker, Men and Women of the House. Please don't help me too much. I would hope that you would vote against the motion to Insist so that we may Adhere and save that poor kitten.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Insist and ask for a Committee of Conference. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 372

YEA - Ahearne, Bagley, Belanger IG, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Clark, Davidson, Desmond, Driscoll, Farnsworth, Fuller, Goodwin, Green, Hatch, Jabar, Jones KW, Kane, Kerr, Kontos, Lane, Lemaire, McKee, Muse, O'Neal, Pendleton, Richard, Rines, Rowe, Samson, Saxl JW,

Saxl MV, Shannon, Shiah, Stanley, Townsend, Volenik, Watson, Wright.

NAY - Baker JL, Barth, Belanger DJ, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clukey, Colwell, Cowger, Dexter, Dunlap, Etnier, Fisher, Foster, Gagne, Gagnon, Gamache, Gerry, Gooley, Honey, Jones SL, Jones SA, Joy, Joyce, Joyner, Kneeland, Labrecque, LaVerdiere, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, Meres, Mitchell JE, Morgan, Murphy, Nass, Nickerson, O'Brien, Ott, Paul, Peavey, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Povich, Powers, Quint, Savage, Sirois, Skoglund, Snowe-Mello, Spear, Stedman, Taylor, Tessier, Thompson, Tobin, Treadwell, Tripp, Underwood, Usher, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Baker CL, Buck, Bunker, Cross, Donnelly, Dutremble, Fisk, Frechette, Gieringer, Kasprzak, Lemke, Mailhot, McElroy, O'Neil, Plowman, Poulin, Sanborn, Stevens, True, Tuttle, Vigue, Madam Speaker.

Yes, 42; No, 87; Absent, 22; Excused, 0.

42 having voted in the affirmative and 87 voted in the negative, with 22 being absent, the motion to Insist and ask for a Committee of Conference did not prevail.

Subsequently, the House voted to Adhere.

Non-Concurrent Matter

Bill "An Act to Revise Certain Provisions of Fish and Wildlife Laws" (EMERGENCY) (S.P. 520) (L.D. 1604) which was passed to be engrossed as amended by Committee Amendment "A" (S-281) as amended by House Amendments "A" (H-619), "C" (H-744) and "D" (H-760) thereto and House Amendment "A" (H-659) in the House on May 31, 1997.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-281) as amended by House Amendments "A" (H-619) and "C" (H-744) thereto and House Amendment "A" (H-659) in non-concurrence.

The House voted to Recede and Concur.

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

Non-Concurrent Matter

An Act to Establish the Maine Center for Arts Education" (S.P. 388) (L.D. 1273) which was passed to be enacted in the House on May 30, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-310)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act to Amend the Maine Criminal Code to Include the Loss of a Pregnancy (H.P. 541) (L.D. 732) which was passed to be enacted in the House on May 28, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-604)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

Representative LANE of Enfield moved that the Bill be tabled pending further consideration and later today assigned.

Representative THOMPSON of Naples requested a division on the motion to table.

The Chair ordered a division on the motion to table.

A vote of the House was taken. 40 voted in favor of the same and 72 against, the motion to table did not prevail.

Representative THOMPSON of Naples moved that the House Recede and Concur.

Representative CAMPBELL of Holden requested a roll call on the motion to Recede and Concur.

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 Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. In case people don't remember what this bill was about, this was a very passionately debated subject on the floor of the house. It had to do with the death of a child and a pregnant woman from a drunk driver. The compromise out of the committee with the Majority Report was to enhance this to a Class A crime with somebody who did this horrible thing to a woman. With a Class A crime they would get 40 years. That is what the Senate wants to kill. I would hope that you would vote against the Recede and Concur so at least women who have this done to them, can have somebody go to jail for the time that they deserve. This is abuse of a woman bill. All you people that are in the south that are concerned with the woman getting abused, would vote against the Recede and Concur and I hope you will do so today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Madam Speaker, Men and Women of the House. Since we last got together on this bill, LD 231, which created the crime of elevated aggravated assault came off the Appropriation's Table and was passed. It will be law in 90 days. This bill will do everything and more to address these hideous problems that can occur. I urge you to support the Recede and Concur motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 373

YEA - Bagley, Baker CL, Baker JL, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Chartrand, Cianchette, Colwell, Cowger, Davidson, Desmond, Dexter, Dunlap, Etnier, Farnsworth, Fisher, Fuller, Gagne, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Joyce, Joyner, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, Marvin, Mayo, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Taylor, Tessier, Thompson, Townsend, Tripp, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Ahearne, Barth, Belanger DJ, Belanger IG, Bodwell, Bragdon, Bumps, Campbell, Carleton, Chick, Chizmar, Clark, Clukey, Driscoll, Foster, Gerry, Honey, Jones SA, Joy, Kneeland, Lane, Layton, MacDougall, Mack, Madore, McAlevey, Meres, Nickerson, O'Brien, Perry, Pinkham WD, Plowman,

Snowe-Mello, Stedman, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Buck, Bunker, Cameron, Cross, Donnelly, Dutremble, Fisk, Frechette, Gieringer, Kasprzak, Lemke, Mailhot, McElroy, O'Neil, Poulin, Sanborn, Stevens, True, Tuttle, Vigue.

