

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Regular Session**

March 19, 1998 - March 31, 1998

**Second Special Session**

April 1, 1998 - April 8, 1998

**Appendix**  
**House Legislative Sentiments**  
**Index**

ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
SECOND REGULAR SESSION  
37th Legislative Day  
Friday, March 20, 1998

Representative ROWE of Portland assumed the Chair.

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

Prayer by The Reverend Canon Chilton Knudsen, Bishop-Elect, Episcopal Diocese of Maine, Portland.

National Anthem by Great Salt Bay Choir, Damariscotta.

Pledge of Allegiance.

Doctor of the day, Andrew Carey, M.D., Poland.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 868)

**JOINT RESOLUTION RECOGNIZING PARKINSON'S  
DISEASE AWARENESS MONTH**

WHEREAS, Parkinson's disease is a brain disorder that usually affects adults over 40, although it can appear in younger persons; and

WHEREAS, Parkinson's disease, or Paralysis Agitans, is a devastating, painful and incurable brain disorder of unknown origin that disrupts and can end the lives of those who suffer from it as well as overwhelming the lives of their families and friends; and

WHEREAS, more individuals suffer from Parkinson's disease than multiple sclerosis, muscular dystrophy and Lou Gehrig's disease combined; and

WHEREAS, Parkinson's disease often takes an enormous emotional, psychological and physical toll on the families surrounding their suffering loved ones; and

WHEREAS, Parkinson's disease appears eventually in approximately one of 4 persons older than 80 years of age and in one of 10 persons older than 60 years of age, thereby directly touching the lives of at least one of 10 families in the State; and

WHEREAS, according to the American Parkinson Disease Association there are approximately 1.5 million people in the United States diagnosed with Parkinson's disease, of which 7,000 or more are in the State of Maine; and

WHEREAS, the symptoms of Parkinson's disease - stillness, tremors, slowness, poor movement and difficulty with balance and speaking are often mistaken as a normal part of the aging process; and

WHEREAS, the cause of the disease is unknown, and drugs can only control some of the symptoms of Parkinson's disease for a short period of time; and

WHEREAS, the historic and crucial Morris K. Udall Parkinson's Disease Research Act of 1997, which would provide up to \$100,000,000 of funding specifically for Parkinson's disease, has recently been passed by the Congress after a courageous 4-year struggle by Parkinson's sufferers usually too sick to go to Washington; and

WHEREAS, the entire congressional delegation from Maine was the first delegation from any state to join in cosponsoring the Udall Parkinson's legislation; and

WHEREAS, April 11th has been proclaimed to be World Parkinson's Day, a day for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease; and

WHEREAS, increased education and research are needed to help find more effective treatments and ultimately a cure for Parkinson's disease and to provide more effective support

programs and services to Parkinson's disease patients and their caregivers and families; and

WHEREAS, the leading public officials of the State and leading officials in the State's medical community are now called upon to aid in reversing the invisibility and voicelessness of its citizens suffering from Parkinson's disease; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature, now assembled in the Second Regular Session, recognize the month of April as Parkinson's Disease Awareness Month throughout the State of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the American Parkinson Disease Association, Maine State Chapter.

Came from the Senate, **READ** and **ADOPTED**.

**READ** and **ADOPTED** in concurrence.

---

**Non-Concurrent Matter**

Bill "An Act to Create the Crime of Insurance Fraud and Require Reporting of Convictions to Licensing Authorities"

(H.P. 1553) (L.D. 2182)

Majority (9) **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-923)** Report of the Committee on **CRIMINAL JUSTICE** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-923)** in the House on March 18, 1998.

Came from the Senate with the Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative POVICH of Ellsworth, the House voted to **ADHERE**.

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**Non-Concurrent Matter**

Bill "An Act to Conform Maine's Safe Drinking Water Laws with the 1996 Amendments of the Federal Safe Drinking Water Act"

(H.P. 1441) (L.D. 2005)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904)** in the House on March 18, 1998.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904) AS AMENDED BY SENATE AMENDMENT "A" (S-559)** thereto in **NON-CONCURRENCE**.

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

---

**COMMUNICATIONS**

The Following Communication: (H.C. 447)

March 12, 1998

The Honorable Mark W. Lawrence  
President of the Senate

The Honorable Elizabeth H. Mitchell  
Speaker of the House of Representatives

118th Legislature  
Augusta, ME 04333

Dear Mr. President and Madam Speaker:

We are pleased to inform you that the Joint Standing Committee on Inland Fisheries and Wildlife has completed its review of the Department of Inland Fisheries and Wildlife and is hereby submitting its findings and recommendations pursuant to the Government Evaluation Act (3 MRSA, c. 35.)

Sincerely,  
S/Sen. Marge L. Kilkelly  
Senate Chair  
S/Rep. Norman R. Paul  
House Chair

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

---

The Following Communication: (H.C. 448)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 17, 1998

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1311 An Act to Prohibit Clear-cutting

L.D. 1473 An Act to Amend the Laws Regarding Forest Practices

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Marge L. Kilkelly  
Senate Chair

S/Rep. George H. Bunker, Jr.

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 449)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

March 17, 1998

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 791 An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Aid in the Construction of the Edmund S. Muskie School of Public Service on the Campus of the University of Southern Maine

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Michael H. Michaud  
Senate Chair

S/Rep. George J. Kerr

House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 450)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 17, 1998

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1717 An Act Establishing a Higher Education Trust as an Instrumentality of the State

L.D. 1778 An Act to Establish the Maine Prepaid College Tuition Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton  
Senate Chair

S/Rep. Shirley K. Richard

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 451)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 17, 1998

Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2153 An Act Concerning Rural Hospital Care

L.D. 2177 An Act to Require Alternate Sources of Power for Elderly Housing

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis  
Senate Chair

S/Rep. J. Elizabeth Mitchell

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 452)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

March 17, 1998  
Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1057 An Act to Amend the Laws Regarding Wrongful Death and Recoveries for Wrongful Death
- L.D. 1208 An Act to Allow the Courts to Suspend the Drivers' Licenses of Individuals Convicted of Civil Offenses Who Fail to Pay Their Fines within the Time Limits Ordered by the Court
- L.D. 2081 An Act to Amend the Charter of the State Young Men's Christian Association of Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Susan W. Longley  
Senate Chair  
S/Rep. Richard H. Thompson  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 453)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON LABOR**

March 17, 1998  
Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 300 An Act to Prohibit an Employer from Hiring Replacement Workers during a Strike
- L.D. 2201 An Act to Clarify the Responsibilities of Certain Divisions in the Department of Labor

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,  
S/Sen. Mary R. Cathcart  
Senate Chair  
S/Rep. Pamela H. Hatch  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 454)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

March 17, 1998  
Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature

State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 2255 An Act to Allow a Public Utility Emergency Service Vehicle to Use a Siren and Red Light When Responding to an Emergency

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,  
S/Sen. William B. O'Gara  
Senate Chair  
S/Rep. Joseph D. Driscoll  
House Chair

**READ and ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 455)

**STATE OF MAINE  
ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

March 17, 1998  
Honorable Mark W. Lawrence, President of the Senate  
Honorable Elizabeth H. Mitchell, Speaker of the House  
118th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 2083 An Act Relative to the Jurisdiction of the Public Utilities Commission over Nonutility Attachments to a Public Utility Plant

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,  
S/Sen. Richard J. Carey  
Senate Chair  
S/Rep. Kyle W. Jones  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 639)

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

March 19, 1998  
The Honorable Elizabeth H. Mitchell  
Speaker of the House  
118th Maine Legislature  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary the nominations of the Honorable Ronald A. Daigle of Fort Kent and the Honorable Michael N. Westcott of Damariscotta for reappointment as Maine District Court Judges.

