

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
22nd Legislative Day
Tuesday, March 9, 1999

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

Prayer by Father Paul Plante, St. John's Church, Winslow.

National Anthem by Danielle Nicole Blevins, Turner.

Pledge of Allegiance.

Doctor of the day, Paul A. Liebow, M.D. FACEP, Bucksport.

The Journal of Thursday, March 4, 1999 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 517)

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO
PROTECT AND PRESERVE SOCIAL SECURITY**

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, For 60 years Social Security has provided a stable platform of retirement, disability and survivor annuity benefits to protect working Americans and their dependents; and

WHEREAS, the American and world economies continue to encounter periods of high uncertainty and volatility that make it as important as ever to preserve a basic and continuous safety net of protections guaranteed by our society's largest repository of risk, the federal government; and

WHEREAS, Social Security affords protections to rich and poor alike; and no citizen, no matter how well off today, can say that tomorrow's adversities will not create future dependency; and

WHEREAS, average life expectancies are increasing greatly and people are commonly living into their 80's and 90's, making it more important than ever that each of us be fully protected by defined retirement benefits; and

WHEREAS, medical scientists are daily discovering more creative ways to preserve the lives of the profoundly disabled, thus making it more important than ever that each of us be protected against the risk of our own dependency, against the risk of becoming a burden to relatives, and against the risk of succumbing to a disability unrelated to the duration of life; and

WHEREAS, the lives of wage earners and their spouses are seldom coterminous; one often outlives the other by decades, making it crucial to preserve a secure base of protection for family members dependent on a wage earner who may die or become disabled; and

WHEREAS, the children of working Americans require protection against the untimely death or disability of their wage-earning parents, contingencies that are too often uncovered by working Americans and their employers; and

WHEREAS, the costs to administer Social Security are less than one percent of the benefits delivered; and

WHEREAS, the single purpose of Social Security is to provide a strong, simple and efficient form of basic insurance against the adversities of old age, disability and dependency; and

WHEREAS, Social Security was founded on the sanctity of work and the preservation of family integrity in the face of death or disability; and

WHEREAS, Social Security, in current form, reinforces family cohesiveness and enhances the value of work in our society; and

WHEREAS, Congress currently has proposals to shift a portion of Social Security contributions from insurance to personal investment accounts for each wage earner; and

WHEREAS, Social Security, our largest and most fundamental insurance system, should not be splintered into individualized stock accounts. Social Security can not fulfill its protective function if it must also create and manage millions of small risk-bearing investments out of a stream of contributions intended as insurance. Private accounts can not be substituted for Social Security without eroding basic protections for working families. For such protections to be strong, they must be insulated from economic uncertainty and be backed by the entity best capable of spreading risk, the American government; and

WHEREAS, The diversion of contributions to private investment accounts would dramatically increase financial shortfalls to the Social Security trust fund and require major reductions in the defined benefits upon which millions of Americans depend. To administer 150,000,000 separate investment accounts would create an ever proliferating bureaucracy; the resulting expense and the cost of converting each account to an annuity upon retirement would consume much of the profit, or exacerbate the loss, realized by each participant; and

WHEREAS, It is an entirely different question whether part of the Social Security trust fund should be diversified into investments other than government bonds. For the fund to invest collectively in a broad selection of equities and private bonds may well increase returns over time and thus enhance the capacity of the fund to meet its obligations to pay benefits as presently defined. The central management for such investments would be a minor expense compared to the staggering cost of overseeing millions of splintered accounts. Central investment also preserves the spreading of risk across the entire spectrum of Social Security participants. Individualized accounts, by contrast, would create an array of winners and losers, thus converting part of our retirement system into a national lottery. Those who become disabled, those who must retire early and dependents with the earliest and greatest need would receive the least return from an individual account. On the other hand, those with the least need, those with the capacity to defer withdrawal and those with no need at all would receive the most in return. The system would be perversely contrary to basic principles of insurance and risk distribution; and

WHEREAS, Diverting Social Security contributions to private accounts is redundant to existing programs. Through amendments to the Internal Revenue Code of 1986, Congress has created a full menu of provisions by which working Americans and their employers may contribute by choice to tax-sheltered accounts that are open to the opportunities and exposed fully to the risks of our speculative and vigorous investment markets. Half of American families are already covered by these recently created systems; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge Congress to enact laws to encourage workers and their employers to save or invest for retirement, but, these provisions should supplement the basic benefits of Social

Security insurance and not substitute for core protections that are vital to American working families; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, the Speaker of the House of Representatives of the United States, and each member of the Maine Congressional Delegation.

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

Bill "An Act to Provide Reasonable Compensation for Vehicles Damaged in Accidents"

(S.P. 580) (L.D. 1660)

Bill "An Act to Allow Fair Access to Long-term Care Insurance"

(S.P. 581) (L.D. 1661)

Bill "An Act to Clarify Basic Health Care Services to be Offered by Maine Health Maintenance Organizations" (EMERGENCY)

(S.P. 584) (L.D. 1664)

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.

Resolve, to Promote Natural Resource-based Industries

(S.P. 585) (L.D. 1665)

Came from the Senate, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act to Renew Maine's Economy"

(S.P. 569) (L.D. 1636)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion of Representative O'NEAL of Limestone, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act to Release Juvenile Crime Records to School Personnel"

(S.P. 578) (L.D. 1658)

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 Restore Fairness and Equity to the Allocation of School Subsidies"

(S.P. 583) (L.D. 1663)

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 Create the Drive ME Wheels-to-work Program"

(S.P. 588) (L.D. 1668)

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.

Resolve, to Investigate State Purchasing of Goods and Services Produced under Conditions that Violate International Standards of Human Rights

(S.P. 579) (L.D. 1659)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

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

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

Bill "An Act to Clarify the Laws Relating to Off-track Betting Facilities"

(S.P. 577) (L.D. 1657)

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 Ensure Continuous Improvement in Pollution Prevention"

(S.P. 589) (L.D. 1669)

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

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

Bill "An Act to Allow Local Control of Traffic on State Aid Roads Without Loss of State Highway Funds"

(S.P. 576) (L.D. 1656)

Bill "An Act to Amend Motor Vehicle Laws"

(S.P. 587) (L.D. 1667)

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

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Revoke Voting Rights of Convicted Felons While they are in Prison

(S.P. 545) (L.D. 1607)

REFERRED to the Committee on **JUDICIARY** in the House on March 3, 1999.

Came from the Senate **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.
The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act to Require a Mortgagee to Record the Discharge of a Mortgage Within 30 Days"

(H.P. 1127) (L.D. 1586)

REFERRED to the Committee on **BANKING AND INSURANCE** in the House on March 2, 1999.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in the House on March 2, 1999.

Came from the Senate **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

On motion of Representative AHEARNE of Madawaska, the House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act to Protect Victims of Crimes in the Workplace"

(H.P. 688) (L.D. 944)

REFERRED to the Committee on **JUDICIARY** in the House on February 3, 1999.

