

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
16th Legislative Day
Thursday, February 18, 1999

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

Prayer by Reverend Robert Beaumont, Penney Memorial Church, Augusta.

Pledge of Allegiance.

Doctor of the day, Sue St. Pierre, D.O., Bangor.

The Journal of Tuesday, February 16, 1999 was read and approved.

SENATE PAPERS

Bill "An Act to Amend the Laws Governing the Aroostook Water and Soil Management Board and to Provide Funding for a Low-flow Study"

(S.P. 430) (L.D. 1267)

Bill "An Act to Clarify the Authority of the Maine Milk Commission" (EMERGENCY)

(S.P. 451) (L.D. 1326)

Bill "An Act to Simplify the Collection of Fees for the Maine Dairy Promotion Board and Maine Dairy Nutrition Council" (EMERGENCY)

(S.P. 460) (L.D. 1335)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

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

Bill "An Act to Implement the Recommendations of the Wage Fairness Task Force"

(S.P. 438) (L.D. 1275)

Bill "An Act to Appropriate Additional Funding for Court-appointed Counsel"

(S.P. 442) (L.D. 1317)

Bill "An Act to Increase Long-term Health Care Options"

(S.P. 446) (L.D. 1321)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act Relating to Uninsured Vehicle Coverage"

(S.P. 421) (L.D. 1258)

Bill "An Act to Ensure Affordable Access to Gynecological Services Provided by Nurse Practitioners"

(S.P. 448) (L.D. 1323)

Came from the Senate, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** in concurrence.

Bill "An Act to Offer Reciprocity Concerning Concealed Firearms Permits"

(S.P. 423) (L.D. 1260)

Bill "An Act to Create a Penalty for the Intentional Transmission of a Sexually Transmitted Disease"

(S.P. 445) (L.D. 1320)

Bill "An Act Concerning Corrections Employees"

(S.P. 455) (L.D. 1330)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE** in concurrence.

Bill "An Act to Require the Training of School Personnel Who Administer Medications"

(S.P. 424) (L.D. 1261)

Bill "An Act to Ensure Fairness in Calculating the Income Factor in the School Funding Formula"

(S.P. 426) (L.D. 1263)

Bill "An Act to Ensure Freedom of Speech and Association on Campus"

(S.P. 427) (L.D. 1264)

Bill "An Act To Improve Indoor Air Quality in Schools"

(S.P. 432) (L.D. 1269)

Bill "An Act to Apply the Approval Procedures in Municipal Charters to Locally Funded School Construction Projects"

(S.P. 454) (L.D. 1329)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act to Provide Child Care Subsidies for Families Who Lose Coverage under the Temporary Assistance to Needy Families Program"

(S.P. 433) (L.D. 1270)

Bill "An Act to Ensure the Availability of Home-based Care"

(S.P. 447) (L.D. 1322)

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

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

Bill "An Act Regarding the Shooting of Domestic Animals"

(S.P. 453) (L.D. 1328)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act to Prohibit Hunting Animals in Enclosed Areas"
(S.P. 457) (L.D. 1332)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act to Eliminate the Need for a Foster Home License for Adoptive Parents"

(S.P. 449) (L.D. 1324)

Bill "An Act to Provide Fairness to Victims of Medical Malpractice"

(S.P. 450) (L.D. 1325)

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

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act to Increase the Minimum Wage in Maine"
(S.P. 425) (L.D. 1262)

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

REFERRED to the Committee on **LABOR** in concurrence.

Bill "An Act to Regulate Push Polling"
(S.P. 420) (L.D. 1257)

Bill "An Act to Discourage Consumption of Alcohol by Minors"

(S.P. 422) (L.D. 1259)

Bill "An Act to Amend the Treatment of Security Deposits Upon the Sale of a Building"

(S.P. 443) (L.D. 1318)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act to Encourage Municipal and State Partnerships Concerning the Issuance of Aquaculture Leases"

(S.P. 441) (L.D. 1316)

Bill "An Act to Strengthen Enforcement of Lobster Trap Limits"

(S.P. 452) (L.D. 1327)

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

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

Resolve, to Direct the Governor to Establish a Commission to Recommend to the Governor Candidate Designs for the Maine State Quarter to be Submitted to the United States Mint
(S.P. 444) (L.D. 1319)

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Promote Historic and Scenic Preservation

(S.P. 429) (L.D. 1266)

Bill "An Act to Provide Equal Treatment in the Taxation of Public Pensions"

(S.P. 431) (L.D. 1268)

Bill "An Act to Ensure the Proper Taxation of Low-energy Fuels"

(S.P. 434) (L.D. 1271)

Bill "An Act to Adjust the Forest Fire Suppression Tax"
(S.P. 435) (L.D. 1272)

Bill "An Act to Extend the Machinery and Equipment Exemption to Sales and Leaseback Transactions"

(S.P. 437) (L.D. 1274)

Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY)

(S.P. 440) (L.D. 1277)

Bill "An Act to Allow Local Option Excise Taxes on Vehicles"

(S.P. 456) (L.D. 1331)

Bill "An Act to Establish a Personal Property Tax on Truck Tractors, Trailers and Semitrailers Registered in this State"

(S.P. 458) (L.D. 1333)

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

REFERRED to the Committee on **TAXATION** in concurrence.

