

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
32nd Legislative Day
Friday, March 13, 1998

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

Prayer by Honorable Susan Kasprzak, Newport.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

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

(H.P. 1638)

ADOPTED in the House on March 11, 1998.

Came from the Senate **READ** and **ADOPTED AS AMENDED BY SENATE AMENDMENT "A" (S-506)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Allow Police to Take Intoxicated Persons into Custody"

(H.P. 562) (L.D. 753)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798) in the House on February 23, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-798) AS AMENDED BY SENATE AMENDMENT "B" (S-503)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.C. 613)

**THE SENATE OF MAINE
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 12, 1998

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that pursuant to Joint Order, H.P. 1579, as amended by Senate Amendment "A" (S-466), President Lawrence has appointed the following Senate members to serve on the Joint Select Committee on Substance Abuse:

Senator Beverly C. Daggett of Kennebec

Senator William O'Gara of Cumberland

Senator John W. Benoit of Franklin.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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:

LABOR

Bill "An Act to Permit Employees to Resume Receiving Unemployment Benefits in Certain Cases"

(H.P. 1642) (L.D. 2274)

Presented by Representative TUTTLE of Sanford.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BOLDUC of Auburn, CHIZMAR of Lisbon, CLARK of Millinocket, HATCH of Skowhegan, SAMSON of Jay, STANLEY of Medway, Senator MILLS of Somerset.

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

ORDERED SENT FORTHWITH.

ORDERS

On motion of Representative GAMACHE of Lewiston, the following House Order: (H.O. 41)

ORDERED, that Representative Lucien A. Dutremble of Biddeford be excused March 4 and March 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative David Etnier of Harpswell be excused March 6 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Joseph M. Jabar, Sr. of Waterville be excused January 26, March 2 and March 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Henry L. Joy of Crystal be excused March 9 and March 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Glenys P. Lovett of Scarborough be excused February 23, February 24 and February 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Wendy Pieh of Bremen be excused March 6 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Jane W. Saxl of Bangor be excused March 6 for legislative business and March 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kathleen Alicia Stevens of Orono be excused March 2, March 3, March 4, March 5 and March 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert J. Winglass of Auburn be excused January 8, 1998 for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 for Development of the East-West Highway"

(H.P. 1295) (L.D. 1840)

Signed:

Senators:

CLEVELAND of Androscoggin
MICHAUD of Penobscot
BENNETT of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-875)** on same Bill.

Signed:

Representatives:

LEMAIRE of Lewiston
 STEVENS of Orono

READ.

On motion of Representative SAXL of Portland, **TABLED** unassigned pending **ACCEPTANCE** of either report.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System

(H.P. 735) (L.D. 999)

Signed:

Senators:

CATHCART of Penobscot
 TREAT of Kennebec

Representatives:

HATCH of Skowhegan
 SAMSON of Jay
 BOLDUC of Auburn
 CLARK of Millinocket
 RINES of Wiscasset
 STANLEY of Medway

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

Signed:

Senator:

MILLS of Somerset

Representatives:

PENDLETON of Scarborough
 TREADWELL of Carmel
 JOYCE of Biddeford
 LAYTON of Cherryfield

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass** Report and specially assigned for Monday, March 16, 1998.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Minimum Qualifications for the Treasurer of State

(H.P. 145) (L.D. 188)

Signed:

Senators:

NUTTING of Androscoggin
 GOLDTHWAIT of Hancock
 LIBBY of York

Representatives:

AHEARNE of Madawaska
 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 as Amended by Committee Amendment "A" (H-883)** on same RESOLUTION.

Signed:

Representative:

GERRY of Auburn

READ.

On motion of Representative AHEARNE of Madawaska the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent up for concurrence.

Six Members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Grant the Joint Standing Committee Having Jurisdiction over Criminal Matters the Authority to Review the Appointments of the Commissioner of Public Safety and the Chief of the State Police"

(H.P. 1526) (L.D. 2148)

Report in **Report "A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-882)**.

Signed:

Senators:

NUTTING of Androscoggin
 GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska
 SANBORN of Alton
 BUMPS of China
 GERRY of Auburn

Three Members of the same Committee on same Bill report in **Report "B"** that the same **Ought to Pass**.

Signed:

Representatives:

BAGLEY of Machias
 GIERINGER of Portland
 FISK of Falmouth

Three Members of the same Committee on same Bill report in **Report "C"** that the same **Ought Not to Pass**.

Signed:

Senator:

LIBBY of York

Representatives:

DUTREMBLE of Biddeford
 KASPRZAK of Newport

READ.

