

# 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  
29th Legislative Day  
Tuesday, March 10, 1998

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

Prayer by Reverend Douglas Hedstrom, First Congregational Church, Gray.

National Anthem by Brunswick High School Choral Group.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Amend the Prevailing Wage Laws"

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

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-804)** in the House on February 25, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-804) AS AMENDED BY SENATE AMENDMENT "A" (S-475)** thereto in **NON-CONCURRENCE**.

Representative PENDLETON of Scarborough moved that the House **INSIST**.

Representative HATCH of Skowhegan **REQUESTED** a roll call on the motion to **INSIST**.

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 Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. I moved to Insist on this particular item because the Senate Amendment removes a fiscal note that was attached to the bill. The Department of Labor Standards when they came before us during the hearings said that this would cause them an additional workload and they needed additional help to do it. They never mentioned that they could do this particular work within the existing structure of their organization. Therefore, I feel the way that the bill was passed in this body, should be the way the bill stands. Thank you.

Representative KONTOS of Windham moved that the House **RECEDE AND CONCUR**.

Representative DONNELLY of Presque Isle **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 Skowhegan, Representative Hatch.

Representative HATCH: Madam Speaker, Men and Women of the House. There was a fiscal note on this bill. There was much discussion in regards to it. When it left the House, I was under the assumption that it couldn't be removed. It could be. We also have another prevailing wage bill that deals with the Turnpike Authority. When the Labor Department came in on that particular bill, they said that they could take up the cost on that bill. We feel that they also can take up the cost on this bill. 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. 435**

**YEA** - Ahearne, Bagley, Baker, Berry RL, Bodwell, Bolduc, Bouffard, Brooks, Bryant, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Desmond, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Meres, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Stanley, Stevens, Tessier, Townsend, Tripp, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

**NAY** - Belanger DJ, Belanger IG, Bigl, Bragdon, Bruno, Buck, Bumps, Cameron, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Fisk, Foster, Gieringer, Gooley, Jones SA, Joy, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

**ABSENT** - Barth, Berry DP, Brennan, Campbell, Davidson, Green, Honey, Joyce, Lindahl, Mitchell JE, Ott, Quint, Skoglund, Thompson, Tuttle, Underwood, Winn.

Yes, 76; No, 58; Absent, 17; Excused, 0.

76 having voted in the affirmative and 58 voted in the negative, with 17 being absent, the House voted to **RECEDE AND CONCUR**.

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**Non-Concurrent Matter**

Bill "An Act to Repeal Certain Archaic and Unenforced Laws"

(H.P. 1468) (L.D. 2059)

**PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-832)** in the House on March 4, 1998.

Came from the Senate **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

Representative MACK of Standish moved that the House **INSIST** and ask for a **COMMITTEE OF CONFERENCE**.

Representative AHEARNE of Madawaska moved that the House **RECEDE AND CONCUR**.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. This is an amendment that we took up last week. I would urge you all to vote against the pending motion so we can Insist and ask for a committee of conference. This amendment was the one that would remove the law that would require little signs, 64 square inches in size, on the top of all the gas pumps in the state. The price of the gas is already on the big sign on the side of the road and is on the pump mechanism itself. This is an old and archaic law that was originally put in place when cash and credit were different prices. Now that cash and credit is the same price, we no longer need this law. I would urge you to vote against the pending motion so that we can Insist and try to persuade our colleagues from the other body during a committee of conference.

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

Representative AHEARNE: Madam Speaker, Men and Women of the House. I believe that this bill and the amendment that was removed from the other body, I believe that amendment is not archaic and that it is fairly current and I believe that the other body was correct in its removal of the amendment. There was a process in which these six or eight items were put on this bill. I believe that the removal of these signs is a policy issue

and deserves its own public hearing, as I argued last week that it deserved its own public hearing. I ask you to Recede and Concur. Madam Speaker, I request a roll call.

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

Representative MERES: Madam Speaker, Men and Women of the House. I ask you to support the motion to Recede and Concur. My reason is very basic. The original laws regarding the price signs on gas tanks was consumer generated. It was there specifically to help consumers understand the difference in price. Since there was no public hearing on this, consumers did not have an opportunity to direct the committee as to whether or not the consumers felt that this was something that is still necessary. I think that according to process, public hearings are always something that we consider a priority when we make changes like this. Therefore, I do not support any legislation that comes to you without that benefit. Thank you.

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

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. Since this item came up, I have been going around and talking to gas stations and consumers and I have noticed that this is not an unenforced law nor is it archaic. There are signs on every single tank. The different laws that we are repealing in this bill have been literally gathering legislative dust for up to and over 100 years. This particular amendment has not had a public hearing. I have had several consumers tell me that they like those signs. I found that I like them too because it helps me make a choice not only which gas station to go to, but to find the right one. Should this amendment move forward next year as a bill, I would be very happy to consider it once it had its public hearing and its normal process. I encourage you to support the Recede and Concur. Thank you.