Bill "An Act to Amend the Charter of the Tenants Harbor Standard Water District" (EMERGENCY)

(S.P. 428) (L.D. 1265)

Bill "An Act to Encourage Utility Efficiency"
(S.P. 436) (L.D. 1273)

Bill "An Act Relating to Utilities and Affiliated Interests"
(S.P. 439) (L.D. 1276)

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

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

COMMUNICATIONS

The Following Communication: (H.C. 36)
**DEPARTMENT OF DEFENSE, VETERANS & EMERGENCY
MANAGEMENT
OFFICE OF THE COMMISSIONER
CAMP KEYES
AUGUSTA, MAINE 04333**

February 11, 1999
The Honorable Mark W. Lawrence
President of the Senate
3 State House Station
Augusta, Maine 04333-0003
The Honorable G. Steven Rowe
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear President Lawrence and Speaker Rowe,
Pursuant to the reporting requirements included in the Armory
Capital Repair legislation (37-B MRSA 154), the following
information is provided:

Attachment 1: Anticipated Activities, 1999, 2000
Attachment 2: Detailed Summary of Repairs, 1997, 98

The availability of these one-time revenues has enabled the
Department to decrease our extensive backlog of repairs.
Questions should be directed to Mr. Joseph Tinkham, Deputy
Commissioner, at 626-4224.

Thank you for your continued support of the Maine National
Guard.

Sincerely,
S/Earl L. Adams
Major General
Commissioner

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

The Following Communication: (S.C. 56)
**THE SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

February 16, 1999
The Honorable G. Steven Rowe
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Rowe:

In accordance with Joint Rule 506, please be advised that the
Senate today confirmed, upon the recommendation of the Joint
Standing Committee on Natural Resources, the nomination of
Roger K. Berle of Portland for appointment to the Land For
Maine's Future Board.

Thank you for your attention to this matter.
Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 57)
**THE SENATE OF MAINE
OFFICE OF THE SECRETARY**

**3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

February 16, 1999
The Honorable G. Steven Rowe
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Rowe:

In accordance with Joint Rule 506, please be advised that the
Senate today confirmed, upon the recommendation of the Joint
Standing Committee on Business and Economic Development,
the nominations of Gena Canning of Portland, Mary B. Hatch of
North Anson and David M. Carlisle of Bangor for appointment to
the Finance Authority of Maine.

Thank you for your attention to this matter.

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

READ and **ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

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

Resolve, to Encourage Replanting of Hardwood Trees
(H.P. 1005) (L.D. 1416)

Presented by Representative SIROIS of Caribou.

Cosponsored by Representatives: AHEARNE of Madawaska,
DESMOND of Mapleton, O'NEAL of Limestone, TESSIER of
Fairfield, WHEELER of Bridgewater, Senators: MICHAUD of
Penobscot, PARADIS of Aroostook.

Bill "An Act Concerning Blueberry Growing Practices"
(H.P. 1007) (L.D. 1418)

Presented by Representative SIROIS of Caribou.

Cosponsored by Representatives: AHEARNE of Madawaska,
DESMOND of Mapleton, O'NEAL of Limestone, SKOGLUND of
St. George, STANLEY of Medway, WHEELER of Bridgewater,
Senator: PARADIS of Aroostook.

Bill "An Act to Require All Landowners in LURC's
Jurisdiction to Be Notified of Regulatory Restrictions"
(H.P. 1009) (L.D. 1420)

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: CROSS of Dover-Foxcroft,
JODREY of Bethel, O'NEAL of Limestone, PERKINS of
Penobscot, PINKHAM of Lamoine, STANLEY of Medway,
STEDMAN of Hartland, TRAHAN of Waldoboro.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Implement the Recommendations of the
Joint Committee on Substance Abuse"

(H.P. 962) (L.D. 1360)

Presented by Representative BRENNAN of Portland.

Cosponsored by Senator DAGGETT of Kennebec and
Representatives: DAVIDSON of Brunswick, MURPHY of

Kennebunk, O'BRIEN of Augusta, PIEH of Bremen, SAVAGE of Buxton, TOWNSEND of Portland, WILLIAMS of Orono, Senator: PARADIS of Aroostook.

Bill "An Act to Establish Fair Funding for Independent and 3rd-Party Legislators"

(H.P. 991) (L.D. 1389)

Presented by Representative MENDROS of Lewiston.
Cosponsored by Senator DAVIS of Piscataquis and Representatives: BUCK of Yarmouth, COLLINS of Wells, DUDLEY of Portland, FOSTER of Gray, GOODWIN of Pembroke, MacDOUGALL of North Berwick, MACK of Standish, TRIPP of Topsham.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative TOWNSEND of Portland, **TABLED** pending **REFERENCE** and later today assigned.

BANKING AND INSURANCE

Bill "An Act to Require Insurance Coverage for the Treatment of Infertility" (EMERGENCY)

(H.P. 1013) (L.D. 1424)

Presented by Representative MUSE of South Portland.
Cosponsored by Senator RAND of Cumberland and Representatives: BULL of Freeport, STEVENS of Orono.

CRIMINAL JUSTICE

Bill "An Act to Increase the Requirement that Drugs be Confiscated from 48 Hours to One Year"

(H.P. 963) (L.D. 1361)

Presented by Representative SCHNEIDER of Durham.
Cosponsored by Representatives: MACK of Standish, MARVIN of Cape Elizabeth.

Bill "An Act to Transfer Responsibility for Youth Corrections from the Department of Corrections to the Department of Human Services"

(H.P. 971) (L.D. 1369)

Presented by Representative TOWNSEND of Portland.
Cosponsored by Senator PENDLETON of Cumberland and Representatives: BRENNAN of Portland, CHIZMAR of Lisbon, KANE of Saco, MARTIN of Eagle Lake, QUINT of Portland, Senators: MICHAUD of Penobscot, PARADIS of Aroostook, PINGREE of Knox.

Bill "An Act to Require That Both the Northern Maine Regional Juvenile Detention Facility and the Maine Youth Center Receive Detainees"

(H.P. 984) (L.D. 1382)

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Representatives: CHIZMAR of Lisbon, MUSE of South Portland, O'BRIEN of Augusta, TOBIN of Dexter, WHEELER of Bridgewater.