Came from the Senate **REFERRED** to the Committee on **LABOR** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 57)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 234 An Act to Create a Toll-free Telephone Line for the State Parks System

L.D. 677 An Act to Change the Way Ginseng License and Registration Fees Are Established

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

Sincerely,
S/Sen. John M. Nutting
Senate Chair
S/Rep. Wendy Pieh
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 58)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

L.D. 569 An Act to Require Insurance Companies to Cover Cervical Cancer Screening

L.D. 608 An Act to Require Health Insurers to Reply to Payment Requests by Family Practice Nurse Practitioners within a Certain Time

L.D. 634 Resolve, to Direct the Superintendent of Insurance to Evaluate a Separate Workers' Compensation Classification Code for Milk Haulers

L.D. 649 An Act to Allow the Use of the 1990 American Dental Association Form for Submission of Insurance Claims

L.D. 831 An Act to Limit the Maximum Finance Charge to 10.5%

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

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Jane W. Saxl

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 59)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT**

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 640 An Act to Require Informed Consent when Using Mercury in Dental Procedures
L.D. 784 An Act to Prohibit the Use of Social Security Numbers for Identification Purposes
L.D. 814 An Act to Create a Lemon Law for Inboard Motorboats

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

Sincerely,
S/Sen. Carol A. Kontos
Senate Chair
S/Rep. Gary O'Neal
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 60)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 111 An Act to Amend the Laws Regarding Penalties for the Purchase of Cigarettes by a Minor
L.D. 244 An Act to Permit the Release and Publication of the Name of a Juvenile 14 Years of Age or Older Who Commits a Crime
L.D. 344 An Act to Make a Traffic Infraction That Results in Bodily Injury to the Offending Driver or Another Person a Class E Crime
L.D. 466 An Act Concerning Payment of Medical Costs for Prisoners in County Correctional Facilities
L.D. 530 An Act to Require the State to Pay the Salaries of Sheriffs and County Jail Employees
L.D. 607 An Act Making It a Crime for Failure of a Junk Dealer to Keep Certain Records

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

Sincerely,
S/Sen. Robert E. Murray, Jr.
Senate Chair
S/Rep. Edward J. Povich
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 61)

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

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 59 An Act to Change the Date a Child Starts School
L.D. 124 An Act to Provide for Direct Reimbursement for Special Education Costs
L.D. 199 An Act to Require That All Schools Employ a Gifted and Talented Teacher
L.D. 312 An Act to Prohibit the University of Maine System and the Public Vocational Schools from Competing in the Printing Industry
L.D. 700 An Act to Amend Voting Procedures for School Unions

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

Sincerely,
S/Sen. Georgette B. Berube
Senate Chair
S/Rep. Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 62)

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

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 149 An Act to Enact a Medicaid Anti-kickback Law
L.D. 563 An Act to Create Accountability for Money Spent on Auto Insurance for Participants in the TANF Program
L.D. 595 An Act to Require the Department of Human Services to Pay Legal Expenses in Custody Cases When the Department of Human Services Loses
L.D. 625 An Act Concerning the Authority of the Maine Health and Higher Educational Facilities Authority

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

Sincerely,
S/Sen. Judy Paradis
Senate Chair
S/Rep. Thomas J. Kane

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 63)

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

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 385 An Act to Collect Unpaid Fines in the State
- L.D. 596 An Act to Allow Citizens 70 Years of Age or Older the Option of Serving Jury Duty

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 64)

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

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 284 An Act to Increase the Number of Members of the Board of Trustees of the Maine State Retirement System
- L.D. 821 Resolve, to Amend the Qualifications for Participation in the Governor's Training Initiative Program

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

Sincerely,
S/Sen. Neria R. Douglass
Senate Chair
S/Rep. Pamela H. Hatch
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 65)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 396 An Act to Give Standing to Any Person Who Witnesses a Violation at a Polling Place
- L.D. 420 An Act to Require Lobbyists to Disclose Whether They are Compensated by a Committee Member
- L.D. 461 An Act to Allow a Holder of a Retail Liquor License to Sell to Other Licensed Entities
- L.D. 560 An Act to Promote Ballot Clarity

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

Sincerely,
S/Sen. Beverly C. Daggett
Senate Chair
S/Rep. John L. Tuttle, Jr.
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 66)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 805 An Act to Close Certain Areas to the Harvesting of Herring

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

Sincerely,
S/Sen. Jill M. Goldthwait
Senate Chair
S/Rep. David Etnier
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 67)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 638 An Act to Amend the Closure and Remediation Cost-sharing Program Concerning Landfills
- L.D. 692 An Act to Clarify the Reporting of Discharges of Hazardous Matter

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

Sincerely,
S/Sen. Sharon Anglin Treat
Senate Chair
S/Rep. John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 68)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 68 An Act to Require That a Certified Copy of Municipal Ordinances Be Recorded in the County Registry of Deeds
- L.D. 164 An Act to Require Notice Prior to the Posting of Roads by Municipalities
- L.D. 352 An Act to Encourage Qualified Persons to Enter and Remain in Law Enforcement Administration
- L.D. 482 An Act Concerning County Treasurers
- L.D. 507 An Act to Allow Municipalities to Advertise Legal Notices in Weekly Newspapers
- L.D. 510 An Act to Favor Maine Companies in Awarding Bids

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

Sincerely,
S/Sen. Peggy A. Pendleton
Senate Chair
S/Rep. Douglas J. Ahearne
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 69)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TAXATION**

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 128 An Act to Exempt Pregnancy Care Centers from the Sales Tax
- L.D. 163 An Act to Eliminate the Marriage Penalty under the Income Tax Laws
- L.D. 226 An Act to Decrease Individual Income Tax by 20%
- L.D. 254 An Act to Exempt Children's Clothing from Sales Tax
- L.D. 285 An Act to Amend the Required Sales Tax on the Purchase of Firearms
- L.D. 291 An Act to Provide a State Income Tax Credit for the Costs of Health Insurance Paid by Individuals
- L.D. 440 An Act to Exempt Business Equipment Used by Christmas Tree Farmers from the Sales Tax
- L.D. 460 An Act to Provide Sales Tax Relief on Purchases of Clothing
- L.D. 508 An Act to Exempt Clothing from the Sales Tax

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

Sincerely,
S/Sen. Richard P. Ruhlin
Senate Chair
S/Rep. Kenneth T. Gagnon
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 70)

