

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
21st Legislative Day
Wednesday, February 25, 1998

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

Prayer by Father Louis Phillips, St. Paul Center, Augusta.
National Anthem by The Vikettes and Viking Voices, Oxford Hills High School, South Paris.

Pledge of Allegiance.
Doctor of the day, Ann Hanlon, M.D., Hampden.
The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

JOINT ORDER - Relative to establishing the Joint Select Committee on Substance Abuse, pursuant to Joint Rule 351.

(H.P. 1579)

READ and **PASSED** in the House on February 11, 1998.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-466)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 395)

STATE OF MAINE

DEPARTMENT OF PUBLIC SAFETY

STATE HOUSE STATION 42

AUGUSTA, MAINE 04333

18 February, 1998

Hon. Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Please find enclosed a copy of the Maine Drug Control, Violence Prevention, and System Improvement Strategy 2nd Year Update and revised workplan submitted to the Bureau of Justice Assistance for funding of the FY 98 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The program requires that the application and strategy be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,

S/Col. Malcolm T. Dow

Commissioner

READ and with accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent up for concurrence.

The Following Communication: (S.C. 554)

THE SENATE OF MAINE

3 STATE HOUSE STATION

AUGUSTA, MAINE 04333

February 24, 1998

The Honorable Elizabeth H. Mitchell

Speaker of the House

118th Maine Legislature

2 State House Station

Augusta, Maine 04333

Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry the nomination of Fred W. Hardy of New Sharon for reappointment as a Member of the Northeast Interstate Dairy Compact.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Resolve

Commission to Study the Unemployment Compensation System

Speaker MITCHELL for the **Commission to Study the Unemployment Compensation System** pursuant to Resolve 1997, chapter 65 asks leave to report that the accompanying Bill "An Act to Implement the Majority Report Recommendations of the Commission to Study the Unemployment Compensation System"

(H.P. 1604) (L.D. 2230)

Be **REFERRED** to the Committee on **LABOR** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Sent up for concurrence.

Pursuant to Resolve

Commission to Study the Unemployment Compensation System

Speaker MITCHELL for the **Commission to Study the Unemployment Compensation System** pursuant to Resolve 1997, chapter 65 asks leave to report that the accompanying Bill "An Act to Implement the Minority Report Recommendations of the Commission to Study the Unemployment Compensation System"

(H.P. 1605) (L.D. 2231)

Be **REFERRED** to the Committee on **LABOR** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Sent up for concurrence.

Pursuant to Statute

Joint Standing Committee on Business and Economic Development

Representative VIGUE for the **Joint Standing Committee on Business and Economic Development** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4 asks leave to report that the accompanying Bill "An Act to Implement Recommendations of the Joint Standing Committee on Business and Economic Development Relating to the Review of the Maine

Development Foundation under the State Government Evaluation Act"

(H.P. 1603) (L.D. 2229)

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.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Paul Bisulca, of Oxford, former Penobscot Nation Tribal Representative, in appreciation of his tireless advocacy on behalf of the Penobscot Nation and his dedicated service as a member of the Joint Standing Committee on Natural Resources. Mr. Bisulca, who served in the Maine House of Representatives during the 117th Legislature and the First Regular Session of the 118th Legislature, was an articulate and effective educator and advocate for protecting Maine's natural environment, especially the water quality of the Penobscot River;

(HLS 1147)

Presented by Representative ROWE of Portland. Cosponsored by Senator TREAT of Kennebec, Senator NUTTING of Androscoggin, Senator BUTLAND of Cumberland, Representative SHIAH of Bowdoinham, Representative BULL of Freeport, Representative COWGER of Hallowell, Representative BRYANT of Dixfield, Representative McKEE of Wayne, Representative DEXTER of Kingfield, Representative NICKERSON of Turner, Representative MERES of Norridgewock, Representative FOSTER of Gray, Representative JONES of Greenville, Representative LORING of the Penobscot Nation.

On **OBJECTION** of Representative ROWE of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-809)** on Bill "An Act to Clarify the Law Regarding the Discipline of Exceptional Students"

(H.P. 1006) (L.D. 1398)

Signed:

Senators: PENDLETON of Cumberland
CATHCART of Penobscot
SMALL of Sagadahoc

Representatives:

RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
BAKER of Bangor
BARTH of Bethel
McELROY of Unity
STEDMAN of Hartland
BELANGER of Caribou

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

Signed:

Representatives:

BRENNAN of Portland
WATSON of Farmingdale

READ.

