

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
SECOND REGULAR SESSION
12th Legislative Day
Monday, February 9, 1998

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

Prayer by Pastor Russell C. Cotnoir, Jr., Fayette Baptist Church.

National Anthem by West Bath Elementary School Chorus.
Pledge of Allegiance.

Doctor of the day, Larry Harcourt, M.D., Scarborough.

The Journal of Wednesday, February 4, 1998 was read and approved.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Phil Tardif, an English teacher at Bucksport High School, who has been named as Outstanding High School Completion Teacher for 1997 in Maine. We extend our congratulations and very best wishes to him on this achievement;

(HLS 1069)

Presented by Representative BIGL of Bucksport.
Senator RUHLIN of Penobscot.

On **OBJECTION** of Representative BIGL of Bucksport, was **REMOVED** from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Bigl.

Representative BIGL: Madam Speaker, Ladies and Gentlemen of the House. You just received the title and I will repeat it for you and I will tell you what it really means. It means outstanding. That is the word that was selected, outstanding high school completion teacher for 1997. You all recognize that under the term GED and adult education. While we talk of ways to improve the educational level of Maine's adults, Phil Tardif, does it. He is back there working. He puts his whole being into providing quality GED instruction. As a result of his efforts, Bucksport has had at least one high scorer on the state's top 10 list for the past six years. In the past two years, Bucksport Adult Education students have taken first, second and third place spots on the state's list. Yearly, Phil Tardif makes a unique contribution to Maine. He helps create bright minds and positive attitudes.

READ and PASSED and sent up for concurrence.

In Memory of:

Charles M. Sullivan, of Bangor, city councilor and former mayor of Bangor. Dr. Sullivan was a textbook author, college professor and administrator. He taught at St. Joseph's College in Philadelphia, Boston College, Bentley College and Husson College, where he served as academic dean, academic vice-president and chair of the Business Department. He served 11 terms on the Bangor School Committee and was a member of numerous social and civic organizations. He will be greatly missed by his loving family and many friends;

(HLS 1070)

Presented by Representative BAKER of Bangor.

Cosponsored by Senator MURRAY of Penobscot, Representative SAXL of Bangor, Representative PERRY of Bangor.

On **OBJECTION** of Representative BAKER of Bangor, was **REMOVED** from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Baker.

Representative BAKER: Madam Speaker, Men and Women of the House. It is a great privilege for me to pay tribute to my fellow citizen and neighbor, Charles M. Sullivan. I would like to begin my tribute with a line from the editorial in the *Bangor Daily News* on the day following Charles Sullivan's death. "The death of Charles M. Sullivan on December 3rd saddened Bangor and left it without one of its leading citizens. For a quarter of a century, Charles Sullivan gave his time, his experience, his humor and good sense to the city. His civic and academic contributions will be remembered and appreciated for years to come. Charles Sullivan gave his life to the city. He spent 11 years on the school committee serving both as vice chair and chair. With his wife Mary, Dr. Sullivan helped guide Bangor, politically, through his work on the City Council. When Mrs. Sullivan, a former Mayor, was in the Legislature, he served as Bangor's Mayor in 1994 and 1995. Councilors from that era remember Charles Sullivan ending city council meetings saying, "Good night Mary, wherever you are," because of her late nights down in Augusta."

He was continuing his service to the city in his second term, when he died at the age of 68 last December. Since Charles Sullivan is perhaps best known for his work in politics, he spent most of his life as an educator. In 1972, he came to Husson College in Bangor to help it gain its accreditation from the New England Association of Schools and Colleges. He served as Husson's vice chair of academic president and dean from 1972 to 1976. He was also a teacher. He taught labor relations law, statistics and economics and in 1988, the students of Husson recognized this outstanding teacher, by bestowing on him the Teacher of the Year award. He also represented the faculty to the Board of Trustees and served as the first president of Husson's Faculty Senate.

As well known as Dr. Sullivan was on his own, it was perhaps with Mrs. Sullivan as an energetic team, that he may best be remembered. The two served as perfect complements to each other, contributing to the city, not only their understanding and compassion to the people, but the warmth that sprung from a long and successful marriage and their devotion to six children and grandchildren as well.