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

March 1, 1999

Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 28 An Act to Exempt a Person Running for Public Office from the Mandatory Seat Belt Law
- L.D. 167 An Act to Allow Persons with Disabilities to Obtain More than One Disability Registration Plate
- L.D. 189 An Act to Require Seat Belts on School Buses
- L.D. 210 An Act to Require Mandatory All-way Stops at Intersections with Nonfunctional Electrical Traffic Signals
- L.D. 218 An Act Concerning Motor Vehicle Inspection Fees
- L.D. 229 An Act to Aid Enforcement of the Laws Regarding Insurance for Motor Vehicles
- L.D. 278 An Act to Place Direction Signs on I-95 for the Lakeland Trail
- L.D. 281 An Act to Dedicate the Revenue from the Increase in the Inspection Fee to the State Police and to Establish a Safety Inspection Advisory Board
- L.D. 443 An Act to Require Notification of Automobile Registration Renewal Due Dates
- L.D. 451 An Act Concerning Capacity of School Buses
- L.D. 463 An Act concerning the Use of Road Repair or Construction Signs on State Highways
- L.D. 495 An Act to Exempt Newspaper Deliverers from the Seat Belt Law
- L.D. 619 An Act to Exempt the East-west Highway and Interstate 95 North of Houlton from the Sensible Transportation Policy Act
- L.D. 695 An Act to Allow Motorcycles Operated for Traffic Enforcement to Emit a Combination of Blue and Red Light
- L.D. 779 An Act to Increase Motor Vehicle Inspection Fees BY REQUEST
- L.D. 786 An Act to Limit the Storage Fee Charged for Impounded Vehicles
- L.D. 828 An Act to Coincide Motor Vehicle Registration and Inspection Dates

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

Sincerely,
 S/Sen. William B. O'Gara
 Senate Chair
 S/Rep. Joseph M. Jabar, Sr.
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 95)
SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333

March 4, 1999
 The Honorable G. Steven Rowe
 Speaker of the House
 2 State House Station
 Augusta, Maine 04333
 Dear Speaker Rowe:
 Please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary

the nominations of the Honorable Daniel E. Wathen of Augusta for reappointment as the Chief Justice of the Maine Supreme Judicial Court, and Michael M. Hastings of Hampden and Evan D. Richert of South Portland for reappointment to the Maine Indian Tribal-State Commission.

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. 110)
SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333

March 4, 1999
 The Honorable G. Steven Rowe
 Speaker of the House
 2 State House Station
 Augusta, Maine 04333

Dear Speaker Rowe:

Please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife, the nomination of Don Palmer of Rangeley for reappointment to the Inland Fisheries and Wildlife Advisory Council.

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

Bill "An Act to Ensure Compliance With Disability Access Laws by the Baxter State Park Authority"

(H.P. 1189) (L.D. 1699)

Presented by Representative CLARK of Millinocket.

Cosponsored by Representatives: CAMERON of Rumford, JOY of Crystal, O'NEAL of Limestone, SCHNEIDER of Durham, STANLEY of Medway, TRACY of Rome, WHEELER of Bridgewater, Senator: MICHAUD of Penobscot.

Bill "An Act to Eliminate the Use of Nongovernmental Entities in Acquiring and Managing Lands"

(H.P. 1208) (L.D. 1737)

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: CARR of Lincoln, GILLIS of Danforth, PINKHAM of Lamoine, STEDMAN of Hartland, TRAHAN of Waldoboro.

Resolve, to Allow the Modification of a Conservation Easement on Property Leased to Robert Vadas

(H.P. 1209) (L.D. 1738)
Presented by Representative DUNLAP of Old Town.

Caribou, STEDMAN of Hartland, WHEELER of Bridgewater,
WHEELER of Eliot.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Resolve, to Increase Access to Maine's Technical College
System

(H.P. 1191) (L.D. 1701)

Presented by Representative MITCHELL of Vassalboro.
Cosponsored by Senator MICHAUD of Penobscot and
Representatives: BERRY of Livermore, CAMPBELL of Holden,
MURPHY of Kennebunk, ROWE of Portland, SAXL of Portland,
Senator: LAWRENCE of York.

Bill "An Act to Create Fairness in Mental Health Funding for
Southern York County"

(H.P. 1213) (L.D. 1742)

Presented by Representative LEMONT of Kittery.
Cosponsored by President LAWRENCE of York and
Representatives: ANDREWS of York, COLLINS of Wells,
MacDOUGALL of North Berwick, MURPHY of Berwick,
WHEELER of Eliot.

BANKING AND INSURANCE

Bill "An Act to Clarify the Law Concerning Representations
Made in Insurance Contracts"

(H.P. 1233) (L.D. 1762)

Presented by Representative SAXL of Bangor.
Cosponsored by Representatives: MAYO of Bath,
RICHARDSON of Brunswick, Senator: LaFOUNTAIN of York.

Bill "An Act to Update the Laws Concerning Prearranged
Funerals"

(H.P. 1248) (L.D. 1777)

Presented by Representative SAXL of Bangor.
Cosponsored by Senator ABROMSON of Cumberland and
Representatives: MURPHY of Kennebunk, O'NEAL of
Limestone, Senator: LaFOUNTAIN of York.
Submitted by the Department of Professional and Financial
Regulation pursuant to Joint Rule 204.

Bill "An Act to Make Corrections in the Mental Health
Insurance Laws"

(H.P. 1249) (L.D. 1778)

Presented by Representative SAXL of Portland.
Cosponsored by Representatives: BROOKS of Winterport,
DUDLEY of Portland, MAYO of Bath, NORBERT of Portland,
O'NEIL of Saco, QUINT of Portland, RICHARDSON of
Brunswick, Senator: PINGREE of Knox.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Increase the Number of Plumbing
Inspectors"

(H.P. 1192) (L.D. 1702)

Presented by Representative BOLDUC of Auburn.

Bill "An Act to Create a Business Incentive Program"

(H.P. 1206) (L.D. 1735)

Presented by Representative AHEARNE of Madawaska.
Cosponsored by Representatives: BOLDUC of Auburn, CLARK
of Millinocket, DUGAY of Cherryfield, JOY of Crystal, SIROIS of

CRIMINAL JUSTICE

Bill "An Act to Amend the Restitution Law for Prisoners"

(H.P. 1188) (L.D. 1698)

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator KIEFFER of Aroostook and
Representatives: DUNCAN of Presque Isle, McALEVEY of
Waterboro.

Bill "An Act to Amend the Home-release Monitoring
Program"

(H.P. 1198) (L.D. 1708)

Presented by Representative WHEELER of Bridgewater.
Cosponsored by Senator KIEFFER of Aroostook and
Representatives: DUNCAN of Presque Isle, McALEVEY of
Waterboro.

Bill "An Act to Amend the Victims' Compensation Fund
Law"

(H.P. 1229) (L.D. 1758)

Presented by Representative McGLOCKLIN of Embden.
Cosponsored by Senator O'GARA of Cumberland and
Representatives: CLARK of Millinocket, COLWELL of Gardiner,
DUNCAN of Presque Isle, PIEH of Bremen, SAVAGE of Buxton,
SAXL of Portland, SCHNEIDER of Durham, TWOMEY of
Biddeford.

Bill "An Act to Strengthen Maine's Animal Welfare Laws"

(H.P. 1199) (L.D. 1709)

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Senator CAREY of Kennebec and
Representatives: BULL of Freeport, KNEELAND of Easton,
LABRECQUE of Gorham, LaVERDIERE of Wilton,
McGLOCKLIN of Embden, SHERMAN of Hodgdon,
STANWOOD of Southwest Harbor.