Yes, 88; No, 43; Absent, 20; Excused, 0.

88 having voted in the affirmative and 43 voted in the negative, with 20 being absent, the House voted to Recede and Concur.

Non-Concurrent Matter

An Act Regarding the Obligation of the State to Fund Adult Education (H.P. 629) (L.D. 854) which was passed to be enacted in the House on May 9, 1997. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-306)

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

On motion of Representative BERRY of Belmont, the House reconsidered its action whereby it Receded and Concurred.

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

Representative BERRY: Madam Speaker, Men and Women of the House. One of the major programs within the State of Maine is the program and the obligation of this state to adult education. We have the concerns for the people of this state. We passed this in this body, engrossed it in this body and now I wish that would move and be able to Adhere to our position on this. I wish to call for a roll call on this. Thank you.

The same Representative requested a roll call on the motion to Recede and Concur.

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 Portland, Representative Townsend.

Representative TOWNSEND: Madam Speaker, Men and Women of the House. The issue of adult education was very important to all of us on the Appropriation's Committee. That is why we passed a piece of legislation and funded it, which will provide a funding of \$72,000 in the second year of the biennium to help this program continue and not quite bring it to the level that we funded GPA, but nearly do so. For that reason, I would ask for your support in the Recede and Concur motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 374

YEA - Bagley, Baker CL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Bull, Chartrand, Chizmar, Cianchette, Colwell, Cowger, Davidson, Desmond, Dexter, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fuller, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, Lane, LaVerdiere, Lemont, Lovett, MacDougall, Mack, Madore, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, Ott, Paul, Perry, Pieh, Quint, Rines, Rowe, Samson, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Tessier, Thompson, Townsend, Tripp, Usher, Volenik, Watson, Winglass, Winn, Wright, Madam Speaker.

NAY - Ahearne, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Bodwell, Bragdon, Brooks, Bruno, Bumps, Cameron, Campbell, Carleton, Chick, Clark, Clukey, Donnelly, Foster, Gagne, Gerry, Jones SA, Joy, Joyce, Joyner, Labrecque, Layton, Lemaire, Lindahl, Marvin, Mayo, McAlevey, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Povich, Powers, Richard, Savage, Shannon, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Buck, Bunker, Cross, Dutremble, Fisk, Frechette, Gieringer, Kasprzak, Lemke, Mailhot, McElroy, O'Neil, Plowman, Poulin, Sanborn, Stevens, True, Tuttle, Vigue.

Yes, 76; No, 56; Absent, 19; Excused, 0.

76 having voted in the affirmative and 56 voted in the negative, with 19 being absent, the House voted to Recede and Concur.

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

ENACTORS

Bond Issue

An Act to Authorize 2 General Fund Bond Issues in the Amount of \$13,000,000 to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Clean Up Tire Stockpiles, to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program and to Make Drinking Water Improvements (S.P. 88) (L.D. 268) (S. "A" S-421 to C. "A" S-213)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 105 voted in favor of the same and 21 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Correct Errors and Inconsistencies in the Laws of Maine (S.P. 12) (L.D. 10) (C. "A" S-411)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish 2 Pilot Projects to Promote Innovations in and Improve Long-term Care (S.P. 558) (L.D. 1684) (S. "A" S-406 to C. "A" S-256)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Provide Reimbursement to Counties for Persons Jailed on Probation Revocations (H.P. 39) (L.D. 64) (S. "A" S-395 to C. "A" H-380)

An Act to Promote Wildlife Rehabilitation Centers (H.P. 551) (L.D. 742) (Com. of Conf. "A" H-758)

An Act to Change the Name of the Bureau of Taxation and to Allow Other Agencies of the State to Benefit from Its Services (S.P. 623) (L.D. 1826) (Governor's Bill) (C. "A" S-341; H. "C" H-755)

An Act to Establish the Maine Economic Improvement Fund (S.P. 637) (L.D. 1854) (C. "A" S-326; S. "B" S-417)

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

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

An Act to Amend the Off-track Betting Laws as They Pertain to Reduced Payments for Small Market Licensees (S.P. 188) (L.D. 606) (S. "A" S-348)

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

On motion of Representative MAYO of Bath, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

An Act to Protect the State's Lakes, Rivers and Coastal Wetlands through a Comprehensive Watershed Protection Program (H.P. 900) (L.D. 1217) (C. "A" H-746)

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

On motion of Representative JOY of Crystal, was set aside.

The same Representative requested a roll call on passage to be enacted.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 375

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lovett, Madore, Mayo, McKee, Meres, Mitchell JE, Morgan, Muse, O'Neal, Paul, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Tessier, Thompson, Tobin, Townsend, Tripp, Usher, Volenik, Waterhouse, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Campbell, Carleton, Chick, Cianchette, Clukey, Dexter, Foster, Gerry, Goodwin, Gooley, Jones SA, Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, MacDougall, Mack, Marvin, McAlevey, Murphy, Nass, Nickerson, O'Brien, Ott, Pendleton, Pinkham RG, Pinkham WD, Snowe-

Mello, Spear, Stedman, Taylor, Treadwell, Underwood, Vedral, Wheeler EM, Winglass, Winsor.