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

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

Representative POVICH: Madam Speaker, Men and Women of the House. I urge you to reject Report "A" for Report "B." This LD, 2148, transfers the authority to review appointments of the Commissioner of Public Safety and the Chief of the State Police from the State and Local Government Committee to the Criminal Justice Committee. The Majority Report recommends transferring the appointment of the Chief of the State Police only and not the Commissioner of Public Safety. My comments will

seek to convince you to accept Report "B," which completes the transaction. The 117th Legislature restructured the Joint Standing and Joint Select Legislative Committees in 1994. The restructuring included eliminating the Joint Select Committee on Corrections and creating a Joint Standing Committee on Criminal Justice. The jurisdiction of the Criminal Justice Committee includes the following areas of jurisdiction, the Department of Public Safety, the Criminal Justice Academy, fire safety and arson and fire arms and security guards as well as the usually thought of corrections intensive supervision. The Department of Public Safety serves the people by protecting their lives, rights and properties in each of its nine bureaus. Those nine bureaus are highway safety, Capitol Security, Maine Emergency Medical Services, the Maine Criminal Justice Academy, the State Fire Marshall's Office, etc.

In closing, which are the happiest two words that can be said in legislative debate, the appointments of the Commissioner of Public Safety and the Chief of the State Police, should repose with the Committee on Criminal Justice. It makes sense. It is what we do every day in committee. We review their budgets and we are referred most of their bills. We are specifically named the committee of jurisdiction. Please vote no on the pending motion and go on to Report "B," which is Ought to Pass. Thank you very much.

Representative TUTTLE of Sanford moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The Chair orders a Division on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

Representative THOMPSON: Madam Speaker, Men and Women of the House. I would have to get up and speak against the motion to Indefinitely Postpone this bill. As a former member of the Criminal Justice Committee, I have to agree with the chair of that committee that it makes sense to have the committee of jurisdiction over a department to be the committee that has jurisdiction over the appointment of the commissioner of that department. It seems simple doesn't it when you say it that way. To Indefinitely Postpone this bill just doesn't address a problem that exists. I would ask that you vote against Indefinite Postponement and let's get to the merits of the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative BUMPS: Madam Speaker, Men and Women of the House. As you can see, I am on the Majority Report, Report "A." I am going to ask you also to defeat the pending motion to Indefinitely Postpone this bill so that we can go on to adopt the Majority Report, Report "A." I believe, as does Representative Ahearne and the other folks who have signed onto the Majority Report, that the Chief of the State Police ought to be confirmed by the Committee on Criminal Justice. It only makes sense, as the Representative from Naples has suggested. However, I would suggest that it equally makes sense that the Commissioner of Public Safety stay with the committee in the Legislature that has some independence and I think that most of you would agree given the number of divided reports that come out of State and Local Government that there is a fair amount of independence on that committee. Independence is important with regard to the confirmation of the Commissioner of Public Safety to the extent that there are nine bureaus or agencies under the Department of Public Safety. A couple of them have a clear law enforcement responsibility. However, many more of them simply don't. I am going to make my case very quickly by pointing out that in the 117th Legislature and in the 118th Legislature there have been a number of agencies who had department bills that have been referred to

their committees of oversight. Of the department bills submitted in the 117th Legislature, five of those went to Criminal Justice, but two of them went to Legal and Veterans Affairs, three of them to Transportation, two of them to Business and Economic Development and one to the then Human Resources Committee. In this Legislature, three went to Legal and Veterans Affairs, four to Criminal Justice, two to Transportation, two to Utilities and one to Business and Economic Development. I share Representative Povich's sentiment that the Chief of the State Police ought to be confirmed by the Committee on Criminal Justice to the degree that that committee has oversight for law enforcement and criminal justice matters, but I would ask that you go on to defeat the pending motion so that we can then adopt the Majority Report, Report "A," which would separate these two and leave the commissioner with the Committee on State and Local Government. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative MCALEVEY: Madam Speaker, Men and Women of the House. The report that came out of State and Local is varied. I would like to just give you a little bit of historical perspective. After the abolishment of the Governor's Council, State and Local Government Committee in the early 50s authorized a study committee to look at how we deliver services in the State of Maine. As a result of that study committee, we now have changed a number of laws. That is why we have anecdote statutes because they were changed then. One of the things the State and Local Committee did was to reorganize and develop lines of authority creating a number of oversight committees and that has changed a little bit, but not a whole lot. In that spirit, I would request that we not table this and that we adopt the "B" Report. In setting up those lines of authority, they established the Commissioner of Public Safety. If you follow the money and follow the policy, you will see that that department has the oversight over a number of agencies and bureaus within the state.