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

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-811)** on Bill "An Act to Amend the Membership Requirement for the Cumberland County Budget Advisory Committee"

(H.P. 1388) (L.D. 1941)

Signed:

Senators:

NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives:

AHEARNE of Madawaska
LEMKE of Westbrook
DUTREMBLE of Biddeford
BAGLEY of Machias
SANBORN of Alton
GIERINGER of Portland
BUMPS of China
FISK of Falmouth
KASPRZAK of Newport

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

Signed:

Representative:

GERRY of Auburn

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-811)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, February 26, 1998.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act Regarding the Taxation of Goods Purchased in Connection with the Operation of a High-stakes Beano or High-Stakes Bingo Game"

(H.P. 1307) (L.D. 1855)

Signed:

Senators:

DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GREEN of Monmouth
ROWE of Portland
MORGAN of South Portland
LEMONT of Kittery
BUCK of Yarmouth
CIANCHETTE of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-810)** on same Bill.

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

TRIPP of Topsham
TUTTLE of Sanford
GAGNON of Waterville
SPEAR of Nobleboro

READ.

Representative TRIPP of Topsham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative TRIPP: Madam Speaker, Ladies and Gentlemen of the House. As you note, I am on the Minority Report. I feel that this bill should get any discussion possible on the House floor. The cost of this bill is about \$3,000 a year. It would exempt from the sales tax any goods purchased in connection with the operation of high-stakes Beano. We now have 77 separate exceptions to the sales tax code. This would make 78. I would say to vote your conscience and thank you.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Madam Speaker, Ladies and Gentlemen of the House. You notice I am on the Minority Report. This is a bill that has been thoroughly discussed. In fact it was held over from last session. For the past 10 years, the Indians have been able to hold these Beano or Bingo games and have not had any sales tax put on the prizes that they have purchased. They have been treated as a municipality. The Maine Revenue Services has decided to treat this as a business venture, therefore, are going to put a sales tax on these goods. This is something that has not been done in the past. This is a new venture. Once again, I feel that it should be treated like a municipality. Still, where they have done this for the past 10 years without it, this is something new. It only has a fiscal note of a little over \$2,000. I think it is just taking money away from running their government. I think it is a fairness issue. I would urge you to vote against the Majority Report Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Loring.

Representative LORING: Madam Speaker, Ladies and Gentlemen of the House. As a lot of you know, I came in in mid-stream in this. The bill was submitted, originally, by Representative Bisulca. I get fairly leery of bills that I have to do a lot of research on and especially with the Bingo taxation issue and how heavily that has been debated here in the past, the gambling issue. For the Penobscot people and the Penobscot Nation, we are not trying to do anything underhanded, reference sovereignty issues or jurisdiction issues. This bill specifically was for the purpose of not allowing the state to double tax us. We already pay the state in lieu of taxes on gambling. I think it is very unfair if we are made to pay another tax and the services that this small Bingo game provides helps with emergency services and general fund for the tribe. We are not making \$14 million a day. Basically that is my feeling. Vote your conscience.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Gagnon.

Representative GAGNON: Madam Speaker, Men and Women of the House. This is a fairness issue. This is basically a government providing municipal services to their constituents.

They don't have the power of taxation. This is how they raise money. If it was a church, in the State of Maine, that wanted to buy Beano equipment, they are tax exempt. They are not paying taxes on that equipment because of their category. The Maine State Lottery Commission when they purchased those green things that sit on every mom-and-pop grocery store in the State of Maine, they are not paying taxes on that equipment for gambling. This truly is a fairness issue. In terms of the number of exemptions and number of exclusions for the tax code, there are quite a few, \$2,000. People keep focusing on a number of exemptions. Let's focus on the total dollars of the exemptions and what the fairness is. I would encourage you to defeat the pending motion so we can move on to the Minority Report. Thank you.