ABSENT - Buck, Bunker, Cross, Dutremble, Fisk, Frechette, Gieringer, Kasprzak, Mailhot, McElroy, O'Neil, Poulin, Sanborn, Stevens, True, Tuttle, Vigue, Winn.

Yes, 85; No, 48; Absent, 18; Excused, 0.

85 having voted in the affirmative and 48 voted in the negative, with 18 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

SENATE PAPERS

Non-Concurrent Matter

An Act to Open a Discount State Liquor Store in Calais and Conduct a Study Concerning the Opening of a Store in Fort Kent (H.P. 277) (L.D. 341) (C. "A" H-46; H. "A" H-122 and H. "B" H-636) which was passed to be enacted in the House on May 31, 1997.

Came from the Senate committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, to Establish a Coordinated Information Referral System and a Single Intake System for the Department of Corrections, the Department of Education, the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Public Safety (H.P. 664) (L.D. 917) (C. "A" H-685) which was finally passed in the House on May 29, 1997.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

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

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

An Act to Amend the Off-track Betting Laws as They Pertain to Reduced Payments for Small Market Licensees (S.P. 188) (L.D. 606) (S. "A" S-348) which was tabled by Representative MAYO of Bath pending passage to be enacted.

Representative MAYO of Bath moved that the Bill and all accompanying papers be indefinitely postponed.

Representative DONNELLY of Presque Isle requested a division on the motion to indefinitely postpone the Bill and all accompanying papers.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I would ask that you vote against the pending motion because, in affect, it will lose 13 jobs in Aroostook County. I kind of wish that the Representative from Bath would have put an amendment on the bill to include Bath in the legislation.. What is happening in Aroostook, and I can only speak for Aroostook, is that the bill would allow them to have 20 percent reduction in the money that they send in, which amounts to about \$45,000 over the year. In a small business, \$45,000 is

quite a sum of money. If you Indefinitely Postpone this bill, the state will realize a loss of a quarter of a million dollars. I don't think that is something that we want to do. Ordinarily I wouldn't be standing up here for any gambling. I am not for gambling in the State of Maine, but gambling is here and this is one business. If we don't pass this bill, 13 more people in Aroostook County are going to be out of a job. Thank you.

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

Representative MAYO: Madam Speaker, Men and Women of the House. I completely agree with the previous speaker, the good Representative from Bridgewater, on this matter. We have been trying for six weeks to work out a situation that would be of benefit to both the off track betting parlor in Presque Isle and the one in Bath, which have similar problems. It is entirely conceivable that there will be 13 to 15 people out of work in the Bath area as a result of that off track betting parlor not succeeding. However, we have been unsuccessful in working with members of the committee and some members of the Aroostook County Delegation on this matter. We had a previous motion made by the Chair of the committee involved that this be Indefinitely Postponed. It has been floating back and forth between the two houses and I think that, personally, is what should happen. I feel sorry for Presque Isle and I also feel sorry for Bath in this matter, but some things are not able to be worked out in this body.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. I try not to be very parochial. In the leadership position it is very difficult not to be. You try to do what is best for all. I am so incredibly offended at the motion on the floor right now that I must share it with you. Yesterday, we passed a \$113 million tax break for Bath. Today, the same individual who we supported yesterday is willing to attack a small business in a small community that is having a difficult time. I have never been this angry. It is inconceivable that that would happen, but it is. I wish you would join me in rejecting this outrage and voting against the pending motion. Thank you.

Representative WHEELER of Bridgewater requested a roll call on the motion to indefinitely postpone the Bill and all accompanying papers.

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 Indefinitely Postpone the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 376

YEA - Chizmar, Gamache, Gerry, Labrecque, Mayo, Mitchell JE, Peavey.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKee, Meres, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, Ott, Paul, Pendleton, Perkins, Perry, Pieh, Pinkham RG,

Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, Underwood, Usher, Vedral, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright.

ABSENT - Buck, Bunker, Cross, Dutremble, Fisk, Frechette, Gieringer, Kasprzak, Mailhot, McElroy, O'Neil, Poulin, Sanborn, Stevens, True, Tuttle, Vigue, Madam Speaker.

Yes, 7; No, 126; Absent, 18; Excused, 0.

7 having voted in the affirmative and 126 voted in the negative, with 18 being absent, the motion to indefinitely postpone the Bill and all accompanying papers did not prevail.

Subsequently, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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

UNFINISHED BUSINESS

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

JOINT ORDER - Relative to Recalling L.D. 848 from the Governor's Desk (H.P. 1346)

TABLED - May 31, 1997 (Till Later Today) by Representative WHEELER of Eliot.

PENDING - Passage. (Roll Call Requested)

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 Cumberland, Representative Taylor.

Representative TAYLOR: Madam Speaker, Men and Women of the House. For those of us who don't have our books before us, could you further identify LD 848. I think I know what bill it is, but I am not sure.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. LD 848 is the moratorium on municipalities to stop them from setting up their own ordinances to keep fine monies locally, which is sent to the state. What this was, just to refresh your memory, was a bill that was tied in with another bill, LD 549, that was in front of Appropriations. That there would have funded court time for police officers that went to court from \$10 to \$30. They presently receive \$10. Judiciary had LD 549 and passed that unanimously. Transportation had LD 848 and passed that unanimously to set up a moratorium.

