

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
25th Legislative Day
Tuesday, March 16, 1999

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

Prayer by Reverend George Waterman, Oxford Advent Christian Church.

Pledge of Allegiance.

The Journal of Thursday, March 11, 1999 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 644)

JOINT RESOLUTION TO DECLARE A MAINE FITNESS WEEKEND

WHEREAS, only 5% to 10% of our population exercises on a regular basis, and there exists a high incidence of obesity and cancer in Maine as our lives have become more sedentary; and

WHEREAS, our teenagers have the dubious distinction of having the highest per capita rate of tobacco use in the nation, and obesity in our teens runs a high rate of 25% to 35% of the teenager population with no indication of a reversal of this trend; and

WHEREAS, Maine follows the national percentages quite closely regarding the 3 leading causes of death: heart disease, cancer and diabetes, which are all closely linked to diet and exercise; and

WHEREAS, scientific studies have verified that heart disease, cancer and some forms of diabetes can be reduced, prevented or even eliminated by an active fitness lifestyle that includes proper nutrition, cardiovascular conditioning and muscle resistance training; and

WHEREAS, healthy activities, lifestyle and diet can reduce medical costs and contribute to a better way of life, which benefits everyone in the State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, on behalf of the people we represent, declare that there be a Maine Fitness Weekend each year, on the weekend before the Memorial Day weekend, dedicated to the pursuit of fitness for all people; and be it further

RESOLVED: That schools, businesses, municipalities and the media will all get involved with fitness activities and nutrition education by way of races, seminars, fitness walks and other family-friendly activities dedicated to the enhancement and education for a positive climate of health and fitness for all the people of the State of Maine.

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

READ.

On motion of Representative KANE of Saco, the Joint Resolution was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act to Ensure That Funds from Maine's Medicaid Settlement with Tobacco Product Manufacturers are used to Expand Access to Health Care for Maine People"

(S.P. 586) (L.D. 1666)

Came from the Senate, **REFERRED** to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act to Adjust and Modify the School Funding Formula"

(S.P. 646) (L.D. 1826)

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.

Resolve, to Establish the Commission to Study Children in Need of Services (EMERGENCY)

(S.P. 643) (L.D. 1825)

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 to Establish a Permit for the Marine Shrimp Fishery"

(S.P. 649) (L.D. 1829)

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

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

Bill "An Act to Increase Accessibility to the Department of Environmental Protection Clean-up Funds for Businesses"

(S.P. 641) (L.D. 1823)

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 Encourage Equity Equivalent Loans or Investments in Community Development Financial Institutions"

(S.P. 642) (L.D. 1824)

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

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

Non-Concurrent Matter

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)

Minority (5) **OUGHT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on March 10, 1999.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative AHEARNE of Madawaska, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

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)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **MARINE RESOURCES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-30)** in the House on March 10, 1999.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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

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

REFERRED to the Committee on **JUDICIARY** in the House on March 9, 1999.

Came from the Senate **REFERRED** to the Committee on **UTILITIES AND ENERGY** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Ensure that Tobacco Settlement Funds Are Used for Health Purposes"

(H.P. 1154) (L.D. 1651)

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in the House on March 3, 1999.

Came from the Senate **REFERRED** to the Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 56)

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

March 8, 1999

Honorable Joseph Mayo
Clerk of the House
119th Legislature
2 State House Station
Augusta, ME 04333
Dear Clerk Mayo,

Governor Angus S. King, Jr. has set Tuesday, April 13, 1999 as the date for the special election to be held in Representative District 89.

Please find enclosed a copy of the Governor's proclamation.

Sincerely,
S/Dan A. Gwadosky
Secretary of State

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

The Following Communication: (H.C. 75)

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

March 5, 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 bill out "Ought Not to Pass":

L.D. 1088 An Act to Prohibit Permanent Committees Authorized by the Baxter State Park Authority

We have also notified the sponsor 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. 83)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

March 5, 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 bill out "Ought Not to Pass":

L.D. 945 An Act to Require Individuals be Notified of Cancellation of Insurance Benefits

We have also notified the sponsor 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. 76)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE**

March 5, 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. 390 An Act Defining Witness, Informant and Victim for the Crime of Tampering with a Witness, Informant or Victim Under the Criminal Code
- L.D. 616 An Act Relating to the Forfeiture of Bail
- L.D. 877 An Act to Clarify Public Nuisance Descriptions
- L.D. 936 An Act to Amend the Bail Code to Imprison Violators of Bail
- L.D. 1021 An Act to Allow a Movie Rental Company Restitution if a Person Fails to Return a Movie
- L.D. 1153 An Act to Require Counties to be Reimbursed 100% for all Prisoners Incarcerated in Jail From Other Jurisdictions From Arrival Until Departure

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. 77)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 5, 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. 220 An Act to Require Certification in First Aid and Cardiopulmonary Resuscitation for Certain School Personnel
- L.D. 364 An Act to Increase Postsecondary Educational Opportunities

L.D. 664

An Act to Fully Fund Implementation of All Learning Results Standards and Reimburse Professional Development Costs

L.D. 746

An Act to Allow Municipal Review of Actual School Budget and Expenditures

L.D. 836

Resolve, Establishing a Commission to Study the Maine Education Assessment

L.D. 948

An Act to Provide Professional Development for Implementing Learning Results

L.D. 981

Resolve, Directing the Department of Education to Authorize the City of Auburn to Conduct the Expansion, Renovation and Repair of the East Auburn School in Auburn, Maine