Representative TUTTLE of Sanford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative TUTTLE: Madam Speaker, Men and Women of the House. As you have heard from the debate so far, Representative Spear, Representative Gagnon and myself, had worked with former Representative Bisulca on this issue and, therefore, the issue was held over for this time. As many of you are aware, the tribes consider Bingo revenue to be similar to non-Indian municipality property tax because almost all tribal lands are federally owned. They are non-taxable property. Bingo revenue, in effect, is their property tax. Imagine your municipality without any property tax to fund government operations. I think the impact would be the same if tribal Bingo revenue was cut off. If Bingo operations is not considered to be a governmental means to fund tribal government operations and what means do they have? I have spoken on this issue over and over the years as Chair of Legal and Veterans Affairs and as a member of the Taxation Committee. In my opinion, this bill simply clarifies that a federally recognized Indian tribe operating high-stakes Beano is operating in a governmental capacity and is not subject to taxation. Essentially all the amendment does is it replaces the exemption in the proper section of the Maine State Statute. As is mentioned here, the fiscal impact is very slight. It is \$2,800 for fiscal year 1998-99 and \$3,593 for 1999-2000. It is for that reason that I would ask you to support the Minority Report and vote against the pending motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 408

YEA - Barth, Belanger IG, Berry DP, Berry RL, Bodwell, Bragdon, Brennan, Buck, Bumps, Bunker, Campbell, Chartrand, Cianchette, Clukey, Cross, Donnelly, Etnier, Farnsworth, Fisk, Foster, Gagne, Gieringer, Green, Jones SA, Joy, Joyner, Kasprzak, Kneeland, Kontos, Labrecque, Lane, Lemaire, Lemke, Lemont, MacDougall, Mack, Madore, Marvin, McAlevey, McElroy, Morgan, Murphy, Nass, O'Brien, Ott, Peavey, Plowman, Rowe, Saxl JW, Snowe-Mello, Stedman, Taylor, Thompson, Townsend, Vedral, Volenik, Waterhouse, Wheeler EM.

NAY - Ahearne, Bagley, Belanger DJ, Bigl, Bolduc, Bouffard, Brooks, Bruno, Bryant, Cameron, Carleton, Chick, Chizmar, Clark, Colwell, Davidson, Desmond, Dexter, Driscoll, Dunlap, Fisher, Frechette, Fuller, Gagnon, Gamache, Gerry, Goodwin, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kerr, LaVerdiere, Layton, Lindahl, Mailhot, Mayo, McKee, Meres,

Mitchell JE, O'Neal, O'Neil, Paul, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Poulin, Povich, Powers, Quint, Richard, Rines, Samson, Sanborn, Savage, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Tobin, Tripp, True, Tuttle, Underwood, Usher, Vigue, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

ABSENT - Baker, Bull, Cowger, Dutremble, Gooley, Joyce, Lovett, Muse, Nickerson, Treadwell, Watson.

Yes, 58; No, 82; Absent, 11; Excused, 0.

58 having voted in the affirmative and 82 voted in the negative, with 11 being absent, the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-810)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, February 26, 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. 721) (L.D. 1964) Resolve, to Ensure that Services for the Deaf and Hard of Hearing Are Provided in an Efficient, Accessible and Cost-effective Manner (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-460)**

(H.P. 1493) (L.D. 2092) Bill "An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Land and Water Quality" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-812)**

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 items appeared on the Consent Calendar for the Second Day:

(S.P. 690) (L.D. 1925) Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1998" (EMERGENCY) (C. "A" S-457)

(S.P. 744) (L.D. 2022) Bill "An Act to Make Corrections to the Laws Governing the Maine Bail Code" (EMERGENCY) (C. "A" S-459)

(S.P. 752) (L.D. 2030) Bill "An Act to Promote the Receipt of Federal Funds and to Clarify the Maine Juvenile Code" (C. "A" S-458)

(H.P. 55) (L.D. 80) Bill "An Act to Protect Internal Waters of the State" (C. "A" H-805)

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

(H.P. 132) (L.D. 174) Bill "An Act to Increase Health Insurance Benefits for Retired Educators"

On motion of Representative HATCH of Skowhegan, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative HATCH of Skowhegan **PRESENTED House Amendment "B" (H-815)** which was **READ** by the Clerk.

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

Representative HATCH: Madam Speaker, Men and Women of the House. If you are hunting for the amendment, it is probably filed in your book. I was hunting for it earlier. All this is a fiscal note. This bill got out of committee before we had the current fiscal note on it and that is what you will find.

ADOPTED.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as amended by House Amendment "B" (H-815)** and sent up for concurrence.