The newly created Criminal Justice Committee, four years ago, was given oversight over many of those departments within the Department of Public Safety. That administration of Public Safety, budgetary items come to the Criminal Justice Committee. The oversight committee is Criminal Justice. The Bureau of Capitol Security, Criminal Justice. The Bureau of Liquor Enforcement, Legal and Veterans Affairs. Bureau of the State Police, the State Police report in their salaries to the Department of Transportation and they in turn handle Title 29, which is Motor Vehicle Law except for the criminal portion of 29, which comes to Criminal Justice. Emergency Medical Services, Criminal Justice and Business and Economic Development. E-911, which is really a utility goes to Utilities. Highway safety comes under Transportation. The Criminal Justice Academy comes under the Criminal Justice Committee. Drug Enforcement Agency comes under the Criminal Justice Committee. The Fire Marshal's Office, even though they don't receive state funds, they receive insurance premium funds and the jurisdiction comes under us as well as the inspection for human resources. So doesn't the crime lab and the Office of the Medical Examiner. In most cases, 90 percent of the departments that we consider Public Safety Departments come under the jurisdiction of the commissioner and they in turn come under the jurisdiction of Criminal Justice.

The purpose of the original realigning of the chains of command or chains of authority started with the State and Local Committee back in the early 50s when they started their first report. It was to develop a stream line system of accountability and the delivery of services to the State of Maine vis-à-vis an oversight of the Legislature. I think in that spirit you should adopt amendment "B." I realize the committees are all over the place.

It is not an easy situation. It is not easy to ask the committee of jurisdiction to give up something that they already have. I appreciate that the State and Local wrestled with this very troublesome issue. Thank you.

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

Representative AHEARNE: Madam Speaker, Ladies and Gentlemen of the House. I must concur with my good friend from China, Representative Bumps and what he stated on the House floor. This is a compromise. I ask that we do not support the Indefinite Postponement. I have to agree that issues of the State Police should be reviewed by Criminal Justice, but the Department of Public Safety, I believe, should be retained by the Committee on State and Local Government. On February 25, we had a confirmation hearing for the Department of Public Safety. There were no problems at all. The committee had received many compliments on how the hearing went and there was no problems whatsoever. I feel that under what the Committee on State and Local Government reviews does look over department issues and in doing so, it has overview over state government organization and oversight of state officials. I believe that we, the State and Local Government Committee, should retain the Department of Public Safety. It was a compromise. I believe that is the best solution. Madam Speaker, when the vote is taken, I request the yeas and nays.

Representative AHEARNE of Madawaska **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: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I find this kind of hard to believe that I am standing up and trying to take more responsibility as member of the Criminal Justice Committee at this late hour of the session, but I would respectfully disagree with my good friend from China, Representative Bumps. It is not usual that we disagree, but it seems very clear to me that we, the Criminal Justice Committee, do do the public safety budget. You have heard it enumerated all of the issues that come before us in the Criminal Justice Committee that relate to public safety. It seems very, very clear to me that that is where this issue should be. You also heard Representative Bumps list the bills that have been before us in the last two sessions. I didn't hear any that went to State and Local Government Committee. I feel it is a very clear cut case. In regards to being independent, I would ask that anyone come down and watch our committee. We are probably the most independent you are going to find. Thank you.

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

Representative THOMPSON: Madam Speaker, Men and Women of the House. I would just suggest that we might want to get on and vote on the Indefinite Postponement issue so then we can debate the aspects of each of the reports. Right now we should only be saying about Indefinite Postponement. Thank you.

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. 454

YEA - Bouffard, Dutremble, Gagne, Joy, Kasprzak.

NAY - Ahearne, Bagley, Baker, Barth, Belanger DJ, Belanger IG, Berry RL, Bigl, Bodwell, Bragdon, Brennan, Brooks, Bryant, Buck, Bull, Bumps, Bunker, Cameron, Campbell,

Carleton, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Desmond, Driscoll, Dunlap, Farnsworth, Fisher, Fisk, Foster, Fuller, Gagnon, Gamache, Gerry, Gieringer, Gooley, Green, Jabar, Jones KW, Jones SL, Jones SA, Joyce, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, 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, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Underwood, Usher, Vedral, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

ABSENT - Berry DP, Bolduc, Bruno, Chartrand, Davidson, Dexter, Donnelly, Etnier, Frechette, Goodwin, Hatch, Honey, McElroy, McKee, Meres, Spear, Tuttle, Vigue.

Yes, 5; No, 128; Absent, 18; Excused, 0.

5 having voted in the affirmative and 128 voted in the negative, with 18 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

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

The SPEAKER: The Representative may pose his question.

Representative JOY: Thank you Madam Speaker. I missed a little bit of the discussion on this. I wonder if there is an amendment that goes with Report "B" or does Report "B" accept the bill the way it was presented?

The SPEAKER: The Chair would answer that Report "B" is Ought to Pass. The bill is Ought to Pass. Report "A" is Committee Amendment "A."