L.D. 1050

An Act to Establish a Scholarship Fund for Law Enforcement Education

L.D. 1089

An Act to Require Consideration of Part-time Students for Dean's List and other Academic Honors within the Maine Technical College System

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. 78)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 8, 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. 918 An Act to Mandate Abortion Reporting Standards
- L.D. 1002 Resolve, to Comprehensively Address Protection of Public Health and Natural Resources
- L.D. 1084 An Act to Create a Monitoring Program in the Department of Human Services

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. 79)

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

March 5, 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 bill out "Ought Not to Pass":

L.D. 400 An Act to Exempt Volunteer Fire Departments from Health and Safety Laws

We have also notified the sponsor 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. 80)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 5, 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. 158 An Act to Require an Elected Town Clerk to Nominate the Registrar of Voters

L.D. 188 An Act to Allow Unenrolled Voters to Serve as Election Workers at Polling Places

L.D. 204 An Act to Require the Secretary of State to Provide Single-sided Ballots upon Request of Municipal Clerks

L.D. 346 An Act to Increase the Number of Absentee Ballots That A Person May Request

L.D. 535 An Act Regarding Burial at the Veterans' Memorial Cemetery

L.D. 642 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That Petition Signatures Be Based on 10% of Registered Voters

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. 81)

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

March 5, 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. 315 An Act to Amend the Laws Governing the Marine Resources Advisory Council

L.D. 804 An Act to Prohibit the Appointment of Lobbyists to the New England Fishery Management Council

We have also notified the sponsors 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. 82)

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

March 5, 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. 366 An Act to Extend the Time Limits for Private Road Associations to Organize

L.D. 494 An Act to Facilitate Implementation of Municipal Growth Management Programs

L.D. 621 An Act to Allow Towns to Sand and Plow Private Ways

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. 84)

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

March 5, 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. 63 An Act to Exempt Leased Equipment from Sales Tax
- L.D. 96 An Act to Create a Civil Violation for the Misuse of a Sales Tax Registration Certificate Number
- L.D. 120 An Act to Include Investment in Agricultural Building Improvements in the Business Property Tax Reimbursement Program
- L.D. 177 An Act to Extend the Tree Growth Plan Filing Deadline
- L.D. 340 An Act to Reduce the Property Taxes on Old Business Equipment
- L.D. 415 An Act to Limit a Property Owner's Tax Liability to the Time Prior to Sale of the Property
- L.D. 489 An Act to Change the Homestead Exemption to 7% of Just Value
- L.D. 519 An Act to Eliminate the Local Property Tax on Homes for Individuals 65 Years of Age or Older
- L.D. 545 An Act to Increase the Homestead Tax Exemption
- L.D. 636 An Act to Exempt a Portion of the Sales Tax on Automobiles
- L.D. 652 Resolve, to Exempt Appliances and Clothing from Sales Tax for One Week
- L.D. 673 An Act to Reduce Sales Tax on Residential Electric Bills
- L.D. 691 An Act to Require Sellers of Property to Notify Purchasers of Tax Due
- L.D. 726 An Act to Increase the Homestead Exemption
- L.D. 731 An Act to Exclude the Purchase and Lease of Telecommunications and Internet Equipment from Sales and Use Tax
- L.D. 808 An Act to Amend the Homestead Exemption Law
- L.D. 817 An Act to Require 90% of Estate Taxes Collected in Counties to Remain in the County Where Collected
- L.D. 935 An Act to Set Penalties for the Late Filing of the Tree Growth Tax Reimbursement

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. 85)

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

March 5, 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. 46 An Act to Require Special Identification of Motor Vehicles Driven by Holders of Driver's License Permits
- L.D. 202 An Act to Abolish the Maine Turnpike Authority
- L.D. 221 An Act to Require Helmets for Children when Riding Bicycles, All-terrain Vehicles or Snowmobiles
- L.D. 606 Resolve, Naming the East-West Highway the Ronald Reagan International Highway
- L.D. 783 An Act to Require That Farm Tractors and Skidders Driven on a Public Way be Registered and Insured
- L.D. 902 An Act to Limit Load Weights on State Roads
- L.D. 1009 An Act to Require Notification of Motor Vehicle Registration Expiration BY REQUEST
- L.D. 1071 An Act Requiring Notification of Violation to Motor Carriers

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: (H.C. 86)

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

March 5, 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 Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 554 An Act to Provide Affordable Computer-based Information Networks

- L.D. 659 An Act to Require Companies Responsible for Billing Electrical Services to Forward the Amount Collected within 3 Days
- L.D. 672 An Act to Permit Water Utilities and Sewer and Sanitary Districts to Establish Lower Rates for Elderly Homeowners
- L.D. 710 An Act Regarding Criteria for Approval of a Public Utility Reorganization by the Public Utilities Commission
- L.D. 735 An Act Authorizing the Public Utilities Commission to Award Damages to Customers Damaged by Substandard Utility Service
- L.D. 1057 Resolve, Directing the Public Utilities Commission to Investigate Whether Internet Traffic Should Be Classified as Local or Toll

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

Sincerely,
 S/Sen. Richard J. Carey
 Senate Chair
 S/Rep. Thomas M. Davidson
 House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 87)

STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BUREAU OF THE BUDGET
STATE HOUSE STATION 58
AUGUSTA, MAINE 04333

Date: January 8, 1999
 To: Honorable Angus S. King, Jr., Governor
 Honorable Mark W. Lawrence, President of the Senate
 Honorable G. Steven Rowe, Speaker of the House
 Honorable Michael H. Michaud, Senate Chair
 Honorable Elizabeth Townsend, House Chair
 Members, Joint Standing Committee on Appropriations & Financial Affairs
 From: S/John R. Nicholas, State Budget Officer
 Subject: Report on the forecast of revenues and expenditures for the General Fund and the Highway Fund for the FY 00-01 biennium and the FY 02-03 biennium in accordance with Title 5, section 1665, subsection 7.