BILLS IN THE SECOND READING

House As Amended

Bill "An Act to Amend the Prevailing Wage Laws"

(H.P. 1037) (L.D. 1454)

(C. "B" H-804)

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

On motion of Representative CAMPBELL of Holden, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as amended**.

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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 409

YEA - Ahearn, Bagley, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bunker, Chartrand, Clark, Colwell, Davidson, Desmond, Driscoll, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Meres, Mitchell JE, Morgan, O'Neal, O'Neil, Paul, Perry, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Wheeler GJ, Winn, Wright, Madam Speaker.

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

ABSENT - Baker, Bull, Chizmar, Cowger, Dunlap, Dutremble, Gooley, Joyce, Lovett, Muse, Nickerson, Treadwell, Watson.

Yes, 76; No, 62; Absent, 13; Excused, 0.

76 having voted in the affirmative and 62 voted in the negative, with 13 being absent, the Bill was **PASSED TO BE ENGROSSED as amended** and sent up for concurrence.

Bill "An Act to Implement the Recommendations of the Interagency Committee on Outdoor Trash Burning"

(H.P. 1408) (L.D. 1972)

(C. "A" H-797)

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

On motion of Representative WHEELER of Bridgewater, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-797)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "B" (H-816)** to **Committee Amendment "A" (H-797)**, which was **READ** by the Clerk.

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

Representative WHEELER: Madam Speaker, Men and Women of the House. Since I have been here, I have found out that Yogi Bear is saying, It is not over until it is over, is very true in the House of Representatives. I am presenting House Amendment "B" clarify an issue that was brought up yesterday concerning the director and deleting that name and replacing it with the person issuing the permit. Before I sit down, I just want to remind you that this is all about local control. Yesterday it was mentioned that this is local control, but is controlled by one individual and my amendment would allow the whole town or community to decide whether they want to accept this criteria as part of this issuing of burning permits. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. This proposed amendment does indeed correct a technical error in the bill that was raised yesterday. However, that was not the reason the amendment was opposed by, myself, and other members of the committee who spoke. The proposed amendment that is before you today significantly undermines the Committee Amendment "A," the unanimous report of the committee. Therefore, I strongly oppose it. I stand to encourage you to oppose it. With all due respect to the Representative from Bridgewater, I would move to Indefinitely Postpone House "B" to Committee Amendment "A."

Representative ROWE of Portland moved that **House Amendment "B" (H-816)** to **Committee Amendment "A" (H-797)** be **INDEFINITELY POSTPONED**.

Representative WHEELER of Bridgewater **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-816)** to **Committee Amendment "A" (H-797)**.

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 to Indefinitely Postpone House Amendment "B" (H-816) to Committee Amendment "A" (H-797). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 410

YEA - Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bunker, Chartrand, Chizmar, Colwell, Davidson, Desmond, Driscoll, Etner, Farnsworth, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Green, Hatch, Jabar, Jones KW,

Kane, Kerr, Kontos, LaVerdiere, Lemaire, Mailhot, McKee, Meres, Mitchell JE, Morgan, O'Neil, Paul, Perkins, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rowe, Samson, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Snowe-Mello, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Vigue, Volenik, Wright, Madam Speaker.

NAY - Ahearne, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clark, Clukey, Cross, Dexter, Donnelly, Dunlap, Fisher, Fisk, Foster, Gerry, Honey, Jones SL, Jones SA, Joy, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, O'Brien, O'Neal, Ott, Peavey, Pendleton, Pinkham RG, Pinkham WD, Plowman, Rines, Sanborn, Savage, Skoglund, Spear, Stanley, Stedman, Taylor, Tobin, True, Usher, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

ABSENT - Baker, Bull, Cowger, Dutremble, Gooley, Joyce, Lovett, Muse, Nickerson, Treadwell, Underwood, Watson.

Yes, 64; No, 75; Absent, 12; Excused, 0.

64 having voted in the affirmative and 75 voted in the negative, with 12 being absent, the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-816)** to **Committee Amendment "A" (H-797)** did not prevail.

Subsequently, **House Amendment "B" (H-816)** to **Committee Amendment "A" (H-797)** was **ADOPTED**.

Committee Amendment "A" (H-797) as amended by **House Amendment "B" (H-816)** thereto was **ADOPTED**.