I will say, personally, as a member of Transportation and I was on the subcommittee that worked together with Judiciary to come up with this compromise that the only reason I voted for the moratorium was because I was believing that LD 549 was going to be funded. When it did not get funded to Appropriations, I felt it necessary to recall this from the Governor's desk and to try to carry it over until January. If we can recall it, we will carry it over to January. In LD 848 there is still language that will allow us to work on some funding for the municipalities. This is, what I consider, a compromise. You are going to have other people stand up and talk against this that are on the committee, but being an ex municipal official, I understand the system very well and what this does to the municipalities. I feel that if we could recall this and bring it back in January and work on it, it is a compromise and I am sure the

municipalities will hold off on setting up their ordinances and not be writing warnings instead of tickets and all kinds of other games that will come out of this. The only one is going to hurt out of this is the state's general fund. I urge you, if you would please, to support us so we can recall it and work on this. We will need a two-thirds, so I am urging everybody to help support me, if they would. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. I would ask that you vote against the passage of this Joint Order. There were a number of bills pertaining to reimbursement of court officers and municipal officers when they testified in court as well as the issue that is present in this bill, which is to have a moratorium on cities and towns and act in their own traffic ordinances.

Some of them had been referred to Transportation and some had been referred to Judiciary. All of us agreed there was a problem. We got together and we agreed to support both bills, one through one committee and one through the other committee. They both came out with unanimous reports. They both went through both bodies and were enacted. This bill was sent to the Governor's desk for signature and the other bill went on the Appropriations Table. I supported both bills, but I support them independently. I think they were both good bills, but I think this one is necessary. Because there was a bad result on the Appropriations Table on the other bill, I do not feel is a reason to recall this bill. I would ask that you join me in voting against passage of this Joint Order.

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

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I would urge you also to vote against this Joint Order. I concur with the description from the good Chair of Judiciary. In Transportation we voted out this bill unanimously. It is true. Personally, as a member of the committee, I wanted this bill to pass, with or without the other one. I did want the other one to pass and supported it, but unfortunately it had a fiscal note and didn't get funded at this time. The moratorium is necessary to avoid a hodgepodge of many communities around the state issuing their own traffic tickets. The records from those tickets won't be always forwarded to the Secretary of State's Office, so there will be one problem with the point system being usable with any of these municipal traffic fines.

In addition, we have a hole in the general fund that will come out of these municipal traffic tickets being used instead of the current state system. We all agreed something has to be done about this and we are impacting municipalities by the current system. I think we need to work on this in the next session. That is all this bill does is enact a moratorium on municipalities doing their own ticketing so that we can work on it in the next session. I am sure the fiscal end of it can be addressed in the next session, but if we pull this bill back and allow municipalities to go forward with their own ordinances, we are going to have an awful mess even before we begin to work on it the next session. I would urge patience on this matter to any of the communities that are feeling the impact of not getting enough reimbursement for court appearances and allow us to work on it in the next session.

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

Representative LEMONT: Madam Speaker, Ladies and Gentlemen of the House. I appreciate the good Representative Chartrand saying there ought to be some patience on this issue,

but I had the unfortunate or maybe fortunate chance to have worked on this issue for five years. I think politically, I have really been sent down the river here. I not only am not going to get any funding to address this issue, it should have been addressed in the 1990 and 1991 budget. We are going to go down and deal with local control. We are going to tell the towns once again what they can do. This bill needs to be backed up and it needs to be married with LD 549. I am sure all of you have heard from your municipal officers and your local police officers. This is a very important issue. Putting it off will give us an opportunity to work on this. To put the moratorium in, you can argue anyway you want, but it will create a hole in the general fund. It will create problems with your local municipalities and it is going to create a general fund problem here in the State of Maine. I hope you will follow the good Representative from Eliot's light. Thank you.

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

Representative LINDAHL: Madam Speaker, Men and Women of the House. The stakeholders are getting together on this and they will be coming back with a solution to the Second Regular Session. Currently, Fairfield uses this municipal summons to enforce traffic infractions. They can keep expanding their program beyond just speeding and enforce all traffic infractions and keep the fine money for themselves. I think this is going to create a huge problem as more communities join in this plan. Portland is getting ready to do it. Kittery is getting ready to do it and possibly Eliot. I don't know how many other communities are getting ready to do this. The best place to be caught speeding right now is in Fairfield. They assess their own fines and there is a good chance that this may not come on your driving record. The Secretary of State won't get to assess points. Insurance rates won't go up for those that are causing the largest risks. As all these communities, say we have 20 communities that adopt this policy throughout this state, how are we going to keep track of driving records, the Secretary of State to assess points and suspend licenses of those repeat violators. Secretary of State Gwadosky states that lifting the moratorium would be wrong and he is right. Let the stakeholders meet now and through the fall and come up with a solution and see if we can fund it in the Second Regular Session. Thank you.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Madam Speaker, Men and Women of the House. I speak to you this afternoon as another member of the Transportation Committee who also has municipal experience. Although I do respect Representative Wheeler's position on this and we agree on most all of the municipal issues that came before our committee, I can't accept bringing this back from the Governor's desk. I think the moratorium is important. I have seen the inequities. I worked in Camden with those \$10 checks when they came across the desk. They didn't do much. I do think that we do have to have a moratorium until the stakeholders group can get together and resolve it. I promise that I will support any effort that Representative Wheeler makes to go after this next January. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative TESSIER: Madam Speaker, Men and Women of the House. This is an inequity that has been existing for a number of years as you have heard previously. There have been a number of years for this to have been addressed. It