Resolve, to Establish a Police Cadet Program for the State Police

(H.P. 988) (L.D. 1386)

Presented by Representative TUTTLE of Sanford.

Bill "An Act to Amend Juvenile Corrections Laws and to Establish a Juvenile Records Repository"

(H.P. 1002) (L.D. 1400)

Presented by Representative POVICH of Ellsworth.
Cosponsored by Representatives: McALEVEY of Waterboro, MUSE of South Portland.
Submitted by the Department of Corrections pursuant to Joint Rule 204.

Bill "An Act to Amend the Definition of Firearms to Include Paint Guns"

(H.P. 1010) (L.D. 1421)

Presented by Representative NASS of Acton.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Amend the Law Regarding Conflict of Interest"

(H.P. 956) (L.D. 1354)

Presented by Representative BELANGER of Caribou.
Cosponsored by Representative: DESMOND of Mapleton, Senators: PENDLETON of Cumberland, SMALL of Sagadahoc.
Submitted by the Department of Education pursuant to Joint Rule 204.

Bill "An Act to Require the Coordination of School Calendars"

(H.P. 975) (L.D. 1373)

Presented by Representative BERRY of Livermore.
Cosponsored by Representatives: KNEELAND of Easton, MARTIN of Eagle Lake, Senator: MICHAUD of Penobscot.

Bill "An Act to Promote School Achievement"

(H.P. 999) (L.D. 1397)

Presented by Representative BRENNAN of Portland.

HEALTH AND HUMAN SERVICES

Bill "An Act to Protect Citizens from the Detrimental Effects of Tobacco"

(H.P. 951) (L.D. 1349)

Presented by Representative ETNIER of Harpswell.
Cosponsored by Senator PINGREE of Knox and Representatives: BELANGER of Caribou, BRUNO of Raymond, KANE of Saco, ROWE of Portland, Senators: AMERO of Cumberland, GOLDTHWAIT of Hancock, LAWRENCE of York, MILLS of Somerset.
Submitted by the Department of Human Services pursuant to Joint Rule 204.

Bill "An Act to Increase the Availability of Glucose Screenings"

(H.P. 965) (L.D. 1363)

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator TREAT of Kennebec.

Bill "An Act to Give a Caretaker the Same Temporary Assistance for Needy Families as a Custodial Parent"

(H.P. 974) (L.D. 1372)

Presented by Representative MENDROS of Lewiston.
Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BROOKS of Winterport, CLOUGH of Scarborough, DESMOND of Mapleton, FOSTER of Gray,

MacDOUGALL of North Berwick, SNOWE-MELLO of Poland, TRIPP of Topsham, Senator: PARADIS of Aroostook.

Cosponsored by Representatives: CHIZMAR of Lisbon, MENDROS of Lewiston, TRUE of Fryeburg.

Bill "An Act to Ensure Access to Long-term Care Services for Persons with Dementia"

Bill "An Act to Establish an Exemption from Horsepower Limitations on Lower Range Pond to Allow an Annual One-day Waterskiing Tournament"

(H.P. 980) (L.D. 1378)

(H.P. 1008) (L.D. 1419)

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator PARADIS of Aroostook and Representatives: BROOKS of Winterport, COLWELL of Gardiner, DUGAY of Cherryfield, KANE of Saco, SNOWE-MELLO of Poland, Senators: GOLDTHWAIT of Hancock, KILKELLY of Lincoln, TREAT of Kennebec.

Presented by Representative SNOWE-MELLO of Poland.
Cosponsored by Representatives: CHIZMAR of Lisbon, CLOUGH of Scarborough, FOSTER of Gray, HEIDRICH of Oxford, JODREY of Bethel, SHIELDS of Auburn.

Bill "An Act Concerning Due Process Regarding Certified Nursing Assistants"

JUDICIARY

Bill "An Act to Allow the State to Initiate Default Proceedings in Order to Obtain Forfeited Assets When the Defendant Fails to Appear in a Court Proceeding"

(H.P. 995) (L.D. 1393)

(H.P. 964) (L.D. 1362)

Presented by Representative SAXL of Bangor.
Cosponsored by Senator CATHCART of Penobscot and Representatives: BROOKS of Winterport, CHIZMAR of Lisbon, FULLER of Manchester, HATCH of Skowhegan, O'NEAL of Limestone, PIEH of Bremen, Senator: KILKELLY of Lincoln.

Presented by Representative SCHNEIDER of Durham.

Bill "An Act to Amend the Maine Health Data Organization Statutes"

Bill "An Act Regarding the Collection of Child Support by Custodial Parents"

(H.P. 1003) (L.D. 1401)

(H.P. 973) (L.D. 1371)

Presented by Representative FULLER of Manchester.
Cosponsored by Senator MITCHELL of Penobscot and Representatives: BRUNO of Raymond, KANE of Saco, SHIELDS of Auburn, Senator: PARADIS of Aroostook.
Submitted by the Maine Health Data Organization pursuant to Joint Rule 204.

Presented by Representative MENDROS of Lewiston.
Cosponsored by Senator MITCHELL of Penobscot and Representatives: BROOKS of Winterport, BUCK of Yarmouth, COLLINS of Wells, DESMOND of Mapleton, GERRY of Auburn, MacDOUGALL of North Berwick, McNEIL of Rockland, TRIPP of Topsham.

Bill "An Act to Provide Prejudgment and Post-judgment Interest in Small Claims Actions"

(H.P. 977) (L.D. 1375)

Presented by Representative COWGER of Hallowell.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Ensure a Fair Distribution of Hunting Permits"

Bill "An Act Requiring Notice to Be Given to Alleged Perpetrators"

(H.P. 970) (L.D. 1368)

(H.P. 1011) (L.D. 1422)

Presented by Representative SCHNEIDER of Durham.
Cosponsored by Senator DAVIS of Piscataquis and Representatives: FOSTER of Gray, JOY of Crystal, MADORE of Augusta, MARVIN of Cape Elizabeth, PERKINS of Penobscot, TRAHAN of Waldoboro.