Thank you for your attention to this matter.  
Sincerely,

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

**READ and ORDERED PLACED ON FILE.**

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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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**STATE AND LOCAL GOVERNMENT**

Bill "An Act to Establish the Boundary between Harpswell and Brunswick"

(H.P. 1652) (L.D. 2282)

Presented by Representative ETNIER of Harpswell.

Cosponsored by Representatives: BODWELL of Brunswick, DAVIDSON of Brunswick, PINKHAM of Brunswick, TRIPP of Topsham, Senator: SMALL of Sagadahoc.

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 THOMPSON of Naples, the following Joint Order: (H.P. 1653)

WHEREAS, the Legislature finds there exists an extremely dangerous group of sexually violent predators who have a mental abnormality or personality disorder and who have a significant likelihood to engage in repeat acts of sexual violence unless the State provides an effective intervention mechanism; and

WHEREAS, the Legislature finds that the current criminal justice system inadequately addresses the special needs of sexually violent predators and the risks they present to society; and

WHEREAS, the Legislature finds that there is an urgent need for a program that provides for the control, care and treatment of sexually violent predators; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators is established as follows.

1. Committee established. The Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 13 members appointed as follows.

A. The President of the Senate shall appoint 3 members from the Senate who either serve on the Joint Standing Committee on Judiciary or the Joint Standing Committee on Criminal Justice or are interested in developing a program for the control, care and treatment of sexually violent predators. The first Senate member named is the Senate chair.

B. The Speaker of the House of Representatives shall appoint 10 members from the House of Representatives who either serve on the Joint Standing Committee on Judiciary or the Joint Standing Committee on Criminal Justice or are interested in developing a program for the control, care and treatment of sexually violent

predators. The first House member named is the House chair.

3. Appointments. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than May 15, 1998.

4. Duties. The committee shall develop a plan to implement a program to provide for the control, care and custody of sexually violent predators. The plan must include at least the following: a description of proposed facilities; appropriate treatment modalities; personnel requirements; legal and practical procedures for using the program; estimated population of sexually violent predators that would be eligible to participate in the program; and costs and funding estimates. In developing the plan, the committee shall:

A. Request the assistance of the Department of Corrections, the Department of Mental Health, Mental Retardation and Substance Abuse Services and other state agencies;

B. Examine programs for the control, care and treatment of sexually violent predators in other jurisdictions;

C. Review legal parameters applicable to such programs;

D. Examine the financial implications of program options;

E. Review the potential sexually violent predator population estimates; and

F. Invite the participation of experts and interested parties.

5. Meetings. In conducting its duties, the committee may meet as often as necessary with any individuals, departments or institutions it considers appropriate.

6. Staff assistance. The committee shall request staffing and clerical assistance from the Legislative Council.

7. Reimbursement. Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

8. Report. The committee shall submit a report on the plan developed along with any accompanying legislation to the Joint Standing Committee on Judiciary by October 15, 1998. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

**READ and PASSED.**

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

---

On motion of Representative GAMACHE of Lewiston, the following House Order: (H.O. 42)

ORDERED, that Representative Donald P. Berry, Sr. of Belmont be excused March 13 and March 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michael F. Brennan of Portland be excused February 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert F. Fisk, Jr. of Falmouth be excused March 18 and March 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David R. Madore of Augusta be excused March 16 for health reasons.

READ and PASSED.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Mary Calvert, of Damariscotta, on March 20, 1998, as she is being honored in the State House Hall of Flags in a special ceremony. Mary Calvert is a renowned and respected author and photographer who is dedicated to preserving the history and natural beauty of Maine. She is a strong supporter of the restoration of the historic battle flags and banners in the Hall of Flags. We acknowledge her strong commitment to the historic and natural treasures of the State and extend our congratulations to her on this special day;

(HLS 1288)

Presented by Representative PIEH of Bremen.  
Cosponsored by Senator KILKELLY of Lincoln.

On **OBJECTION** of Representative PIEH of Bremen, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative PIEH: Mr. Speaker, Men and Women of the House. You have on your desk a yellow flyer talking about the *First Maine Calvary*. Mary Calvert's latest book. All the proceeds from this book are going to the Flag Restoration Program. It will be available at the signing at 12:30 today down in the Hall of Flags. The Governor will be there with a special proclamation. Mary Calvert is a native of Maine. She was born in Madison. I don't know if I should say when, 1924. She is old enough that she can be proud of how old she is and we are allowed to say it. Mary will be here at 12:30. She is not here right now. At 94, you can imagine, she is picking and choosing how long she can be in any one place for very long. Mary is also a photographer and photographed the Arnold Expedition Reenactment in 1975 of the last log drive down the Kennebec River. She has seven books. If you are interested in history, *Black Robe on the Kennebec*, *The Kennebec Wilderness Awakens*, *Dawn Over the Kennebec* are all books that Mary has written. If you get a chance to meet her today, she is a real, real treat. Thank you very much.

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

Representative RICHARD: Mr. Speaker, Men and Women of the House. I would be remiss if I did not speak to this sentiment. As you heard, Mary Calvert is a native of Madison. Not only is she a native of Madison, but for the last 42 years I have lived in the house in which she grew up. She was married in the room which is now my living room. Mary Calvert is an outstanding person as you have heard in her mature years she became a photographer and she has now written several historical books. Two of which are the history of the Kennebec River. The book of hers, which to me, is the most outstanding is the *Black Robe on the Kennebec*. *Black Robe on the Kennebec* is the story of Father Sabastian Raul and the Abnaki Indians who were massacred in Naransuwalk, which is now part of Madison. There have been many accounts written about Father Raul and these Indians and I have read everything that I have been able to find, but I have never found anything that is as objective as *Black Robe on the Kennebec*. Mary Calvert traveled to France, Father Raul's hometown. She traveled to Quebec where they have records of such things. She traveled to the Houlton Library at Harvard University where Father Raul's history, not only history,

but his dictionary of the Abnaki language is kept. She has a very special biography. The book that you have just seen recorded on this yellow sheet of paper, the *First Maine Calvary*, is about the calvary of the Civil War in which Mary Calvert's grandfather served. I truly am pleased to be able to speak on behalf of Mary Calvert and will enjoy seeing her when she is here later today. Thank you very much.

**PASSED** and sent up for concurrence.

Danielle Marie Shay, a freshman at the University of Maine at Orono majoring in speech pathology, who was named the 1997 Miss Maine National Teenager. We extend our congratulations and best wishes to Ms. Shay on this occasion;

(HLS 1286)

Presented by Representative BUNKER of Kossuth Township.  
Cosponsored by Senator CASSIDY of Washington.

On **OBJECTION** of Representative BUNKER of Kossuth Township, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. It is quite a treat to stand before you and talk proudly about one of my constituents. Her parents Crystal and Peter Shay are up in the gallery. It is kind of interesting. I get to sit here and brag like she is one of my children and not one of theirs. It is really fun to do that. I can't speak any more highly of this young lady than I will. She is involved in pier helping, Sunday school and volunteer community awards. She is on the student council, National Honor Society. She has been in all the varsity sports in her school. Salutatorian of her class. If there is anything I guess if we had a list of things that young people can be involved in and achieve, I don't think there is one that she probably doesn't have on her list of accomplishments. It is just wonderful. I think the most important thing about this young lady is that we can bestow awards and earn achievements, but what is really, really important and probably the most important thing that I saw being in Danforth and watching her in and around her piers is that not only is she gaining these awards, but the students and the piers at the school and around her respect her just as much as the achievements that she has been gaining on a professional level. I am really thankful to be able to stand here today and be able to wish the 1997 Miss Maine National Teenager the best wishes of this body. Thank you Mr. Speaker.

