

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

First Regular Session

December 2, 1998 – May 12, 1999

ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
10th Legislative Day
Tuesday, February 2, 1999

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

Prayer by Father Donald Fowler, Readfield (retired).

Pledge of Allegiance.

Doctor of the day, Robert M. Haile, M.D., Scarborough.

The Journal of Thursday, January 28, 1999 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Decrease the Required Minimum Amounts of Liability Insurance Coverage for Motor Vehicles"

(H.P. 593) (L.D. 833)

REFERRED to the Committee on **TRANSPORTATION** in the House on January 28, 1999.

Came from the Senate **REFERRED** to the Committee on **BANKING AND INSURANCE** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Increase State Funding for the Purchase of School Buses"

(H.P. 522) (L.D. 729)

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in the House on January 26, 1999.

Came from the Senate **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in **NON-CONCURRENCE**.

On motion of Representative SHIAH of Bowdoinham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 29)

**119TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL
115 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 21, 1999

Hon. Joseph W. Mayo

Clerk of the House

State House Station #2

Augusta, ME 04333

Dear Clerk Mayo:

This is to notify you that pursuant to our authority under Joint Rule 501, the members of the Legislative Council representing the majority party appoint Nancy B. Kelleher as Partisan Staff Assistant for Nominations.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/G. Steven Rowe

Speaker of the House

S/Chellie Pingree

Senate Majority Leader

S/Michael V. Saxl

House Majority Leader

S/Anne M. Rand

Assistant Senate Majority Leader

S/David C. Shiah

Majority Whip

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 30)

**SENATE OF MAINE
REPUBLICAN LEADERS OFFICE
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

January 28, 1999

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

This is to notify you that pursuant to our authority under Joint Rule 501, the members of the Legislative Council representing the minority party appoint Roy W. Lenardson as Partisan Staff Assistant for Nominations.

Sincerely,

S/Jane A. Amero

Senate Minority Leader

S/Richard Bennett

Assistant Senate Minority Leader

S/Thomas Murphy

House Minority Leader

S/Richard Campbell

Assistant House Minority Leader

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act to Prohibit the Destruction of Structures in Baxter State Park Without Prior Legislative Approval"

(H.P. 613) (L.D. 853)

Presented by Representative CLARK of Millinocket.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: AHEARNE of Madawaska, DUGAY of Cherryfield, DUNLAP of Old Town, O'NEAL of Limestone, STANLEY of Medway, TRACY of Rome, WHEELER of Bridgewater, WHEELER of Eliot.

Bill "An Act to Improve the Management of the Allagash Wilderness Waterway"

(H.P. 615) (L.D. 855)

Presented by Representative MARTIN of Eagle Lake.

Bill "An Act to Amend the Pulling Event Laws"

(H.P. 623) (L.D. 863)

Presented by Representative CHICK of Lebanon.

Cosponsored by Senator CASSIDY of Washington and Representatives: CIANCHETTE of South Portland, CLARK of Millinocket, NASS of Acton, QUINT of Portland, SHIELDS of Auburn, STEDMAN of Hartland, TUTTLE of Sanford, WHEELER of Eliot.

Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.

Resolve, to Transfer Land in Dennysville

(H.P. 656) (L.D. 912)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Senator CASSIDY of Washington.

Bill "An Act to Ensure Children's Safety from Uncontrolled Dogs"

(H.P. 675) (L.D. 931)

Presented by Representative DAVIS of Falmouth.

Cosponsored by Representatives: GOODWIN of Pembroke, HATCH of Skowhegan, LEMONT of Kittery, McKENNEY of Cumberland, MENDROS of Lewiston.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act Authorizing a General Fund Bond Issue in the Amount of \$7,500,000 to Fund Seat Belts for School Buses"

(H.P. 622) (L.D. 862)

Presented by Representative MENDROS of Lewiston.

Cosponsored by Representatives: BAKER of Bangor, COTE of Lewiston, DUGAY of Cherryfield, GERRY of Auburn, GOODWIN of Pembroke, SHOREY of Calais, Senator: BENOIT of Franklin.

Bill "An Act to Implement the Recommendations of the Coastal Quality Improvement Council"

(H.P. 608) (L.D. 848)

Presented by Representative PEAVEY of Woolwich.

Cosponsored by Representative DAVIDSON of Brunswick, Senator KILKELLY of Lincoln and Representatives: ETNIER of Harpswell, MAYO of Bath, RICHARDSON of Brunswick, RINES of Wiscasset, SCHNEIDER of Durham, TRIPP of Topsham, Senator: SMALL of Sagadahoc.

Bill "An Act to Establish the Expenditure Forecasting Committee"

(H.P. 624) (L.D. 864)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator HARRIMAN of Cumberland and Representatives: DAVIDSON of Brunswick, GAGNON of Waterville, KANE of Saco, MAYO of Bath, SAXL of Portland, TESSIER of Fairfield, THOMPSON of Naples, Senator: MICHAUD of Penobscot.