Presented by Representative PIEH of Bremen.

Bill "An Act to Reduce the Age at which a Maine Citizen May Obtain a Free Fishing and Hunting License and to Provide Free Licenses for Military Personnel"

(H.P. 972) (L.D. 1370)

Presented by Representative JACOBS of Turner.
Cosponsored by Representatives: GAGNE of Buckfield, GOODWIN of Pembroke, HEIDRICH of Oxford, O'NEAL of Limestone, SCHNEIDER of Durham, SHIAH of Bowdoinham, TUTTLE of Sanford, TWOMEY of Biddeford.

LABOR

Bill "An Act to Exclude Intentional Tort Claims from the Application of the Maine Workers' Compensation Act of 1992"

(H.P. 952) (L.D. 1350)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, FRECHETTE of Biddeford, GOODWIN of Pembroke, MATTHEWS of Winslow, SAMSON of Jay, TRACY of Rome.

Bill "An Act to Facilitate Moose Hunting Permits for Active Military Personnel"

(H.P. 989) (L.D. 1387)

Presented by Representative COWGER of Hallowell. (BY REQUEST)

Bill "An Act to Require that Members of the Workers' Compensation Board be Subject to Review by the Joint Standing Committee on Labor"

(H.P. 953) (L.D. 1351)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, FRECHETTE of Biddeford, GOODWIN of Pembroke, MATTHEWS of Winslow, SAMSON of Jay, TRACY of Rome.

Bill "An Act to Expand Hunting Options for Disabled Military Veterans"

(H.P. 992) (L.D. 1390)

Presented by Representative BRAGDON of Bangor.

Bill "An Act to Ensure That All Employees Receive Full Workers' Compensation Benefits"

(H.P. 954) (L.D. 1352)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, FRECHETTE of Biddeford, GOODWIN of Pembroke, MATTHEWS of Winslow, TRACY of Rome.

Bill "An Act to Amend the Workers' Compensation Laws as They Pertain to Wage Statements"

(H.P. 955) (L.D. 1353)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, GOODWIN of Pembroke, SAMSON of Jay, TRACY of Rome.

Resolve, to Create a Commission to Study the Hearing Process of the Workers' Compensation Board (EMERGENCY)

(H.P. 959) (L.D. 1357)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, FRECHETTE of Biddeford, GOODWIN of Pembroke, MATTHEWS of Winslow, SAMSON of Jay, TRACY of Rome.

Bill "An Act to Promote Stability in Labor Management Relations in the Public Sector"

(H.P. 960) (L.D. 1358)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, FRECHETTE of Biddeford, GOODWIN of Pembroke, MATTHEWS of Winslow, SAMSON of Jay, TRACY of Rome.

Bill "An Act to Make the Unemployment Compensation Program More Responsive to the Needs of Today's Workforce and to Ensure the Solvency of the Unemployment Compensation Trust Fund"

(H.P. 961) (L.D. 1359)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator CATHCART of Penobscot and Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, FRECHETTE of Biddeford, GOODWIN of Pembroke, MATTHEWS of Winslow, SAMSON of Jay.

Bill "An Act to Amend the Retirement Benefit Qualifications for Department of Corrections Employees"

(H.P. 978) (L.D. 1376)

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Senator PENDLETON of Cumberland and Representatives: CHIZMAR of Lisbon, MUSE of South Portland, O'BRIEN of Augusta, SHERMAN of Hodgdon, TOBIN of Dexter, USHER of Westbrook, WHEELER of Bridgewater, Senator: MURRAY of Penobscot.

Resolve, Directing the Department of Labor to Establish Standards for Providing Heat in Buildings

(H.P. 979) (L.D. 1377)

Presented by Representative BOLDUC of Auburn.

Cosponsored by Representatives: CHIZMAR of Lisbon, JACOBS of Turner, WILLIAMS of Orono.

Bill "An Act Promoting Technology in Business Recordkeeping"

(H.P. 985) (L.D. 1383)

Presented by Representative BRAGDON of Bangor.
Cosponsored by Representatives: BOLDUC of Auburn, BUMPS of China, MARVIN of Cape Elizabeth, MENDROS of Lewiston, SHOREY of Calais.

MARINE RESOURCES

Bill "An Act to Simplify the Licensing of Seafood Dealers in the State"

(H.P. 1001) (L.D. 1399)

Presented by Representative VOLENIK of Brooklin.

Bill "An Act to Create a Senior Lobster and Crab Fishing License"

(H.P. 1006) (L.D. 1417)

Presented by Representative HONEY of Boothbay.
Cosponsored by Senator KILKELLY of Lincoln and Representatives: PIEH of Bremen, PINKHAM of Lamoine, RINES of Wiscasset.

NATURAL RESOURCES

Bill "An Act to Allow Game Wardens to Approve Beaver Dam Removal"

(H.P. 958) (L.D. 1356)

Presented by Representative SHERMAN of Hodgdon.
Cosponsored by Representatives: GILLIS of Danforth, JODREY of Bethel, JOY of Crystal, TREADWELL of Carmel.

Resolve, Establishing a Commission to Study the Future Use and Reclamation of Number One Pond in Sanford

(H.P. 997) (L.D. 1395)

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator MacKINNON of York and Representatives: AHEARNE of Madawaska, CAMERON of Rumford, CLARK of Millinocket, DAIGLE of Arundel, DUPLESSIE of Westbrook, MARTIN of Eagle Lake, WHEELER of Eliot, Senator: LIBBY of York.