**PASSED** and sent up for concurrence.

Gerald Berube, on the occasion of his retirement as the City Clerk of Lewiston. Mr. Berube, considered the "dean of clerks in the state," has been the city clerk for 30 years. Lewiston is losing a public servant whose "knowledge is an institution." We extend our appreciation to Mr. Berube for his years of dedicated public service and offer him our best wishes on his retirement;

(HLS 1160)

Presented by Representative BOUFFARD of Lewiston.  
Cosponsored by Representative GAMACHE of Lewiston, Representative LEMAIRE of Lewiston, Representative MAILHOT of Lewiston, Representative SHANNON of Lewiston, Senator CLEVELAND of Androscoggin, Senator JENKINS of Androscoggin, Senator NUTTING of Androscoggin, Representative NICKERSON of Turner.

On **OBJECTION** of Representative BOUFFARD of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Mr. Speaker, Men and Women of the House. As expressed in the sentiment, Gerry Berube is indeed Dean of City Clerks. On several occasions and if you notice the sentiment is sponsored not only by the Lewiston Delegation, but a few people from the surrounding towns who, on occasion, have consulted with Mr. Berube for advice on their election laws. He has also been consulted by the Secretary of State's Office on several occasions for his advice and guidance in crafting election laws that all of us can live with. Gerry has been an outstanding city clerk in Lewiston. He is the one that has always kept the wheel well greased and oiled and we wish Gerry, by the way Gerry is not giving up completely, he is going to go as a consultant to probably anyone in the state that wants advice on the election laws. The Lewiston Delegation and people of the surrounding towns wish Gerry and his wife a well deserved rest and good retirement. Thank you Mr. Speaker.

**PASSED** and sent up for concurrence.

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-547)** on Bill "An Act to Improve the Efficiency of the Maine Public Drinking Water Control Program" (EMERGENCY)

(S.P. 776) (L.D. 2103)

Signed:  
Senators:

PARADIS of Aroostook  
LONGLEY of Waldo  
MITCHELL of Penobscot

Representatives:

KANE of Saco  
PIEH of Bremen  
QUINT of Portland  
LOVETT of Scarborough  
JOYNER of Hollis  
BRAGDON of Bangor  
SNOWE-MELLO of Poland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-548)** on same Bill.

Signed:  
Representatives:

MITCHELL of Portland  
BROOKS of Winterport  
FULLER of Manchester

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-547)**.

**READ.**

On motion of Representative KANE of Saco, **TABLED** pending **ACCEPTANCE** of either Report and specially assigned for Monday, March 23, 1998.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Amend the Wrongful Death Laws"

(S.P. 31) (L.D. 29)

Signed:

Senators:

LONGLEY of Waldo  
BENOIT of Franklin

Representatives:

THOMPSON of Naples  
ETNIER of Harpswell  
MAILHOT of Lewiston  
POWERS of Rockport  
PLOWMAN of Hampden  
MADORE of Augusta  
NASS of Acton  
WATERHOUSE of Bridgton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-508)** on same Bill.

Signed:  
Senator:

LaFOUNTAIN of York

Representatives:

WATSON of Farmingdale  
JABAR of Waterville

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

**READ.**

On motion of Representative THOMPSON of Naples the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-542)** on Bill "An Act to Implement the Recommendations of the Judicial Compensation Commission"

(S.P. 322) (L.D. 1062)

Signed:  
Senators:

LONGLEY of Waldo  
LaFOUNTAIN of York  
BENOIT of Franklin

Representatives:

THOMPSON of Naples  
WATSON of Farmingdale  
ETNIER of Harpswell  
MAILHOT of Lewiston  
JABAR of Waterville  
POWERS of Rockport  
NASS of Acton  
PLOWMAN of Hampden  
MADORE of Augusta

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

Signed:  
Representative:

WATERHOUSE of Bridgton

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-542)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "B" (S-542)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, March 23, 1998.



Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Improve Management of Maine's Forests" (H.P. 1246) (L.D. 1766)

Signed:  
Senators:

KILKELLY of Lincoln  
PARADIS of Aroostook  
KIEFFER of Aroostook

Representatives:

BUNKER of Kossuth Township  
LANE of Enfield  
GOOLEY of Farmington  
JONES of Greenville  
CROSS of Dover-Foxcroft  
DEXTER of Kingfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-980)** on same Bill.

Signed:  
Representatives:

VOLENIK of Brooklin  
SHIAH of Bowdoinham  
McKEE of Wayne

**READ.**

Representative BUNKER of Kossuth Township moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and specially assigned for Monday, March 23, 1998.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-983)** on Bill "An Act Concerning the Taking of Marine Resources by Members of the Passamaquoddy Tribe" (EMERGENCY) (H.P. 1523) (L.D. 2145)

Signed:  
Senator:

MackINNON of York

Representatives:

VOLENIK of Brooklin  
PINKHAM of Lamoine  
PIEH of Bremen  
PERKINS of Penobscot  
GOODWIN of Pembroke  
PINKHAM of Brunswick  
LAYTON of Cherryfield

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

Signed:  
Senators:

GOLDTHWAIT of Hancock  
PENDLETON of Cumberland

Representatives:

ETNIER of Harpswell  
BAGLEY of Machias

**READ.**

Representative ETNIER of Harpswell moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 480) (L.D. 1482) Bill "An Act to Expand the Duties of the Violations Bureau and Enhance the Enforcement of Civil Violations" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-549)**

(S.P. 571) (L.D. 1728) Bill "An Act to Promote Professional Competence and Improve Patient Care" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-543)**

(S.P. 585) (L.D. 1748) Bill "An Act to Modernize Maine's Fuel Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-537)**

(S.P. 706) (L.D. 1954) Bill "An Act to Restore Certain Provisions Related to Earnable Compensation for State Employee and Teacher Members of the Maine State Retirement System" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-550)**

(H.P. 1542) (L.D. 2169) Bill "An Act to Reduce Costs and Increase Efficiency of the Regulation and Promotion of Harness Racing" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-981)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent up for concurrence. **ORDERED SENT FORTHWITH.**

(S.P. 813) (L.D. 2195) Bill "An Act Concerning Enforcement of Parking Spaces for Persons with Physical Disabilities" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-538)**

On motion of Representative THOMPSON of Naples, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-538)** was **READ** by the Clerk.

The same Representative **PRESENTED House Amendment "A" (H-961)** to **Committee Amendment "A" (S-538)**, which was **READ** by the Clerk.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. This is an amendment to the statute on people being issued disability plates. Under the current law, there are provisions, for example, where a person can be issued a disabled plate if their spouse is disabled and they are the primary person to transport them. However, then there is a violation provision that says you can't operate your own vehicle with disabled plates unless the disabled person is with you at all times. It is a very inconsistent provision in the statute and the amendment simply removes the provision.

**House Amendment "A" (H-961)** to **Committee Amendment "A" (S-538)** was **ADOPTED**.

**Committee Amendment "A" (S-538)** as Amended by **House Amendment "A" (H-961)** 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" (S-538) as Amended by House Amendment "A" (H-961)** thereto in **NON-CONCURRENCE** and sent up for concurrence.