Bill "An Act to Require Live Answering of Department of Human Services Hot Lines"

(H.P. 632) (L.D. 882)

Presented by Representative POWERS of Rockport.

Cosponsored by Senator CATHCART of Penobscot and Representatives: FULLER of Manchester, KANE of Saco, NASS of Acton, TESSIER of Fairfield, Senator: MITCHELL of Penobscot.

Bill "An Act to Authorize a General Fund Expenditure of \$1,000,000 to Provide Water Safety Zone Marker Buoys for

Maine's Lakes and Ponds for the Facilitation of Compliance with Safe Boating Laws"

(H.P. 637) (L.D. 887)

Presented by Representative DUNLAP of Old Town.

Cosponsored by Senator KILKELLY of Lincoln and Representative: TRUE of Fryeburg.

BANKING AND INSURANCE

Bill "An Act Concerning Certified Nurse Practitioners and Certified Nurse Midwives as Primary Care Providers"

(H.P. 617) (L.D. 857)

Presented by Representative MAYO of Bath.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: CAMERON of Rumford, COLWELL of Gardiner, FULLER of Manchester, McALEVEY of Waterboro, Senators: DOUGLASS of Androscoggin, PINGREE of Knox.

Bill "An Act to Ensure that Persons Issuing Bad Checks are Solely Responsible for Overdraft Charges"

(H.P. 657) (L.D. 913)

Presented by Representative BOUFFARD of Lewiston.

Cosponsored by Representative TUTTLE of Sanford, Senator MILLS of Somerset and Representatives: CHIZMAR of Lisbon, COLWELL of Gardiner, FRECHETTE of Biddeford, GAGNON of Waterville, HEIDRICH of Oxford, MENDROS of Lewiston, SNOWE-MELLO of Poland.

CRIMINAL JUSTICE

Bill "An Act to Create Minimum Education Requirements for Prisoners in the Department of Corrections System"

(H.P. 616) (L.D. 856)

Presented by Representative BAKER of Bangor.

Cosponsored by Senator PARADIS of Aroostook and Representatives: BELANGER of Caribou, BROOKS of Winterport, GREEN of Monmouth, McKEE of Wayne, MUSE of South Portland, SAXL of Bangor, WATSON of Farmingdale, Senator: MILLS of Somerset.

Bill "An Act to Create a Seamless Treatment Plan for the Adult Offender with Substance Abuse Problems" (EMERGENCY)

(H.P. 621) (L.D. 861)

Presented by Representative BAKER of Bangor.

Cosponsored by Senator MILLS of Somerset and Representatives: BRAGDON of Bangor, BROOKS of Winterport, DESMOND of Mapleton, MUSE of South Portland, POVICH of Ellsworth, SAXL of Bangor, SKOGLUND of St. George, WILLIAMS of Orono.

Bill "An Act to Clarify Public Nuisance Descriptions"

(H.P. 627) (L.D. 877)

Presented by Representative COLWELL of Gardiner.

Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: BERRY of Livermore, BOUFFARD of Lewiston, McALEVEY of Waterboro, McDONOUGH of Portland, MUSE of South Portland, NORBERT of Portland, POVICH of Ellsworth, TRACY of Rome.

Bill "An Act to Amend the Concealed Weapons Permit Laws"

(H.P. 653) (L.D. 903)

Presented by Representative WHEELER of Bridgewater.

Cosponsored by Representative: McALEVEY of Waterboro.

Bill "An Act to Require Testing for HIV and Blood-borne Pathogens of All Prisoners in the Maine Correctional System"
(H.P. 658) (L.D. 914)

Presented by Representative SHIELDS of Auburn.
Cosponsored by Representative: BROOKS of Winterport,
Senators: DAVIS of Piscataquis, MITCHELL of Penobscot.

Committee on **CRIMINAL JUSTICE** suggested.

On motion of Representative POVICH of Ellsworth, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Require the State to Be Responsible for the Costs of School Employee Criminal History Records Checks and Fingerprinting"

(H.P. 628) (L.D. 878)

Presented by Representative GREEN of Monmouth.
Cosponsored by Senator KONTOS of Cumberland and
Representatives: BELANGER of Caribou, GAGNE of Buckfield,
JACOBS of Turner, McKEE of Wayne, SULLIVAN of Biddeford,
TRUE of Fryeburg, WATSON of Farmingdale, Senator:
DAGGETT of Kennebec.

Bill "An Act to Enable School Attendance"

(H.P. 629) (L.D. 879)

Presented by Representative BRENNAN of Portland.
Cosponsored by Representatives: BERRY of Livermore, GREEN
of Monmouth, QUINT of Portland, SHIAH of Bowdoinham,
STEVENS of Orono, TOWNSEND of Portland, WATSON of
Farmingdale.