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. Briefly, I would like to say that I think this type of a bill puts the State and Local Government Committee in a terrible position, to be presented a bill that says let's take some jurisdiction away from you. I appreciate the difficult position that they were placed in when a bill like this is filed. Perhaps this is an issue that should have been addressed when we established the Criminal Justice Committee. This is purely, in essence, an internal matter in the Legislature on an issue of jurisdiction. When you look in the statute that talks about the Commissioner of Public Safety and you look at the areas of jurisdiction, the first area of jurisdiction he has is the Criminal Justice Academy. Clearly the jurisdiction of the Criminal Justice Committee. The Bureau of the State Police, jurisdiction of the Criminal Justice Committee. Office of the State Fire Marshal, jurisdiction of the Criminal Justice Committee. Bureau of Liquor Enforcement, jurisdiction of the Legal and Veterans Affairs Committee. Maine Highway Commission, which is mostly the Transportation Committee. The Bureau of Intergovernmental Drug Enforcement, which is jurisdiction of the Criminal Justice Committee. In addition, the Criminal Justice Committee already has the oversight over the budget of this department. To me, it is a clear choice that the commissioner should be confirmed by the

members of the Criminal Justice Committee and I would ask that you oppose Report "A" so we can go on to Report "B." Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. I, too, agree with the good Representative from Naples that this is a difficult situation to put State and Local Government in dealing with the decision of jurisdiction. The bottom line to this, just to be clear, you have three reports in front of you and you may be a little unclear of where to go. The bottom line is that you all serve on committees of jurisdiction. You all serve on committees as the policy committee for the departments that you represent. What is very, very important during any kind of an appointment process is that the committee that sets policy for the departments that they have respective authority over that you as the policy making committee have some influence in asking questions and also the person that is being appointed knows very clearly by those questions and by that policy nexus of your committee and their department that they basically work for you. You are their board of directors. You are the one that sets overall policy from a legislative point of view in this system that we live in. Please move to oppose Committee Amendment "A" and go on to approve Report "B." Basically what this says is if you are serving on Marine Resources and the Commissioner of Marine Resources comes up for an appointment, Committee Amendment "A" basically says let's do that in the Human Services Committee. Let's appoint the Marine Resources Commissioner somewhere else or the Transportation Commissioner down in Utilities. You have got to keep that nexus between the committees that you have oversight on and the committees that you appoint. Please oppose Committee Report "A" and move on to Committee Report "B."

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

Representative AHEARNE: Madam Speaker, Men and Women of the House. I don't believe with these three reports that there is anything unclear because certainly you can vote along with me. I believe there is nothing in requirement or in statute that states that the Commissioner of Public Safety has to be in law enforcement. I believe with the recent nominations there seems to be a lot of questions regarding those. That is clearly open for the Executive Department to decide who they want to be as Commissioner of Public Safety. Certainly after this vote, if we are talking about jurisdiction, certainly State and Government doesn't need any further work, but certainly one of our areas of jurisdiction is Constitutional Amendments and certainly maybe in the future in the 119th Legislature the State and Local Government Committee can have review over all the Constitutional Amendments that we certainly have the jurisdiction over. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Madam Speaker, Men and Women of the House. I am in support of Report "A." I don't believe this is just not dealing with a turf war about us not wanting to give up having to have public hearings on an issue. The reason I voted to divide them up was that I figured the appointment of a criminal justice should go to Criminal Justice. The reason that the confirmation of the person from Public Safety should stay in State and Local Government is because of the hodge podge of the jurisdiction of what that job entails. I felt that State and Local Government would be more impartial and give the candidates a more equal and fair hearing. As our good Chair, Representative Ahearne, has said, we did not believe that a person appointed to

the Bureau of Public Safety had to come from law enforcement. I urge you to please look at the committee report. It is a bipartisan effort. It is not all Democrat, Republican or Independent. We have a good variety, so please vote for Report "A."

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

ROLL CALL NO. 455

YEA - Ahearne, Baker, Barth, Belanger IG, Bodwell, Bragdon, Bruno, Bumps, Cameron, Chick, Chizmar, Cross, Dexter, Foster, Gagne, Gamache, Gerry, Jones SA, Layton, Lemke, Lovett, Morgan, Perkins, Pinkham RG, Plowman, Poulin, Powers, Richard, Rowe, Sanborn, Sirois, Skoglund, Snowe-Mello, Spear, Stedman, Taylor, Treadwell, Tuttle, Usher, Vedral, Wheeler GJ, Winglass, Winn, Wright.

NAY - Bagley, Belanger DJ, Berry RL, Bigl, Bouffard, Brennan, Brooks, Bryant, Buck, Bull, Bunker, Campbell, Carleton, Cianchette, Clark, Clukey, Colwell, Cowger, Desmond, Driscoll, Dunlap, Dutremble, Farnsworth, Fisher, Fisk, Fuller, Gagnon, Gieringer, Gooley, Green, Hatch, Jabar, Jones KW, Jones SL, Joy, Joyce, Joyner, Kane, Kasprzak, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, Mitchell JE, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perry, Pieh, Pinkham WD, Povich, Quint, Rines, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Stanley, Stevens, Tessier, Thompson, Tobin, Townsend, Tripp, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Winsor, Madam Speaker.