**BILLS IN THE SECOND READING**  
**Senate As Amended**

Bill "An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances That Apply to Forest Practices"

(S.P. 583) (L.D. 1746)  
(C. "A" S-527)

**House**

Bill "An Act to Implement the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities"

(H.P. 1651) (L.D. 2283)

**House As Amended**

Bill "An Act to Authorize Additional Adjustments to the State Share of School Funding"

(H.P. 1250) (L.D. 1769)  
(C. "A" H-955)

Resolve, Authorizing Dan Corey and Nu Seed Corporation of Monticello to Sue the State of Maine

(H.P. 1461) (L.D. 2052)  
(C. "A" H-933)

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

Bill "An Act to Require a Search Warrant to Investigate Private Property for the Purpose of Forestry Examinations"

(H.P. 200) (L.D. 253)  
(C. "A" H-975)

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

On motion of Representative PERKINS of Penobscot, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-975)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-985) to Committee Amendment "A" (H-975)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Colleagues of the House. I am presenting in front of you an amendment that would ask that any state agent, in this particular case I guess it would be a forestry agent, would have to ask the owner of parcels of land under 200 acres if the owner resides on that property to either get permission or get a search warrant. Private property is much revered in this country. It is more than much revered. It is the very fine spirit of our country. Without private property, I fear that our country would not survive without respect for private property. It is not only a tradition in this great country, it is a

strong tradition in the State of Maine. In fact, it is stronger in the State of Maine than it is in a lot of other states. There is going to be some counter to this idea, but I think there is an open space doctrine, federal, passed down in case law. I am still trying to get a hold of that. I am skeptical of that. I spent some time in the service in the State of North Carolina and out there even if you are miles and miles from any houses, you have to have permission to go on someone else's land. This idea that there is a federal open space doctrine that would prohibit this type of amendment, I think it is suspicious. This is a modest, moderate step. I think people have an expectation of privacy. I am not talking about a huge corporation that has 6 million acres of land, I am talking about private persons who have under 200 acres and resides on that property. Thank you Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Mr. Speaker, Men and Women of the House. I don't seem to have this amendment in front of me. I would be interested in having a copy of it. Thank you.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. I would ask that you join me in opposition to this amendment. The paragraph that we are referring to came out of the Judiciary Committee after a lot of debate and a lot of discussion. Adding this would do two things. First of all, it would make disparate the treatment of landowners in the State of Maine. How is anybody supposed to know how many acres is on every parcel of land and if someone resides there or doesn't reside there? It makes it an impossible task for someone who is an agent of the state. Secondly, the paragraph itself only allows entry onto land for purposes of enforcing the forestry provisions. It limits that and we took out the offensive language on the fact that there basically could never be a trespass. The present statute is consistent. It balances the rights of landowners to have their private land, yet, allows the State of Maine to oversee forestry activities, which are being carried out in the State of Maine. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Gray, Representative Foster.

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. I have probably spent 39 years wandering over the land of other people, both as a state official and in private business. Most of the time I was invited. However, I must admit that occasionally I was uninvited, not being pure and perfect. Not being pure and perfect. This amendment has some merit. I would like to give you an example as to why it does. Several years ago, some official from this government and I am not going to mention any names, essentially went on the land of another person, unbeknownst looking for something. Found it and lo and behold, that individual's land wound up the object of a town ordinance, which limits severely what he can do with his land. That alone is enough to at least get me to wondering about this issue. I know for many years, the State of Maine and its people and its landowners had a very cooperative understanding of the use of land including hunting, fishing and people going on there for reasons of putting out fires or catching people who are maybe violating game laws. We have had lots of laws since those days. Now it is getting tougher and tougher all the time for a landowner to be knowledgeable of all those laws. I can tell you from working with my clients who own land, they are beginning to get more and more concerned about who is coming on their land and for what purpose. It is getting to the point now and some official from the state arrives on your land unannounced, you

begin to wonder why he is there. What law are you breaking? I would advise you to vote for this amendment. Thank you.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I will take a back seat to nobody in this House for protection of private property rights. I have been a strong advocate for those rights all my life. I have had the discussion with the good Representative who is presenting this amendment before us on this issue. It really grieves me that I cannot support this amendment. I said, at that time, that I think it violates the 14th amendment of equal protection under the law. If I have 201 acres, my constitutional rights evaporate. We had a discussion in the Judiciary Committee and I wish we could have had this language on the amendment for everybody because then I can support it. We couldn't do that. We got a unanimous committee report on the language we have. The discussion on the curtilage on the open fields came under the US Constitution and we made the point that Maine's Constitution goes further than the US Constitution in protection of private property. They have a section in there, Article 1, section 5, I will take a little out of it. "No one to search any place." Not premises, any place, which includes your possession of your land.

I agree with the good Representative from Naples that you cannot have something that says you can have constitutional protection up to 200 acres and then that disappears. If I owned 201 or 202 so forth and so on, where is my protection? I urge you to vote against this amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative PAUL: Mr. Speaker, Men and Women of the House. I would like to know if an agent fails to receive permission or obtain a search warrant, what is the penalty for violation?

The SPEAKER PRO TEM: The Representative from Sanford, Representative Paul has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Mr. Speaker, Men and Women of the House. I believe it would be simple trespass. Thank you.

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

Representative MACK: Mr. Speaker, Right Honorable Men and Women of the House. I will try to make myself more noticeable and memorable next time I speak. I will be urging a vote in favor of this amendment. In response to the Right Honorable gentleman from Naples, if a forest warden or someone needs information about the size of the parcel of land or the ownership or if there is a dwelling on that parcel, they can easily go to the town hall like anybody else and find out that information. If there is a good reason to go onto that property, they should either get permission from the landowner or if it is a good reason and they have probable cause, it should be very easy to get a search warrant. Mr. Speaker, I ask that when the vote is taken, that it be taken by the yeas and nays.

Representative MACK of Standish **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-985) to Committee Amendment "A" (H-975)**.

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

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

Representative MCKEE: Mr. Speaker, Men and Women of the House. We also heard this bill in Forestry before it was referred to Judiciary. One of the things that we did point out was that there was a strong need for education. All members of that committee realized that part of our problem is in the lack of good dissemination of what the Forest Practices Act is all about. I even suggested yesterday to the director of the Forest Service that perhaps he needs to go on cable television and try to disseminate some of these rules. We recognize that as being a problem. Just yesterday, in this body, we voted to standardize forestry laws throughout the state making it easier for us to abide by those laws and making it easier for foresters to go in and out of those towns. I think the most compelling reason to deal with this is that there are approximately 10,000 logging or forestry operations in the State of Maine. Each year, the forest service sees approximately 6,000 of those operations. I think it would be a tremendous impracticality for someone who is entering into this property to have to go and get a permit first. Thank you.