Bill "An Act to Grant the State Board of Education Authority to Appoint the Commissioner of Education"

(H.P. 638) (L.D. 888)

Presented by Representative PINKHAM of Lamoine. (BY REQUEST)

Bill "An Act to Ensure the Efficacy of Learning Results"

(H.P. 659) (L.D. 915)

Presented by Representative SKOGLUND of St. George.
Cosponsored by Representatives: BOLDUC of Auburn, CLARK
of Millinocket, JOY of Crystal, PERKINS of Penobscot,
STEDMAN of Hartland, VOLENIK of Brooklin.

Bill "An Act to Establish the Position of School Nurse Consultant"

(H.P. 676) (L.D. 932)

Presented by Speaker ROWE of Portland.
Cosponsored by President LAWRENCE of York and
Representatives: BAKER of Bangor, BELANGER of Caribou,
FULLER of Manchester, O'BRIEN of Augusta, WATSON of
Farmingdale, Senator: PARADIS of Aroostook.

Bill "An Act to Permit the Submission of Citizens' Initiatives and Citizens' Vetoes to School Districts"

(H.P. 677) (L.D. 933)

Presented by Representative GLYNN of South Portland.
Cosponsored by Representatives: ANDREWS of York, GERRY
of Auburn, MACK of Standish, MENDROS of Lewiston.

HEALTH AND HUMAN SERVICES

Bill "An Act to Increase Access to Health Care for Low-income Maine People"
(H.P. 605) (L.D. 845)

Presented by Representative KANE of Saco.
Cosponsored by Senator MITCHELL of Penobscot and
Representatives: FULLER of Manchester, GAGNON of
Waterville, O'NEIL of Saco, Senator: PARADIS of Aroostook.

Bill "An Act to Require the Department of Human Services to Pay for Child Care for Children of Teen Parents Enrolled in High School"

(H.P. 631) (L.D. 881)

Presented by Representative TESSIER of Fairfield.
Cosponsored by Senator DAGGETT of Kennebec and
Representatives: BOLDUC of Auburn, BROOKS of Winterport,
DUGAY of Cherryfield, GAGNON of Waterville, KANE of Saco,
MAILHOT of Lewiston, POWERS of Rockport, QUINT of
Portland.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Change the Moose Hunting Season to the Last Week of September"

(H.P. 604) (L.D. 844)

Presented by Representative CLARK of Millinocket.
Cosponsored by Representatives: AHEARNE of Madawaska,
DUGAY of Cherryfield, O'NEAL of Limestone, TRACY of Rome,
WHEELER of Bridgewater, Senator: MICHAUD of Penobscot.

Bill "An Act to Allow Elderly License Holders and Children to Fish by Any Method"

(H.P. 606) (L.D. 846)

Presented by Representative SAVAGE of Union.

Bill "An Act to Establish a Lottery for Deer Hunters to Allow a Hunter to Take 2 Deer"

(H.P. 611) (L.D. 851)

Presented by Representative MENDROS of Lewiston.
Cosponsored by Senator MILLS of Somerset and
Representatives: DUGAY of Cherryfield, FOSTER of Gray,
MacDOUGALL of North Berwick, MADORE of Augusta,
McGLOCKLIN of Embden, WHEELER of Eliot, WINSOR of
Norway.

Bill "An Act Concerning the Use of Foot-hold Traps for Coyote in the Unorganized Territory"

(H.P. 614) (L.D. 854)

Presented by Representative CLARK of Millinocket.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: DUGAY of Cherryfield, GOODWIN of
Pembroke, JOY of Crystal, O'NEAL of Limestone, STANLEY of
Medway, TRACY of Rome, WHEELER of Bridgewater.

Bill "An Act to Minimize the Harmful Effects of Lead"

(H.P. 625) (L.D. 875)

Presented by Representative DUNLAP of Old Town.
Cosponsored by Senator DOUGLASS of Androscoggin and
Representatives: CAMERON of Rumford, CHICK of Lebanon,
ETNIER of Harpswell, McKEE of Wayne, ROWE of Portland,

STEVENS of Orono, Senators: KILKELLY of Lincoln, RUHLIN of Penobscot.

Bill "An Act to Expand Deer Hunting Opportunities for Juvenile Hunters"

(H.P. 660) (L.D. 916)

Presented by Representative SHERMAN of Hodgdon.

Cosponsored by Representatives: CLARK of Millinocket, GILLIS of Danforth, PERKINS of Penobscot, SHOREY of Calais, WHEELER of Bridgewater.

JUDICIARY

Bill "An Act to Limit the Adverse Possession Laws"

(H.P. 620) (L.D. 860)

Presented by Representative SKOGLUND of St. George.

Bill "An Act to Increase Public Awareness in Child Protection Cases"

(H.P. 639) (L.D. 889)

Presented by Representative QUINT of Portland.