Local government service is not normally thought of as a glamorous occupation, but Charles Sullivan gave it dignity and charm and Bangor is a better city for his presence there.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Madam Speaker, Men and Women of the House. I can't let Mary and her family be here and not stand to greet them and tell them how much, I too, share their loss and miss Charlie. I served with Charles on the school committee and later on the council. I served with Mary on the council and later in the Legislature. I know how much of a team Mary and Charlie were from first-hand experience. Much has been said about Charlie's academic achievements and successes, but when I think of him, I think of them together. When Mary served down here, Charlie was often down here with her at various functions and banquets and advising her. Charlie, though a lawyer and an advocate, never taught that way. He never led that way. He taught rather by example, by a cheery word and by a comforting outstretched arm and hug. He was a very special person and

our lives will be diminished by his absence. My love to you, the family, and I know how much you are hurting.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. Representative Sullivan and I, as with Representative Saxl, were fortunate enough to be sworn in in the 116th Legislature together. I also was fortunate enough to have worked with Charlie and Mary in their cottage in Massachusetts. Mary has also been very involved in the education of my son at John Bapst. I just wanted to let Mary and the family know how much we have appreciated being associated with your family and Charlie, and all the best.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Perry.

Representative PERRY: Madam Speaker, Men and Women of the House. I wanted to stand today and speak a few words about the Sullivan family. I have had the honor of knowing them for almost 20 years. I attended high school with about half the kids. I had Mrs. Sullivan as a teacher. She is too nice to admit it, but 15 years ago, she probably would have figured me to be serving time rather than serving in the Legislature. I got to know Mr. Sullivan at just about every school event there was. His kids were very active. They were involved in everything, athletic, drama and you name it. He never missed an event, ever. That is how I got to know Mr. Sullivan. He loved his family. He was proud of his kids and he was always there to support, not only his own kids, but all of us. I also served in the Kawanis Club with Mr. Sullivan. He was without a doubt, the number one singer we had. He was always there and always active. That was just, really, the beginning of his public service. He served the city on the school board, city council and you name it and he was involved. I just want to mention one time. I knew Mr. Sullivan as a great fellow, but I never knew what a history he had. He spoke at our graduation dinner in 1984 when I graduated from high school. I didn't know who the speaker was at the time. I know when they introduced him, the list of accomplishments and degrees in history went on and on and on. I never thought anyone could accomplish so much with so many degrees. When they finally announced the speaker, it was Mr. Sullivan. You would never know what an accomplished fella he was because he lived as just an ordinary family man who wanted to attend all the events to see his family. He will be truly missed.

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

Representative RICHARD: Madam Speaker, Men and Women of the House. For those of you who did not know Charlie Sullivan, I think the number of us who have stood to recognize him, would give you some indication of what kind of person he was. I would like to echo everything that Representative Baker said, but I would like to speak on behalf of the Husson College family. Charlie was a teacher there for many years. Those of us who have, well we have all been to school, and we all look back on certain teachers as favorites. When the alumni returned to Husson College, one person they always looked for and always wanted to talk with and always mentioned was Dr. Sullivan. I would like to join with the others in this memoriam to him.

READ and ADOPTED and sent up for concurrence.
ORDERED SENT FORTHWITH.

COMMUNICATIONS

The Following Communication: (H.C. 366)
MAINE STATE LEGISLATURE

TASK FORCE ON REGISTRATION OF IN-HOME PERSONAL CARE AND SUPPORT WORKERS AUGUSTA, MAINE 04333

February 4, 1998
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 Resolves of 1997, Chapter 29, the Task Force on Registration of In-home Personal Care and Support Workers is pleased to submit its final report, including recommended legislation. Copies of the Report have also been transmitted to the Joint Standing Committee on Health and Human Services in accordance with the law. On behalf of all the members of the Task Force, I would like to express our appreciation for having the opportunity to participate in the study and development of recommendations related to the protection of some of Maine's most vulnerable citizens.