Committee on **CRIMINAL JUSTICE** suggested.

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

EDUCATION AND CULTURAL AFFAIRS

Resolve, to Conduct and Report on a Comprehensive
Needs Assessment for Coordinated School Health Programs

(H.P. 1196) (L.D. 1706)

Presented by Representative RICHARD of Madison.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: BRENNAN of Portland, DESMOND of
Mapleton, FULLER of Manchester, KANE of Saco.

Bill "An Act to Extend Certain Survivor Benefits to the
Spouses of Emergency Medical Services Providers"

(H.P. 1197) (L.D. 1707)

Presented by Representative BULL of Freeport.
Cosponsored by Representatives: BUMPS of China, DUGAY of
Cherryfield, FULLER of Manchester, McALEVEY of Waterboro,
STANWOOD of Southwest Harbor, TUTTLE of Sanford,
Senators: MURRAY of Penobscot, PARADIS of Aroostook.

Bill "An Act to Ensure Adequate Funding for Maine Schools"

(H.P. 1202) (L.D. 1712)

Presented by Representative BAKER of Bangor.
Cosponsored by Senator CATHCART of Penobscot and Representatives: ANDREWS of York, BELANGER of Caribou, DESMOND of Mapleton, JABAR of Waterville, SKOGLUND of St. George, STEDMAN of Hartland, WESTON of Montville, Senator: MURRAY of Penobscot.

Bill "An Act to Amend the Habitual Truancy Law"

(H.P. 1211) (L.D. 1740)

Presented by Representative MAILHOT of Lewiston.
Cosponsored by Senator HARRIMAN of Cumberland, Senator DOUGLASS of Androscoggin and Representatives: BERRY of Livermore, BOUFFARD of Lewiston, COLWELL of Gardiner, DAVIDSON of Brunswick, FRECHETTE of Biddeford, HATCH of Skowhegan, JACOBS of Turner, TESSIER of Fairfield.

Resolve, Creating a Commission to Study the Multicultural Education Needs of Maine Teachers to Ensure Multicultural Awareness and Understanding for All Maine Students

(H.P. 1230) (L.D. 1759)

Presented by Representative McKEE of Wayne.
Cosponsored by Senator PARADIS of Aroostook and Representatives: BAKER of Bangor, BELANGER of Caribou, BRENNAN of Portland, SIROIS of Caribou, TOWNSEND of Portland, WATSON of Farmingdale, Senators: CATHCART of Penobscot, TREAT of Kennebec.

Bill "An Act to Require that Tuition for Foster Children Attending a School in a Union be Paid by the State"

(H.P. 1232) (L.D. 1761)

Presented by Representative GILLIS of Danforth.
Cosponsored by Representatives: MENDROS of Lewiston, TRAHAN of Waldoboro, Senator: MURRAY of Penobscot.

Bill "An Act to Establish a Standard Line-item Budget Format for All School Budgets"

(H.P. 1247) (L.D. 1776)

Presented by Representative NASS of Acton.
Cosponsored by Representative: AHEARNE of Madawaska.

Bill "An Act Regarding the School Funding Formula"

(H.P. 1251) (L.D. 1799)

Presented by Representative BRENNAN of Portland.

HEALTH AND HUMAN SERVICES

Bill "An Act to Repeal the 6% Supplemental Rebate on Prescription Drugs to Conform to the Requirements of Federal Regulations"

(H.P. 1193) (L.D. 1703)

Presented by Representative CAMPBELL of Holden.

Bill "An Act to Protect Children from Secondhand Smoke in Motor Vehicles"

(H.P. 1194) (L.D. 1704)

Presented by Representative GERRY of Auburn. (BY REQUEST)

Bill "An Act to Improve Access to Dental Care for Children"

(H.P. 1226) (L.D. 1755)

Presented by Representative FULLER of Manchester.
Cosponsored by Senator TREAT of Kennebec and Representatives: BRAGDON of Bangor, BRENNAN of Portland, COLWELL of Gardiner, MATTHEWS of Winslow, PEAVEY of Woolwich, Senators: AMERO of Cumberland, MITCHELL of Penobscot, PARADIS of Aroostook.

Resolve, to Create the Commission to Study the Provision of Mental Health Services to the Elderly (EMERGENCY)

(H.P. 1231) (L.D. 1760)

Presented by Representative POWERS of Rockport.

Cosponsored by Representatives: BROOKS of Winterport, FULLER of Manchester, MAYO of Bath, PEAVEY of Woolwich, QUINT of Portland, TRUE of Fryeburg, Senator: SMALL of Sagadahoc.

Bill "An Act to Allow Child-placing Agencies to License Preadoptive Homes as Foster Care Homes for a Child Placed in that Home Awaiting Adoption"

(H.P. 1215) (L.D. 1744)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Senator MURRAY of Penobscot and Representatives: BRAGDON of Bangor, DUGAY of Cherryfield, MAILHOT of Lewiston, McKEE of Wayne, SNOWE-MELLO of Poland, SULLIVAN of Biddeford, WILLIAMS of Orono.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

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

Bill "An Act to Support the Work of the Maine Rabies Work Group"

(H.P. 1228) (L.D. 1757)

Presented by Representative POWERS of Rockport.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: HONEY of Boothbay, TRAHAN of Waldoboro, WILLIAMS of Orono.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative KANE of Saco, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Allow the Department of Inland Fisheries and Wildlife to Offer an Annual License Instead of a Lifetime License"

(H.P. 1227) (L.D. 1756)

Presented by Representative DUNLAP of Old Town.

JUDICIARY

Bill "An Act to Provide Immunity to Enhanced 9-1-1 Developers and Providers"

(H.P. 1185) (L.D. 1695)

Presented by Representative COLWELL of Gardiner.

Cosponsored by Representative: TOBIN of Dexter, Senators: CAREY of Kennebec, MITCHELL of Penobscot.

Bill "An Act to Require Noncustodial Parents to Contribute to the Higher Education of Their Children"

(H.P. 1224) (L.D. 1753)

Presented by Representative MARVIN of Cape Elizabeth.

Cosponsored by Representatives: MADORE of Augusta, SCHNEIDER of Durham.

Bill "An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions"

(H.P. 1242) (L.D. 1771)

Presented by Representative PLOWMAN of Hampden.

Cosponsored by Representative DUNLAP of Old Town, Senator MITCHELL of Penobscot and Representatives: SHIELDS of Auburn, WATERHOUSE of Bridgton, Senators: BENOIT of Franklin, BERUBE of Androscoggin.

Resolve, to Grant Salvage Rights for Revolutionary War Vessels Submerged in the Penobscot River to the Brewer Historical Society and the Bangor Historical Society (EMERGENCY)

(H.P. 1184) (L.D. 1694)

Presented by Representative CAMPBELL of Holden.

Cosponsored by Representatives: BAKER of Bangor, BRAGDON of Bangor, FISHER of Brewer, PERRY of Bangor, SAXL of Bangor, Senators: MURRAY of Penobscot, RUHLIN of Penobscot.