Cosponsored by Representative: LOVETT of Scarborough.

Submitted by the Department of Human Services pursuant to Joint Rule 204.

Bill "An Act to Ban Partial Birth Abortion Except to Protect the Life or Health of the Mother"

(H.P. 661) (L.D. 917)

Presented by Representative CAMERON of Rumford.

Bill "An Act to Mandate Abortion Reporting Standards"

(H.P. 662) (L.D. 918)

Presented by Representative PLOWMAN of Hampden.

Cosponsored by Senator BERUBE of Androscoggin and Representatives: AHEARNE of Madawaska, JOY of Crystal, MADORE of Augusta, MARTIN of Eagle Lake, MENDROS of Lewiston, WATERHOUSE of Bridgton, Senators: MITCHELL of Penobscot, MURRAY of Penobscot.

Committee on **JUDICIARY** suggested.

On motion of Representative THOMPSON of Naples, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act to Amend the Bail Code to Imprison Violators of Bail"

(H.P. 680) (L.D. 936)

Presented by Representative TOBIN of Dexter.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: CARR of Lincoln, HONEY of Boothbay, LOVETT of Scarborough, McALEVEY of Waterboro, STANLEY of Medway, WHEELER of Bridgewater.

Committee on **JUDICIARY** suggested.

On motion of Representative THOMPSON of Naples, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE**, ordered printed and sent for concurrence.

LABOR

Bill "An Act to Reduce State Employee and Teacher Contributions to the Maine State Retirement System"

(H.P. 607) (L.D. 847)

Presented by Representative SHERMAN of Hodgdon.

Cosponsored by Senator PARADIS of Aroostook and Representatives: BELANGER of Caribou, CHIZMAR of Lisbon, DESMOND of Mapleton, GAGNE of Buckfield, JACOBS of Turner, SULLIVAN of Biddeford, WHEELER of Bridgewater, WHEELER of Eliot.

Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed for Less than 6 Months"

(H.P. 630) (L.D. 880)

Presented by Representative BAKER of Bangor.

Cosponsored by Senator PARADIS of Aroostook and Representatives: ANDREWS of York, DESMOND of Mapleton, DUPLESSIE of Westbrook, HATCH of Skowhegan, McKEE of Wayne, SKOGLUND of St. George, WATSON of Farmingdale, Senator: MURRAY of Penobscot.

Bill "An Act to Transfer Responsibilities of the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities to the Statewide Independent Living Council"

(H.P. 642) (L.D. 892)

Presented by Representative HATCH of Skowhegan.

Cosponsored by Senator MILLS of Somerset.

Submitted by the Department of Labor pursuant to Joint Rule 204.

Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers"

(H.P. 663) (L.D. 919)

Presented by Representative SAMSON of Jay.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BELANGER of Caribou, BERRY of Livermore, BRYANT of Dixfield, HATCH of Skowhegan, MATTHEWS of Winslow, McKEE of Wayne, Senators: CATHCART of Penobscot, MILLS of Somerset.

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Institute Wild Number Beano"

(H.P. 610) (L.D. 850)

Presented by Representative PERKINS of Penobscot. (BY REQUEST)

Bill "An Act to Decrease the Time by Which Rent Is Considered Late"

(H.P. 635) (L.D. 885)

Presented by Representative CHIZMAR of Lisbon.

Cosponsored by Representatives: LABRECQUE of Gorham, TRUE of Fryeburg, TUTTLE of Sanford.

Bill "An Act to Require Proof of Liquor Liability Insurance Upon Demand by a Municipality" (EMERGENCY)

(H.P. 648) (L.D. 898)

Presented by Representative LEMOINE of Old Orchard Beach.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: BAGLEY of Machias, BOUFFARD of Lewiston, FRECHETTE of Biddeford, GAGNON of Waterville, MAILHOT of Lewiston, O'NEIL of Saco, TUTTLE of Sanford.

Bill "An Act to Establish a Part-time Liquor License"

(H.P. 649) (L.D. 899)

Presented by Representative HONEY of Boothbay.
Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: BELANGER of Caribou, BUCK of Yarmouth, GOOLEY of Farmington, MACK of Standish, PERKINS of Penobscot, SKOGLUND of St. George, STANWOOD of Southwest Harbor, TOBIN of Dexter.

Bill "An Act to Create a Lottery Ticket to Reduce Hunger in Maine"

(H.P. 664) (L.D. 920)

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator KONTOS of Cumberland and Representatives: BROOKS of Winterport, COLWELL of Gardiner, GAGNON of Waterville, LOVETT of Scarborough, McNEIL of Rockland, MITCHELL of Vassalboro, RICHARDSON of Brunswick, Senator: TREAT of Kennebec.