Sincerely,
S/Sandra Bethanis, R.N.
Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 505)
**THE SENATE OF MAINE
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

February 4, 1998
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 failed to pass Joint Order (H.P. 1405) recalling Bill "An Act to Change the Weekly Employee Pay Requirement in State Law" (S.P. 140) (L.D. 419) and accompanying papers to the House.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills were received and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent up for Concurrence:

BANKING AND INSURANCE

Bill "An Act to Implement Recommendations of the Joint Standing Committee on Banking and Insurance Relating to the Review of the Bureau of Insurance, the Bureau of Banking and the Securities Division within the Department of Professional and Financial Regulation under the State Government Evaluation Act"

(H.P. 1564) (L.D. 2197)

Submitted by the Joint Standing Committee on Banking and Insurance pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Implement the Recommendations Relating to the Review of the Department of Professional and Financial Regulation's Office of the Commissioner, Office of Consumer Credit Regulation and Office of Licensing and Registration under the State Government Evaluation Act"

(H.P. 1565) (L.D. 2198)

Submitted by the Joint Standing Committee on Business and Economic Development pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

LABOR

Bill "An Act to Clarify the Responsibilities of Certain Divisions in the Department of Labor"

(H.P. 1567) (L.D. 2201)

Presented by Representative DONNELLY of Presque Isle. Cosponsored by Senator PARADIS of Aroostook and Representatives: BUCK of Yarmouth, CAMPBELL of Holden, RICHARD of Madison, Senators: CAREY of Kennebec, KIEFFER of Aroostook, MITCHELL of Penobscot, RUHLIN of Penobscot. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

LEGAL AND VETERANS AFFAIRS

Bill "An Act Regarding Veterans' Benefits"

(H.P. 1569) (L.D. 2202)

Presented by Representative TUTTLE of Sanford. Cosponsored by Senator DAGGETT of Kennebec and Representatives: CHIZMAR of Lisbon, FISHER of Brewer, GAGNE of Buckfield, TRUE of Fryeburg, Senators: CAREY of Kennebec, FERGUSON of Oxford. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

TRANSPORTATION

Bill "An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Years Ending June 30, 1998 and June 30, 1999" (EMERGENCY)

(H.P. 1566) (L.D. 2199)

Presented by Representative DRISCOLL of Calais. (GOVERNOR'S BILL) Cosponsored by Senator O'GARA of Cumberland and Representatives: CLUKEY of Houlton, LINDAHL of Northport, SAVAGE of Union, WHEELER of Eliot, WINGLASS of Auburn, Senator: CASSIDY of Washington.

Pursuant to Private and Special Law

**Task Force to Study Equal Economic Opportunity
for all Regions of the State**

Representative VIGUE for the **Task Force to Study Equal Economic Opportunity for all Regions of the State** pursuant to Private and Special Law 1997, chapter 51 asks leave to report that the accompanying Bill "An Act to Create the Maine Economic Opportunity Advisory Committee"

(H.P. 1571) (L.D. 2203)

Be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed pursuant to Joint Rule 218. Sent up for concurrence.

ORDERS

On motion of Representative GOODWIN of Pembroke, the following Joint Resolution: (H.P. 1568) (Cosponsored by President LAWRENCE of York and Representatives: BOLDUC of Auburn, COLWELL of Gardiner, LaVERDIERE of Wilton, MORGAN of South Portland, SAXL of Portland, USHER of Westbrook, Senators: GOLDTHWAIT of Hancock, RAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.)

JOINT RESOLUTION

**MEMORIALIZING THE CONGRESS OF THE UNITED STATES
TO REMOVE TOBACCO SUBSIDIES**

WE, your Memorialists, the Members of the One Hundred and Eighteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

WHEREAS, tobacco is addictive and detrimental to people's health; and

WHEREAS, people of all ages are affected by the use of tobacco; and

WHEREAS, the United States Secretary of Agriculture sets price supports for tobacco; authorizes loans to tobacco producers; provides noninsured crop disaster assistance; and, through the Commodity Credit Corporation, provides federal crop insurance for tobacco producers; and

WHEREAS, the State of Maine, the 49 other states and the Federal Government have spent billions of dollars collectively on health care costs related to tobacco; and

WHEREAS, farms with fertile soil grow over a ton of tobacco per acre; and

WHEREAS, 124,000 farms in the United States grow a total of 1.65 billion pounds of tobacco annually; and

WHEREAS, the \$358.5 billion settlement from tobacco companies to the states could be used by producers to grow food crops; and