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

Representative BUNKER: Mr. Speaker, Men and Women of the House. As the good Representative before me indicated, we had this bill in front of our committee. It became clear through all our testimony that this issue was not an issue that should have been directed toward the Maine Forest Service or the forest enforcement people that we have in the state. The issue of the sponsoring of the people behind the sponsor was basically to fight the constitutional issue and that is why the bill was referred up to the Judiciary Committee. I asked the specific question at that public hearing. I had zero, I repeat zero cites of incidents of where a forest ranger had done something improper. You can imagine what my attitude was about passing a bill when there was no violations out there. This issue came out of, as you well know, the heated debate over the compact and allowed a certain group of people to be able to throw stones and it became very heated and it really drilled up a lot of support and that is where the bill came from. After the public hearing in front of our committee, it became very clear that there was nobody in the State of Maine that was worried that there were tree cops hiding behind their back in the north 40, zero. Passing this would do the opposite of what these two supporters wanted. Everybody in this body heard across this whole state that they said to fully fund the Forest Practices Act. Let's go out there and enforce the existing laws we have and we will fix the world. That is what you heard out of that same group of people that are bringing this bill forward. What is this bill saying? Fully fund the Forest Practices Act and fix the world, but let's cut out the 100,000 small landowners in the State of Maine, which is the other half from being players in enforcement of good forest products in practices. Please don't get tricked. There were zero complaints. The Maine Forest Service indicated they no complaints on any of their people. The Conservation Department told me the same thing, zero complaints and here we are debating a bill to change the law when nothing is broke. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Mr. Speaker, Men and Women of the House. I thank very much the good Representative who spoke in front of me because I probably would have just sat here and not said anything, but I really have to acknowledge what he had said about not one person complaining. I was the originator of this bill and the reason why I originated this bill is because I had many people complaining about the language in the forestry compact, which allowed forestry agents to go on people's property without permission. People were really outraged and yes, there were people who did

call me verbally on the phone and complain about instances, but I had nothing in writing, over and over again people throughout the whole State of Maine. But my concerns are for the people in the small lots. The private property owners that own small lots of lands that deserve to have respect paid to them. I mean, once again, logging is killing it for everybody else. I just don't think that is fair. We are throwing everyone in with the bath water, whatever that expression is. My ancestors came over on the Mayflower. They came over here because they wanted freedom. They wanted their freedoms and they wanted to own property. They wanted to be able to walk out onto their land and say that this is my land. I think you and I deserve to have somebody to come onto our land and say, may I have permission to go on your land? I think that is just being respectful. If there is any justification that there is a problem on that land, I am sure that agent can get on that land if there is a fire or an emergency. I mean, that is common sense. You know they are going to have to go on that land. I wouldn't worry about that. That means we have to get back to where we were and start respecting people. I think this amendment is the right step forward saying to the people of Maine that we respect your rights as individuals. We respect you and that your ability to own land and your own property and that you are safe in not only your house, your car, but if you want to go out in your back yard or you want to go for a walk out in your land, you are safe. That is your property. You should have the right to say whether you would like that person to go tramping through your property at any time or any place. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I have worked 41 years in the forests of the State of Maine. I take that back, 40 years. I was a forester for the Maine Forest Service and later directed the program. Over those years, I don't recall any instances of people who complained about foresters or anthropologists or forest rangers walking over the land. I think we have made a problem out of a non-problem partly because of what was in the compact, the right of entry. We are really carrying this too far. If we go along with this, it will mean that the state people will have to jump through another hoop and it will make it a lot tougher. I recognize the rights of landowners. I am a landowner myself. When I worked for the state, I never remember having a complaint in this regard. I just think that it is really counter-productive at this time.

Also, we seem to be singling out the Bureau of Forestry. There are other state agencies that would be somewhat in the same situation and also municipalities with their code enforcement officers. I don't know why we would be singling out the Bureau of Forestry in this regard. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to address a few things I just heard. My ears are just prickling and burning. In due respect to the good Representative from Farmington, I have never worked for the state for 40 years. I have been one of the people that sit out in the little lands and have to jump through hoops that the state passes on to individual landowners. To say that we shouldn't make the state jump through additional hoops to me is ludicrous. Look at all the hoops we are putting out there for all our landowners to jump through and our business people to jump through. I came down here not to represent state bureaucracy, but to represent the people. We are a government of the people, by the people and for the people. I think we still are, but there is a change that is happening in the forests. We know that. There is a change that is happening in forestry enforcement. We are

moving away from Smoky the Bear and the good guy in the green hat to a state of affairs where our forests are going to be heavily regulated, more than ever before. We are passing all sorts of rules and regulations onto our loggers, our landowners, our forestry people.

If you could have sat in my committee yesterday and heard the list of demands the forest rangers are putting forth, you would have thought the same thing. They are being put in the position where they are now law enforcement officers and now they are going to be down the road, very shortly, trained at the Criminal Justice Academy, be armed and also have bullet proof vests. They also want their trucks to have blue lights and to have the ability to arrest drunken drivers. They are being changed from being service oriented people to be enforcement oriented people. I think given that case, we desperately need to provide balance in the law. As far as the code enforcement officer, they have to already get a warrant. I really think in the case of forest fires or any emergency that there is plenty of precedent there and it has always been known that they can go on lands to put out forest fires, but when it comes to the purpose of a forestry examination or anything else, I really can't see the harm of going to a place, getting a warrant, getting permission or calling up the landowner and saying that I am going to be in your neck of the woods on such and such day. May I have permission to come on your land and examine what you have been doing in your forestry and your harvest. This did go to Judiciary. I think it belonged there because as another good Representative said, this is definitely a huge debate involving case law versus the Constitution. The compact did one thing. It triggered and set up a red flag for some of the language that is already existing in law that I think is broke and we need to fix it.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. As I said previously, it grieves me very deeply, not only to speak against this amendment because I wish it covered everybody, but it also grieves me to debate against some of my good friends on the other side of this issue. I, too, came up to represent the people, not the bureaucracy, but I came up to represent all the people. This amendment does not protect all the people's property rights. It is in violation, I think, of the 14th amendment for equal protection under the law because if somebody has a larger lot, as I said before, the constitutional rights evaporate. I would like to pose a question. For the supporters of this amendment, could you please tell me as a owner of a lot of 101 acres, who I go to for my constitutional property rights?

The SPEAKER PRO TEM: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Men and Women of the House. In answer to that question, if he owned 101 acres, he would be completely covered by my amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Ladies and Gentlemen of the House. I hope we don't lose sight of the fact of what this debate is all about. It is not about forest practices. It is about property rights. We all know that Maine has a long tradition of their natives pleading very strongly in the right to use that property as they see fit. As a matter of fact, I was reading a history book the other night, when Maine separated from Massachusetts in 1820, and Massachusetts and their citizens were very glad to get rid of us because we were so obnoxious

about protecting our property rights, among other things. In fact, we felt so strong about it that in our State Constitution and this has not been mentioned yet this morning, under our Declaration of Rights, Section 1, it specifically says that all people are born equally free and independent. Among those things are defending life and liberty and acquiring, possessing and protecting property. That was written into the first section of the Declaration of Rights of our Constitution. It was there, I am sure, because our forefathers felt so strongly about it back then. We should feel equally as strong about it today. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. When I directed the Forest Management Program back in the 70s, I felt quite strongly about foresters being involved in education. Over the 30 years or so that the Forest Management Program, which started in 1950, it was strictly educational. When the Forest Practices Act came into being, then the foresters started getting involved in the regulatory function. I was sorry to see that happen. The foresters had a dual role of education and a regulatory function I still feel that way today. I guess as far as this amendment would go, it really would be counter-productive. I recognize the rights of landowners and the Constitution and all of that. Anyway, I am not sure about landlock land. If foresters or anthropologists had to enter onto land which is landlocked, in other words, you have to go across somebody's property to get to another lot. You have to go across a couple of properties to get to another lot, then you have to get permission. A lot of the road frontage in southern Maine has been subdivided and the woodlots are in back of the subdivided lots. That would mean that permission would have to be obtained. I guess it will come down to a vote and we will see how people feel. I think it would be counter-productive. As far as forest rangers go with weapons and we may be headed in that direction, I would be the first one to say, as far as forest rangers go, that I would say that, yes, they need to have a search warrant or whatever, for rangers, but not for other personnel. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Mr. Speaker, Colleagues of the House. I just have a few remarks and responses to some of the points made. The last speaker mentioned landlocked parcels. I believe in Maine the courts have been loathe to locked land, especially woodlots. I believe always that courts have ruled that there will be access. I just would like to put this into perspective a little bit here. We all love private property. Some would like to extend it out a little further than others. No state agent can come into your curtilage, I guess it is called, around your buildings, between your house and your barn and maybe so close your barn. It is an arbitrary thing. We all like privacy. We know it is protected by our dear Constitution. Given the points that the Representative from Enfield made, I think they were excellent. More and more of the forest agents are becoming enforcers. They are becoming more like the State Police. They were asked to be armed last time. I can't remember if we passed that or not, but I remember that debate. I think it will probably go on even if they didn't get that right. I would like to put it in this perspective too. Two hundred acres is an extension of the curtilage idea, but do you know what 200 acres is? You have to be living on this for this to take effect. It is just slightly over a quarter of a mile from your house no matter how the land was made up or where your house was situated. When somebody says it would be hard for this agent to find out who the owner is, it probably slightly about from here to the corner of the federal building. Your house would have to be at least that close to the border no matter what the