The Bureau of the Budget is pleased to present its four year budget forecast for the General Fund and the Highway Fund for the FY 00-01 biennium and the FY 02-03 biennium in accordance with Title 5, section 1665. This effort was initiated and passed into law by the 117th Legislature as fulfillment of one of the recommendations of the Special Commission on Governmental Restructuring to provide a platform for long term financial planning.

This forecast is based on the current structure of State revenues and expenditures for both the General Fund and the Highway Fund using the Governor's budget proposals for the FY 00-01 biennium as presented on January 8, 1999. As such, this product should provide an objective view of revenue and expenditure trends over the long term as a basis for financial planning and decision making. It is important also to note that the enclosed budget forecast does not reflect any recent change proposals to the original budget submissions for the FY 00-01

biennium nor the assumption of any revenue reprojections from the Revenue Forecasting Committee beyond those presented on December 4, 1998.

READ and with accompanying papers **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 Require Disclosure of Vital Information When a Conservation Easement or Preservation Interest is Created"

(H.P. 1281) (L.D. 1842)

Presented by Representative JOY of Crystal.
 Cosponsored by Representative: MENDROS of Lewiston.

Bill "An Act to Protect Taxpayers Against Open-ended Maintenance Expenditures on Property Transferred to the State"

(H.P. 1283) (L.D. 1844)

Presented by Representative JOY of Crystal.
 Cosponsored by Representative: CAMPBELL of Holden.

Bill "An Act to Require Posting of Regulations on Public Lands"

(H.P. 1293) (L.D. 1854)

Presented by Representative JOY of Crystal.
 Cosponsored by Representatives: CAMPBELL of Holden, GERRY of Auburn, MACK of Standish, MENDROS of Lewiston.

Bill "An Act to Preserve Public Access and Job Opportunities in the Maine Woods"

(H.P. 1309) (L.D. 1868)

Presented by Representative COWGER of Hallowell.
 Cosponsored by Senator PINGREE of Knox and Representatives: BERRY of Livermore, BRYANT of Dixfield, COLWELL of Gardiner, DUPLESSIE of Westbrook, GREEN of Monmouth, POWERS of Rockport, WATSON of Farmingdale, Senator: KILKELLY of Lincoln.

Bill "An Act to Deter Export of Unprocessed Timber and Increase Maine Employment in Timber Harvesting and Processing"

(H.P. 1300) (L.D. 1861)

Presented by Representative VOLENIK of Brooklin.
 Cosponsored by Representatives: COWGER of Hallowell, DUDLEY of Portland, SKOGLUND of St. George.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested.

On motion of Representative PIEH of Bremen, **TABLED** pending **REFERENCE** and later today assigned.

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Relocate the Maine Legislative Law and Reference Library to Comply with the Federal Americans with Disabilities Act" (EMERGENCY)

(H.P. 1328) (L.D. 1911)

Presented by Speaker ROWE of Portland.

Cosponsored by President LAWRENCE of York.

BANKING AND INSURANCE

Bill "An Act Regarding Assignment of Benefits under a Health Insurance Policy"

(H.P. 1301) (L.D. 1862)

Presented by Representative PERRY of Bangor.

Cosponsored by Representatives: FRECHETTE of Biddeford, MUSE of South Portland.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Require Motion Picture Distributors to Give Exhibitors an Equal Opportunity to Bid for the Right to Exhibit Motion Pictures"

(H.P. 1285) (L.D. 1846)

Presented by Representative POVICH of Ellsworth.

Cosponsored by Representatives: DUNLAP of Old Town, PIEH of Bremen, WHEELER of Eliot, Senator: KILKELLY of Lincoln.

Bill "An Act to Change the Charter of the Eastport Port Authority" (EMERGENCY)

(H.P. 1306) (L.D. 1870)

Presented by Representative GOODWIN of Pembroke.

Bill "An Act to Establish Enterprise Zones to Fund Businesses in Areas of High Unemployment"

(H.P. 1312) (L.D. 1895)

Presented by Representative LaVERDIERE of Wilton.

Cosponsored by Representative CIANCHETTE of South Portland, Senator MILLS of Somerset and Representatives: BAGLEY of Machias, CLARK of Millinocket, JODREY of Bethel, KNEELAND of Easton, MARTIN of Eagle Lake, O'NEAL of Limestone, USHER of Westbrook, WATERHOUSE of Bridgton.

Bill "An Act to Give Consumers Restroom Access"

(H.P. 1317) (L.D. 1900)

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

Cosponsored by Representatives: BROOKS of Winterport, CHIZMAR of Lisbon, DUGAY of Cherryfield, GERRY of Auburn, MacDOUGALL of North Berwick, SHIELDS of Auburn, TRAHAN of Waldoboro, WILLIAMS of Orono.

Bill "An Act to Prohibit the Scalping of Entertainment Tickets"

(H.P. 1318) (L.D. 1901)

Presented by Representative SULLIVAN of Biddeford.

Cosponsored by Representatives: BAGLEY of Machias, DUDLEY of Portland, GERRY of Auburn, NORBERT of Portland, O'NEIL of Saco, SANBORN of Alton, TWOMEY of Biddeford, Senator: RAND of Cumberland.