WHEREAS, the tobacco quota rights program gives producers permission to grow tobacco at \$8 per pound and gives transition payments to producers who lease the quota rights; and

WHEREAS, the price paid to tobacco producers for tobacco will fall if the price support is eliminated; and

WHEREAS, federal price supports are critical and producers will not grow tobacco without this assistance; now, therefore, be it

RESOLVED: That We, your Memorialists, request the President of the United States and the United States Congress to remove the financial assistance necessary to grow the tobacco crop; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the Speaker of the House or the equivalent officer in the 49 other states; the President of the Senate or the equivalent officer in the 49 other

states; and each member of the Maine Congressional Delegation.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative GOODWIN: Madam Speaker, Men and Women of the House. Hardly a day goes by without a new revelation about one of our major tobacco companies. Just today, the *Bangor Daily and Associated Press* article announced that Marlboro, Philip Morris cigarette found the secret of Marlboro. The secret is ammonia. "Ammonia works," they said. They found it works. It makes smoke less acidic and changes a portion of the nicotine into free nicotine. A form more readily absorbed in the lungs. It goes to the brain in seconds, a more addictive product that keeps you hooked. Other companies followed Philip Morris in the 70s and 80s. We can stop this.

A vote in the United States House on June 12, 1996, a vote to end federal substitutes on tobacco. The yeas were 210 and the nays were 212. There were 12 people who abstained. We can make a difference. There are several ongoing attempts in the US House and the US Senate to bring this issue to the floor. Hopefully this Resolution and the Internet, which will never let us down, we bring about change. The Resolution is all inclusive. Please read it. I thank the speaker.

READ and ADOPTED.

Sent up for concurrence.

On motion of Representative AHEARNE of Madawaska, the following Joint Order: (H.P. 1570)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as is necessary to revise the salaries of county officers and lay the county taxes for the calendar year 1998.

READ and PASSED.

Sent up for concurrence. **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Change of Committee

Representative SAXL from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Establish a State Disaster Relief Trust Fund"

(H.P. 1097) (L.D. 1540)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

Sent up for concurrence.

Divided Reports

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-784)** on Bill "An Act to Change the Budgeting Process for York County"

(H.P. 52) (L.D. 77)

Signed:
Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

AHEARNE of Madawaska

FISK of Falmouth
BAGLEY of Machias
BUMPS of China
GIERINGER of Portland
KASPRZAK of Newport

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

Signed:

Representatives:

LEMKE of Westbrook
GERRY of Auburn
SANBORN of Alton

READ.

On motion of Representative AHEARNE of Madawaska, **TABLED** pending acceptance of either Report and specially assigned for Tuesday, February 10, 1998.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-782)** on Bill "An Act to Encourage Regionalization of Municipal Services"

(H.P. 297) (L.D. 361)

Signed:

Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska
FISK of Falmouth
LEMKE of Westbrook
GIERINGER of Portland
KASPRZAK of Newport
SANBORN of Alton

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

Signed:

Senator:

LIBBY of York

READ.

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and specially assigned for Tuesday, February 10, 1998.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-783)** on Bill "An Act to Establish the Maine Disaster Relief Laws"

(H.P. 887) (L.D. 1204)

Signed:

Senators:

NUTTING of Androscoggin
LIBBY of York

Representatives:

AHEARNE of Madawaska
GERRY of Auburn
LEMKE of Westbrook
BUMPS of China
GIERINGER of Portland

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

Signed:

Senator:

GOLDTHWAIT of Hancock

Representatives:

FISK of Falmouth

KASPRZAK of Newport

SANBORN of Alton

READ.

On motion of Representative AHEARNE of Madawaska the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-783)** was **READ** by the Clerk.

Representative KASPRZAK of Newport moved that the Bill be **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-783)** and specially assigned for Tuesday, February 10, 1998.

Representative KONTOS of Windham **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. 57 voted in favor of the same and 63 against, the motion to **TABLE** did not prevail.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative KASPRZAK: Madam Speaker, Men and Women of the House. I would ask that you support the Minority Report on this bill, Ought Not to Pass, for the simple reason that this bill would give certified members of the Maine Red Cross volunteer organization 15 days paid, taxpayer dollars, to serve in times of disaster in our state or in others. I simply don't believe that it is a good idea for us as a state to sanction or to set apart one single volunteer organization and pay them with taxpayer dollars and give them these special rights. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Fisk.