shape of the parcel is. I submit that it wouldn't be that difficult. What this does is just extend the area of expectation of privacy. Contrary to what some people said, I heard a lot of concern about when the whole forestry thing blew up here a couple, three years ago and people found out there was a clause in there that allows agents to come on your land, they thought it was in the new language, the compact and so forth. People were really upset, but come to find out, it is in the Forest Practices Act and maybe before that. Things are changing and this just extends the expectation of privacy. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Mr. Speaker, Men and Women of the House. There again, it has been stated previously that this came before our committee. We figured it was a legal decision that needed to be made and it was sent to Judiciary. You have heard their report. Again, I am an advocate of private rights and private property, what have you. There is that concern that apparently they feel that this is going to put a workload on the forest rangers and extra work. It delays them and whatever. I really don't have any big problem with that. I think they can handle that with no problem. The only problem that I do have is in a case of emergency and I am not even sure what that emergency would be. Under the same token, I believe in private property rights and I don't think that even though we haven't had this problem that many times, let's put it in black and white and have it be a fact. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative SKOGLUND: Mr. Speaker, Men and Women of the House. The first question I have is does anyone know how close a state official may approach to someone's dwelling without violating the right of privacy now? Secondly, if this should pass, would there have to be some evidence of wrongdoing on the property before any official could obtain a warrant to go on?

The SPEAKER PRO TEM: The Representative from St. George, Representative Skoglund has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Men and Women of the House. The answer to the first question is one that some of the people that would be in favor of this amendment would probably disagree with the process. It is defined, as you heard earlier, by the word curtilage. The Supreme Court and the law courts in the State of Maine have wrestled with this, not in Maine, but at the federal level, have wrestled with the definition of where a person's privacy lies under the Constitution. They have come down with a definition that defines it as curtilage, which has some gray area to it, but is basically defined as normally used area around your residence that you normally use in a day to day activity and any normal person would expect privacy thereof. It is very difficult to draw a circle or tell you that, but if you have a home and a backyard and a barn and an outhouse and whatever, all of the areas within that normally mowed lawn or maybe extending beyond that if you have buildings or whatever, you would have the expectation of privacy within that large circle. That is not to say that somebody can't be on the outside of that circle in the woods or somewhere else, the far hill, and can see what you are doing in your backyard. That is not a violation under the curtilage rule. The way the law reads, if your house is

on Route 1 and you are in the front yard and you happen to have no cloths on, there is really no right of expectation of privacy if somebody can see you from a place they are legally entitled to be. That is a difficult one. It has been defined and redefined over many, many years.

The answer to the second question is, and if I understood the question, was if you were doing something possibly wrong on your property, under Forest Practices in this instance, yes, in order for somebody to go and get a search warrant and be able to come on your property and see if you are in violation of any one of those FDA requirements or any duty they are required to enforce, they would have to have prior knowledge. Basically, in order to apply for a search warrant, I have done more than my share when I was a police officer, I could almost prove you guilty in court easier, in my opinion, than it was to go through the process and get a magistrate to sign it that I had probable cause to come on your property. If it comes from an enforcement point of view, it would be very, very difficult for somebody to be driving by your property and see a skidder operating chainsaws, safety OSHA violations and have any knowledge from a long distance away of whether the muffler was any good or whether the equipment you were wearing were up to specs or whether you were following proper procedures in timber harvesting. This amendment would virtually prohibit enforcement of Forest Practices unless somebody came to them with information prior to it saying that these people are practicing improperly. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Mr. Speaker, Men and Women of the House. Just to follow up on the previous speaker's statement about a curtilage. In 1988, the State Supreme Court, the law court, decided a case, I believe it was State vs. Cloutier. It took place in Oakland, Maine. There was a barking dog complaint. The police officer was driving through this neighborhood at 8:00 in the evening. The fella had his basement light on. Even though the police officer was looking for a barking dog, they said the light is on in the basement at 8:00 at night. He walked up what we call the curtilage and looked in the basement and saw something he thought was unlawful and went to a judge, got a search warrant. He had no probable cause whatsoever. He got that search warrant and the fellow was convicted. It rose to the level of the law court and they decided it is a public way and you can stroll off and peek if you want to. To me, that is an incredible incursion of the privacy because the police officer not only walked up to the house, but he was peeking in the windows at the same time. I guess a rhetorical question to throw out. If they don't need search warrants, who do you shoot on your property? Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-985) to Committee Amendment "A" (H-975). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 475

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Buck, Campbell, Carleton, Chick, Chizmar, Cianchette, Clark, Cross, Dexter, Dunlap, Foster, Gerry, Gieringer, Goodwin, Green, Honey, Jones KW, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McElroy, Meres, Morgan, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Tobin, Treadwell, Tuttle, Underwood, Usher, Vedral, Vigue, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Berry RL, Bolduc, Bouffard, Brennan, Bruno, Bryant, Bull, Bumps, Bunker, Chartrand, Clukey, Colwell, Cowger, Davidson, Desmond, Driscoll, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gooley, Hatch, Jabar, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Lindahl, Mailhot, McAlevey, McKee, Muse, O'Brien, O'Neal, Paul, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stevens, Thompson, Townsend, Tripp, Volenik, Waterhouse, Watson, Wright.

ABSENT - Baker, Brooks, Cameron, Donnelly, Fisk, Kerr, Mitchell JE, O'Neil, True, Madam Speaker.

Yes, 74; No, 67; Absent, 10; Excused, 0.

74 having voted in the affirmative and 67 voted in the negative, with 10 being absent, **House Amendment "A" (H-985) to Committee Amendment "A" (H-975) was ADOPTED.**

**Committee Amendment "A" (H-975) as Amended by House Amendment "A" (H-985) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-975) as Amended by House Amendment "A" (H-985) thereto and sent up for concurrence.**

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

#### SENATE PAPERS

The following Joint Resolution: (S.P. 763)

#### JOINT RESOLUTION COMMEMORATING THE 150TH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF DAMARISCOTTA

WHEREAS, we recall from our earliest journals that Damariscotta is located in the territory deeded by the recorded land transaction from Native American Sachem Samoset to John Brown in 1625; and

WHEREAS, among the settlers to this picturesque Lincoln County town, which lies on the eastern side of the Damariscotta River, were carpenters, shipbuilders, farmers, brick builders and tanners looking for new locations for their enterprises; and

WHEREAS, Damariscotta, the name from the Abnaki tribe meaning "plenty of alewives," was once a vigorous shipbuilding community famous for its swift clippers; and

WHEREAS, Damariscotta, which is now the center of a large vacation region with many attractive shops, restaurants and inns, was incorporated as the 373rd Maine town on March 22, 1848; and

WHEREAS, now, on the eve of 150 years as a town, the proud citizens, descendants and friends of the Town of Damariscotta have joined to pay tribute, not only to a worthy and historic past, but to a bright and challenging future; now, therefore, be it

RESOLVED: That We, the Members of the Senate and the House of Representatives of this 118th Legislature of the State of Maine, now assembled in the Second Regular Session, pause in our deliberations to salute the Town of Damariscotta on the occasion of this, its sesquicentennial year; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and municipal officers of this proud town in honor of the occasion.