MARINE RESOURCES

Bill "An Act to Regulate Anchors Used in Elver Fishing"

(H.P. 603) (L.D. 843)

Presented by Representative SAVAGE of Union.
Cosponsored by Representatives: POWERS of Rockport, SKOGLUND of St. George.

Bill "An Act Regarding Lobster Trap Escape Vent Dimensions"

(H.P. 609) (L.D. 849)

Presented by Representative VOLENIK of Brooklin.
Cosponsored by Representatives: BAGLEY of Machias, DUGAY of Cherryfield, GOODWIN of Pembroke, LEMONT of Kittery, McNEIL of Rockland, PINKHAM of Lamoine, STANWOOD of Southwest Harbor.

Bill "An Act to Establish Lobster Hatcheries"

(H.P. 636) (L.D. 886)

Presented by Representative VOLENIK of Brooklin.
Cosponsored by Representatives: DUGAY of Cherryfield, GOODWIN of Pembroke, HONEY of Boothbay.

Bill "An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements"

(H.P. 651) (L.D. 901)

Presented by Representative VOLENIK of Brooklin.
Cosponsored by Representative: GOODWIN of Pembroke.

NATURAL RESOURCES

Bill "An Act to Opt Out of the Requirement to Use Reformulated Gas" (EMERGENCY)

(H.P. 665) (L.D. 921)

Presented by Representative GOODWIN of Pembroke.
Cosponsored by Representatives: DAIGLE of Arundel, DUGAY of Cherryfield, TRIPP of Topsham.

STATE AND LOCAL GOVERNMENT

Resolve, to Study Outdated, Contradictory and Unenforced Laws

(H.P. 612) (L.D. 852)

Presented by Representative CAMPBELL of Holden.
Cosponsored by Senator CAREY of Kennebec and Representatives: BROOKS of Winterport, KNEELAND of

Easton, PERKINS of Penobscot, Senators: CASSIDY of Washington, FERGUSON of Oxford, MILLS of Somerset.

Bill "An Act to Require that the State Planning Office Report to the Committee on State and Local Government"

(H.P. 619) (L.D. 859)

Presented by Representative CLARK of Millinocket.
Cosponsored by Senator LIBBY of York and Representatives: DUGAY of Cherryfield, DUNLAP of Old Town, GOODWIN of Pembroke, JOY of Crystal, O'NEAL of Limestone, STANLEY of Medway, TRACY of Rome, WHEELER of Bridgewater.

Bill "An Act to Establish Thresholds for Delegated Purchasing Authorities and Requirements for Competitive Bidding"

(H.P. 641) (L.D. 891)

Presented by Representative AHEARNE of Madawaska.
Cosponsored by Senator KILKELLY of Lincoln and Representative: BUMPS of China.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act to Amend the Laws Relating to Notaries Public"

(H.P. 643) (L.D. 893)

Presented by Representative BAGLEY of Machias.
Cosponsored by Senator PENDLETON of Cumberland and Representatives: BROOKS of Winterport, GOODWIN of Pembroke, LEMOINE of Old Orchard Beach, SANBORN of Alton.
Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act to Reestablish the Municipal Boundary between Pownal and Durham"

(H.P. 650) (L.D. 900)

Presented by Representative BULL of Freeport.
Cosponsored by Senator KONTOS of Cumberland and Representative: SCHNEIDER of Durham, Senator: DOUGLASS of Androscoggin.

Bill "An Act to Extend the Penobscot County Budget Committee"

(H.P. 667) (L.D. 923)

Presented by Representative FISHER of Brewer.
Cosponsored by Senator RUHLIN of Penobscot and Representatives: CAMPBELL of Holden, DUNLAP of Old Town, PERRY of Bangor, TOBIN of Dexter, Senator: MICHAUD of Penobscot.

Bill "An Act to Require That a Harbor Master be Appointed by the Municipal Officers"

(H.P. 668) (L.D. 924)

Presented by Representative SKOGLUND of St. George.
Cosponsored by Representatives: BOLDUC of Auburn, PINKHAM of Lamoine.

Bill "An Act to Provide Term Limits for the Secretary of the Senate and the Clerk of the House of Representatives"

(H.P. 654) (L.D. 904)

Presented by Representative MURPHY of Kennebec.
Cosponsored by Senator BENNETT of Oxford and Representative: CAMPBELL of Holden, Senator: AMERO of Cumberland.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

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

Bill "An Act to Provide Computers for Use in the Legislature" (EMERGENCY)

(H.P. 666) (L.D. 922)

Presented by Representative GERRY of Auburn.

Cosponsored by Senator RAND of Cumberland and Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, LaVERDIERE of Wilton, McDONOUGH of Portland, MENDROS of Lewiston, RICHARDSON of Brunswick, Senator: PINGREE of Knox.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

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

TAXATION

Bill "An Act to Increase the Premium on Liquor"

(H.P. 633) (L.D. 883)

Presented by Representative GREEN of Monmouth. (BY REQUEST)

Cosponsored by Representatives: BRENNAN of Portland, McKEE of Wayne, POWERS of Rockport.