ABSENT - Berry DP, Bolduc, Chartrand, Davidson, Donnelly, Etnier, Frechette, Goodwin, Honey, Kerr, Lane, McElroy, McKee, Meres, True.

Yes, 44; No, 92; Absent, 15; Excused, 0.

44 having voted in the affirmative and 92 voted in the negative, with 15 being absent, Report "A" **Ought to Pass as Amended was NOT ACCEPTED.**

Doctor of the day, Phil Tedrick, D.O., Readfield.

On motion of Representative POVICH of Ellsworth Report "B" **Ought to Pass was 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.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent up for concurrence.

CONSENT CALENDAR

Second Day

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

(S.P. 476) (L.D. 1478) Bill "An Act to Decriminalize Various Marine Resource Violations and Enhance Collectibility of Associated Penalties" (C. "A" S-493)

(S.P. 701) (L.D. 1946) Bill "An Act to Simplify the Process of Transferring Ownership of a Business Licensed by the Board of Barbering and Cosmetology under the Terms of a Divorce Settlement" (C. "A" S-491)

(S.P. 722) (L.D. 1965) Bill "An Act to Appropriate Funds for the Interpreter Service for the Deaf and Hard of Hearing" (EMERGENCY) (C. "A" S-490)

(S.P. 788) (L.D. 2115) Bill "An Act to Allow the Department of Transportation to Provide Privately Contracted Ferry Services" (EMERGENCY) (C. "A" S-496)

(S.P. 791) (L.D. 2118) Bill "An Act to Increase Economic Security for the State's Low-income Children and Families and Prevent Additional Costs to Municipalities" (C. "A" S-497)

(S.P. 809) (L.D. 2187) Resolve, Naming the New Bridge in Medway the Harold C. Beathem Bridge (C. "A" S-495)

(H.P. 447) (L.D. 597) Bill "An Act to Amend the Statutes Pertaining to Emergency Medical Services" (C. "A" H-879)

(H.P. 1256) (L.D. 1783) Bill "An Act to Clarify the Laws Concerning Claims Settlement Practices" (C. "A" H-873)

(H.P. 1411) (L.D. 1975) Resolve, to Provide Support and Assistance to Persons with Eating Disorders (C. "A" H-878)

(H.P. 1443) (L.D. 2007) Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1999" (EMERGENCY) (C. "A" H-870)

(H.P. 1489) (L.D. 2088) Bill "An Act to Amend the Laws Concerning Access to Capital for Maine Businesses" (C. "A" H-880)

(H.P. 1546) (L.D. 2175) Bill "An Act to Remove the Debt Limit of the Limerick Water District" (EMERGENCY) (C. "A" H-872)

(H.P. 1584) (L.D. 2215) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 1998-99" (EMERGENCY)

(H.P. 1603) (L.D. 2229) 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. 1609) (L.D. 2236) Resolve, Regarding Legislative Review of Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a Major Substantive Rule of the Department of Conservation (EMERGENCY)

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 Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence.

(H.P. 1564) (L.D. 2197) 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" (C. "A" H-884)

On motion of Representative CAMERON of Rumford, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-884)** was **READ** by the Clerk.

On motion of Representative KONTOS of Windham, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-884)** and later today assigned.

BILLS IN THE SECOND READING
House As Amended

Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1999"

(H.P. 1522) (L.D. 2144)
(C. "A" H-871)

Resolve, to Implement the Interim Recommendations of the Task Force on State and Federal Tax Filing

(H.P. 1544) (L.D. 2171)
(C. "A" H-867)

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

Bill "An Act to Grant the Treasurer of State Full Voting Rights on the Board of Trustees of the Maine State Retirement System"

(H.P. 1359) (L.D. 1910)
(C. "A" H-868)

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

On motion of Representative PENDLETON of Scarborough, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. The reason I am standing up today, I wasn't quite quick enough yesterday when I was going to speak on this bill. The State Treasurer has been asking for the past three years for full voting rights on the Board of Trustees of the Maine Retirement System. I commend her for her position that she is taking as an active role without voting rights in the past. This bill would give her voting rights. The only fear that I have is we may have an individual that gets voted in by this body who takes the same position that the prior treasurer did in that he never attended any of the meetings. The current treasurer would have voting rights, but the individual gave us one of their reasons for wanting to do this and it will give them a stronger position when they were dealing with the brokerage houses and financial institutions outside of the state. That may be true, but having voting rights on this board would not give that individual any rights to manipulating the stocks or bonds that the organization has. I am just afraid if we elect a treasurer to that position some time in the future who takes the position that the last one did, we are setting the board of directors of the Maine State Retirement System up for a problem because when we created this bill, we also had to change what a quorum was for them to take any action. That is the part that bothers me. Before, they needed only four people to have a quorum and now they need five. That is my objection to this bill. Ladies and gentlemen, when this vote is taken, I would like to have a roll call.