Committee on **JUDICIARY** suggested.

On motion of Representative THOMPSON of Naples, the Resolve was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

LABOR

Bill "An Act to Amend the Retirement Plan for Maine State Troopers"

(H.P. 1218) (L.D. 1747)

Presented by Representative RICHARDSON of Brunswick.

Cosponsored by Senator PARADIS of Aroostook and Representatives: BRYANT of Dixfield, DAVIDSON of Brunswick, HATCH of Skowhegan, McALEVEY of Waterboro, MUSE of South Portland, PERRY of Bangor, POVICH of Ellsworth, WHEELER of Bridgewater.

Bill "An Act to Correct Inconsistencies within the Maine State Retirement System"

(H.P. 1219) (L.D. 1748)

Presented by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BERRY of Livermore, BRYANT of Dixfield, DAVIS of Falmouth, HATCH of Skowhegan, McKEE of Wayne, SAMSON of Jay, Senators: DOUGLASS of Androscoggin, TREAT of Kennebec.

Bill "An Act to Allow Recovery of Provisional Payments by Employee Benefit Plans"

(H.P. 1238) (L.D. 1767)

Presented by Representative MAYO of Bath.

Cosponsored by Senator LaFOUNTAIN of York and Representatives: GLYNN of South Portland, PERRY of Bangor, Senator: ABROMSON of Cumberland.

Bill "An Act to Change the Child Labor Laws"

(H.P. 1239) (L.D. 1768)

Presented by Representative TESSIER of Fairfield.

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Allow Charitable Nonprofit Organizations to Conduct Limited Video Gaming"

(H.P. 1205) (L.D. 1715)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: FISHER of Brewer, FRECHETTE of Biddeford, MAILHOT of Lewiston, MAYO of Bath, TRUE of Fryeburg, TUTTLE of Sanford, Senators: CAREY of Kennebec, FERGUSON of Oxford.

Bill "An Act to Preserve Live Harness Racing in the State"

(H.P. 1214) (L.D. 1743)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: BOLDUC of Auburn, CLOUGH of Scarborough, GAGNON of Waterville, PERRY of Bangor, USHER of Westbrook.

Bill "An Act to Require the Secretary of State to Establish a Central Voter List for the State"

(H.P. 1220) (L.D. 1749)

Presented by Representative TESSIER of Fairfield.

Cosponsored by Senator KONTOS of Cumberland and Representatives: DUGAY of Cherryfield, GAGNON of Waterville, LEMOINE of Old Orchard Beach, MAILHOT of Lewiston, SHIAH of Bowdoinham, TUTTLE of Sanford, TWOMEY of Biddeford, Senator: KILKELLY of Lincoln.

Bill "An Act to Require Voters to Sign Their Names Prior to Voting"

(H.P. 1222) (L.D. 1751)

Presented by Representative MARVIN of Cape Elizabeth.

Bill "An Act to Require Certain Proof of Identity to be Presented When Registering to Vote"

(H.P. 1223) (L.D. 1752)

Presented by Representative MARVIN of Cape Elizabeth.

Resolve, Requiring the Director of Alcoholic Beverages and Lottery Operations to Investigate the Requirements for Maine to Join the PowerBall Lottery

(H.P. 1236) (L.D. 1765)

Presented by Representative POVICH of Ellsworth.

Cosponsored by Senator CAREY of Kennebec and Representatives: BUCK of Yarmouth, CHIZMAR of Lisbon, FISHER of Brewer, HEIDRICH of Oxford, McKENNEY of Cumberland, PERRY of Bangor, TUTTLE of Sanford, Senator: FERGUSON of Oxford.

Bill "An Act to Provide Equity for Eviction Notification"

(H.P. 1237) (L.D. 1766)

Presented by Representative COWGER of Hallowell.

Cosponsored by Senator KILKELLY of Lincoln.

Resolve, to Develop a Disaster Relief Food Assistance Program (EMERGENCY)

(H.P. 1246) (L.D. 1775)

Presented by Representative GERRY of Auburn.
Cosponsored by Senator BERUBE of Androscoggin and
Representatives: CHIZMAR of Lisbon, DESMOND of Mapleton,
DUGAY of Cherryfield, MADORE of Augusta, SIROIS of
Caribou, USHER of Westbrook, WHEELER of Eliot, Senator:
AMERO of Cumberland.

NATURAL RESOURCES

Bill "An Act to Clarify the Law Governing Disbursements
from the Groundwater Oil Clean-up Fund"
(H.P. 1201) (L.D. 1711)

Presented by Representative McKEE of Wayne.
Cosponsored by Representative: TOBIN of Windham.
Submitted by the Department of Environmental Protection
pursuant to Joint Rule 204.

Bill "An Act to Clarify and Improve the State's Solid Waste
Management Laws"
(H.P. 1204) (L.D. 1714)

Presented by Representative MARTIN of Eagle Lake.
Cosponsored by Senator: TREAT of Kennebec.
Submitted by the Department of Environmental Protection
pursuant to Joint Rule 204.

Bill "An Act to Amend the Site Location of Development
Laws to Include the Location and Safety of Transmission
Towers"
(H.P. 1207) (L.D. 1736)

Presented by Representative POWERS of Rockport.
Cosponsored by Representatives: BULL of Freeport, SHIAH of
Bowdoinham, Senator: HARRIMAN of Cumberland.

Bill "An Act to Require the Department of Environmental
Protection to Mail the Department's Monthly Activity Report to
Legislators on the Joint Standing Committees on Natural
Resources and Health and Human Services"
(H.P. 1234) (L.D. 1763)

Presented by Representative KASPRZAK of Newport.
Cosponsored by Representatives: GILLIS of Danforth, JODREY
of Bethel, JOY of Crystal, MENDROS of Lewiston,
RICHARDSON of Greenville, SNOWE-MELLO of Poland.

Bill "An Act to Require Tire Manufacturers to Accept Tires
for Return"
(H.P. 1243) (L.D. 1772)

Presented by Representative GOODWIN of Pembroke.

Bill "An Act to Amend Environmental Penalties to Prohibit
Fines on First-time Violators"
(H.P. 1245) (L.D. 1774)

Presented by Representative KASPRZAK of Newport.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: GILLIS of Danforth, JODREY of Bethel, JOY
of Crystal, MENDROS of Lewiston, RICHARDSON of Greenville,
SNOWE-MELLO of Poland.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Amend the Municipal Board of Appeals
Process"
(H.P. 1190) (L.D. 1700)

Presented by Representative GLYNN of South Portland.

Bill "An Act to Amend the Maine Administrative Procedure
Act"
(H.P. 1195) (L.D. 1705)

Presented by Representative AHEARNE of Madawaska.
Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act to Amend the Membership of the Information
Services Policy Board"
(H.P. 1200) (L.D. 1710)

Presented by Representative AHEARNE of Madawaska.
Cosponsored by Senator PENDLETON of Cumberland.
Submitted by the Department of Administrative and Financial
Services pursuant to Joint Rule 204.