Bill "An Act to Prohibit a Municipality from Being Penalized by the State for Lacking a Comprehensive Plan"

(H.P. 957) (L.D. 1355)

Presented by Representative MACK of Standish.
Cosponsored by Senator DAVIS of Piscataquis and Representatives: BERRY of Belmont, CROSS of Dover-Foxcroft, JONES of Pittsfield, JOY of Crystal, TOBIN of Dexter, WESTON of Montville.

Committee on **NATURAL RESOURCES** suggested.

On motion of Representative MARTIN of Eagle Lake, **TABLED** pending **REFERENCE** and later today assigned.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Require Pollution Prevention as a Criterion for Awarding State Contracts"

(H.P. 968) (L.D. 1366)

Presented by Representative COWGER of Hallowell.
Cosponsored by Representatives: HATCH of Skowhegan,
WATSON of Farmingdale, Senator: TREAT of Kennebec.

Bill "An Act Regarding Notification to Parties Affected by
Marine Construction"
(H.P. 969) (L.D. 1367)
Presented by Representative ETNIER of Harpswell.

Bill "An Act Regarding Municipal Firearm Discharge
Ordinances"
(H.P. 981) (L.D. 1379)
Presented by Representative POVICH of Ellsworth.
Cosponsored by Representatives: BRYANT of Dixfield, COTE of
Lewiston, DUNLAP of Old Town, TRACY of Rome, TRUE of
Fryeburg, Senator: KIEFFER of Aroostook.

TAXATION

Bill "An Act to Amend the Procedures under the So-called
Circuit Breaker Program" (EMERGENCY)
(H.P. 967) (L.D. 1365)
Presented by Representative PERKINS of Penobscot. (BY
REQUEST)

Bill "An Act to Create a Sales Tax Exemption for Child
Abuse and Neglect Councils"
(H.P. 976) (L.D. 1374)
Presented by Representative BRAGDON of Bangor.
Cosponsored by Representatives: BAKER of Bangor, BROOKS
of Winterport, CIANCHETTE of South Portland, MACK of
Standish, O'BRIEN of Augusta, SNOWE-MELLO of Poland.

Bill "An Act Providing a Tax Credit for Private School
Tuition"
(H.P. 982) (L.D. 1380)
Presented by Representative MACK of Standish.
Cosponsored by Representatives: DUNCAN of Presque Isle,
GLYNN of South Portland, GOODWIN of Pembroke, JOY of
Crystal, MENDROS of Lewiston, PINKHAM of Lamoine,
WESTON of Montville, Senator: AMERO of Cumberland.

Bill "An Act to Promote the Sale of Traditional
Passamaquoddy Crafts"
(H.P. 986) (L.D. 1384)
Presented by Representative SOCTOMAH of the
Passamaquoddy Tribe.
Cosponsored by Representatives: DESMOND of Mapleton,
GOODWIN of Pembroke, LORING of the Penobscot Nation,
SCHNEIDER of Durham, SHOREY of Calais, SIROIS of
Caribou.

Bill "An Act to Amend the Sales and Use Tax Law
Regarding the Food Service and Lodging Industries"
(H.P. 990) (L.D. 1388)
Presented by Representative COWGER of Hallowell.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: CLARK of Millinocket, COLLINS of Wells,
FISHER of Brewer, FULLER of Manchester, McNEIL of
Rockland, PERRY of Bangor, POWERS of Rockport, SHOREY
of Calais.

TRANSPORTATION

Bill "An Act to Make the Use of Halogen Lights on Motor
Vehicles Illegal"
(H.P. 983) (L.D. 1381)

Presented by Representative BOLDOC of Auburn. (BY
REQUEST)
Cosponsored by Representatives: CHIZMAR of Lisbon, JACOBS
of Turner, WILLIAMS of Orono.

Bill "An Act to Allow Emergency Medical Technicians to
Draw Blood Samples for Alcohol Analysis"
(H.P. 987) (L.D. 1385)

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator: KILKELLY of Lincoln.
Committee on **TRANSPORTATION** suggested.
On motion of Representative JABAR of Waterville, the Bill
was **REFERRED** to the Committee on **HEALTH AND HUMAN
SERVICES**, ordered printed and sent for concurrence.

Bill "An Act Concerning the Lapse of Automobile
Insurance"
(H.P. 994) (L.D. 1392)

Presented by Representative HEIDRICH of Oxford.
Cosponsored by Representative AHEARNE of Madawaska and
Representatives: MAYO of Bath, McKENNEY of Cumberland,
SNOWE-MELLO of Poland, TUTTLE of Sanford, Senator:
FERGUSON of Oxford.

Committee on **TRANSPORTATION** suggested.
On motion of Representative JABAR of Waterville, the Bill
was **REFERRED** to the Committee on **BANKING AND
INSURANCE**, ordered printed and sent for concurrence.

Bill "An Act to Limit the Idling Time for Diesel Motor
Vehicles"
(H.P. 996) (L.D. 1394)

Presented by Representative POWERS of Rockport.
Cosponsored by Representatives: BULL of Freeport, GAGNE of
Buckfield, JABAR of Waterville, McKEE of Wayne, SAVAGE of
Union.

Committee on **TRANSPORTATION** suggested.
On motion of Representative JABAR of Waterville, the Bill
was **REFERRED** to the Committee on **NATURAL
RESOURCES**, ordered printed and sent for concurrence.

UTILITIES AND ENERGY

Bill "An Act to Provide for the Collection of Storm Water in
the City of Hallowell"
(H.P. 966) (L.D. 1364)

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator TREAT of Kennebec.