Representative WATERHOUSE of Bridgton moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. The amendment that the good Representative Wheeler put on improves the bill quite a bit. I still have the same problem. I was on the phone talking with my town manager this morning about this bill. It puts additional burdens on rural small towns and it also does what the state has done in the past and really irk rural communities and, I imagine, all communities using the carrot stick approach to public policy. It does hurt rural communities who can't afford municipal trash pickup by giving preference and financial aid on their recycling efforts and waste reduction efforts to towns and municipalities that do have municipal trash pickup. To all you people who are from rural towns that don't have that availability, you might want to check with your small towns. This is not good for them. I wish you would vote on this motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. I would request that you vote against this motion. The statement that was just made, I would ask you to look at the actual Committee Amendment. I think the Representative is speaking to the Technical and Financial Assistance Program portion of the amendment which deals with some additional language that was added. Currently it talks about, and this is the program that encourages recycling, it is grants that are given to various communities. The current language is a program of technical and financial assistance for waste reduction and recycling. It is established in the office, that is the State Planning Office to assist municipalities with managing solid waste. The director shall administer the programs in accordance with the waste management hierarchy in another section of the statute. It

then goes on to say that preference and allocating resources under this section must be given to municipalities that take advantage of regional economies of scale.

This amendment proposes to add a sentence which says, "Preference may also be given to municipalities that provided municipal trash collection service where they prohibit residential out of door burning of highly combustible trash." Again, it was the unanimous decision of the committee and the feeling after having heard the testimony that the funds that are available to encourage recycling efforts ought to be also available to provide incentives to those municipalities that convert to municipal trash collection service or that prohibit out of door burning. The idea here is to use this money to improve the environment of the State of Maine, to improve the air. It seems to me that if a community is taking a step to try to convert from burn barrels to a recycling effort to trash pickup, there ought to be some financial assistance that is provided, both in terms of technical assistance and additional monies to help move that effort forward. I don't know the argument against rural communities. This is not a rural vs. non-rural. This is basically using that money to assist those communities and providing incentives to those communities to basically reduce the air pollution in the communities. I certainly hope you vote against this current pending motion.

We have put the amendment on there, House Amendment "B," which some of you with the local control issue understand that. I surely do not understand this motion. I would strongly encourage you to vote against it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Meres.

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. One thing I would like you to remember before you get carried away with somebody claiming that this is a problem with rural areas is to remember that, first of all, the Natural Resources Committee, has been extremely meticulous and willing to listen to the Maine Municipal Association. They have been a participant in this since its conception. They were an active participant in the session that we had this summer. They spoke during that study session on incentives themselves. They were present at the work sessions. They had a few minor concerns which we took care of in the amendment. They supported this. I think you have to realize too, that one of the debating issues that we had for fairness during the course of this whole procedure was the fact that you have many, many people who need assistance in ridding themselves of their trash. There is a lot of people who are elderly or who live away or recycling facilities are not anywhere near them. They are having a difficult time. Most of these people who need assistance live in rural areas.

It was one of the thoughts that we had during the debate was what can we do to help bring assistance to people in rural areas so that they can, especially the elderly or the low-income elderly, can get some help getting their trash and their recycling where it needs to go. I don't want you to do anything but vote your conscience. I really wanted to emphasize the fact that this wasn't a fly by night attempt to mandate something to communities. There is no mandate in this or to punish anybody, which I think is a ridiculous statement. Basically it was a well thought out attempt to do some of the things that needed to be done. To just give incentives and encouragement and an opportunity for dialog on ways to improve the system, especially for the elderly. Maine Municipal was a part of it and they did not bring this issue up once. Thank you.

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

Representative WATERHOUSE: Madam Speaker, Men and Women of the House. I appreciate the hard conscientious workers in the Natural Resources Committee. They are hardworking people. They have very technical bills to deal with. I cannot speak for your rural towns. I don't know if you have been speaking to your rural towns on this issue. I have been speaking to mine. As I said this morning, I talked to one of them this very morning and they said that this is not a good bill for them. That is what I am trying to tell you. I am not speaking for everybody's rural town, just mine. Madam Speaker, I ask for the yeas and nays.

The same Representative **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 Indefinite Postponement of the Bill and Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 411

YEA - Barth, Belanger DJ, Belanger IG, Buck, Joy, Labrecque, Lane, Layton, Mack, Murphy, Nass, Pendleton, Pinkham RG, Pinkham WD, Plowman, Snowe-Mello, Stedman, Underwood, Vedral, Waterhouse, Winsor.