Resolve, Authorizing the Commissioner of Administrative
and Financial Services to Sell or Lease the Interests of the State
in the Maine Criminal Justice Academy in Waterville; Part of the
Kennebec Arsenal in Augusta; Part of the Maine Youth Center in
South Portland; and 2 Parcels in Gray Near the Pineland Center
(H.P. 1203) (L.D. 1713)

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

Bill "An Act to Increase Fees for Civil Process of Filing
State Papers"
(H.P. 1212) (L.D. 1741)

Presented by Representative LEMONT of Kittery.
Cosponsored by President LAWRENCE of York and
Representatives: ANDREWS of York, DAVIS of Falmouth,
WHEELER of Eliot.

Bill "An Act to Require State Departments and Agencies to
Comply with Certain Laws Applied to the Public"
(H.P. 1240) (L.D. 1769)

Presented by Representative GOODWIN of Pembroke.

TAXATION

Bill "An Act to Exempt Utility Work from Certain Sales Tax
Requirements"
(H.P. 1186) (L.D. 1696)

Presented by Representative CAMERON of Rumford.
Cosponsored by Representatives: BRUNO of Raymond,
DUNLAP of Old Town, MURPHY of Berwick, NASS of Acton.

Bill "An Act Requiring Towns to Conduct a Revaluation of
Properties Every 10 Years"
(H.P. 1187) (L.D. 1697)

Presented by Representative CAMERON of Rumford.

Bill "An Act Regarding the Interest and Penalties on Unpaid
Taxes when the Taxpayer Files for Bankruptcy"
(H.P. 1216) (L.D. 1745)

Presented by Representative MURPHY of Kennebunk.
Cosponsored by Representatives: LaVERDIERE of Wilton,
MAYO of Bath, Senator: MILLS of Somerset.

Bill "An Act to Change the Method of Sales Tax Calculation
for Heavy Equipment"
(H.P. 1221) (L.D. 1750)

Presented by Representative COWGER of Hallowell. (BY REQUEST)

Bill "An Act to Repeal Tax Incentives for Certain Shipbuilding Facilities"

(H.P. 1235) (L.D. 1764)

Presented by Representative GOODWIN of Pembroke. Cosponsored by Representatives: MacDOUGALL of North Berwick, WHEELER of Eliot, WINSOR of Norway.

Bill "An Act to Exempt Resold Camper Caps From Being Taxed Separately"

(H.P. 1241) (L.D. 1770)

Presented by Representative WATSON of Farmingdale.

Bill "An Act to Allow for a Prorated Application of Property Tax Exemptions for Charitable and Benevolent Institutions and Literary and Scientific Institutions"

(H.P. 1244) (L.D. 1773)

Presented by Representative MAYO of Bath. Cosponsored by Senator FERGUSON of Oxford and Representatives: McALEVEY of Waterboro, NUTTING of Oakland, O'BRIEN of Augusta, WATERHOUSE of Bridgton.

TRANSPORTATION

Bill "An Act Relating to New and Used Car Document Fees"

(H.P. 1210) (L.D. 1739)

Presented by Representative McGLOCKLIN of Embden. Cosponsored by Senator PENDLETON of Cumberland and Representatives: BAGLEY of Machias, COLWELL of Gardiner, COTE of Lewiston, DUNCAN of Presque Isle, PIEH of Bremen, SAVAGE of Buxton, TWOMEY of Biddeford, Senator: MILLS of Somerset.

Bill "An Act to Amend the Definition of Bicycle to Promote Road Safety"

(H.P. 1217) (L.D. 1746)

Presented by Representative McKEE of Wayne.

Bill "An Act to Establish a Speed Limit at Toll Plaza Approaches on the Maine Turnpike"

(H.P. 1225) (L.D. 1754)

Presented by Representative TUTTLE of Sanford.

Pursuant to Resolve

Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings

Representative SKOGLUND for the **Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings** pursuant to Resolve 1997, chapter 119 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings"

(H.P. 1250) (L.D. 1798)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

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

CULTURAL AFFAIRS and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative PIEH from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Raise Penalties for Cases of Cruelty to Animals or Birds"

(H.P. 903) (L.D. 1281)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE**.

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

Sent for concurrence.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Remove Favorable Weighting of Consolidation in the School Funding Formula"

(H.P. 308) (L.D. 424)

Signed:
Senators:

BERUBE of Androscoggin
MURRAY of Penobscot
SMALL of Sagadahoc

Representatives:

RICHARD of Madison
WESTON of Montville
WATSON of Farmingdale
STEDMAN of Hartland
BRENNAN of Portland
ANDREWS of York
BAKER of Bangor
BELANGER of Caribou

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

Signed:
Representatives:

DESMOND of Mapleton
SKOGLUND of St. George

READ.

On motion of Representative BRENNAN of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Ensure the Efficacy of Learning Results"

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

Signed:
Senators:

BERUBE of Androscoggin
MURRAY of Penobscot
SMALL of Sagadahoc

Representatives:

RICHARD of Madison

WESTON of Montville
WATSON of Farmingdale
DESMOND of Mapleton
BRENNAN of Portland
ANDREWS of York
BAKER of Bangor
BELANGER of Caribou

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

Signed:
Representatives:

STEDMAN of Hartland
SKOGLUND of St. George

READ.

Representative BRENNAN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and specially assigned for Wednesday, March 10, 1999.

Divided Report

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Withdraw from the Atlantic States Marine Fisheries Commission and the Atlantic States Marine Fisheries Compact" (EMERGENCY)

(H.P. 114) (L.D. 145)

Signed:
Senators:

GOLDTHWAIT of Hancock
PENDLETON of Cumberland
MacKINNON of York

Representatives:

ETNIER of Harpswell
HONEY of Boothbay
LEMONT of Kittery
McNEIL of Rockland
PIEH of Bremen
STANWOOD of Southwest

Harbor

USHER of Westbrook
VOLENIK of Brooklin

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-29)** on same Bill.

Signed:
Representatives:

BAGLEY of Machias
PINKHAM of Lamoine

READ.

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

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

Divided Report

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-30)** on Bill "An Act to Reinstate

the Provision Allowing a Reduction in the Retail Seafood License Fee for Licenses Issued After September 30th" (H.P. 331) (L.D. 447)

Signed:
Senators:

MacKINNON of York
PENDLETON of Cumberland

Representatives:

ETNIER of Harpswell
HONEY of Boothbay
LEMONT of Kittery
McNEIL of Rockland
STANWOOD of Southwest

Harbor

USHER of Westbrook

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

Signed:
Senator:

GOLDTHWAIT of Hancock

Representatives:

BAGLEY of Machias
PIEH of Bremen
PINKHAM of Lamoine
VOLENIK of Brooklin

READ.

On motion of Representative ETNIER of Harpswell, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-30)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 10, 1999.

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act to Designate Wintergreen as the State Herb" (H.P. 12) (L.D. 22)

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
JODREY of Bethel
RICHARDSON of Greenville
GERRY of Auburn

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

Signed:
Representative:

KASPRZAK of Newport

READ.