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 Standish, Representative Mack.

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. To address a couple of issues. The first issue is that this was done for consumer protection. That is true. It was done when cash and credit were different prices, but now that that is no longer so, this law is no longer necessary. This law was last amended or touched in 1989. One of the seven laws that is old and archaic that is being repealed on the original bill itself was last touched in 1989. If my bill is not germane because it is not old enough, then one of the seven laws that is being repealed on the original bill would also not be germane. It is just as germane as the law about shopping cart registration that we are repealing on the original bill.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. I urge you to support the Recede and Concur. Since this first came up, I have spoken to members of the Maine Oil Dealers Association and there are still stations that use cash and credit. This is something that is needed. I urge you to support this once again.

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

Representative PIEH: Madam Speaker, Men and Women of the House. I don't mean to belabor the issue, but the shopping carts does happen to be the particular bill or law that I was interested in repealing. It is unenforced. There is not a single shopping cart in this state that is registered, even though it is a

law in this state that you register your shopping carts. That is why it is archaic and unenforced. It has nothing to do with the year it was made. It has to do with the fact that it is not in use. Thank you very much.

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. 436**

YEA - Ahearne, Bagley, Baker, Berry RL, Bigl, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Bunker, Cameron, Carleton, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Madore, Mailhot, Mayo, McElroy, McKee, Meres, Mitchell JE, Morgan, Muse, O'Brien, O'Neil, Paul, Peavey, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shiah, Sirois, Spear, Stanley, Stevens, Tessier, Townsend, Tripp, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Belanger DJ, Belanger IG, Bodwell, Bolduc, Bragdon, Buck, Cianchette, Clukey, Cross, Desmond, Dexter, Donnelly, Foster, Gerry, Gieringer, Gooley, Jones SA, Joy, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lovett, MacDougall, Mack, Marvin, McAlevey, Murphy, Nass, Nickerson, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Barth, Berry DP, Campbell, Honey, Joyce, Lemke, Lindahl, O'Neal, Ott, Shannon, Skoglund, Thompson, Tuttle, Underwood, Winn.

Yes, 86; No, 50; Absent, 15; Excused, 0.

86 having voted in the affirmative and 50 voted in the negative, with 15 being absent, the House voted to **RECEDE AND CONCUR**.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act to Include Locally Funded Debt Service in the Formula for Purposes of the Circuit Breaker Program"

(H.P. 1637) (L.D. 2271)

Presented by Representative CHARTRAND of Rockland. Cosponsored by Senator PINGREE of Knox and Representatives: BRENNAN of Portland, SAVAGE of Union, SKOGLUND of St. George.

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

**ORDERED SENT FORTHWITH.**

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**ORDERS**

On motion of Representative BULL of Freeport, the following Joint Resolution: (H.P. 1638) (Cosponsored by Senator TREAT of Kennebec and Representatives: COWGER of Hallowell, WATSON of Farmingdale, Senators: KILKELLY of Lincoln,

NUTTING of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.)

**JOINT RESOLUTION MEMORIALIZING THE FEDERAL ENERGY REGULATORY COMMISSION TO USE EXISTING UTILITY RIGHTS-OF-WAY IN SITING A NATURAL GAS PIPELINE WHEN TECHNOLOGICALLY FEASIBLE**

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 Federal Energy Regulatory Commission as follows:

WHEREAS, the Federal Energy Regulatory Commission regulates the construction, sale and acquisition of natural gas pipeline facilities; and

WHEREAS, land throughout the State is currently being sought for rights-of-way for a natural gas pipeline; and

WHEREAS, consideration must always be given to the impact that right-of-way clearings may have on trees and other vegetation; and

WHEREAS, the exercise of eminent domain to acquire land for rights-of-way is often an arduous procedure and objectionable to a majority of citizens; now, therefore, be it

RESOLVED: That We, your Memorialists, recommend and urge the Federal Energy Regulatory Commission to continue its policy of using existing utility rights-of-way for siting natural gas utility routes whenever technologically feasible; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to James J. Hoecker, chair of the Federal Energy Regulatory Commission, and to each Member of the Maine Congressional Delegation.

**READ.**

Representative STEDMAN of Hartland moved that the Bill be **TABLED** pending **ADOPTION** and specially assigned for Wednesday, March 11, 1998.

Representative BULL of Freeport **REQUESTED** a division on **ADOPTION**.

The Chair ordered a division on **ADOPTION**.

A vote of the House was taken. 65 voted in favor of the same and 61 against, the Joint Resolution was **TABLED** pending **ADOPTION** and specially assigned for Wednesday, March 11, 1998.