Bill "An Act to Amend the Charter of the Dover-Foxcroft
Water District"
(H.P. 993) (L.D. 1391)

Presented by Representative CROSS of Dover-Foxcroft.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: BUMPS of China, CARR of Lincoln, JONES of
Pittsfield, NUTTING of Oakland, RICHARDSON of Greenville,
SHIELDS of Auburn, TOBIN of Dexter, TREADWELL of Carmel.

Bill "An Act Relating to Contractual Obligations of Electric Utilities after Restructuring"

(H.P. 998) (L.D. 1396)

Presented by Representative USHER of Westbrook.

Cosponsored by Representatives: BOLDUC of Auburn, LaVERDIERE of Wilton, TRACY of Rome.

Bill "An Act to Secure Environmental and Economic Benefits from Electric Utility Restructuring"

(H.P. 1000) (L.D. 1398)

Presented by Representative DAVIDSON of Brunswick.

Cosponsored by Senator CAREY of Kennebec and Representatives: BRYANT of Dixfield, COLWELL of Gardiner, ETNIER of Harpswell, ROWE of Portland, SAVAGE of Buxton, SAXL of Portland.

Bill "An Act to Create the Telemarketing Registration and Fraud Prevention Act"

(H.P. 1004) (L.D. 1402)

Presented by Representative AHEARNE of Madawaska.

Cosponsored by Representatives: BOLDUC of Auburn, ETNIER of Harpswell, GERRY of Auburn, McALEVEY of Waterboro, STANLEY of Medway, WHEELER of Eliot, Senators: PARADIS of Aroostook, SMALL of Sagadahoc.

Bill "An Act to Revise the Staffing and Resources of the Office of Public Advocate"

(H.P. 1012) (L.D. 1423)

Presented by Representative DAVIDSON of Brunswick.

Cosponsored by Representatives: BERRY of Belmont, COLWELL of Gardiner, Senators: CAREY of Kennebec, KONTOS of Cumberland, MITCHELL of Penobscot. Submitted by the Office of Public Advocate pursuant to Joint Rule 204.

ORDERS

On motion of Representative GAGNE of Buckfield, the following House Order: (H.O. 12)

ORDERED, that Representative Gerald N. Bouffard of Lewiston be excused February 16th and February 18th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph E. Clark of Millinocket be excused February 16th and February 18th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roger D. Frechette of Biddeford be excused February 16th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Glenys P. Lovett of Scarborough be excused February 2nd, February 4th and February 9th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Julie Ann O'Brien of Augusta be excused January 28th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Earl E. Richardson of Greenville be excused February 9th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John G. Richardson, Jr. of Brunswick be excused February 16th and February 18th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert E. Stanwood of Southwest Harbor be excused February 3rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Daniel B. Williams of Orono be excused February 9th for personal reasons.

READ and PASSED.

CONSENT CALENDAR

First Day

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

(S.P. 60) (L.D. 130) Bill "An Act to Prevent Children from Acquiring Gunpowder" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 161) (L.D. 223) Bill "An Act to Release Estate Tax Liens on Certain Real Estate" Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 544) (L.D. 765) Bill "An Act to Make Materiality a Jury Issue Relative to the Crime of Perjury" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 545) (L.D. 766) Bill "An Act to Clarify the Criminal Code Relative to Strict Liability Crimes" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 570) (L.D. 791) Bill "An Act to Clarify Sentencing Alternatives Involving Probation and Unconditional Discharge Under the Criminal Code" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

BILLS IN THE SECOND READING

House

Bill "An Act to Repeal the Law Requiring Retailers to Post Motor Vehicle Fuel Prices"

(H.P. 339) (L.D. 455)

Reported by the Committee on **Bills in the Second Reading** and read the second time.

On motion of Representative O'NEAL of Limestone, **TABLED** pending **PASSED TO BE ENGROSSED** and later today assigned.

ENACTORS

Resolves

Resolve, to Name the Bridge Between Bath and Woolwich the Sagadahoc Bridge

(S.P. 97) (L.D. 236)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, 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 Tuesday, February 16, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Resolve, to Allow Lawsuit Against the State of Maine
(H.P. 448) (L.D. 611)

- In House, **REFERRED** to the Committee on **JUDICIARY** on January 26, 1999.

- In Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

TABLED - February 16, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - FURTHER CONSIDERATION.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Bill "An Act Providing for Regulation of the Uses of Surface Waters within or Affecting Passamaquoddy Territory"

(H.P. 898) (L.D. 1255)

(Committee on **INLAND FISHERIES AND WILDLIFE** suggested)

TABLED - February 16, 1999 (Till Later Today) by Representative DUNLAP of Old Town.

PENDING - REFERENCE.

On motion of Representative DUNLAP of Old Town, **TABLED** pending **REFERENCE** and later today assigned.

JOINT ORDER - Relative to establishing a Commission to Study the Statewide Redemption of Returnable Containers

(H.P. 921)

TABLED - February 16, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - PASSAGE.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (4) **Ought to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Prohibit Public Broadcasting Stations from Auctioning Alcoholic Beverages"

(H.P. 116) (L.D. 147)

TABLED - February 16, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. The bill before you today appeals the section of the alcoholic beverage law which permits a public broadcasting station to accept gift certificates from a brewery, winery or wholesaler for the purposes of an auction. Current law requires that the bureau be notified of any donation to a public broadcasting station, which shall include a description of a donation, the estimated value and the state of which the donation was made. Current law also requires that the station ensure that the recipient of the donated item is 21 years of age

or older. We heard much testimony at the public hearing on this issue.