Bill "An Act to Promote Economic Development in Central Maine"

(H.P. 1327) (L.D. 1910)

Presented by Representative CAMPBELL of Holden.

Cosponsored by Representatives: BAKER of Bangor, BROOKS of Winterport, O'NEAL of Limestone, PERKINS of Penobscot, PLOWMAN of Hampden, RICHARDSON of Greenville, STANWOOD of Southwest Harbor, TREADWELL of Carmel.

Bill "An Act Concerning the Regulation and Treatment of Time-shares"

(H.P. 1333) (L.D. 1916)

Presented by Representative CIANCHETTE of South Portland.

Cosponsored by Representatives: HONEY of Boothbay, McNEIL of Rockland, POWERS of Rockport, STANWOOD of Southwest Harbor, WHEELER of Bridgewater, Senators: BENOIT of Franklin, FERGUSON of Oxford.

CRIMINAL JUSTICE

Bill "An Act to Amend the Possession of Firearms by Felons"

(H.P. 1297) (L.D. 1858)

Presented by Representative JABAR of Waterville.

Cosponsored by Representative SAVAGE of Buxton, Senator MILLS of Somerset, Senator RUHLIN of Penobscot and Representatives: LaVERDIERE of Wilton, MUSE of South Portland, WATSON of Farmingdale.

Resolve, to Require the Department of Public Safety to Study the Security and Protection of State Government Employees

(H.P. 1316) (L.D. 1899)

Presented by Representative BUMPS of China.

Cosponsored by Senator PENDLETON of Cumberland and Representatives: AHEARNE of Madawaska, DAVIDSON of Brunswick, O'BRIEN of Augusta, POVICH of Ellsworth, RINES of Wiscasset, Senator: MURRAY of Penobscot.

Bill "An Act to Provide Continuing Financial Support for the Maine Community Policing Institute at the University of Maine at Augusta"

(H.P. 1326) (L.D. 1909)

Presented by Representative McALEVEY of Waterboro.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: CARR of Lincoln, MAYO of Bath, PEAVEY of Woolwich, PERKINS of Penobscot, SAVAGE of Union, SHERMAN of Hodgdon, WATSON of Farmingdale, WHEELER of Bridgewater.

Bill "An Act to Provide for Tougher Treatment of Drunk Drivers" (EMERGENCY)

(H.P. 1329) (L.D. 1912)

Presented by Representative BAKER of Bangor.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Allow School Officials to Provide Information Regarding Certain Juveniles to Other Agencies"

(H.P. 1302) (L.D. 1863)

Presented by Representative FULLER of Manchester.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BAKER of Bangor, BELANGER of Caribou, GREEN of Monmouth.

Bill "An Act to Credit a Town for Payment of School Construction" (EMERGENCY)

(H.P. 1324) (L.D. 1907)

Presented by Representative ANDREWS of York.
Cosponsored by Representatives: BAKER of Bangor, CARR of Lincoln, CHICK of Lebanon, JOY of Crystal, SNOWE-MELLO of Poland, STEDMAN of Hartland.

HEALTH AND HUMAN SERVICES

Resolve, to Increase Reimbursement for Chiropractic Manipulation under the Medicaid Program

(H.P. 1313) (L.D. 1896)

Presented by Representative KANE of Saco.
Cosponsored by Senator PENDLETON of Cumberland and Representatives: FULLER of Manchester, GAGNON of Waterville, LEMOINE of Old Orchard Beach, O'NEIL of Saco, QUINT of Portland, TOWNSEND of Portland.

Bill "An Act to Allow Emergency Room Personnel to Search Patients Who have Threatened Themselves or Others"

(H.P. 1319) (L.D. 1902)

Presented by Representative FRECHETTE of Biddeford.
Cosponsored by Representatives: BUMPS of China, CHIZMAR of Lisbon, McALEVEY of Waterboro, O'BRIEN of Augusta, QUINT of Portland, SHERMAN of Hodgdon, TOBIN of Dexter, Senator: MURRAY of Penobscot.

Bill "An Act to Establish the Birth Defects Program"

(H.P. 1322) (L.D. 1905)

Presented by Representative FULLER of Manchester.
Cosponsored by Senator MITCHELL of Penobscot and Representatives: BRAGDON of Bangor, BULL of Freeport, DUPLESSIE of Westbrook, KANE of Saco, MATTHEWS of Winslow, Senator: PARADIS of Aroostook.

INLAND FISHERIES AND WILDLIFE

Resolve, to Study Issues Related to the Muzzle-loading Season

(H.P. 1321) (L.D. 1904)

Presented by Representative BUMPS of China.
Cosponsored by Representatives: CROSS of Dover-Foxcroft, DUNLAP of Old Town, Senator: DAVIS of Piscataquis.

JUDICIARY

Bill "An Act to Amend the Laws Regarding Real Estate Transfers"

(H.P. 1289) (L.D. 1850)

Presented by Representative McKEE of Wayne.

Bill "An Act to Amend the Freedom of Access Laws"

(H.P. 1296) (L.D. 1857)

Presented by Representative CHICK of Lebanon.
Cosponsored by Senator MacKINNON of York and Representatives: ANDREWS of York, HONEY of Boothbay, JOY of Crystal, PERKINS of Penobscot, SNOWE-MELLO of Poland, STEDMAN of Hartland, TRAHAN of Waldoboro, Senator: KIEFFER of Aroostook.