hasn't been addressed. We are now asking that we recall LD 848, hold it over so that maybe it will get addressed. If it isn't held over, then perhaps we are going to hear for the next few year, we are working on it. I think it is time that we begin truly working on it and one way to get that done is to have LD 848 sitting and waiting for the work to be done. I urge you to vote for passage of this motion.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. I apologize for rising again, but I just want to point out one more problem that will be created if we do implement this moratorium immediately. I am not sure if it is an emergency enactor or not, but if it is not, 90 days before it goes into law will be 90 days from then, we will right back here and it will be January. We are just talking three months. If we do enact this moratorium, what a lot of municipalities will do is they will start writing warnings. How are we going to address that? If we have this, it is a compromise and we can gain some respect from the municipalities, which we really need up here in Augusta. I urge you to support this. Thank you.

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

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. This was passed as an emergency so when the Governor signs it, it will become law. If we withdraw this or recall this from the Governor's desk and carry it over, it is going to give other municipalities six months to jump into this program and you are apt to end up with enhancing revenue with radar, which I don't think is good public policy. I hope that you will vote to not recall this bill. Thank you.

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

Representative DRISCOLL: Madam Speaker, Men and Women of the House. I think we have discussed this thoroughly. I hope we don't take too much time today. I know it is going to be a long day. I hope that I can get home this afternoon. The unanimous report coming out of committee, I think we did our work and we agreed with the Secretary of State and the Bureau of Motor Vehicles that this moratorium was necessary until we get together and decide what to do down the road. I think are going to discuss this in the second part of this biennium. I hope that you would stay with the LD and not try to recall it. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage of the Joint Order. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 377

YEA - Ahearne, Barth, Belanger DJ, Bodwell, Bolduc, Bouffard, Brennan, Bruno, Cameron, Campbell, Chizmar, Cianchette, Clark, Colwell, Desmond, Dexter, Goodwin, Gooley, Hatch, Jones KW, Jones SA, Kane, Kerr, Kneeland, Lane, Layton, Lemont, MacDougall, Marvin, Mayo, McAlevey, Meres, Murphy, Muse, Nass, O'Neal, Ott, Perkins, Pinkham WD, Plowman, Rines, Samson, Shannon, Shiah, Snowe-Mello, Tessier, Tripp, Tuttle, Underwood, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright.

NAY - Bagley, Baker CL, Baker JL, Belanger IG, Berry DP, Berry RL, Bigl, Bragdon, Brooks, Bull, Bumps, Carleton, Chartrand, Chick, Clukey, Cowger, Davidson, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Fuller, Gagne, Gagnon, Gamache, Gerry, Green, Honey, Jabar, Jones SL, Joy, Joyce, Joyner, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lindahl, Lovett, Mack, Madore, Mitchell JE, Morgan, Nickerson,

O'Brien, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham RG, Povich, Powers, Quint, Richard, Rowe, Savage, Saxl JW, Saxl MV, Sirois, Skoglund, Spear, Stanley, Stedman, Taylor, Thompson, Tobin, Townsend, Treadwell, Usher, Vedral, Volenik, Watson, Winsor, Madam Speaker.

ABSENT - Buck, Bunker, Cross, Dutremble, Fisk, Frechette, Gieringer, Kasprzak, Mailhot, McElroy, McKee, O'Neil, Poulin, Sanborn, Stevens, True, Vigue.

Yes, 55; No, 79; Excused, 0.

55 having voted in the affirmative and 79 voted in the negative, with 17 being absent, the Joint Order failed passage.

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

Resolve, to Establish the Task Force to Study Strategies to Support Parents as Children's First Teachers (H.P. 1287) (L.D. 1832) (C. "A" H-540) which was tabled by Representative KONTOS of Windham pending final passage.

On motion of Representative RICHARD of Madison, 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.

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

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-540) was adopted.

The same Representative presented House Amendment "A" (H-761) to Committee Amendment "A" (H-540) which was read by the Clerk.

Representative BUMPS of China requested a roll call on the motion to adopt House Amendment "A" (H-761) to Committee Amendment "A" (H-540).

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 adoption of House Amendment "A" (H-761) to Committee Amendment "A" (H-540). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 378

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger DJ, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Cameron, Campbell, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Foster, Fuller, Gagne, Gagnon, Gamache, Gerry, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lovett, MacDougall, Madore, Meres, Mitchell JE, Morgan, Muse, Nass, O'Brien, O'Neal, Paul, Pendleton, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Taylor, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Barth, Berry DP, Bodwell, Bragdon, Bumps, Carleton, Dexter, Goodwin, Jones SA, Joy, Joyce, Joyner, Lane, Layton, Lemke, Lindahl, Mack, Marvin, Mayo, McAlevey, Murphy, Nickerson, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Stedman, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Winsor.