NAY - Ahearne, Bagley, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bumps, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemont, Lindahl, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Perkins, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Wheeler EM, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

ABSENT - Baker, Bull, Cowger, Dutremble, Gooley, Joyce, Lemke, Lovett, Muse, Nickerson, Treadwell, Watson.

Yes, 21; No, 118; Absent, 12; Excused, 0.

21 having voted in the affirmative and 118 voted in the negative, with 12 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers did not prevail.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as amended by Committee Amendment "A" (H-797) as amended by House Amendment "B" (H-816) thereto** and sent up for concurrence.

Bill "An Act to Increase the Cap on the Total Acreage of Aquaculture Leases That May Be Held by One Person"
(H.P. 1434) (L.D. 1998)
(C. "A" H-802)

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

On motion of Representative GOODWIN of Pembroke, was **SET ASIDE**.

The same Representative **PRESENTED House Amendment "A" (H-808)**, which was **READ** by the Clerk.

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

Representative **GOODWIN**: Madam Speaker, Men and Women of the House. The bill increases from 150 acres to 250 acres lease sites that would be put out by the Department of Marine Resources. All this amendment does is put a cap on the total number of acres to be leased in Cobscook Bay and to increase that number by more than double, to 1,000 acres. There is already a moratorium on all lease sites in Canada, New Brunswick that has been in place for two years because of the overcrowding of the bays in New Brunswick. They have moved fish into our bay, in Cobscook Bay. They have already killed from 100,000 to 200,000 fish with disease in New Brunswick. There are no studies ongoing. No one knows what the optimum capacity of Cobscook Bay is. There are no studies. No environmental assessments. We also have traditional fisheries in the bay. Lobstermen, urchinmen, scallopers, divers, recreational fishermen as well as the lease sites available to Aquaculture, there is also a perimeter of 250 feet from each and every site where no one is allowed to enter, which also increases the size.

The 1,000 acres that I proposed in here, if you add a strip of boardwalk at 204 feet wide, it would be nine and two-thirds miles long. That would be the 1,000 acres to be sufficient until we get some studies and if we find that we can optimally add in additional fisheries in that bay in years to come, we could make the change. I represent all 10 towns surrounding Cobscook Bay. We need this additional help. I thank you for your time.

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

Representative **ETNIER**: Madam Speaker, Ladies and Gentlemen of the House. I respectfully ask you to oppose this House Amendment "A" to the bill. This idea was brought back to the committee by the Representative from Pembroke, Representative Goodwin and he asked us to consider it within the committee. There was no interest within the committee. There was no interest in the committee in amending the bill to put this in there. In my humble opinion, I view this 1,000 acre cap, which he has referred to as being totally arbitrary and having no basis in science, let alone any basis coming from public input or the parties that would be affected by this cap.

I do believe that there probably is a case to be made for having studies in a number of the bays up and down the coast regarding their total carrying capacity for Aquaculture, but I believe those studies should be done before you put arbitrary caps on. I have a gut feeling and members of the Aquaculture industry that I have spoken to feel that 1,000 acres is probably way too high for Cobscook Bay. Probably 600 or 700 acres is more likely the amount of acreage they can sustain within Cobscook Bay. There is no desire on the part of the Aquaculture industry to make the water quality within Cobscook Bay unhealthy and a bad place to raise fish by having too many acres given to their industry. It would be detrimental to the health of their industry. I would therefore urge you to oppose this. I don't wish to debate the bill at this point. I am only going to be debating the House Amendment. I would ask you to oppose the House Amendment. Thank you.

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

Representative **HONEY**: Madam Speaker, Colleagues of the House. First of all, I would like to address some of the good Representative from Pembroke's assertions he made. The State of Maine, in concert with the federal government, has the most

rigorous biological monitoring of Aquaculture sites in the United States. This is done through a penny tax placed on salmon processing in this state. This attempt to amend the original bill will have far reaching implications, not only in Cobscook Bay, but could slow down an already fragile emerging Aquaculture industry. Currently in Cobscook Bay, the area that is around the good Representative's district, there are 678 acres currently leased. The chances for increasing this total are extremely remote because of the IF & W Essential Habitat Regulations, i.e. the Eagle nest restrictions. You cannot place any Aquaculture facilities within the quarter mile boundary of any existing Eagle nest. Believe me, the Eagle nests are increasing every year down in that area.