Bill "An Act Allowing the Appointment of Temporary Guardians of Minors"

(H.P. 1299) (L.D. 1860)

Presented by Representative McNEIL of Rockland.

Bill "An Act to Conform the Highway Defect Statute to the Maine Tort Claims Act"

(H.P. 1304) (L.D. 1865)

Presented by Representative JABAR of Waterville.

Cosponsored by Representative: LAVERDIERE of Wilton.

Bill "An Act Concerning Tribal Jurisdiction over Rights-of-way Over or Abutting Tribal Lands and the Collection of Fines from Violations Occurring on Tribal Lands and Rights-of-way"

(H.P. 1331) (L.D. 1914)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Representatives: AHEARNE of Madawaska, DESMOND of Mapleton, GOODWIN of Pembroke, SIROIS of Caribou.

LABOR

Bill "An Act Concerning the Political Use of Union Dues"

(H.P. 1303) (L.D. 1864)

Presented by Representative MARVIN of Cape Elizabeth.

Bill "An Act to Increase the Maximum Benefit Levels Provided for Injured Workers"

(H.P. 1314) (L.D. 1897)

Presented by Representative HATCH of Skowhegan.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BAGLEY of Machias, BRYANT of Dixfield, GOODWIN of Pembroke, SAMSON of Jay.

Bill "An Act to Establish as an Employee Any Person Who Collects Signatures on Petitions for Direct Initiative or People's Veto Legislation for Any Person, Firm or Organization that Contracts, Subcontracts or Agrees to Collect the Signatures for Anything of Value"

(H.P. 1325) (L.D. 1908)

Presented by Representative HATCH of Skowhegan.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BAGLEY of Machias, BRYANT of Dixfield, GAGNON of Waterville, GOODWIN of Pembroke, STANLEY of Medway.

Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act to Ensure Fair Access under the Workers' Compensation Utilization and Review System"

(H.P. 1330) (L.D. 1913)

Presented by Representative HATCH of Skowhegan.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BAGLEY of Machias, BRYANT of Dixfield, GAGNON of Waterville, GOODWIN of Pembroke, SAMSON of Jay.

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Require the Display of the Prisoner of War - Missing in Action Flag"

(H.P. 1287) (L.D. 1848)

Presented by Representative CHIZMAR of Lisbon.

Cosponsored by Senator BERUBE of Androscoggin and Representatives: BOLDUC of Auburn, COTE of Lewiston, HEIDRICH of Oxford, MAILHOT of Lewiston, O'BRIEN of Augusta, TUTTLE of Sanford, WILLIAMS of Orono.

Bill "An Act Concerning the Distribution of Beer and Wine"

(H.P. 1295) (L.D. 1856)

Presented by Representative BUCK of Yarmouth.
Cosponsored by Representative: PERRY of Bangor.

Bill "An Act to Establish the Emergency Management Preparedness and Assistance Trust Fund"

(H.P. 1305) (L.D. 1869)

Presented by Representative NORBERT of Portland.
Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BERRY of Livermore, CHIZMAR of Lisbon, DUDLEY of Portland, FISHER of Brewer, O'NEIL of Saco, RICHARDSON of Brunswick, SAXL of Bangor, SIROIS of Caribou.

Resolve, to Study the Needs of Maine Veterans and Their Families

(H.P. 1320) (L.D. 1903)

Presented by Representative GERRY of Auburn.
Cosponsored by Senator RUHLIN of Penobscot and Representatives: COTE of Lewiston, DUGAY of Cherryfield, HEIDRICH of Oxford, MENDROS of Lewiston, SHIELDS of Auburn, TRUE of Fryeburg, Senator: MICHAUD of Penobscot.

NATURAL RESOURCES

Bill "An Act to Require Enhanced Emissions Testing for the Entire State"

(H.P. 1298) (L.D. 1859)

Presented by Representative FOSTER of Gray.
Cosponsored by Representatives: BUCK of Yarmouth, DAVIS of Falmouth, McKENNEY of Cumberland.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Require That Local Officials Take On-the-record Stands When They Are Responsible for Laws That Decrease Property Taxes"

(H.P. 1282) (L.D. 1843)

Presented by Representative JOY of Crystal.
Cosponsored by Representative: MACK of Standish.

Bill "An Act to Amend the Laws Governing Public Easements and the Discontinuance of Town Ways"

(H.P. 1288) (L.D. 1849)

Presented by Representative McKEE of Wayne.
Cosponsored by Senator NUTTING of Androscoggin.

Bill "An Act to Amend the InforME Laws"

(H.P. 1308) (L.D. 1867)

Presented by Representative GERRY of Auburn.

Resolve, That the Director of the Maine State Museum Shall Include the Portraits of Outstanding Indians in the State House

(H.P. 1315) (L.D. 1898)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.
Cosponsored by Representatives: HATCH of Skowhegan, LORING of the Penobscot Nation, MAYO of Bath, McKEE of Wayne, SCHNEIDER of Durham, President LAWRENCE of York.

Bill "An Act to Amend the Maine Administrative Procedure Act Pertaining to Major Substantive Rules Review"

(H.P. 1323) (L.D. 1906)

Presented by Representative FULLER of Manchester.
Cosponsored by Senator PENDLETON of Cumberland and Representatives: COLWELL of Gardiner, POWERS of Rockport, TWOMEY of Biddeford, Senator: RAND of Cumberland.

TAXATION

Bill "An Act to Require Review of a Property Tax Assessment When the Property Has Been Potentially Devalued by a Law"

(H.P. 1280) (L.D. 1841)

Presented by Representative JOY of Crystal.
Cosponsored by Representatives: CAMPBELL of Holden, GERRY of Auburn, MACK of Standish, MENDROS of Lewiston.