**REPORTS OF COMMITTEE**

**Refer to the Committee on Criminal Justice pursuant to Resolve 1997, chapter 10**

Speaker MITCHELL for the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Implement Recommendations of the Fire Marshal Study Group"

(H.P. 1639) (L.D. 2272)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE** pursuant to Resolve 1997, chapter 10.

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

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

**Divided Reports**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act to Continue Work-based Learning for Maine's Youth"

(S.P. 774) (L.D. 2101)

Signed:

Senators:

MICHAUD of Penobscot  
CLEVELAND of Androscoggin  
BENNETT of Oxford

Representatives:

KERR of Old Orchard Beach  
POULIN of Oakland  
BERRY of Livermore  
KNEELAND of Easton  
LEMAIRE of Lewiston  
WINSOR of Norway  
MARVIN of Cape Elizabeth  
OTT of York

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

Signed:

Representative:

TOWNSEND of Portland

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

**READ.**

On motion of Representative KERR of Old Orchard Beach the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 11, 1998.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Assist People with Housing Needs"

(S.P. 790) (L.D. 2117)

Signed:

Senators:

MICHAUD of Penobscot  
BENNETT of Oxford

Representatives:

KERR of Old Orchard Beach  
POULIN of Oakland  
BERRY of Livermore  
KNEELAND of Easton  
MARVIN of Cape Elizabeth  
WINSOR of Norway  
OTT of York

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

Signed:

Senator:

CLEVELAND of Androscoggin

Representatives:

TOWNSEND of Portland  
STEVENS of Orono  
LEMAIRE of Lewiston

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

**READ.**

On motion of Representative KERR of Old Orchard Beach the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy"

(S.P. 816) (L.D. 2200)

Signed:  
Senators:

MICHAUD of Penobscot  
CLEVELAND of Androscoggin  
BENNETT of Oxford

Representatives:

KERR of Old Orchard Beach  
POULIN of Oakland  
BERRY of Livermore  
TOWNSEND of Portland  
KNEELAND of Easton  
LEMAIRE of Lewiston  
MARVIN of Cape Elizabeth  
OTT of York

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

Signed:

Representative:

WINSOR of Norway

Came from the Senate with the Majority **UGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

**READ.**

On motion of Representative KERR of Old Orchard Beach the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 11, 1998.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1370) (L.D. 1920) Bill "An Act to Promote Competitiveness Regarding the Sale of Recreational Vehicles by Allowing Better Discounts" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-853)**

(H.P. 1480) (L.D. 2079) Bill "An Act to Amend the Definition of Design Professional" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-855)**

(H.P. 1498) (L.D. 2097) Bill "An Act to Simplify Corporate Filings" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-854)**

(S.P. 775) (L.D. 2102) Bill "An Act to Update the Guide Dog Access Law" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-487)**

(H.P. 1517) (L.D. 2139) Bill "An Act to Equalize and Clarify the Tax on Hard Cider" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-856)**

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. 720) (L.D. 1963) Bill "An Act to Require the Bureau of Revenue Services to Report on the Incidence of Tax Burdens to

Business Sectors of the State's Economy and to Income Classes of Citizens" (C. "A" S-486)

(S.P. 824) (L.D. 2214) Bill "An Act to Repeal the Laws Governing the Jackman Water District and the Jackman Sewer District"

(H.P. 1447) (L.D. 2038) Bill "An Act to Enhance the Safety of Snowmobile Rental Operations" (C. "A" H-852)

(H.P. 1518) (L.D. 2140) Bill "An Act to Implement the Maine Arts Commission's Arts in Education Program" (C. "A" H-850)

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

**BILLS IN THE SECOND READING**

**Senate As Amended**

Bill "An Act to Require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to Report the Facts of an Unnatural Death of a Patient under the Care of the Department to the Legislature"

(S.P. 335) (L.D. 1113)  
(C. "A" S-485)

**House As Amended**

Bill "An Act to Establish a State Disaster Relief Trust Fund"

(H.P. 1097) (L.D. 1540)  
(C. "A" H-846)

Bill "An Act to Prohibit the Opening of Liquor Stores on the Maine Turnpike" (EMERGENCY)

(H.P. 1303) (L.D. 1846)  
(C. "A" H-830)

Bill "An Act to Restore Funds Transferred from the Underground Oil Storage Replacement Fund"

(H.P. 1460) (L.D. 2051)  
(C. "A" H-847)

Bill "An Act to Provide Funds for the Maine Apprenticeship Program"

(H.P. 1504) (L.D. 2126)  
(C. "A" H-848)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence.

**ENACTORS**

**Emergency Measure**

An Act to Appropriate Funds to the Battleship USS Maine Centennial Committee to Restore and Maintain the Monument to the USS Maine in Davenport Park

(H.P. 1555) (L.D. 2184)

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. 134 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 Change the Name of the Knox Agricultural Society

(H.P. 1563) (L.D. 2194)

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. 130 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 890: Consumer Complaint Ratios, a Major Substantive Rule of the Department of Professional and Financial Regulation  
(H.P. 1577) (L.D. 2210)

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. 131 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.