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

Representative HATCH: Madam Speaker, Men and Women of the House. I just wanted to correct just a couple of things. First of all, the former treasurer didn't attend meetings. He would have done so had we requested a bill put in, which we had from time to time requesting rights to vote. I can't think of anything I would less like to do than attend a meeting on a regular basis of a body where I had no voting rights. I think this is a good bill. It sets the quorum at five. They are having current problems right

now trying to keep members on their subcommittees. They came in just this last week and asked for us to amend one of our bills so that they can take and change the formation of a committee. I think it is really needed. There are only seven members right now. They are serving on many subcommittees. It takes a lot of their time. I think an eighth member would bolster their numbers and give them a chance to break down in committees. As far as manipulating the stocks and bonds, I don't think the Treasurer of State had anything like that in mind. Their deposition is just the oversight of the system. They have people who do that on a regular basis. I would request that you vote yes on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Madam Speaker, Men and Women of the House. I rise today in support of this bill. I think it is only fair that the State Treasurer should have voting rights on the Maine State Retirement System Board of Trustees. Right now there are nine boards that she belongs to, which includes the Maine State Retirement System. She has voting rights on eight of them. I believe that giving her rights to vote on the board of trustees for the retirement system would make the treasurer more present at these active meetings. I believe it is a good idea, like our chairman said. I wish you would help me support the pending motion. Thank you.

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. 456

YEA - Ahearn, Bagley, Baker, Berry RL, Bigl, Bouffard, Brennan, Brooks, Bryant, Bull, Bunker, Chick, Chizmar, Clark, Colwell, Cowger, Desmond, Driscoll, Dunlap, Dutremble, Farnsworth, Fisher, Gagne, Gagnon, Gamache, Gerry, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, McAlevey, McKee, Mitchell JE, Muse, O'Brien, O'Neal, O'Neil, Paul, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, True, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winn, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Cianchette, Clukey, Cross, Dexter, Fisk, Foster, Fuller, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, Morgan, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Rines, Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Wheeler EM, Winglass, Winsor.

ABSENT - Berry DP, Bolduc, Chartrand, Davidson, Donnelly, Etnier, Frechette, Goodwin, Honey, McElroy, Meres.

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 ENGROSSED as Amended** and sent up for concurrence.

Bill "An Act to Establish a Migrant Worker Assistance Office in Central Maine"

(H.P. 1430) (L.D. 1994)
(C. "A" H-869)

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

On motion of Representative TREADWELL of Carmel, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. I also learned yesterday that he who hesitates has lost. I thought that it was important that we all understand the history of this bill. It came to us originally with a fiscal note of \$260,000 to establish and fund an outreach program for migrant workers in central Maine. The amendment merely charges the Department of Labor with establishing a migrant worker outreach program and it doesn't say where it is to be. It also says that there will be no funding required. It will be absorbed within the Department of Labor's budget. I have a question, if I could pose a question.

The SPEAKER: The Representative may proceed.

Representative TREADWELL: Madam Speaker, Ladies and Gentlemen of the House. If anybody could answer the question of where is this office going to be located? What migrant population do they intend to reach? What are the goals of this program, please?

The SPEAKER: The Representative from Carmel, Representative Treadwell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Lemaire.

Representative LEMAIRE: Madam Speaker, Men and Women of the House. This bill originally was a migrant worker office. It is now expanded to all immigrants in the State of Maine through this statewide program. If I may say, the fiscal note was removed because we are looking at an outreach program in the State of Maine for all immigrants. What they are going to be doing is migrant workers brochures and wallet cards written in all the languages. There will be a federal 800 number for immigrants in this country and migrant workers. Those who work here full time and those that work part time to be able to access information. There will be training sessions for members of the network or outreach program, such as rural health and all of the other programs that are meant to assist. Remember immigrants come to this country and are intimidated by government. They usually make one call, so you had better make it a really good call. You have to have the answers for them. What we are trying to do is to assist these people who are actually helpful to us in economic development because they are coming and doing jobs that nobody else wants to do. We have several nationalities in the Portland area. We have migrant seasonal workers all over the state, so we decided in the amendment that we needed to address the problems for all immigrant workers.

I would like to make a few comments now that I have the mike. We have about 14,000 permanent legal residents in the State of Maine. We have about 9,000 pending to become legal residents. We have about 1,000 coming in on an annual basis. They don't speak English. They are diverse workers and they are a wonderful resource to the State of Maine and they are utilized all over the State of Maine. It doesn't create any new rights. All it does is inform them of their rights under the law in the State of Maine. Migrant immigrant workers need help to access government programs. Obviously they would be intimidated. Remember, a lot of these people are here on asylum. They are intimidated not only by government, but they have a language barrier. It is very difficult to assist these individuals when you can't even speak their language. I can't remember how many Portland and the surrounding areas of Portland have, but it is many, many different languages from Southeast Asia and African nations that have come over. We even have some Czech people in here. I have been trying to find an interpreter for them and I have not been able to do it. They

shouldn't be denied their rights because they can't speak English. We need to help them as much as we can.