Bill "An Act to Amend the Captive Insurance Company Laws with Respect to Taxation"

(H.P. 640) (L.D. 890)

Presented by Representative DUDLEY of Portland.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Bill "An Act to Streamline Sales and Use Tax Reporting"

(H.P. 645) (L.D. 895)

Presented by Representative SNOWE-MELLO of Poland.

Cosponsored by Senator FERGUSON of Oxford and Representatives: BUCK of Yarmouth, DUNCAN of Presque Isle, GLYNN of South Portland, HEIDRICH of Oxford, JONES of Pittsfield, MacDOUGALL of North Berwick, MACK of Standish, PLOWMAN of Hampden.

Bill "An Act to Extend the Management Plan Requirement for Forest Owners under the Maine Tree Growth Tax Law" (EMERGENCY)

(H.P. 647) (L.D. 897)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator MILLS of Somerset and Representatives: BROOKS of Winterport, CARR of Lincoln, GILLIS of Danforth, MURPHY of Kennebunk, WHEELER of Bridgewater, WILLIAMS of Orono, Senators: KILKELLY of Lincoln, LIBBY of York.

Bill "An Act to Exempt Watercraft That Are Not Used from the Watercraft Excise Tax"

(H.P. 670) (L.D. 926)

Presented by Representative SKOGLUND of St. George.

Cosponsored by Representatives: BUCK of Yarmouth, HONEY of Boothbay.

Bill "An Act to Establish Property Tax Relief for the State's Senior Citizens"

(H.P. 671) (L.D. 927)

Presented by Representative SCHNEIDER of Durham.

Cosponsored by Senator MILLS of Somerset and Representatives: BUCK of Yarmouth, CIANCHETTE of South Portland, DAVIDSON of Brunswick, DAVIS of Falmouth, LEMONT of Kittery, MURPHY of Berwick, SNOWE-MELLO of Poland.

Bill "An Act to Allow Sales Tax Collectors to Keep a Portion of Revenue Collected for the State"

(H.P. 672) (L.D. 928)

Presented by Representative LEMONT of Kittery.

Cosponsored by Representatives: CAMERON of Rumford, CAMPBELL of Holden, CIANCHETTE of South Portland, MACK of Standish, McKENNEY of Cumberland, McNEIL of Rockland, MENDROS of Lewiston, MURPHY of Berwick.

Bill "An Act to Prohibit Tax Revenues from Being Diverted from the Unorganized Territories"

(H.P. 678) (L.D. 934)

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: CAMPBELL of Holden, CARR of Lincoln, CROSS of Dover-Foxcroft, JODREY of Bethel, MENDROS of Lewiston, PINKHAM of Lamoine, STEDMAN of Hartland, WHEELER of Bridgewater.

Bill "An Act to Set Penalties for the Late Filing of the Tree Growth Tax Reimbursement"

(H.P. 679) (L.D. 935)

Presented by Representative STEDMAN of Hartland.

Cosponsored by Representatives: BERRY of Belmont, JODREY of Bethel, JOY of Crystal, KASPRZAK of Newport, RICHARDSON of Greenville.

Bill "An Act to Increase Eligibility for the Elderly Low-cost Drug Program" (EMERGENCY)

(H.P. 618) (L.D. 858)

Presented by Representative McNEIL of Rockland.

Cosponsored by Senator AMERO of Cumberland and Representatives: CIANCHETTE of South Portland, COLLINS of Wells, GERRY of Auburn, MAYO of Bath, PLOWMAN of Hampden, POWERS of Rockport, TRUE of Fryeburg, Senator: PINGREE of Knox.

Committee on **TAXATION** suggested.

On motion of Representative GAGNON of Waterville, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act to Create a Superlien for Condominium Association Assessments"

(H.P. 669) (L.D. 925)

Presented by Representative LEMOINE of Old Orchard Beach.

Committee on **TAXATION** suggested.

On motion of Representative GAGNON of Waterville, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

TRANSPORTATION

Bill "An Act to Increase Sanctions for Passing School Buses that Have Red Lights Flashing"

(H.P. 634) (L.D. 884)

Presented by Representative POWERS of Rockport.

Cosponsored by Representatives: CHIZMAR of Lisbon, MUSE of South Portland, POVICH of Ellsworth, SANBORN of Alton.

Bill "An Act to Require Identification for Hearing Impaired Persons"

(H.P. 646) (L.D. 896)

Presented by Representative SNOWE-MELLO of Poland. (BY REQUEST)

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BOUFFARD of Lewiston, BROOKS of Winterport, COLLINS of Wells, FOSTER of Gray, MacDOUGALL of North Berwick, O'BRIEN of Augusta, PLOWMAN of Hampden, SHIELDS of Auburn.