As many of you are aware, this issue was before us last year. The proponents feel the issue of minors having access to alcohol is a serious issue and that the state should do all it can to prohibit youth access, even if it hurts someone's profit margin. Also, auctioning alcoholic beverages on television sends the wrong message. They feel as many of you do here from other testimony, they consider it inconsistent in the law against the advertising of alcoholic beverages being prohibited. If we are going to ban advertising, we must ban the sale through auction as well. Also the proponents of this bill feel similar to states by banning casinos for gambling, but supporting a state lottery. We also received testimony at the public hearing that this bill, if passed, would negatively impact the number of small micro-breweries and family owned wineries throughout the state. We had testimony from many areas of the state from the small Maine companies and they expressed their concerns. Opponents to this bill said it is crucial for the Maine Public Broadcasting Company to maximize public and private fundraising, auction proceeds from beer and wine, campus certificates are relatively low in dollar amount. They feel that any small amount can significantly add to helping Maine Public Broadcasting.

As many of us are aware, Maine Public Broadcasting has put thoughtful consideration policies governing the auction of these products, such as eliminating what they call the superlative description of the product and announcing the item for auction only after 10 p.m. at night to name just a few. Maine Public Broadcasting Company is required to prove that the recipient of the gift certificate is at least 21 years of age and also one such certificate is granted if the person would have to go through the facility to receive the product, they would also have to present identification of age 21. For a small business, such as a local winery, this auction provides advertising that would be otherwise available. Wineries, breweries, etc., have worked with Maine Public Broadcasting to ensure youth do not have access to the product distributed in this way.

Mr. Speaker, men and women of the House, this is not a partisan issue. I ask that you listen to the debate and vote your conscience. Thank you.

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. I ask you to follow my light and reject the pending motion. In the previous Legislature, we had a lengthy debate on the law in question. LD 147 would repeal the law that permits broadcasting stations to auction alcoholic beverages. What is the law? I believe my good friend from Sanford gave us a description, but I will go over it again.

Under current law, a licensed brewery, winery or wholesaler may donate a gift certificate to purchase this product through a broadcasting station for the purpose of an auction. The bureau must be notified in writing of any donation and must include a description of the donation, the estimated value and the date it was donated. The public broadcasting station must ensure that the recipient of the item is 21 years of age or older. It sounds simple enough. No actual alcohol is being auctioned and there is an age verification clause.

There is a problem, allowing the auction of alcohol, even in the form of gift certificates, while not permitting the auction of tobacco products, yes, that is right, tobacco products, could lead to court action of even an introduction of legislation to permit the

auction of tobacco products. This double standard is unwise at best. By accepting the pending motion, what message is this Legislature sending? It sends the message that Maine is not serious about drinking problems. It contradicts the emphasis on preventing OUI. It contradicts the efforts to curb underage drinking. It implies that money comes first. Allowing the option of alcohol and not tobacco products implies that alcohol is less of a health risk than tobacco.

In a series of articles by the *Maine Sunday Telegram* and the *Portland Press Herald*, they outline the issue of alcohol and its effects on Maine. What really caught my interest was the articles on minors and alcohol. Figures compiled in 1997 by the Maine Office of Substance Abuse showed that the young binge drink. That is consume at least five drinks in a row more than kids throughout the Northeast and often the rest of the country. When asked, 27 percent of Maine 10th graders said they had binged in the past two weeks compared to 22 percent of other 10th graders in New England. In the 12th grade, 35 percent of Maine kids had binged in the past two weeks compared to 31 percent in the Northeast and 30 percent elsewhere in the country. These statistics are startling to say the least. This is why I firmly believe that any means to restrict or firmly control the access of alcohol by minors should be taken.

I feel that by allowing broadcasting stations to auction alcoholic beverages, even with gift certificates, sends the wrong message, especially to our youth. We should value the health and well being of all Mainers, even if that means a cut to somebody's profit margin. I ask you to reject the pending motion. Mr. Speaker, when the vote is taken, I request the yeas and nays.

Representative AHEARNE of Madawaska **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Mr. Speaker, Men and Women of the House. I, too, rise to urge that this motion be defeated. I listened to the debate on the Legal and Veterans Affairs Committee when it came up. It bothers me that we are allowing a state supported entity to advertise even if it is after 10 p.m., beer and wine. The total take for this part of their auction, ladies and gentlemen, is slightly in excess of \$1,400 on an auction that takes in in excess of \$100,000. Really, how important is it for the Maine Public Broadcasting to need this income? I urge you to follow my light and that of Representative Ahearne and others who feel that it is about time that Maine Public Broadcasting no longer be allowed to advertise beer and wine at any time during their public auction. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I find myself in a difficult situation rising in opposition to my good friend from Madawaska, Representative Ahearne. I rise today in support of this legislation, the Majority Ought Not to Pass Report. I represent a winery in York who does donate to the public broadcasting systems from time to time. It uses this as a form of advertising for his business. He has a very small winery. He doesn't get a lot of chances to advertise throughout the State of Maine because of the laws the way they are. With this, it is a chance for him to get his name out. We regulate small businesses

enough around here. By not allowing him to auction off wine on public broadcasting stations, it is just another regulation that will hurt his small business.

During the public hearing when the commissioner was asked if he had any problems or complaints about this, he said, "No. Everything is working just fine the way it is going." Let's leave it the way it is and support the pending motion, the Majority Ought Not to Pass. Thank you.

Representative LINDAHL of Northport **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. Let my crystallize this issue for you, if I could. This is not about whether you like alcohol or dislike alcohol. It is also not about public TV. What it is about is the consistent state enforcement policy regarding alcohol. Many of you are parents and I would dare say that if you don't have a consistent enforcement policy in your home, your children will let you know about it. There is no other entity in this state that is allowed to auction off alcohol to the highest bidder from an unlicensed facility. A vote for this is a vote for consistent alcohol policy. I urge you to follow Representative Ahearne's light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, rise today to ask you to oppose the Majority Report. I was on the commission. We just received something on our desks this morning from the Maine Association of Substance Abuse Programs outlining the legislation that will be coming to us during this session as a result of the report of the Task Force on Substance Abuse. I was a member of that task force. We, as a result of the aforementioned *Portland Press Herald* articles on alcohol and alcohol abuse in Maine, we have found this to be an enormous, enormous problem. As you recall, those of you who were here before recall this was a long, long debate last time. I spoke on it. I was chided for my love of public TV and the public auctions, but we won't get into that. To me, it is a matter strictly of \$1,500 coming from alcohol sales on a state subsidized entity. To me, it is strictly hypocrisy. Thank you.