ABSENT - Buck, Bunker, Cross, Dutremble, Fisk, Frechette, Gieringer, Kasprzak, Lemont, Mailhot, McElroy, McKee, O'Neil, Poulin, Sanborn, Stevens, True, Vigue.

Yes, 99; No, 34; Absent, 18; Excused, 0.

99 having voted in the affirmative and 34 voted in the negative, with 18 being absent, House Amendment "A" (H-761) to Committee Amendment "A" (H-540) was adopted.

Committee Amendment "A" (H-540) as amended by House Amendment "A" (H-761) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-540) as amended by House Amendment "A" (H-761) thereto in non-concurrence and sent up for concurrence.

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Concerning Tax Relief" (EMERGENCY) (H.P. 1350) (L.D. 1897) which was passed to be engrossed in the House on May 31, 1997.

Came from the Senate passed to be engrossed as amended by Senate Amendment "C" (S-432) in non-concurrence.

The House voted to Recede and Concur. Ordered sent forthwith.

TABLED AND TODAY ASSIGNED

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

An Act to Ensure Funding for Snowmobile Law Enforcement Activities (EMERGENCY) (S.P. 193) (L.D. 611) (H. "B" H-756 to C. "A" S-270)

TABLED - May 31, 1997 by Representative UNDERWOOD of Oxford.

PENDING - Passage to be Enacted.

On motion of Representative UNDERWOOD of Oxford, 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-766) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-270) as amended by House Amendment "B" (H-756) thereto and House Amendment "A" (H-766) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

UNFINISHED BUSINESS

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

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper

Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY) (H.P. 833) (L.D. 1138) (C. "A" H-750)

TABLED - May 31, 1997 (Till Later Today) by Representative SAXL of Portland.

PENDING - Passage to be Engrossed.

On motion of Representative BELANGER of Caribou, the House reconsidered its action whereby Committee Amendment "A" (H-750) was adopted.

The same Representative presented House Amendment "A" (H-753) to Committee Amendment "A" (H-750) which was read by the Clerk and adopted.

Representative O'NEAL of Limestone presented House Amendment "C" (H-767) to Committee Amendment "A" (H-750), which was read by the Clerk.

Representative KERR of Old Orchard Beach moved that House Amendment "C" (H-767) to Committee Amendment "A" (H-750) be indefinitely postponed.

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

Representative O'NEAL: Madam Speaker, Men and Women of the House. I hope that you will vote against the pending motion and go on to pass House Amendment "C." What this does is would grant the Math and Science School an additional \$243,000 in funds that were found in the IF & W account that were going back into the general fund. They have no baring on the budget. We had put in for that amount. It was approved by the Education Committee and the budget reflects less than the \$243,000 that we are asking. Thank you.

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

Representative KERR: Madam Speaker, Men and Women of the House. I would just like the House to be reminded that these funds are generated through fees and fines and for those of you who were not around here in 1996, the Governor forgave a revenue shortfall in this account by almost \$500,000. I don't think this school or anyone else should be allowed to tap into these lapsed balances and I wish you would join me in Indefinitely postponing House Amendment "C."

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Underwood.

Representative UNDERWOOD: Madam Speaker, Men and Women of the House. I take an old quote from Ronald Reagan again in "hear we go again." It seems like every session that we get some bill or amendment that tries to raid the Inland Fisheries and Wildlife account. This is another example of it. This money was forgiven by the Governor. It is going to put a huge hole in the IF & W budget for the next biennium. I would hope that you will support this Indefinite Postponement motion. Thank you.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "C" (H-767) to Committee Amendment "A" (H-750).

A vote of the House was taken. 75 voted in favor of the same and 30 against, House Amendment "C" (H-767) to Committee Amendment "A" (H-750) was indefinitely postponed.

Subsequently, Committee Amendment "A" (H-750) as amended by House Amendment "A" (H-753) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-750) as amended by House Amendment "A" (H-753) thereto in non-concurrence and sent up for concurrence. Ordered sent forthwith.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy who wishes to address the House on the record.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I don't know how many of you know that today is a remarkable anniversary and it is certainly of great importance to the ladies of the House and it should be of equal importance for the gentlemen of the House. My son, who recently graduated and completed his training in the ministry, gave me a book entitled, *On this Day*. On this day in 1948, a proposed constitutional amendment to establish equal rights for women was approved by the House Judiciary Committee, sponsored by Representative Katherine St. George, Republican, New York. The purpose of the proposed amendment was to prohibit any state from denying equal rights under the law to any person because of sex. We have a momentous anniversary today.

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

SENATE PAPERS
Non-Concurrent Matter

An Act to Authorize 2 General Fund Bond Issues in the Amount of \$13,000,000 to Construct Water Pollution Control Facilities, to Close and Clean Up Municipal Solid Waste Landfills, to Clean Up Tire Stockpiles, to Mitigate Storm Water Pollution through a Comprehensive Watershed Protection Program and to Make Drinking Water Improvements (BOND ISSUE) (S.P. 88) (L.D. 268) (S. "A" S-421 to C. "A" S-213) which was passed to be enacted in the House on June 1, 1997.