Bill "An Act to Limit Load Weights on State Roads"

(H.P. 652) (L.D. 902)

Presented by Representative POWERS of Rockport.

Bill "An Act to Require Reflectors on the Front of Utility Trailers"

(H.P. 673) (L.D. 929)

Presented by Representative STANLEY of Medway.

Cosponsored by Representatives: BRYANT of Dixfield, CARR of Lincoln, CLARK of Millinocket, DUPLESSIE of Westbrook, RINES of Wiscasset, Senator: DAVIS of Piscataquis.

UTILITIES AND ENERGY

Bill "An Act to Amend the Renewable Portfolio Standard to Promote Maine's Renewable Energy Facilities"

(H.P. 626) (L.D. 876)

Presented by Representative COLWELL of Gardiner.

Cosponsored by Senator MILLS of Somerset and Representatives: BAGLEY of Machias, FRECHETTE of Biddeford, JOY of Crystal, MENDROS of Lewiston, O'NEIL of Saco, SAXL of Portland, WHEELER of Eliot, Senator: NUTTING of Androscoggin.

Bill "An Act to Facilitate Price Comparisons for Utility Service"

(H.P. 644) (L.D. 894)

Presented by Representative BERRY of Belmont.

Cosponsored by Senator KONTOS of Cumberland and Representatives: BRYANT of Dixfield, COLWELL of Gardiner, DAVIDSON of Brunswick, DUNCAN of Presque Isle, LaVERDIERE of Wilton, McGLOCKLIN of Embden, ROSEN of Bucksport, SAVAGE of Buxton.

Submitted by the Office of Public Advocate pursuant to Joint Rule 204.

JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT AND EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Provide Research Internship Opportunities for Teachers and Students"

(H.P. 674) (L.D. 930)

Presented by Representative LEMONT of Kittery.

Cosponsored by Senator MacKINNON of York and Representatives: BELANGER of Caribou, HONEY of Boothbay, MURPHY of Berwick, ROWE of Portland, SCHNEIDER of Durham, STEVENS of Orono, Senator: KONTOS of Cumberland.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ORDERS

On motion of Representative DAIGLE of Arundel, the following Joint Order: (H.P. 655)

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources is authorized to establish a stakeholder's group to explore options and alternatives to MTBE and reformulated gasoline.

READ and PASSED.

Sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative GAGNON from the Committee on **TAXATION** on Bill "An Act to Provide a Tuition Exemption for Certain State Residents"

(H.P. 100) (L.D. 113)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent for concurrence.

ENACTORS

Emergency Measure

An Act to Make Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1999

(H.P. 36) (L.D. 50)

(C. "A" H-18)

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

The **SPEAKER**: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I would like to commend the Appropriations Committee. They followed a process that was open communication. There was an early seeking out of common ground. They built a budget which respected each parties priorities. As we look at priorities within this supplemental budget, we see the BETR Program. The increase which addresses an unfair local tax. It encourages reinvestment, modernization. It has as its goal making Maine businesses more competitive by expanding the possibility of employment and in many cases saving jobs. It also in a small tiny little step addresses that chipping away of that unfunded liability of the Maine State Retirement System. A priority for us with seniors within this supplemental budget on the provisions for the home-based health care and the Alzheimer funding.

There is some money that is uncommitted within this budget. There are \$1.7 million cuts and \$1.2 million from not raising the rainy day from 5 percent to 6 percent. We have addressed probably one of the last paying the bills, paying the shifting costs to other levels of government with reimbursement for county corrections. I think at this point there has been a party that hasn't been invited to the table yet. That would be the Maine taxpayers. There is almost \$13 million set aside out of this \$33 million supplemental budget. As we now begin to fund part I and part II regular budget, I would like to see every member of this House, both parties, look at that \$13 million as money that is squirreled away, a first small step in terms of getting money back to the taxpayers. If you follow the news, Maine economists are revising their projections of the income growth or the income gains for the average Mainer. If you saw on the news the other night, while spending was real strong nationally in December, consumers nationally did that by going into debt and going to their savings. If there ever has been a need in our economy allowing citizens to keep their money and to reinvest that money into the Maine economy, this is the time.

I think as we look at this \$13 million and we look at the part I and part II budget, we really need to redefine tax relief, direct tax relief, not just moving dollars around from one level of government to another government, but eliminating a tax and not collecting the money in the first place or reducing the tax. The other concern as we start part I and part II a \$4.5 billion budget is too much for the Maine people. I think as we address this next step after this first step of the supplemental budget, we need to reduce that cost. We need to rearrange the priorities within that budget to the common ground areas that are developing already. We need to stop the practice of tax relief being defined as robbing Peter to pay Paul. We need to put money to allow money to remain in the local economy.