Came from the Senate, **READ and ADOPTED.**

**READ.**

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



Representative PIEH: Mr. Speaker, Ladies and Gentlemen of the House. If it looks a little like the 1840s in the gallery today, it is not ghosts of the past coming to check up on us. It is representatives from the Town of Damariscotta that turns 150 years old this week. They are here in costume to share their celebration with us. If you pop down to Damariscotta these days, every man in sight has a beard. We have a beard growing contest just like in the old days and the judging will be this Sunday afternoon on who wins. The Town of Damariscotta was enacted by the Senate and House in July 1847 to be in effect March 1848. The Town of Nobleboro, Bremen and Damariscotta constituted a district represented by William Little of Bremen. Although Damariscotta is 100 years older than I am. I am very proud to be its Representative today. Thank you very much.

**ADOPTED** in concurrence.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 754) (L.D. 2032) Bill "An Act to Permit the Department of Mental Health, Mental Retardation and Substance Abuse Services to Exercise Emergency Receivership Authority for Protection of Individuals Receiving Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-555)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence. **ORDERED SENT FORTHWITH.**

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**BILLS IN THE SECOND READING**

**House as Amended**

Resolve, Regarding Legislative Review of Rules Governing the Implementation of Hypodermic Apparatus Exchange Programs, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1607) (L.D. 2234)  
(C. "A" H-940)

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

On motion of Representative KASPRZAK of Newport, was **SET ASIDE.**

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

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

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

Representative KASPRZAK: Mr. Speaker, Ladies and Gentlemen of the House. I would promise to be brief. I would just encourage you to vote against the pending motion. We were asked last night if this Needle Exchange Program had been tried in other areas. Indeed it has and it has only brought to the east coast, many cities that have tried it, Bridgeport, Connecticut and others, devastation, police not wanting to go near the neighborhoods where the needle exchanges are going on so they wouldn't interrupt the whole process. I don't believe this is a good thing to bring to the State of Maine. I ask you to vote with me to defeat the pending motion. Thank you.

The **SPEAKER PRO TEM:** 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. 476**

**YEA** - Bagley, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Bruno, Bryant, Bull, Bunker, Carleton, Chick, Cianchette, Clark, Colwell, Cowger, Davidson, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Hatch, Jabar, Jones KW, Jones SL, Joyner, Kane, Kerr, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lemont, Lindahl, Lovett, Madore, Mailhot, Mayo, McKee, Meres, Morgan, Murphy, Muse, Nass, O'Neal, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Spear, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, Usher, Vigue, Volenik, Watson, Winglass, Wright.

**NAY** - Ahearne, Barth, Belanger DJ, Belanger IG, Bodwell, Bragdon, Buck, Bumps, Campbell, Chizmar, Clukey, Cross, Desmond, Dexter, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Kasprzak, Lane, Layton, Lemke, MacDougall, Mack, Marvin, McAlevey, McElroy, Nickerson, O'Brien, Ott, Pinkham RG, Pinkham WD, Plowman, Sirois, Snowe-Mello, Stedman, Tobin, Treadwell, Tuttle, Underwood, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

**ABSENT** - Baker, Berry DP, Brooks, Cameron, Chartrand, Donnelly, Dutremble, Fisk, Mitchell JE, O'Neil, True, Winn, Madam Speaker.

Yes, 88; No, 50; Absent, 13; Excused, 0.

88 having voted in the affirmative and 50 voted in the negative, with 13 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended** and sent up for concurrence.

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**ENACTORS**

**Emergency Measure**

An Act to Address the Crisis in Access to Dental Care for Low-income Children

(H.P. 1515) (L.D. 2137)  
(C. "A" H-895)

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

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**Bond Issue**

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$36,985,000 to Match Available Federal Funds for Improvements to Municipal and State Roads, Airports, State Ferry Vessels and Terminals, Transit Facilities and Equipment and Rail and Marine Facilities

(S.P. 611) (L.D. 1812)  
(C. "A" S-510)

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

On motion of Representative DRISCOLL of Calais, **TABLED** pending **PASSAGE TO BE ENACTED** and specially assigned for Monday, March 23, 1998.

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**Acts**

An Act to Encourage the Payment of Delinquent Taxes

(S.P. 606) (L.D. 1803)  
(C. "A" S-513)  
An Act to Modify the Retirement Laws for Certain Law Enforcement Officers

(H.P. 1304) (L.D. 1847)  
(C. "A" H-858; S. "A" S-512)  
An Act to Broaden the Farm Stand Exemption

(S.P. 735) (L.D. 2013)  
(C. "A" S-515)  
An Act to Reduce Technical Violations of Maine's Laws Regarding the Protection of Underground Utilities

(S.P. 747) (L.D. 2025)  
(C. "A" S-507)  
An Act Relating to the Qualifications of the Director of the Bureau of Human Resources

(S.P. 787) (L.D. 2114)  
An Act to Provide for Equitable Taxation of All Financial Institutions

(H.P. 1614) (L.D. 2240)  
(C. "A" H-899)  
An Act to Provide Funding for Law Enforcement and Emergency Medical Services Personnel

(S.P. 860) (L.D. 2276)  
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.

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#### UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-956)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-957)** - Committee on **UTILITIES AND ENERGY** on Resolve, Regarding Legislative Review of Chapter 820: Requirements for Non-Core Utility Activities and Transactions Between Affiliates, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

(H.P. 1611) (L.D. 2237)  
TABLED - March 19, 1998 (Till Later Today) by Representative JONES of Bar Harbor.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-957)** Report.

On motion of Representative JONES of Bar Harbor, **TABLED** pending his motion to **ACCEPT** the **Minority Ought to Pass as Amended** Report and later today assigned.

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HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-906)** - Minority (6) **Ought Not to Pass** - Committee on **UTILITIES AND ENERGY** on Bill "An Act to Require All Regulated Public Utilities to Report to the Public Utilities Commission the Sale, Lease or Other Transfer of Assets Paid for by Ratepayers"

(H.P. 1477) (L.D. 2076)  
TABLED - March 19, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - Motion of Representative JONES of Bar Harbor to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion of Representative JONES of Bar Harbor, **TABLED** pending his motion to **ACCEPT** the **Majority Ought to Pass as Amended** Report and later today assigned.

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Bill "An Act to Encourage Regionalization of Municipal Services"

(H.P. 297) (L.D. 361)  
- In House, Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782)** on February 18, 1998.

- In Senate, Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in **NON-CONCURRENCE** TABLED - March 19, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **FURTHER CONSIDERATION.**

On motion of Representative AHEARNE of Madawaska, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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

(H.P. 1565) (L.D. 2198)  
TABLED - March 19, 1998 (Till Later Today) by Representative SAXL of Portland.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-952).**

Subsequently, **Committee Amendment "A" (H-952)** was **ADOPTED.** The Bill was assigned for **SECOND READING** Monday, March 23, 1998.