Bill "An Act to Limit the Imposition of Excise Taxes on Watercraft"

(H.P. 1284) (L.D. 1845)

Presented by Representative PIEH of Bremen.
Cosponsored by Senator KILKELLY of Lincoln and Representatives: HONEY of Boothbay, McNEIL of Rockland, PERKINS of Penobscot, PINKHAM of Lamoine, SKOGLUND of St. George, STANWOOD of Southwest Harbor, USHER of Westbrook, Senator: GOLDTHWAIT of Hancock.

Bill "An Act to Increase to 5.5% the Amount of Revenue Dedicated to General Revenue Sharing"

(H.P. 1286) (L.D. 1847)

Presented by Representative GAGNON of Waterville.
Cosponsored by Senator TREAT of Kennebec and Representatives: BAGLEY of Machias, COWGER of Hallowell, GREEN of Monmouth, HATCH of Skowhegan, KANE of Saco, LEMOINE of Old Orchard Beach, McKENNEY of Cumberland, MURPHY of Berwick.

Bill "An Act to Amend the Laws Pertaining to Taxation of Recreational Vehicles"

(H.P. 1290) (L.D. 1851)

Presented by Representative NASS of Acton.

Bill "An Act to Create Tax Fairness for Private Purchases of Health Insurance"

(H.P. 1291) (L.D. 1852)

Presented by Representative BERRY of Livermore.
Cosponsored by Senator NUTTING of Androscoggin and Representatives: BUCK of Yarmouth, COWGER of Hallowell, GLYNN of South Portland, PERRY of Bangor, STANLEY of Medway.

Bill "An Act to Establish a New Rate for Excise Taxes of Vehicles"

(H.P. 1294) (L.D. 1855)

Presented by Representative JOY of Crystal.
Cosponsored by Representatives: CAMPBELL of Holden, MACK of Standish.

Bill "An Act to Reform the Maine Tree Growth Tax Law"

(H.P. 1307) (L.D. 1866)

Presented by Representative VOLENIK of Brooklin.
Cosponsored by Representatives: COWGER of Hallowell, DUDLEY of Portland, ETNIER of Harpswell, SKOGLUND of St. George.

TRANSPORTATION

Bill "An Act to Expand the Membership of the Northern New England Passenger Rail Authority" (H.P. 1292) (L.D. 1853)
Presented by Representative GOODWIN of Pembroke.
Cosponsored by Representative: DUGAY of Cherryfield.

UTILITIES AND ENERGY

Bill "An Act to Amend Assessment Provisions Within the Charter of the Kennebunk Sewer District" (EMERGENCY) (H.P. 1332) (L.D. 1915)
Presented by Representative MURPHY of Kennebunk.
Cosponsored by Senator LaFOUNTAIN of York.

Pursuant to Statute

Criminal Law Advisory Commission

Representative POVICH for the **Criminal Law Advisory Commission** pursuant to Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act to Revise Procedures for Probation Revocation" (H.P. 1310) (L.D. 1871)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

Pursuant to Statute

Administrator of the Unorganized Territory

Representative GAGNON for the **Administrator of the Unorganized Territory** pursuant to Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1999-00" (EMERGENCY) (H.P. 1311) (L.D. 1872)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-53)** on Bill "An Act to Repeal the Chemical Substance Identification Law" (H.P. 432) (L.D. 574)

Signed:
Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
MUSE of South Portland
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

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

Signed:

Representative:

GOODWIN of Pembroke

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-53)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 17, 1999.

CONSENT CALENDAR

First Day

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

(S.P. 96) (L.D. 235) Bill "An Act to Increase the Amount of State Contribution to Out-of-district Placements" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-21)**

(H.P. 286) (L.D. 394) Bill "An Act Regarding Hunting Implements" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 349) (L.D. 465) Resolve, to Permit the Maine Warden Service to Return a Donated All-terrain Vehicle to the Donor Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 642) (L.D. 892) Bill "An Act to Transfer Responsibilities of the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities to the Statewide Independent Living Council" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 50) (L.D. 64) Bill "An Act to Amend the Mexico Water District Charter" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-60)**

(H.P. 96) (L.D. 109) Bill "An Act to Amend the Charter of the Mars Hill Utility District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-59)**

(H.P. 399) (L.D. 541) Bill "An Act to Clarify the Jurisdiction of the Public Utilities Commission with Regard to Wireless Carriers" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-57)**

(H.P. 409) (L.D. 551) Bill "An Act to Amend the Lien Enforcement Procedure for the Topsham Sewer District"

Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-58)**
 (H.P. 428) (L.D. 570) Bill "An Act Relating to the Protection of Maine Consumers in the Telecommunications Market" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-56)**

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

CONSENT CALENDAR

Second Day

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

(S.P. 270) (L.D. 763) Resolve, Authorizing the Director of the Bureau of Parks and Land to Convey a Well and Waterline Easement

(S.P. 27) (L.D. 38) Bill "An Act to Give the Probate Court Power to Order Child Support in Cases Involving Guardianship of a Minor" (C. "A" S-19)

(S.P. 168) (L.D. 505) Bill "An Act to Exempt Free Clinics from Payment of Pharmaceutical Registration Fees" (C. "A" S-20)

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

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Prohibit the Negotiation of Severance Pay Lower than the State Minimum"

(S.P. 156) (L.D. 476)
 (S. "A" S-17)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence.