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought 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 Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. You might notice that I am alone on the Ought Not to Pass Report on designating a certain herb, the wintergreen, as the state official herb. The reason that I voted against this bill is because I couldn't see the reason, the cause, to designate a certain herb as our official herb of the State of Maine. When I look at a bill, I need to know that there is a good reason for it. Though it is not a controversial issue and the good kind people that came before our committee were very well spoken. I have to disagree with them. I would ask that you would support me in my motion to vote against the pending motion of accepting the Majority Ought to Pass Report. Thank you.

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. We had a long discussion on this bill. The individuals who brought this bill forward had lengthy and very informative information. We learned a great deal about this. What wintergreen is, is it is an herb. It is native in Maine and has been present in Maine throughout its history. By declaring wintergreen the state herb, it would be the opportunity to recognize something that is really unique and special to me. Maine can be a leader to recognize the benefits, health and economics of herbs. This could create a greater awareness that wintergreen is part of a sustainable agricultural movement. I ask you to accept the Majority Ought to Pass Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Belmont, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I agree with the Representative from Newport. First of all, why are we naming this as the state herb? Because of medicinal purposes. Ladies and gentlemen, most of the material used here is not extracted from wintergreen. Most of it is synthetically made by combining methyl alcohol and salicylic acid and producing an ester, methyl salicylate. Very little of the material that we use is natural. Furthermore, if we are going to name it the state herb, I would propose that there be two options here. The first option being naming it by its scientific name, not its common name. Secondly, calling it checkerberry. I don't know of anyone in the State of Maine that I have ever taught. I don't know of anyone that taught me, whoever called this plant that I ate this little red berry from and ever considered it wintergreen. To actually be able to get the flavor of wintergreen from this plant, you have to allow the compound, which is a triple bonded carbon called gaultherilene to be able to take and go through a process of fermentation to be able to produce the compound that you want. It is much simpler in a laboratory to combine two ingredients and a speck of sulfuric acid to produce methyl salicylate.

I would encourage, and I think that the committee, personally, is remiss here in not naming the herb of the State of Maine checkerberry for which almost every person that grew up in this state knows this plant. I would also point out to you that it is very neat because right now it is one of the few plants that

we actually could go through the woods, dig through the snow, find its little red berry and eat the berry and have the flavor of checkerberry, not wintergreen. I would urge you to defeat this Ought to Pass motion. Thank you.

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

ROLL CALL NO. 17

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bragdon, Brennan, Bryant, Bull, Bumps, Carr, Chick, Chizmar, Clark, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Green, Hatch, Honey, Jabar, Jacobs, Joy, Kane, LaVerdiere, Lemoine, Mack, Madore, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien, O'Neal, O'Neil, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stanwood, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Twomey, Usher, Watson, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bruno, Buck, Cameron, Campbell, Cianchette, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Etnier, Foster, Gillis, Glynn, Goodwin, Gooley, Heidrich, Jodrey, Jones, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, MacDougall, Marvin, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, Peavey, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Volenik, Waterhouse, Wheeler GJ, Winsor.

ABSENT - Bouffard, Brooks, Colwell, Lovett, Mailhot, Martin, Richardson E, Stevens, Tuttle, Weston, Wheeler EM.

Yes, 83; No, 56; Absent, 11; Excused, 0.

83 having voted in the affirmative and 56 voted in the negative, with 11 being absent, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 10, 1999.

Representative SAXL of Portland assumed the Chair.
The House was called to order by the Speaker Pro Tem.

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-25)** on Bill "An Act to Allow Review of Examination-related Issues in Executive Session" (H.P. 126) (L.D. 157)

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
MCDONOUGH of Portland
BUMPS of China
RICHARDSON of Greenville
RINES of Wiscasset
JODREY of Bethel

GERRY of Auburn

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

Signed:

Representatives:

KASPRZAK of Newport
TWOMEY of Biddeford

READ.

On motion of Representative AHEARNE of Madawaska, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-25)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Wednesday, March 10, 1999.

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Require Voter Approval for Bonded Indebtedness of \$2,000,000 or More for Municipalities in Local and Regional Cooperation" (H.P. 313) (L.D. 429)

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford
JODREY of Bethel
RICHARDSON of Greenville

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

BAGLEY of Machias
BUMPS of China
KASPRZAK of Newport
GERRY of Auburn

READ.

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative **GLYNN:** Mr. Speaker, Men and Women of the House. As many of the House members may be aware, prior to my becoming a legislator here, I was a member of the South Portland City Council and a member of that body for the past nine years. I have witnessed that on that level of government to float a bond for public improvements, such action needs to be ratified by the voters of my city. If our County Government wants to float a bond to build a jail or a courthouse, as a voter of Cumberland County I have witnessed that such action needs to be ratified by the voters of my county. If a School Administrative District wants to float a bond to build a new school, I have witnessed that such action needs to be ratified by the voters of the SAD district. As a State of Maine Legislator, it is required and I am aware that to float a bond over \$2 million at our level of government according to Article IX,

Section 14 of the Maine State Constitution, such action needs to be ratified by the voters of our state. However, if towns or cities form local and regional cooperation or corporations, no provision of State of Maine Law requires such borrowing to be submitted to the voters of that region for ratification. In other words, ladies and gentlemen of the House, the fourth layer of regional government is exempt from the provision of sending bonds to the voters.

In Cumberland County we have an entity known as Regional Waste Systems (RWS), as I understand there are other entities that will be coming on line shortly. This is a cooperation of over 20 municipalities formed to run an incinerator to dispose of trash and garbage in our region. The City Councils, Boards of Selectmen, and Boards of Aldermen of the area each appoint, these people are not elected by anyone, representatives to RWS. The members of RWS often times are non-elected members. In my town they aren't. They are just appointed citizens. They have the power, based on these loopholes, to pass budgets impacting the towns and the key items are float bonds without voter approval. The members are not subject to recall or may be selected by the voters of a town and a city. RWS has been plagued by financial problems causing rates to dramatically increase over the past few years. Additionally, RWS has even instituted a multi-million dollar revolving credit line it has used to cover "temporary shortfalls" which span beyond one budget cycle. While there are several accountability issues raised by such cooperations, having once served as an RWS Board Member I feel the most troubling accountability question there is that these entities are allowed to borrow on our future and our children's future without the approval of the voters. For the past decade RWS has carried a bonded indebtedness of some \$100 million all obtained without voter approval.

As we all know, governmental bonds of this nature are not entirely backed by property of the government entity, but instead, they are backed by the businesses and people's property in the governmental subdivision. If bonds are defaulted on or if the entity declares bankruptcy, it is a debt owed by the taxpayers. This is why all other levels of government require voter approval, it is their money, their property, their credit, and their future on the line. As in the case of municipalities in local cooperation, it is only compounded when the membership on the boards are not elected by the voters.