The Department of Labor has already attempted to work with us and I have gone to those meetings to assist them in outreach programs to help them to be able to find jobs, get health care, to understand workers' comp, to understand unemployment. All of the rights that we, as English speaking people, can pick up the phone and find immediately. They can't do that. It is very difficult for us to welcome them into our country and expect them to work at a job and not offer them any help or assistance in their needs. I guess I am strongly in support of this bill. I hope you will be too. Thank you Madam Speaker.

The Representative from Carmel **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**: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Madam Speaker, Men and Women of the House. I just wanted to let you know that this was a bill that was in last year. The good Representative from Lewiston and I worked with the Labor Department over the summer. We had a group meeting with service providers and migrant workers and even the Labor Department was surprised that there was as many out there. They formed a network through the Labor Department and that is why they were able to bring the cost down. There is lots of people out there who we can access, but no one knew about anybody else. There has been a lot of work that has gone into this bill. That is why it has no note on it now by the state agencies and by all the different service providers. I hope you will support this bill. It is a good one. It will give those workers a chance to access those needed services that they need. It is cost effective. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Greenville, Representative Jones.

Representative **JONES**: Madam Speaker, Ladies and Gentlemen of the House. I would like to encourage, definitely, the support of this bill. This is a statewide issue. We have a lot of migrant workers in our area as well who plant thousands and thousands of baby trees. Often times they have to come into our town offices for assistance and we can't assist them. This is a critical, critical bill and I urge your support. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 457

YEA - Bagley, Belanger IG, Berry RL, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bunker, Cameron, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Farnsworth, Fisher, Fuller, Gagne, Gagnon, Gamache, Gerry, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, Mayo, McAlevey, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Pendleton, Perry, Pieh, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Ahearne, Barth, Belanger DJ, Bigl, Bodwell, Buck, Bumps, Campbell, Carleton, Cianchette, Clukey, Cross, Dexter, Fisk, Foster, Gieringer, Gooley, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Murphy, Nass, Nickerson, Ott, Peavey, Perkins, Pinkham RG, Pinkham WD, Savage, Spear,

Stedman, Taylor, Tobin, Treadwell, True, Underwood, Vedral, Waterhouse, Wheeler EM, Winsor.

ABSENT - Baker, Berry DP, Bolduc, Chartrand, Donnelly, Etnier, Frechette, Honey, McElroy, Meres, Winn.

Yes, 89; No, 51; Absent, 11; Excused, 0.

89 having voted in the affirmative and 51 voted in the negative, with 11 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended** and sent up for concurrence.

ENACTORS

Emergency Measure

An Act to Prohibit the Opening of Liquor Stores on the Maine Turnpike

(H.P. 1303) (L.D. 1846)

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 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify the Tax-exempt Status of the Maine School of Science and Mathematics

(H.P. 1488) (L.D. 2087)

(C. "A" H-843)

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

On motion of Representative **KONTOS** of Windham, **TABLED** pending **ENACTMENT** and later today assigned.

Emergency Measure

An Act to Reduce Groundwater Contamination from Leaking Oil Storage Tanks

(S.P. 778) (L.D. 2105)

(C. "A" S-488)

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. 117 voted in favor of the same and 9 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 Certification and Monitoring of Batterer Intervention Programs, a Major Substantive Rule of the Department of Corrections

(H.P. 1560) (L.D. 2189)

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 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Inform Crime Victims about the Disposition of Charges

(H.P. 1369) (L.D. 1919)

(C. "A" H-840)

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

On motion of Representative KONTOS of Windham, **TABLED** pending **ENACTMENT** and later today assigned.

Acts

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)

An Act to Improve Management of Contracted Personnel Services Costs

(H.P. 1394) (L.D. 1948)
(C. "A" H-845)

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

(S.P. 720) (L.D. 1963)
(C. "A" S-486)

An Act Relating to the Taxation of the Sale of Hay

(H.P. 1416) (L.D. 1980)
(C. "A" H-839)

An Act to Enhance the Safety of Snowmobile Rental Operations

(H.P. 1447) (L.D. 2038)
(C. "A" H-852)

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

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

An Act to Repeal Certain Archaic and Unenforced Laws

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

An Act to Continue Work-based Learning for Maine's Youth

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

An Act to Update the Guide Dog Access Law

(S.P. 775) (L.D. 2102)

An Act to Support the Long-term Care Steering Committee

(H.P. 1500) (L.D. 2122)
(H. "A" H-849 to C. "A" H-837)

An Act to Provide Funds for the Maine Apprenticeship Program

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

An Act to Implement the Maine Arts Commission's Arts in Education Program

(H.P. 1518) (L.D. 2140)
(C. "A" H-850)

An Act to Implement the Recommendations of the Blue Ribbon Commission to Study the Effects of Government Regulation and Health Insurance Costs on Small Businesses in Maine

(S.P. 811) (L.D. 2190)
(C. "A" S-489)

An Act to Provide Funds for Applied Research and Development Relevant to the Maine Economy

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

An Act to Repeal the Laws Governing the Jackman Water District and the Jackman Sewer District

(S.P. 824) (L.D. 2214)

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.