ENACTORS

Emergency Measure

An Act to Make Maine Medicare Supplement Insurance Laws Consistent with Federal Laws

(S.P. 48) (L.D. 119)
 (C. "A" S-15)

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. 133 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.

Emergency Measure

An Act to Amend the Maine Banking Code as it Pertains to ATM Surcharges

(S.P. 101) (L.D. 240)
 (C. "A" S-16)

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. 134 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.

Emergency Measure

An Act to Form a New Local Education Agency

(H.P. 532) (L.D. 739)

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

Emergency Measure

An Act to Allow Preliminary Steps to be Taken in Preparation for the Mandatory Use of Conviction Data in Teacher Screening

(S.P. 274) (L.D. 792)

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. 134 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.

Emergency Measure

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

(H.P. 19) (L.D. 29)
 (C. "A" H-31)

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. 129 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 8: Fees, Section 1: A Major Substantive Rule of the Board of Veterinary Medicine

(H.P. 21) (L.D. 31)
 (C. "A" H-32)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Resolve Pursuant to the Constitution

Public Land

Resolve, Authorizing the Transfer of Certain State Historic Site Property

(H.P. 398) (L.D. 540)
(C. "A" H-22)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provision of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Change the Selection Process of the Oxford County Budget Committee

(S.P. 20) (L.D. 12)
(C. "A" S-11)

An Act to Amend the Laws Prohibiting Terrorizing

(H.P. 69) (L.D. 82)
(C. "A" H-20)

An Act to Enhance Senior Volunteerism in Maine

(S.P. 98) (L.D. 237)
(C. "A" S-12)

An Act Regarding Persons Who May Draw Blood for Blood Tests

(H.P. 196) (L.D. 274)
(C. "A" H-21)

An Act to Establish the Crime of Aggravated Criminal Trespass

(S.P. 110) (L.D. 307)
(C. "A" S-9)

An Act to Clarify the Criteria for Renewal of Agency Liquor Store Licenses

(H.P. 263) (L.D. 367)
(C. "A" H-27)

An Act to Assist Students with Disabilities in the Transition from School to Employment or Postsecondary Education

(H.P. 291) (L.D. 399)
(C. "A" H-26)

An Act to Amend the Revised Maine Securities Act

(S.P. 152) (L.D. 472)
(C. "A" S-14)

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

Resolves

Resolve, to Change the Name of the Ridlonville Bridge between Rumford and Mexico to the Veterans Memorial Bridge

(S.P. 25) (L.D. 7)
(C. "A" S-10)

Resolve, to Create a Study Group Regarding Pharmaceutical Guidelines for Geriatric Residents in Long-term Care Settings

(H.P. 326) (L.D. 442)
(C. "A" H-24)

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

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

Bill "An Act to Deter Export of Unprocessed Timber and Increase Maine Employment in Timber Harvesting and Processing"

(H.P. 1300) (L.D. 1861)

Which was **TABLED** by Representative PIEH of Bremen pending **REFERENCE**.

On motion of Representative PIEH of Bremen, the Bill was **REFERRED** to the Committee on **TAXATION**, ordered printed and sent for concurrence.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 11, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502

Bill "An Act to Protect the Drinking Water Supply of the Portland Water District"

(H.P. 1256) (L.D. 1810)

(Committee on **UTILITIES AND ENERGY** suggested)

TABLED - March 11, 1999 (Till Later Today) by Representative DAVIDSON of Brunswick.

PENDING - REFERENCE.

On motion of Representative DAVIDSON of Brunswick, the Bill was **REFERRED** to the Committee on **UTILITIES AND ENERGY**, ordered printed and sent for concurrence.

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

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

TABLED - March 11, 1999 (Till Later Today) by Representative O'NEAL of Limestone.

PENDING - PASSAGE TO BE ENACTED.

The **SPEAKER**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. I certainly would not want this piece of legislation to be what I am remembered for in this session. It doesn't deserve that kind of attention. However, let me begin by indicating that I happen to own a station that sells the fuel product and it has the signs above the pumps. I am a firm believer that the customers ability to see that sign is important from the consumers point of view. I understand the people who suggest, perhaps, that it ought not to be. Let me just remind you that once this law passes, remember that the big sign by the street is not a mandatory sign. That sign can be there or not be there at the option of the owner of the station. The only thing that the customer will have, potentially, is the sign at the pump. Let me complicate it one step further. As you move from the vacuum pump to the new modern pump, you have the three little digits that appear. When you lift one up, the others no longer appear. You have no idea what the other prices are on the three pump display.

It seems to me in the long run that the consumer ought to be able to make that decision. I don't personally care because I can guarantee you that the signs will remain where I am. It

won't be a problem in Eagle Lake. It seems to me for those who are fairly old and some of us are getting there, not always driving with our glasses, you are not going to be able to see that little digital figure when you get to the pump. You are going to be at the mercy of the person supplying you the fuel.

I fully understand C.N. Brown's approach, because it is a marketing technique. I congratulate them for having brought this legislation to increase their sales and their profit. I don't see that as my role here. I would hope, not that I personally care, that you would vote against this at Enactment. I will ask for the yeas and nays. Thank you.