As you give consideration to this proposal, I do urge your no vote. Ask yourself if it makes sense that towns, cities, SAD districts, and counties need the voters to approve bonded indebtedness over lower limits than is proposed here, but when these same entities work in cooperation they no longer need the sanction and approval of the voters. Ask yourself if it makes sense that any one of us in the Maine State Legislature needs permission to float bonds over the same amount proposed in LD 429, but a bunch of un-elected bureaucrats at the local level may under existing state law float bonds without voter approval at any level.

I say to you, ladies and gentlemen of the House, this makes no sense. This is a loophole that needs to be closed. I urge you to join with me and vote against the pending motion. Lastly, I request a roll call vote on this item. Thank you Sir.

Representative GLYNN of South Portland **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 PRO TEM: The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. This is an issue that we had a long deliberation over in the State and Local Government Committee. It is an issue that I think we can try to make a lot clearer. When these municipalities go into these type of agreements, they can put into part of their cooperation, that they require voter approval. In essence, this bill is not needed. It was discussed and that is why the majority of the committee went with the Ought Not to Pass report. This can be fulfilled at the local level. If they were not to go in the direction of getting voter approval, there is another process by which all of these towns and government municipalities can go. They can be voted out in the next general election. It is felt by the majority of this committee that this bill is not needed. I know that we have discussed an issue that we will have many other opportunities to discuss, bills that are not needed and the fact that it can be accomplished at the local level. I ask you to accept the Majority Ought Not to Pass Report.

The SPEAKER PRO TEM: 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. 18

YEA - Baker, Berry RL, Bolduc, Bouffard, Brennan, Bryant, Bull, Cameron, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dunlap, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Matthews, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Stanley, Sullivan, Tessier, Thompson, Tracy, Tripp, Twomey, Usher, Volenik, Watson, Williams.

NAY - Ahearne, Andrews, Bagley, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Carr, Cianchette, Clough, Collins, Cross, Davis, Dugay, Duncan, Duplessie, Foster, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien, Peavey, Pinkham, Plowman, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Townsend, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Brooks, Lovett, Mailhot, Martin, Richardson E, Stevens, Tuttle, Weston, Mr. Speaker.

Yes, 68; No, 73; Absent, 9; Excused, 0.

68 having voted in the affirmative and 73 voted in the negative, with 9 being absent, the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, March 10, 1999.

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Promote the Use of the Secret Ballot at Town Meetings"

(H.P. 372) (L.D. 497)

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
McDONOUGH of Portland
TWOMEY of Biddeford
BUMPS of China
KASPRZAK of Newport
RICHARDSON of Greenville
RINES of Wiscasset
JODREY of Bethel

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

Signed:
Representative:

GERRY of Auburn

READ.

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

CONSENT CALENDAR

First Day

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

(S.P. 25) (L.D. 7) Resolve, to Change the Name of the Ridlonville Bridge between Rumford and Mexico to the Veterans Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-10)**

(S.P. 20) (L.D. 12) Bill "An Act to Change the Selection Process of the Oxford County Budget Committee" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-11)**

(S.P. 98) (L.D. 237) Bill "An Act to Enhance Senior Volunteerism in Maine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-12)**

(S.P. 110) (L.D. 307) Bill "An Act to Establish the Crime of Aggravated Criminal Trespass" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-9)**

(H.P. 551) (L.D. 772) Resolve, to Name the Route 160 Bridge in Brownfield Spanning the Saco River the Charles E. Hill Bridge (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 770) (L.D. 1093) Bill "An Act to Provide Farm Cooperatives More Flexibility in Establishing Officers and Using Titles for Various Officers" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 82) (L.D. 95) Resolve, Directing a Study of the Needs of the Elderly Population with Mental Retardation Committee

on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-38)**

(H.P. 113) (L.D. 144) Bill "An Act to Make Corrections to the Laws Governing the County Jail Prisoner Support and Community Corrections Fund" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-40)**

(H.P. 233) (L.D. 337) Bill "An Act Authorizing Permit-certified Police Dispatchers to Issue Temporary Permits to Operate Uninspected Vehicles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-42)**

(H.P. 265) (L.D. 369) Bill "An Act to Increase the Amount of Income That a Resident of a Nursing or Residential Care Facility Who Receives Medicaid May Retain" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-41)**

(H.P. 579) (L.D. 819) Bill "An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-44)**

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

(H.P. 455) (L.D. 618) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-43)**.

On motion of Representative TOWNSEND of Portland, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-43)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending adoption of **Committee Amendment "A" (H-43)** and specially assigned for Wednesday, March 10, 1999.

CONSENT CALENDAR
Second Day

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

(S.P. 158) (L.D. 478) Bill "An Act to Establish a Maine Agriculture Market and Production Development Program"

(S.P. 284) (L.D. 802) Bill "An Act to Make Technical Changes in the Marine Resources Laws"

(H.P. 532) (L.D. 739) Bill "An Act to Form a New Local Education Agency" (EMERGENCY)

(H.P. 19) (L.D. 29) Resolve, Regarding Legislative Review of Chapter 15: Fees, Section 15.8: Inspection Fees-Tramway, a Major Substantive Rule of the Board of Elevator and Tramway Safety (EMERGENCY) (C. "A" H-31)

(H.P. 21) (L.D. 31) Resolve, Regarding Legislative Review of Chapter 8: Fees, Section 1: A Major Substantive Rule of the Board of Veterinary Medicine (EMERGENCY) (C. "A" H-32)

(H.P. 263) (L.D. 367) Bill "An Act to Clarify the Criteria for Renewal of Agency Liquor Store Licenses" (C. "A" H-27)

(H.P. 291) (L.D. 399) Bill "An Act to Ensure That All Students With Disabilities Exit School Ready for Employment or Postsecondary Education" (C. "A" H-26)

(H.P. 326) (L.D. 442) Resolve, to Create a Study Group to Prepare Pharmaceutical Guidelines for Geriatric Residents in Long-term Care Settings (C. "A" H-24)

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

ENACTORS
Emergency Measure

An Act to Increase Nonregular Island Ferry Service from 24 to 36 Trips

(S.P. 91) (L.D. 194)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Designate the First Saturday of Each October as Firefighter's Recognition Day

(S.P. 21) (L.D. 13)

An Act Concerning the Requirement for Surety Bonds for County Treasurers, Sheriffs and Chief Deputies

(H.P. 353) (L.D. 469)

An Act to Increase the Amount Below Which Counties Do Not Need to Solicit Bids for Purchases

(H.P. 380) (L.D. 511)

An Act to Include Counties in the Definition of Local Government in the Archives and Records Management Law

(S.P. 238) (L.D. 660)

An Act Regarding the Assignment of Insurance Benefits for Dental Care

(S.P. 260) (L.D. 755)

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

(10-3) An Act to Release Estate Tax Liens on Certain Real Estate

(H.P. 161) (L.D. 223)

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

On motion of Representative SHIAH of Bowdoinham, was **SET ASIDE**.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

On motion of Representative GOODWIN of Pembroke, the House adjourned at 12:14 p.m., until 10:00 a.m., Wednesday, March 10, 1999.