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

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, urge you to support the good Representative from Madawaska, Representative Ahearne, and his position on this. I think it is sending a very inconsistent message about advertising alcohol and alcoholic beverages on television. We have some very strong laws in that regard. To allow a public broadcasting station the ability to advertise for a small brewery is really inconsistent. I urge you to follow the good Representative from Madawaska's light. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Briefly, at the public hearing we received a memo from Maine Public Broadcasting that I would like to share with you.

Last year when speaking on behalf of a bill now being considered for repeal, we spoke about Maine Public Broadcasting's need to maximize its private fundraising by

seeking support from the entire Maine community. We were also assured that Maine Public Broadcasting Board of Trustees would consider this question carefully, which they did at the two meetings. Accepting a written policy on the subject at their January session. This policy is conservative and more restrictive than the legislation, Mr. Speaker. Prior to the last auction, although we have built relationships with breweries and wineries and wholesalers, they have been limited in their ability to contribute in the same manner as the thousands of other businesses that participate in the auction each year. Although the numbers are not large, they are not insignificant. For the 1998 auction these 30 items, as have been mentioned, are worth approximately \$1,800. From about 10 different donors, Maine Public Broadcasting received a total, as Representative Mayo told you, I believe the figure was \$1,423 for bid for sale.

As specified in the policy, they do not sell merchandise, but only certificates for the purchase, as I mentioned before. It requires an individual who is 21 years of age to produce identification twice. These certificates may only be auctioned on air after 10 p.m.

In closing, they feel the sale of these certificates is a valid way for them, as a business, to support public broadcasting as they do for other public TV auctions. As I mentioned before, we did receive a number of communications from a number of small businesses from around the state who feel that this marketing tool is very important. These businesses may be small, but every little bit helps for those businesses. It is for that reason that I would encourage you to support the Majority Ought Not to Pass Report. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. The latest revenue forecast dated December 1998 projects that the State of Maine will, by fiscal year end 1999, collect \$20,530,129 from the sale of liquor. The mixed messages that are already involved in the sale of liquor, I don't see until we solve that problem, why we shouldn't allow Maine broadcasting to make \$1,400 a year. The State of Maine is already promoting liquor. We are already sending mixed messages. We have a big problem to fix. I think we need to leave this to a time when we aren't able to be hypocrites about it. Thank you. I ask you to support the pending motion.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. We have been down this road before. I stand in opposition to the Majority Ought Not to Pass Report and urge that we move on to accept the Minority Report to prohibit the auction of alcohol by public broadcasting stations. I realize the need for public broadcasting to raise money. Indeed they have already begun limited advertising on such shows as Teletubbies, Sesame Street and other of our favorite shows.

During the auction, it is advertising as the good Representative stated before. I do not think that it sends the proper message. I am a mother of four children. For at least 15 years, this is the only channel that my children were allowed to watch. It is very important to me that we remain steadfast in the message that we, as the legislative body, send to a public broadcasting company. In our body before, one of our states leading importers of wine products stood here also to oppose such auctioning. It is advertising. I urge that we move on to accept the Minority Report and continue to send the message that we always have to public broadcasting, regardless of what

time it is, we do not want to see alcohol advertised on public television. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Just to clear up a little confusion on this matter. The sale of these certificates cannot take place until after 10 p.m. at night. Most children are in bed before 10 p.m. This is in the Maine Public Broadcasting policy regarding donation on related alcohol. Thank you.

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

ROLL CALL NO. 12

YEA - Berry RL, Brooks, Bruno, Bryant, Bull, Chizmar, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, Labrecque, Lemoine, Lemont, Lindahl, Mack, Madore, Mailhot, Marvin, Matthews, McGlocklin, Mendros, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Quint, Richard, Rines, Samson, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shorey, Stanwood, Stevens, Sullivan, Townsend, Tracy, True, Tuttle, Twomey, Volenik, Watson, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Bowles, Bragdon, Brennan, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Davis, Desmond, Dugay, Duncan, Foster, Gagne, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, LaVerdiere, Lovett, MacDougall, Martin, Mayo, McAlevey, McDonough, McKee, McKenney, McNeil, Murphy T, Nass, O'Brien, O'Neal, Pinkham, Powers, Richardson E, Rosen, Sanborn, Savage C, Shields, Skoglund, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Tripp, Usher, Waterhouse, Weston, Wheeler EM.

ABSENT - Bolduc, Bouffard, Clark, Gamache, Richardson J, Sirois, Tessier, Thompson.

Yes, 75; No, 68; Absent, 8; Excused, 0.

75 having voted in the affirmative and 68 voted in the negative, with 8 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Bill "An Act to Amend the Maine Governmental Facilities Authority"

(H.P. 781) (L.D. 1104)

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

TABLED - February 16, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - **REFERENCE**.

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

Bill "An Act to Amend the Laws Authorizing the Renovation of the State Capitol Building and Other State Buildings"

(H.P. 823) (L.D. 1146)

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

TABLED - February 16, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

PENDING - **REFERENCE**.

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

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 23, 1999, at 3 o'clock in the afternoon.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 463)

On motion of Representative McGLOCKLIN of Embden, the House adjourned at 11:35 a.m., until 3:00 p.m., Tuesday, February 23, 1999 pursuant to the Joint Order (S.P. 463).