Representative MARTIN of Eagle Lake **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Ladies and Gentlemen of the House. Since our discussion on the floor a week or two ago, I have been particularly attentive every time I get gas anywhere about whether and to what extent the price is visible or available. What I have found at the Irving station just coming off the turnpike right here in Augusta and one of the most modern pumps, is that absent the signs over the pump, there is no way to tell, not even from inside the glass, which of the three pumps in front of you represent the type of gas you wish to get until after you press the on button. That is after you have made a decision on which type of fuel you wish to get. In addition to maybe not having my glasses, no matter how good your eyesight is, there is no built in indication of what you are getting until after you make the choice. For that reason, I think we need to continue to have those signs over the pumps. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative **O'NEAL**: Mr. Speaker, Ladies and Gentlemen of the House. This legislation has received three votes already. All three votes were approximately two to one in favor of the bill. This was a unanimous committee report. I will remind you that the committee members are also consumers. They did look into this issue. I believe that everyone has made up their mind on this matter. I hope that we can take care of this very shortly. If this process doesn't work, if people are unhappy with it, then in two years I would be happy to sponsor the legislation to bring the signs back. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I initially did support this legislation, but I can tell you that I have been receiving calls from people in my district on this issue, particularly a lot of elderly people. In all honesty, I think if the bill were to be heard again today, I think there would be an awful lot more members from the public who would testify against it. I think this is a consumer issue that should be defeated. I would hope that you would vote not to pass this legislation. Serving as a chair of a committee, I know that the committee process of getting a unanimous report is a very difficult thing to do. It shows good consensus members of the committee. In all honesty, I feel that sometimes when legislation comes in and committees sort of get into traditional areas that they look at, sometimes it is in the body's best interest that this Legislature would recommend that either the issue be revisited, recommitted back to committee so that more

input would be given by members of the public. It is for that reason that I would ask all of you to vote against the present bill. I would be assured that there would be some other avenue that we could pursue. Passing this bill, at this time, Mr. Speaker, in my opinion, is just the wrong thing to do.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Twomey.

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I would urge all of you to vote against this bill. When I got home the last time we voted on this bill, I had to go and get gas. I couldn't believe that I had to get out of my car because there are some gasoline tanks that have higher octane than others and there is no way of knowing that if those little markers are not on the top of those gasoline tanks. I received an awful lot of phone calls from some of my seniors, who I represent, who said that they just will not be able to tell what the price of the gasoline is on the tanks without getting out of their automobiles. I really do believe it is a consumer bill. I do believe that we should vote against it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative **MURPHY**: Mr. Speaker, Ladies and Gentlemen of the House. I guess maybe I am aging myself or putting myself in a category with the people who wear the glasses. I just have to get and say on this bill that I agree with the good gentleman from Eagle Lake. These signs are very important, especially to me because it tells me what type of gas I want to put in. I know the price I am paying. I know they have signs outside of the road, but I am one who doesn't pay much attention to them. I go to a gas station and I drive along until I see the kind of gas that I want to put in my car and I go by the price. I know that is the high octane that I have to use. I would hope that today that we would not repeal this law because I really think it is a consumer law and I think it is a very important one. I hope you would all support not to repeal it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sullivan.

Representative **SULLIVAN**: Mr. Speaker, Ladies and Gentlemen of the House. I am going to vote against this. I have listened to a lot of people since we last voted on this. I guess the question I most cannot answer is, isn't it just like Augusta to talk about raising the tax on gas 5 cents and take away the signs for the consumers? I think that says it all. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. If you haven't received any calls this session, you can bet after today, if this passes, we are going to be swamped. Most senior citizens have not heard about this bill. Believe you me, those who have are absolutely stunned by what we are doing. The people in my district do know. We have no Irvings and we have no large stations. They know that we have a lot of bills here and they are very, very important. Some of them seem very foolish. This is one of them. I urge you to join the good Representative from Eagle Lake and me in opposing this bill. I gave gotten a lot of calls and you are going to get a lot of them also. Thank you.

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

ROLL CALL NO. 28

YEA - Andrews, Berry DP, Bolduc, Bowles, Bragdon, Buck, Bumps, Cianchette, Clough, Collins, Cowger, Davis, Desmond,

LEGISLATIVE RECORD - HOUSE, March 16, 1999

Duncan, Etnier, Foster, Gagne, Gillis, Heidrich, Jabar, Jodrey, Jones, Joy, Kasprzak, Labrecque, LaVerdiere, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, McAlevey, McDonough, McKenney, Mendros, Murphy T, Nass, Nutting, O'Brien, O'Neal, Peavey, Richardson E, Rosen, Sanborn, Savage C, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Snowe-Mello, Stanwood, Stedman, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Tripp, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Ahearne, Bagley, Baker, Belanger, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Carr, Chizmar, Clark, Colwell, Cross, Davidson, Dudley, Dugay, Dunlap, Duplessie, Fisher, Fuller, Gagnon, Gerry, Glynn, Goodwin, Gooley, Green, Honey, Jacobs, Kane, Kneeland, Lemoine, Lovett, Mailhot, Martin, Matthews, Mayo, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Muse, Norbert, O'Neil,

Perkins, Perry, Pieh, Pinkham, Powers, Quint, Richard, Richardson J, Rines, Samson, Savage W, Skoglund, Stanley, Stevens, Sullivan, Tessier, Townsend, Tracy, True, Tuttle, Twomey, Volenik, Watson, Williams.

ABSENT - Campbell, Chick, Cote, Daigle, Frechette, Hatch, Plowman, Povich.

Yes, 70; No, 72; Absent, 8; Excused, 0.

70 having voted in the affirmative and 72 voted in the negative, with 8 being absent, the Bill **FAILED OF PASSAGE TO BE ENACTED** and was sent for concurrence.

On motion of Representative NORBERT of Portland, the House adjourned at 11:17 a.m., until 10:00 a.m., Wednesday, March 17, 1999.