Resolves

Resolve, to Allow David Prentiss to Sue the State of Maine

(H.P. 1476) (L.D. 2075)
(C. "A" H-841; H. "A" H-851)

Resolve, to Approve a Maine Technical College System Lease with the South Portland Housing Authority

(H.P. 1507) (L.D. 2129)
(C. "A" H-836)

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 Amend the Prevailing Wage Laws

(H.P. 1037) (L.D. 1454)
(S. "A" S-475 to C. "B" H-804)

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

On motion of Representative CAMPBELL of Holden, 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. 458

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

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

ABSENT - Berry DP, Chartrand, Etnier, Honey, Meres, Winn, Madam Speaker.

Yes, 83; No, 61; Absent, 7; Excused, 0.

83 having voted in the affirmative and 61 voted in the negative, with 7 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Appropriate Funds for Library Resource Sharing and for Acquisitions for the Maine State Library

(H.P. 1431) (L.D. 1995)
(C. "A" H-844)

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

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**: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Madam Speaker, Men and Women of the House. I just wanted to let you know what this bill does, lest there be any confusion. It has two components. One is to create a fund, non-lapsing fund, for resource sharing by all libraries in the State of Maine. One of the things we learned in the course of hearing the bill is that this program existed for 20 years from the early 1970s to the early 1990s when it was cut back severely, causing detrimental impact to many very small towns in Maine. It won't help my library particularly, it will help those small towns.

The other part of the bill is an acquisitions budget for the Maine State Library. Again, a particularly disturbing piece of information we learned is that my library, which is not a municipal library, but a private non-profit spends as much per year on children's books as the Maine State Library spends on any books at all. I find that very troubling. The Maine State Library, of course, being the resource through which all inter-library loans flow. The access to books for small towns is very much impaired by the lack of money for the Maine State Library. I would encourage you to vote for Enactment.

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

Representative **COLWELL**: Madam Speaker, Men and Women of the House. My cold is almost over. It sounds worse than it really is. I would just like to say that the per capita funding piece that accompanies this bill, the good Representative from Portland is absolutely right. There are two parts. The per capita piece would benefit every local library and all library users throughout the state. Your local library in Dover-Foxcroft will be able to access these funds and utilize them, to use the inter-library loan system so that the smaller less well endowed libraries would be able to take better advantage of the lifelong learning opportunities through the more major libraries. Thank you.

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. 459

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

Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - Barth, Goodwin.

ABSENT - Berry DP, Chartrand, Etnier, Honey, Meres, Poulin.

Yes, 143; No, 2; Absent, 6; Excused, 0.

143 having voted in the affirmative and 2 voted in the negative, with 6 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Promote Access to Public Higher Education
(H.P. 1453) (L.D. 2044)
(C. "A" H-842)

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

On motion of Representative **PLOWMAN** of Hampden, 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. 460

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

NAY - NONE.

ABSENT - Berry DP, Chartrand, Donnelly, Etnier, Honey, Meres, Poulin.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, with 7 being absent, the Bill was **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:

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:

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Modify the Law Pertaining to Personal Sports Mobile Franchises"

(H.P. 1643) (L.D. 2275)

Presented by Representative SHANNON of Lewiston.

Cosponsored by Senator MacKINNON of York and Representatives: BODWELL of Brunswick, CAMERON of Rumford, MacDOUGALL of North Berwick, MACK of Standish, MURPHY of Kennebunk, VIGUE of Winslow, WRIGHT of Berwick, Senator: RAND of Cumberland.

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

ORDERED SENT FORTHWITH.

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

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)

(C. "A" H-884)

Which was tabled by Representative KONTOS of Windham pending **ADOPTION** of **Committee Amendment "A" (H-884)**.

Representative CAMERON of Rumford **PRESENTED** **House Amendment "A" (H-894)** to **Committee Amendment "A" (H-884)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-884) as Amended by House Amendment "A" (H-894) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "A" (H-884) as Amended by House Amendment "A" (H-894)** thereto and sent up for concurrence.

On motion of Representative BAGLEY of Machias, the House adjourned at 10:54 a.m., until 10:00 a.m., Monday, March 16, 1998.