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 2.10: Aquaculture Lease Regulations, Lease Categories and Environmental Baseline, a Major Substantive Rule of the Department of Marine Resources  
(H.P. 1608) (L.D. 2235)

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. 124 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.

**Acts**

- An Act Regarding the Energy Testing Laboratory of Maine  
(H.P. 1409) (L.D. 1973)  
(C. "A" H-824)
- An Act to Amend the Charter of the Houlton Water Company  
(H.P. 1425) (L.D. 1989)  
(C. "A" H-826)
- An Act to Clarify Mileage Reimbursement for Employees of Community Action Agencies  
(S.P. 730) (L.D. 2008)  
(C. "A" S-474)
- An Act to Amend the Charter of the Van Buren Light and Power District  
(S.P. 751) (L.D. 2029)  
(C. "A" S-470)
- An Act to Amend the Act to Implement the Maine Indian Claims Settlement  
(H.P. 1445) (L.D. 2036)
- An Act to Amend the Law Relating to Special Education Out-of-district Placements  
(H.P. 1449) (L.D. 2040)  
(C. "A" H-823)
- An Act to Amend the Laws Concerning Life and Health Insurance  
(H.P. 1459) (L.D. 2050)  
(C. "A" H-819)
- An Act to Continue the Membership of the Maine Legislature in the Council of State Governments  
(H.P. 1487) (L.D. 2086)

An Act to Establish Reasonable Fees for Reports and Other Items From the Office of Chief Medical Examiner  
(H.P. 1490) (L.D. 2089)  
(C. "A" H-825)

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**

Resolve, to Provide Educational Placement Options within the Public School System  
(S.P. 195) (L.D. 623)  
(C. "A" S-472)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act to Create the Consumer Health Care Division within the Bureau of Insurance  
(H.P. 1305) (L.D. 1848)  
(C. "A" H-820)

On motion of Representative KONTOS of Windham, was **SET ASIDE**.

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

An Act to Extend the Prevailing Wage Laws to the Maine Turnpike Authority  
(S.P. 708) (L.D. 1956)  
(C. "A" S-463)

On motion of Representative DONNELLY of Presque Isle, 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. 437**

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

NAY - Belanger DJ, Belanger IG, Bigl, Bragdon, Bruno, Buck, Bumps, Cameron, Carleton, Chick, Cianchette, Clukey, Cross, Dexter, Donnelly, Fisk, Foster, Gieringer, Gooley, Jones SA, Joy, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevy, McElroy, Murphy, Nass, Nickerson, O'Brien, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Barth, Berry DP, Campbell, Fisher, Honey, Joyce, Lindahl, Ott, Skoglund, Tuttle, Underwood.

Yes, 80; No, 60; Absent, 11; Excused, 0.

80 having voted in the affirmative and 60 voted in the negative, with 11 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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An Act to Protect and Maintain Opportunities for Students by Funding Jobs for Maine Graduates

(H.P. 1406) (L.D. 1970)

On motion of Representative WATERHOUSE of Bridgton, 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. 438**

YEA - Ahearn, Bagley, Baker, Belanger DJ, Belanger IG, Berry RL, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joy, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Usher, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Barth, Berry DP, Bigl, Campbell, Honey, Joyce, Joyner, Layton, Lindahl, Ott, Skoglund, Tuttle, Underwood.

Yes, 138; No, 0; Absent, 13; Excused, 0.

138 having voted in the affirmative and 0 voted in the negative, with 13 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**SENATE PAPERS**

Resolve, to Establish the Task Force on Hospice Coverage and Palliative Pain Control (EMERGENCY)

(S.P. 855) (L.D. 2268)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

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Bill "An Act to Reduce Mercury Use and Emissions"

(S.P. 856) (L.D. 2269)

Came from the Senate, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

**REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

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Resolution, Proposing an Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto

(S.P. 857) (L.D. 2270)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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Bill "An Act to Amend the Charter of Great Northern Paper, Inc."

(S.P. 854) (L.D. 2267)

Came from the Senate, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

**REFERRED** to the Committee on **UTILITIES AND ENERGY** in concurrence.

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**Pursuant to Resolve  
Commission to Study the Funding and Distribution of  
Teletypewriters and Other Telecommunications Equipment  
for People with Disabilities**

Report of the **Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities** pursuant to Resolve 1997, chapter 72 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities" (EMERGENCY)

(S.P. 853) (L.D. 2266)

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

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**, in concurrence.

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On motion of Representative QUINT of Portland, the House adjourned at 10:13 a.m., until 9:00 a.m., Wednesday, March 11, 1998.