Also, the DEP's water classification act does not allow Aquaculture in Class SA waters. I am sure people understand what Class SA water means. The Aquaculture industry has created 1,200 new well paying jobs in the State of Maine. Of these 900 new jobs, they are located in Washington County. The lion's share are in the good Representative from Pembroke's district and the good Representative from Machias, Representative Bagley's districts. You only have to go back at least 10 years to see how devastated Lubec and Eastport was. Aquaculture has done a lot for economics in that area. I also urge you to defeat this amendment.

Representative **GOODWIN** of Pembroke **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-808)**.

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-808). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 412

YEA - Bolduc, Buck, Campbell, Chizmar, Clark, Dexter, Driscoll, Goodwin, Kasprzak, Kerr, Lane, Layton, Lemke, Lindahl, Mack, Marvin, Morgan, Nass, Paul, Perkins, Perry, Pinkham WD, Plowman, Snowe-Mello, Stedman, Tuttle, Volenik, Waterhouse, Wheeler GJ, Winn, Winsor.

NAY - Ahearne, Bagley, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bumps, Bunker, Cameron, Carleton, Chartrand, Chick, Cianchette, Clukey, Colwell, Cross, Davidson, Desmond, Donnelly, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joyner, Kane, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, MacDougall, Madore, Mailhot, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Murphy, O'Brien, O'Neal, O'Neil, Ott, Peavey, Pendleton, Pieh, Pinkham RG, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Tripp, True, Vedral, Vigue, Wheeler EM, Winglass, Wright, Madam Speaker.

ABSENT - Baker, Bull, Cowger, Dutremble, Gooley, Joy, Joyce, Lovett, Muse, Nickerson, Treadwell, Underwood, Usher, Watson.

Yes, 31; No, 106; Absent, 14; Excused, 0.

31 having voted in the affirmative and 106 voted in the negative, with 14 being absent, **House Amendment "A" (H-808) was NOT ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as amended by Committee Amendment "A" (H-802)** and sent up for concurrence.

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

Expression of Legislative Sentiment recognizing Paul Bisulca, of Oxford

(HLS 1147)

which was **TABLED** by Representative ROWE of Portland pending **PASSAGE**.

Subsequently, was **READ**.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Rowe.

Representative ROWE: Madam Speaker, Men and Women of the House. I know I speak for all of you when I say it was an honor to serve in this body with Representative Paul Bisulca. I served with Paul in the 117th and in the first session of the 118th. As a legislator, Paul was committed to serving the Penobscot Nation and the people of the State of Maine and the State of Maine itself. He did a superb job. The sentiment language speaks of Paul's strong and unwavering commitment to Maine's natural resource environment as well as his concern that it be preserved for future generations. I know those of us that serve on the Committee on Natural Resources saw this first hand on a daily basis. I know Paul Bisulca to be a person of great intellect and integrity. He used his words sparingly, but when he spoke, people listened. Although he did not have a vote in this chamber, he made a difference. He moved people. He had substantial influence.

As I said, I served with Paul on the Natural Resources Committee last session. My only regret was that I did not get to know Paul well earlier. I wish I had. Once I got to know him, I found him to be a tremendous person. As an aside, we share the same alma mater and we had a lot to talk about in that regard, too. Again, I know that others will speak after me about Paul. I just wanted to say, on behalf of the body, that Paul, we appreciate you service, your dedication and we wish you well in all your future endeavors. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Madam Speaker, Men and Women of the House. I, too, wish to rise and express my appreciation also for Representative Bisulca's service to this chamber and to the Natural Resources Committee. Paul was an invaluable and faithful member of our committee whose intelligence, analysis and keen observations and questions made our work a whole lot easier. I am especially grateful for his courageous effort last year to define especially and to articulate the dioxin issues. As the Penobscot's representative to the Legislature, he spent a lot of time educating us about the conditions of the Penobscot River, native fishing rights and the reproductive cycles of Eagles and the tragedy that has occurred to those birds. I am impressed by his wide knowledge of the environment by his eloquence, by his unflagging good humor, his humility and his great humanity. Representative Bull, who could not be here today, unfortunately, he and I had some long and wonderful conversations with Paul because we were on the same side of the issue. I am convinced today that we wouldn't be where we are with dioxin had it not been for the discussions to eliminate the use of chlorine in the way we make paper. I think that we can thank Representative Bisulca for bringing this issue to the forefront and doing it so eloquently. We have had Tribal Representatives here in this body since 1823. Until the 1980s we were the only body to seek Tribal Representatives. There was a brief hiatus in which these Representatives were only Representatives at the Legislature, but that was only for a short time. I am extremely proud to know that we have seated these