I commend the committee. They did excellent work. They worked together. They understood that building a budget requires respecting each sides priority. I would encourage you to support the supplemental budget today. Mr. Speaker, I ask when the vote is taken, I request a roll call.

Representative MURPHY of Kennebunk **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I am pleased to add my voice to the chorus of those supporting this supplemental budget. I, too, as Democratic Leader in the House, want to compliment the bipartisan effort of the Appropriations Committee to spend less and do more than the Chief Executive in his supplemental budget. This is a great beginning for this upcoming session. As we did it two years ago, I hope that this bill passes overwhelmingly on the floor of the House today. Again, I want to thank the Republican and Democratic members of the Appropriations Committee and hope that this is a base upon which we can build a solid budget this next session.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to somewhat support what the members of leadership on both sides of aisle have said. Understanding that members of leadership, regardless of party, are always just half right. I would like to indicate to you some concerns that I have

about this supplemental budget. It was something that Representative Murphy eluded to when he talked about how we are starting to get it right in terms of how we are addressing the issue of returning some of the money that we overtaxed the citizens of this state, back to them immediately. I have been around here long enough to understand and I must admit that it has taken me a while to do this, but regardless of whether you are on that side of the aisle or this, on most of the major issues we agree. Where we disagree is the method by which we get there. My concern with this supplemental budget is as we have done in the last several budgets, we have delayed the implementation of any kind of a significant reduction in taxes. If we look at the revenues coming into this state in the last four years, it is unprecedented. Yet every attempt we have made to make significant reductions in taxes hasn't really happened. It hasn't happened, I think, because we have always found other priorities. I realize there were priorities in prior years. We fixed the gimmicks in state government that have long hounded us. We have started generously funding public education, something that is long overdue. Something that we keep putting aside every time that we have a budget is some kind of a commitment to return taxes to the people that pay them.

My concern with this supplemental budget is, let me give you a couple of examples. We are now starting to add back massive numbers of public employees in the Department of Revenue Services in this supplemental budget. There is a proposal to add 53 new positions in the Department of Revenue Services. The problem I have with that is if you look at the budget that we will be voting on in two or three months, there is an additional 30 or 35 people added to that list. I can tell you right now that when the Executive Branch comes to us with their request for that budget, they are going to say, you already funded most of this in the supplemental budget and it is not as many positions as we asked for in that budget, so it is part of that ongoing program, so we need you to fund it. This is the trap that we continue to fall in for one reason or another, particularly with supplemental budgets. We don't have time for some thoughtful debate on these issues.

I would submit to you that I would be more comfortable with a supplemental budget that just dealt with items that had to be addressed between now and the end of the fiscal year. That will give us time on both sides of the aisles to look at what I consider significant amount of money that we have available to either spend or give back in tax reductions, but lets have the time so that we can thoroughly debate those particular issues before we commit ourselves now to the programs outlined in the supplemental budget. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 9

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Chizmar, Cianchette, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Glynn, Gooley, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl,

MacDougall, Madore, Mailhot, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Buck, Carr, Clough, Gerry, Gillis, Goodwin, Joy, Kasprzak, Mack, Marvin, Pinkham, Shields, Trahan.

ABSENT - Gamache, Green, Lovett, Martin, Perry, Plowman, Tracy.

Yes, 131; No, 13; Absent, 7; Excused, 0.

131 having voted in the affirmative and 13 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, January 28, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

COMMUNICATION - Governor's nomination of James W. Tracy as a member of the State Harness Racing Commission (S.P. 264)

- In Senate, **READ** and **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

TABLED - January 28, 1999 (Till Later Today) by Representative PIEH of Bremen.

PENDING - **REFERENCE** in concurrence.

Subsequently, the Communication was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State"

(H.P. 587) (L.D. 827)

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested)

TABLED - January 28, 1999 (Till Later Today) by Representative TOWNSEND of Portland.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

Bill "An Act to Amend the Law Regarding the Evaluation of Juvenile Sex Offenders"

(H.P. 571) (L.D. 811)

(Committee on **JUDICIARY** suggested)

TABLED - January 28, 1999 (Till Later Today) by Representative BULL of Freeport.

PENDING - **REFERENCE**.

On motion of Representative THOMPSON of Naples, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE**, ordered printed and sent for concurrence.

Bill "An Act to Require Counties to be Reimbursed for Medical Expenses Incurred by Prisoners from Other Jurisdictions"

(H.P. 575) (L.D. 815)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

TABLED - January 28, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

Bill "An Act to Revise Maine's Trespass Laws"

(H.P. 531) (L.D. 738)

(Committee on **CRIMINAL JUSTICE** suggested)

TABLED - January 28, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **CRIMINAL JUSTICE**, ordered printed and sent for concurrence.

On motion of Representative SIROIS of Caribou, the House adjourned at 4:03 p.m., until 10:00 a.m., Wednesday, February 3, 1999.