Came from the Senate failing of passage to be enacted in non-concurrence.

The House voted to Adhere.

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Reconstruction, Renovations and Safety Improvements at the Governor Baxter School for the Deaf" (H.P. 60) (L.D. 85) on which the Majority "**Ought to Pass**" as amended Report of the Committee on **Appropriations and Financial Affairs** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-696) in the House on May 27, 1997.

Came from the Senate with the Minority "**Ought Not to Pass**" Report of the Committee on **Appropriations and Financial Affairs** read and accepted in non-concurrence.

The House voted to Adhere.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on 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) (H. "A" H-452 to C. "A" H-328) has had the same under consideration, and asks leave to report:

That the Senate recede and concur with the House.

Signed

Representatives: LEMKE of Westbrook
AHEARNE of Madawaska
CHICK of Lebanon

Senators: GOLDTHWAIT of Hancock
CLEVELAND of Androscoggin
BENNETT of Oxford

The Committee of Conference Report was read.

On motion of Representative LEMKE of Westbrook the Report was accepted and sent up for concurrence.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Regulate the Use of Personal Watercraft" (S.P. 137) (L.D. 416) has had the same under consideration, and asks leave to report:

That the House recede; indefinitely postpone House Amendment "A" (H-689) to Committee Amendment "A"; indefinitely postpone Committee Amendment "A" (S-311); read and adopt Conference Committee Amendment "A" (H-768) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-768) in non-concurrence.

That the Senate recede and concur with the House.

Signed

Representatives: DUNLAP of Old Town
GOODWIN of Pembroke
UNDERWOOD of Oxford

Senators: TREAT of Kennebec
NUTTING of Androscoggin
PENDLETON of Cumberland

The Committee of Conference Report was read.

On motion of Representative DUNLAP of Old Town the Committee of Conference Report was accepted.

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

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

The SPEAKER: The Representative may pose his question.

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I just want to ask what it does.

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

Representative DUNLAP: Madam Speaker, Men and Women of the House. This actually turned out to be a fairly complicated problem. We were presented with three bills dealing with personal watercraft, otherwise known as jet skis or wet bikes. They pose various problems to the committee. We drafted an amendment, which was unanimously accepted by the committee, which was then amended in the Senate, which basically took the guts out of that particular bill. That is where the Committee of Conference came in. The Committee of Conference and I would like to take leave at this point to thank the members of that committee including the Representative from Pembroke, Representative Goodwin and Representative from Oxford, Representative Underwood for their participation, they really helped with that a lot and also those from the other body.

What this amendment does, if I can find it, is it defines what a personal watercraft is, essentially. We have included the

length of that to 14 feet. The reason why we did that changing from the previous 13 feet was that they have some new ones now that are longer and it defines how it is powered, how many people it can carry. It defines, again, the personal watercraft issue. The meat of it is an imprudent operation of a watercraft line in there, which basically provides a nuisance clause. The bills that we were presented with were prohibiting certain activities. Rather than prohibit an activity, what we decided to do was to simply prohibit a prolongation of those activities that annoy people and basically to define it as a public nuisance and then cross reference it into Title 17 from Title 12, which has an immense body of law dealing with public nuisances. It also allows for the Department of Inland Fisheries and Wildlife to come back to the committee with a report on nuisance civil actions and enforcement actions. It allows for either enforcement or civil action. This was the concern in the Senate, the other body rather, which is why they amended it. They were afraid it would overload the courts with civil actions. Rather than create a whole new body of law, we simply referred back to the old nuisance laws and it actually makes it fairly simple and they are very satisfied with it. I am very satisfied with it. I hope you will accept the report.

The House voted to Recede.

House Amendment "A" (H-689) to Committee Amendment "A" (S-311) was indefinitely postponed.

Committee Amendment "A" (S-311) was indefinitely postponed.

Conference Committee Amendment "A" (H-768) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" (H-768) in non-concurrence and sent up for concurrence. Ordered sent forthwith.

ENACTORS

Emergency Measure

An Act to Revise Certain Provisions of Fish and Wildlife Laws (S.P. 520) (L.D. 1604) (H. "A" H-659; H. "A" H-619 and H. "C" H-744 to C. "A" S-281)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning Tax Relief (H.P. 1350) (L.D. 1897) (S. "C" S-432)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1997, June 30, 1998 and June 30, 1999 (H.P. 833) (L.D. 1138) (Governor's Bill) (H. "A" H-753 to C. "A" H-750)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House was necessary.

Representative MACK of Standish requested a roll call on passage to be enacted.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 379

YEA - Ahearne, Bagley, Baker CL, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, Madore, Marvin, Mayo, Meres, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Povich, Powers, Quint, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright, Madam Speaker.

NAY - Barth, Foster, Gerry, Joy, Joyce, Lane, MacDougall, Mack, McAlevey, Nass, Nickerson, Pinkham WD, Snowe-Mello, Stedman, Underwood, Vedral, Waterhouse.

ABSENT - Baker JL, Buck, Bunker, Carleton, Cross, Dexter, Fisk, Gieringer, Kasprzak, Layton, Lemke, Mailhot, McElroy, McKee, Plowman, Poulin, Richard, Sanborn, Stevens, True, Vigue, Winn.