Representatives so long. I do understand that there are two other states that now seat those Representatives and if I am not mistaken, I think they actually have the right to vote.

Representative Bisulca was the first Native American graduate of West Point in 1970. The first one since 1823, when a young Cree Indian graduated from West Point. You can see he is a very distinguished person in the state. We are extremely proud of him. We are delighted to have him in our midst today. I hope that you will join us in welcoming him back today. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Penobscot Nation, Representative Loring.

Representative LORING: Madam Speaker, Ladies and Gentlemen of the House. I am proud to recognize Paul. On behalf of the Penobscot Nation, Paul has put many hard years in as Tribal Representative. It is not easy dealing with tribal government, state government and federal government. Those things have to be juggled with and you have to be a real diplomat to be able to do that. Paul has put in some long hard hours doing that. The Penobscot Nation wishes to thank him for all of his hard work.

The **SPEAKER**: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Madam Speaker, Ladies and Gentlemen of the House. I, too, had the privilege to serve with Representative Bisulca for the last three years on the Natural Resources Committee. I just want to echo the comments of the three previous speakers. Paul not only served the Penobscot Nation most ably, but he served the people of the State of Maine. He was a tireless advocate for many difficult issues that came before the committee. I, too, was impressed by the amount of homework he did on bills, his background knowledge and I just want to say, Thank you, Paul. I wish you the best in your future plans. Thank you.

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

Representative CAMPBELL: Madam Speaker, Men and Women of the House. I was fortunate enough to have served with Representative Bisulca also. Paul has been mentioned before as very, very hardworking and always on top of all the issues. We could always count on Paul to help us with the issues of the Penobscot Valley and on behalf of the Penobscot Valley, Paul, we certainly will miss you.

The **SPEAKER**: The Chair recognizes the Representative from Norridgewock, Representative Meres.

Representative MERES: Madam Speaker, Ladies and Gentlemen of the House. I, too, rise to talk about the wonderful person I learned to know down here, Representative Bisulca. He came before the Natural Resource Committee before he actually took the position of Representative as an advocate. I was totally impressed by his passion and his wisdom and his knowledge. He impressed me then and my feelings about him have nothing but increased since that point. He is a kind man. He is a good family person. He is intelligent. He is probably the best that can ever be. He is the type of person we can all use as a role model and we should honor him. We are going to miss him here, but I am sure that his future is always going to be one that is going to bless us because of his caring knowledge and his good nature. Thank you.

PASSED and sent up for concurrence.

ENACTORS
Emergency Measure

An Act to Amend the Charter of the Guilford-Sangerville Water District to Increase the Bond Authorization

(H.P. 1361) (L.D. 1912)
(C. "A" H-793)

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. 118 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

An Act to Amend the Charter of the Bath Water District

(H.P. 1421) (L.D. 1985)
(C. "A" H-794)

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.

Emergency Measure

An Act Concerning Reporting Deadlines of Studies Authorized by Law

(H.P. 1552) (L.D. 2181)

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. 116 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.

Act

An Act to Require the Development of a Plan for the Recovery, Identification and Disposition of Human Remains in a Disaster

(H.P. 1429) (L.D. 1993)

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.

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

REPORTS OF COMMITTEE

Change of Committee

Representative BUNKER from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** Bill "An Act to Require a Search Warrant to Investigate Private Property for the Purpose of Forestry Examinations"

(H.P. 200) (L.D. 253)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent up for concurrence.

On motion of Representative DUNLAP of Old Town on behalf of Representative LORING of Penobscot Nation, the House adjourned at 10:40 a.m., until 9:00 a.m., Thursday, February 26, 1998 in honor and lasting tribute to former Representative Vivian Massey of Indian Island, the first woman Representative of the Penobscot Nation to the Maine Legislature.