Representative FISK: Madam Speaker, Men and Women of the House. I would just like to concur with Representative Kasprzak. The disaster relief workers in the state are being asked if they do go that the leave is for 15 days, which I think can be disruptive to a municipality or a state agency. It is a very difficult decision to release an employee. I think this puts the municipalities in a very difficult position because it is in statute. Secondly, state employees may already request leave for volunteer work by using vacation or unpaid leave. As Representative Kasprzak said, I don't think it is right for the state or the municipality to have to pick up the tab. Lastly, I would just say that what else would the state be asked to allow to provide leave for? Currently there are only two instances where the state employees are paid and that is jury duty and military leave. I think this opens up Pandora's box. I would urge you to vote against the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Madam Speaker, Men and Women of the House. This bill was actually not a result of this last storm. This bill is a bill that I worked on with members of the Disaster Relief Services from the Red Cross a number of years ago. It was held over from last session. I would encourage you, and we talked about this in committee, not to use this past storm as an example of why this bill is needed. I think it would be pretty easy to stand up here today and say that because of the last few weeks and what we all have been through in all of our communities that this bill is now more important than ever.

The point I would like to make why it is so important is because storms like the one we had a few weeks ago don't come along every hundred years. The storms that hit Old Orchard, Fort Fairfield, Bridgton or Brunswick do come along every couple of years and that is why this bill is so important. When the storm hit a few weeks ago, the Chief Executive was smart enough to release state employees and allow people to work back home in their shelters, food shelters and their soup kitchens and volunteer. That doesn't happen all that often.

I would like to respond to the Representative from Falmouth's points as to why the Red Cross should get special exemption and no one else should. I would stand before you today and say that the Red Cross isn't like any other nonprofit. The Red Cross is called to duty on occasions that are disasters. What this bill is is a disaster relief bill. Fifteen days, I agree, would be disruptive. If someone would show me any storm, including the worst storm in history, that we had a couple weeks ago, where any state employee took 15 days off, I would probably say that this bill isn't necessary. It is not going to be 15 days. I had the chance of working with some people from Connecticut, Vermont and North Carolina who are state employees down Brunswick who were allowed to take a couple of days off because they have this bill on the books down there and come up and help people in my town and my friends get back on their feet. I hope that when North Carolina gets hit or when North Dakota gets hit or when Massachusetts gets hit, that the State of Maine is there for them and that this bill is on the books. I encourage you to be there for them and support this legislation. I think it is important. It is not a partisan issue. It is something that I think we can stand back and be proud of and prepare for the next time when, unfortunately, I am sure it is going to come in the future. Thank you Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. Just to elevate some concerns about if this could be disruptive, in the amendment, which we are debating at this point, it does specifically say, with the approval of the employees' appointing authority. Regarding the municipalities; with the approval of the legislative body of the municipalities. In other words, if they don't want to release them, they don't have to. If it is going to be disruptive, then they don't. Plus, it is my understanding that these people who are going to be volunteering, are certified disaster service volunteers of the Red Cross. They have to go through some training. Minimal is, if they are on the entry level, is 12 to 15 hours. It depends on what are. It is my understanding that there is 15 different areas in which they could find training. It is also my understanding, as I stated, that there are not that many within the state employees or municipalities who are that certified.

Also, I would like to point out that this section will only apply when a disaster is declared by the Governor or by the President. It is pretty self evident. I think it is pretty self evident. I think it is more than reasonable. I ask you to accept the Committee Amendment.

The **SPEAKER**: The Chair recognizes the Representative from Bethel, Representative Barth.

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

The **SPEAKER**: The Representative may pose his question.

Representative BARTH: Madam Speaker, Men and Women of the House. Is this going to be considered a mandate?

The **SPEAKER**: The Representative from Bethel, Representative Barth has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative AHEARNE: Madam Speaker, Men and Women of the House. No.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. I had part of my question answered. If this is not a mandate and an employer can decide whether they want to do this or not, 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. If it is not a mandate that they have to do it, can they do it now without this law? If they can do it without the law and it is not a mandate, why do we need this law?