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HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-974)** - Committee on **JUDICIARY** on Bill "An Act to Provide for Commitment of Sexually Violent Predators"

(H.P. 1277) (L.D. 1807)  
TABLED - March 19, 1998 (Till Later Today) by Representative THOMPSON of Naples.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

On motion of Representative THOMPSON of Naples, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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Bill "An Act to Amend the Uniform Health Care Decisions Law"

(H.P. 51) (L.D. 76)  
(C. "A" H-942)

TABLED - March 19, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - **PASSAGE TO BE ENGROSSED.**

On motion of Representative KONTOS of Windham, **TABLED** pending **PASSAGE TO BE ENGROSSED** as **Amended** and later today assigned.



Bill "An Act to Require the State to Be Responsible for the Costs of School Employee Record Checks and Fingerprinting" (H.P. 1536) (L.D. 2163)

TABLED - March 19, 1998 (Till Later Today) by Representative KONTOS of Windham.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-976)**.

On motion of Representative SAXL of Portland, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-976)** and later today assigned.

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

**SENATE PAPERS**

The following Joint Resolution: (S.P. 870)

**JOINT RESOLUTION HONORING BISHOP-ELECT  
CHILTON R. KNUDSEN UPON BECOMING THE  
VIIIITH BISHOP OF THE EPISCOPAL  
DIOCESE OF MAINE**

WHEREAS, Bishop-elect Chilton R. Knudsen was ordained as a priest in the Episcopal Church on February 24, 1981; and

WHEREAS, Bishop-elect Chilton R. Knudsen is an admired spiritual leader, whose ministry throughout the years including her tenure as Vicar of the St. Benedict Church in Bolingbrook, Illinois and as Canon for Pastoral Care for the Episcopal Diocese of Chicago have earned her the respect of the members of her congregations and her esteemed colleagues; and

WHEREAS, Bishop-elect Chilton R. Knudsen's responsibilities while serving on the Diocesan Council, the Stewardship Commission, the Mission Strategy Commission and the commissions on racism, mental illness, aging, health and insurance and her duties involving the pastoral care of clergy and clergy families, including crisis ministry, exemplify her dedication, commitment and professionalism; and

WHEREAS, on March 28, 1998, Chilton R. Knudsen will be ordained and consecrated as the Bishop of the Episcopal Diocese of Maine, becoming the VIIIth Bishop and the first woman Bishop of the Episcopal Diocese of Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature now assembled in the Second Regular Session, extend our best wishes to Bishop-elect Chilton R. Knudsen as she assumes her position as the Bishop of the Episcopal Diocese of Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Bishop-elect Chilton R. Knudsen as an expression of our esteem.

Came from the Senate, **READ** and **ADOPTED**.  
**READ** and **ADOPTED** in concurrence.

**ENACTORS**

**Emergency Measure**

An Act Regarding Receivership Authority for Protection of Individuals Receiving Services from the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services

(S.P. 754) (L.D. 2032)  
(C. "A" S-555)

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. 109 voted in favor of the same and

5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

Bill "An Act to Encourage Regionalization of Municipal Services"

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

Which was tabled by Representative AHEARNE of Madawaska pending **FURTHER CONSIDERATION**.

On motion of Representative GAGNON of Waterville the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-989) to Committee Amendment "A" (H-782)**, which was **READ** by the Clerk.

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

Representative GAGNON: Mr. Speaker, Men and Women of the House. Just as a reminder, this is a regionalization bill that I we debated a few weeks ago and passed. What this amendment does is it makes the program a one year demonstration project rather than an ongoing program that requires the administering department report the results of the Joint Standing Committee on State and Local Government once the program is completed with their results to see what we want to do from there. I would appreciate your continued support.

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

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. This is just one more time that we have to consider regionalization. While it is noteworthy that there would be a one year time limit on this and it would come back to the legislative committee of jurisdiction, which I think is a step in the right direction, it is still an attempt to regionalize our state government taking its power and putting it out in the counties and the municipalities and reducing local control. Mr. Speaker, I request a roll call.

Representative JOY of Crystal **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-989) to Committee Amendment "A" (H-782)**.

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

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

Representative GAGNON: Mr. Speaker, Men and Women of the House. Just a reminder that this program doesn't require municipalities to do anything it just provides an opportunity for them and it is an encouragement for them to look to their neighbors in looking for the various municipal services to help get the most value out of taxpayer dollars. It doesn't require or dictate any type of regionalization. It is simply a local decision. Thank you Mr. Speaker.

Representative KASPRZAK of Newport moved that **House Amendment "A" (H-989) to Committee Amendment "A" (H-782) be INDEFINITELY POSTPONED**.

Representative KONTOS of Windham **REQUESTED** a roll call on the motion to

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone House Amendment "A" (H-989) to Committee Amendment "A"

(H-782). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 477**

YEA - Barth, Belanger DJ, Belanger IG, Bodwell, Buck, Campbell, Carleton, Cianchette, Cross, Dexter, Foster, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Lane, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, Ott, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Underwood, Vedral, Waterhouse, Winsor.

NAY - Ahearne, Bagley, Berry DP, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Bruno, Bryant, Bull, Bumps, Bunker, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kneeland, Kontos, LaVerdiere, Lemaire, Lemke, Lemont, Madore, Mailhot, McKee, Morgan, Muse, O'Brien, O'Neal, Paul, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Wright.

ABSENT - Baker, Brooks, Cameron, Clukey, Dutremble, Fisk, Kerr, Mitchell JE, O'Neil, Poulin, True, Vigue, Winn, Madam Speaker.

Yes, 46; No, 91; Absent, 14; Excused, 0.

46 having voted in the affirmative and 91 voted in the negative, with 14 being absent, the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-989) to Committee Amendment "A" (H-782) FAILED.**

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-989) to Committee Amendment "A" (H-782). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 478**

YEA - Ahearne, Bagley, Belanger DJ, Belanger IG, Berry RL, Bigl, Bolduc, Bouffard, Bragdon, Brennan, Bruno, Bryant, Bull, Bumps, Bunker, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Cross, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Gooley, Green, Hatch, Honey, Jabar, Jones KW, Jones SL, Kane, Kneeland, Kontos, Lane, LaVerdiere, Lemaire, Lemke, Lemont, Madore, Mailhot, Mayo, McAlevey, McElroy, McKee, Morgan, Muse, O'Brien, O'Neal, Paul, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vedral, Volenik, Watson, Wheeler EM, Wheeler GJ, Winglass, Wright.

NAY - Barth, Berry DP, Bodwell, Buck, Campbell, Carleton, Cianchette, Dexter, Foster, Gerry, Jones SA, Joy, Joyce, Joyner, Kasprzak, Labrecque, Layton, Lindahl, Lovett, MacDougall, Mack, Marvin, Meres, Murphy, Nass, Nickerson, Ott, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, Underwood, Waterhouse, Winsor.

ABSENT - Baker, Brooks, Cameron, Clukey, Dutremble, Fisk, Kerr, Mitchell JE, O'Neil, Poulin, True, Vigue, Winn, Madam Speaker.

Yes, 97; No, 40; Absent, 14; Excused, 0.

97 having voted in the affirmative and 40 voted in the negative, with 14 being absent, **House Amendment "A" (H-989) to Committee Amendment "A" (H-782) was ADOPTED.**

**Committee Amendment "A" (H-782) as Amended by House Amendment "A" (H-989) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-782) as Amended by House Amendment "A" (H-989) thereto in NON-CONCURRENCE** and sent up for concurrence.

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On motion of Representative SIROIS of Caribou, the House adjourned at 11:48 a.m., until 10:00 a.m., Monday, March 23, 1998.