Yes, 112; No, 17; Absent, 22; Excused, 0.

112 voted in favor of the same and 17 against, with 22 being absent, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

ENACTORS

Resolve, to Establish the Task Force to Study Strategies to Support Parents as Children's First Teachers (H.P. 1287) (L.D. 1832) (H. "A" H-761 to C. "A" H-540)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

SENATE PAPERS

Non-Concurrent Matter

An Act to Encourage Major Investments in Shipbuilding Facilities and to Encourage the Preservation of Jobs (S.P. 641)

(L.D. 1863) (C. "A" S-422) which was passed to be enacted in the House on May 31, 1997.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-434) and Committee Amendment "A" (S-422) as amended by Senate Amendment "B" (S-440) thereto in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Reconstruction, Renovations and Safety Improvements at the Governor Baxter School for the Deaf" (H.P. 60) (L.D. 85) which was passed to be engrossed as amended by Committee Amendment "A" (H-696) in the House on May 27, 1997.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-696) as amended by Senate Amendment "A" (S-415) thereto in non-concurrence.

The House voted to Recede and Concur.

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

SENATE PAPERS

Non-Concurrent Matter

An Act Regarding Balances Remaining in General Purpose Aid for Local Schools (H.P. 73) (L.D. 98) (C. "A" H-424) which was passed to be enacted in the House on May 20, 1997.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Resolve, Establishing a Blue Ribbon Commission to Study the Effect of Government Regulation on Small Businesses in Maine (EMERGENCY) (S.P. 422) (L.D. 1343) (C. "A" S-183) which was finally passed in the House on May 14, 1997.

Came from the Senate failing of final passage in non-concurrence.

The House voted to Recede and Concur.

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

ENACTORS

An Act to Ensure Funding for Snowmobile Law Enforcement Activities (S.P. 193) (L.D. 611) (H. "A" H-766; H. "B" H-756 to C. "A" S-270)

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

ENACTORS

An Act to Amend the Definition of Personal Watercraft, to Prohibit the Imprudent Operation of Watercraft on Inland Waters of the State and to Assess the Effectiveness of Industry-

sponsored Watercraft Safety Training and Education Programs (S.P. 137) (L.D. 416) (Com. of Conf. "A" H-768)

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

ENACTORS

An Act to Encourage Major Investments in Shipbuilding Facilities and to Encourage the Preservation of Jobs (S.P. 641) (L.D. 1863) (S. "B" S-434; S. "B" S-440 to C. "A" S-422)

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

On motion of Representative BODWELL of Brunswick, was set aside.

The same Representative requested a roll call on passage to be enacted.

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 Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 380

YEA - Ahearne, Bagley, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Colwell, Cowger, Desmond, Donnelly, Driscoll, Dunlap, Fisher, Frechette, Fuller, Gagnon, Gamache, Gerry, Gooley, Green, Hatch, Honey, Jabar, Jones SL, Jones SA, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, Mack, Madore, Marvin, Mayo, McAlevey, Meres, Morgan, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Pieh, Pinkham RG, Povich, Powers, Quint, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Snowe-Mello, Spear, Stanley, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, Tuttle, Underwood, Usher, Waterhouse, Watson, Wheeler EM, Winglass, Winsor, Wright, Madam Speaker.

NAY - Baker CL, Bragdon, Brennan, Chartrand, Farnsworth, Foster, Gagne, Goodwin, Jones KW, Joy, Joyce, Joyner, Lane, MacDougall, McKee, Murphy, Skoglund, Stedman, Treadwell, Vedral, Volenik, Wheeler GJ, Winn.

ABSENT - Baker JL, Barth, Bolduc, Bunker, Clukey, Cross, Davidson, Dexter, Dutremble, Ethier, Fisk, Gieringer, Kasprzak, Layton, Mailhot, McElroy, Mitchell JE, Perkins, Perry, Pinkham WD, Plowman, Poulin, Richard, Sanborn, Stevens, True, Vigue.

Yes, 101; No, 23; Absent, 27; Excused, 0.

101 having voted in the affirmative and 23 voted in the negative, with 27 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

**ENACTORS
Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$2,000,000 for Reconstruction, Renovations and Safety Improvements at the Governor Baxter School for the Deaf (H.P. 60) (L.D. 85) (S. "A" S-415 to C. "A" H-696)

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

On motion of Representative KERR of Old Orchard Beach, the Bill and all accompanying papers were committed to the Committee on **Appropriations and Financial Affairs** and sent up for concurrence. Ordered sent forthwith.

SENATE PAPERS
Non-Concurrent Matter

An Act to Amend the Prevailing Wage Laws (H.P. 1037) (L.D. 1454) (C. "A" H-551) which was passed to be enacted in the House on May 29, 1997.

Came from the Senate committed to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

The House voted to Recede and Concur. Ordered sent forthwith.

ORDERS

On motion of Representative KONTOS of Windham, the following Joint Order: (H.P. 1353)

ORDERED, the Senate concurring, that when the House and Senate Adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct legislative business.

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

On motion of Representative FISHER of Brewer, the House adjourned at 7:55 p.m., until the call of the President of the Senate and the Speaker of the House pursuant to Joint Order (H.P. 1353).