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

Representative DAVIDSON: Madam Speaker, Men and Women of the House. That is a good question. First of all, I want to make sure that I understand the Representative's question. This does not affect employers in the state. We are not talking about employers. The Representative mentioned employers. It doesn't not affect small businesses. We are talking about State of Maine and the local municipalities. The reason why this can't be done now is that there is one option that municipal employees or state employees have to take time to go work, whether it is in Bridgton or whether it is down in Connecticut on disaster services if they are a certified disaster relief volunteer. That is to take time off, volunteer time. That is unpaid. The point of this bill is that the state would allow them to take one or two days or three or four days to go work in a community in one of our territories. That is not set out in statute right now and this would allow them to do that with paid leave.

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. I don't think I really got clarification on that. It is not for employers, yet, municipalities in the state are employers. Can the state now, under these provisions of proclaiming a disaster, decide to let these people go and pay them their wages?

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

Representative DAVIDSON: Madam Speaker, Men and Women of the House. To answer the Representative's question, right now, under state law under paid leave time, there are only two cases that the Representative from Falmouth brought up. They cannot do that right now.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, I would request a ruling from the Chair regarding whether this is a mandate or not. I understand that when we do require that a state municipality must spend money, where they did not have to spend money before and the state is not providing the money, it is considered a mandate.

Representative PLOWMAN of Hampden asked the Chair to **RULE** if this Bill was a mandate.

The SPEAKER: The most important point I can make is the Chair is in no position to rule on the Constitutionality of issues. The Chair would rule, for what it is worth, is that the legislation, as I read it, it is permissive, a municipality is not mandated, but they may do so. It is their choice.

The Chair **RULED** that it was improper for her to rule on the constitutionality of proposed legislation, but did **RULE** that this Bill was permissive therefore not a mandate.

The Chair ordered a division on the motion to **ADOPT Committee Amendment "A" (H-783)**.

A vote of the House was taken. 81 voted in favor of the same and 32 against, **Committee Amendment "A" (H-783)** was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, February 10, 1998.

CONSENT CALENDAR

First Day

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

(S.P. 691) (L.D. 1926) Bill "An Act to Provide Additional Time for the Public Utilities Commission to Adopt Certain Rules" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 733) (L.D. 2011) Bill "An Act to Correct Certain Inconsistencies in the Marine Resources Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(S.P. 681) (L.D. 1906) Bill "An Act Clarifying the Public Service Corporation Exception" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-450)**

(H.P. 1458) (L.D. 2049) Bill "An Act to Restore the Managing General Agents Act" (EMERGENCY) Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

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

CONSENT CALENDAR

Second Day

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

(H.P. 1448) (L.D. 2039) Resolve, to Name the East Outlet Bridge the Richard Francis Lavigne Bridge

No objections having been noted at the end of the Second Legislative Day, the House Paper was **PASSED TO BE ENGROSSED** and sent up for concurrence.

BILLS IN THE SECOND READING

House

Resolve, to Name the Newly Constructed Route 2 Palmyra Bridge in Memory of Trooper Thomas Merry (EMERGENCY) (H.P. 1422) (L.D. 1986)

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

Representative STEDMAN of Hartland **PRESENTED House Amendment "A" (H-785)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Madam Speaker, Ladies and Gentlemen of the House. This amendment (H-785) simply

corrects an oversight in the original drafting of the bill. It adds the middle initial J to the Name Thomas Merry. This was presented at the request of the family Thomas J. Merry. This bill, in its original form, did receive unanimous endorsement by the Joint Standing Committee on Transportation. Thank you.

House Amendment "A" (H-785) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended** by **House Amendment "A" (H-785)** and sent up for concurrence.

(H.P. 1389) (L.D. 1942)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provision of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

ENACTORS

**Resolve Pursuant to the Constitution
Public Land**

Resolve, Authorizing the Transfer of Certain State Park Property

On motion of Representative BAKER of Bangor, the House adjourned at 11:11 a.m., until 9:00 a.m., Tuesday, February 10, 1998 in honor and lasting tribute to Charles M. Sullivan, of Bangor.