

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
31st Legislative Day
Tuesday, March 30, 1999

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

Prayer by Reverend Doctor Edward F. Grant, Eliot United Methodist Church.

National Anthem by Erskine Academy Band, South China.

Pledge of Allegiance.

The Journal of Thursday, March 25, 1999 was read and approved.

SENATE PAPERS

Bill "An Act to Clarify Underinsured Motor Vehicle Coverage"

(S.P. 723) (L.D. 2043)

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

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

Bill "An Act to Amend the Powers of Hospital Administrative District No. 1"

(S.P. 726) (L.D. 2046)

Bill "An Act to Amend the Lead Poisoning Control Act"

(S.P. 727) (L.D. 2047)

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 Establish the Citizens' Advisory Committee to Secure the Future of Maine's Wildlife and Fish

(S.P. 725) (L.D. 2045)

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

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

Bill "An Act Regarding Property Tax Liens"

(S.P. 696) (L.D. 1971)

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

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

Bill "An Act to Authorize a Local Option Tax on Wages Earned in a Municipality"

(S.P. 637) (L.D. 1804)

Committee on **TAXATION** suggested and ordered printed.

Came from the Senate, with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Bill and accompanying papers **INDEFINITELY POSTPONED** in concurrence.

Bill "An Act to Amend the Charter of the Pleasant River Standard Water District"

(S.P. 724) (L.D. 2044)

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

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Fixed Number of Signatures on Initiative Referenda Petitions

(S.P. 219) (L.D. 641)

Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** was **READ** and **ACCEPTED** in the House on March 24, 1999.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Majority (9) **OUGHT TO PASS** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

COMMUNICATIONS

The Following Communication: (H.P. 1486)

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

AUGUSTA, MAINE 04333

March 18, 1999

Honorable Joseph Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Enclosed please find my official certification to the 119th Legislature of the citizen initiative petition entitled, "An Act to Permit the Medical Use of Marijuana."

Sincerely,

S/Dan A. Gwadosky

Secretary of State

State of Maine
Department of State

I, Dan A. Gwadosky, Secretary of State, hereby certify that written petitions bearing signatures of 47,406 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on November 24, 1998, requesting that the Legislature consider an act entitled "An Act to Permit the Medical Use of Marijuana."

I further certify that the number of signatures submitted is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 42,101.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I
have caused the Great Seal

of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the eighteenth day of March in the year one thousand nine hundred and ninety-nine.

S/DAN A. GWADOSKY
Secretary of State

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

Sent for concurrence.

On motion of Representative SAXL of Portland, the accompanying Bill "An Act to Permit the Medical Use of Marijuana" (I.B. 2) (L.D. 2109) was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

The Following Communication: (H.C. 107)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002

TO: Honorable G. Steven Rowe
Speaker of the House
FROM: S/Joseph W. Mayo
Clerk of the House
RE: House Journal
DATE: March 29, 1999

Pursuant to my Constitutional responsibility as the Clerk of the House of the 118th Legislature, I have today transmitted to the Secretary of State a bound copy of the Journal of the House of Representatives for the 118th Legislature in four volumes.

Vol. I	1st Regular Session	Pages 1 - 725
	1st Special Session	Pages 727 - 1076
Vol. II	1st Special Session	Pages 1077 - 2144
Vol. III	2nd Regular Session	Pages 2145 - 2901
Vol. IV	2nd Regular Session	Pages 2903 - 3199
	2nd Special Session	Pages 3201 - 3436
	Appendix	Pages 3437 - 3450
	Indexes	Pages 3451 - 3697

READ and **ORDERED PLACED ON FILE.**

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

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 Amend the Posting Requirements of Harvested Wood Lots" (EMERGENCY)

(H.P. 1444) (L.D. 2065)

Presented by Representative TRAHAN of Waldoboro.

Cosponsored by Representatives: CARR of Lincoln, FOSTER of Gray, GILLIS of Danforth, JOY of Crystal, McNEIL of Rockland, SAVAGE of Union, TRACY of Rome, TRUE of Fryeburg.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act to Amend the Laws Relating to Slash Disposal along Highways and Railroad and Utility Corridors"

(H.P. 1445) (L.D. 2066)

Presented by Representative COWGER of Hallowell.

Cosponsored by Senator KIEFFER of Aroostook.

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

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Implement Funding the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities in the November 1997 Task Force Report"

(H.P. 1471) (L.D. 2111)

Presented by Representative QUINT of Portland.

Cosponsored by Senator RAND of Cumberland and Representatives: DAVIDSON of Brunswick, KANE of Saco, MUSE of South Portland, Speaker ROWE of Portland, THOMPSON of Naples, TOWNSEND of Portland, Senators: PARADIS of Aroostook, PINGREE of Knox.

Bill "An Act to Provide Funds for a National World War II Memorial in Washington"

(H.P. 1476) (L.D. 2116)

Presented by Representative O'NEAL of Limestone.

Cosponsored by Senator KIEFFER of Aroostook and Representatives: CLARK of Millinocket, ETNIER of Harpswell, HONEY of Boothbay, TRIPP of Topsham, WHEELER of Bridgewater, Senators: FERGUSON of Oxford, MacKINNON of York.

Resolve, Establishing an Improved Capital Planning Process

(H.P. 1480) (L.D. 2120)

Presented by Representative TOWNSEND of Portland.

BANKING AND INSURANCE

Bill "An Act Requiring Timely Reimbursement of Health Insurance Claims"

(H.P. 1464) (L.D. 2096)

Presented by Representative SHIELDS of Auburn.

Cosponsored by Senator MITCHELL of Penobscot and Representatives: BRAGDON of Bangor, KANE of Saco, MAYO of Bath, NUTTING of Oakland, PERRY of Bangor.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms"

(H.P. 1458) (L.D. 2090)

Presented by Representative DUDLEY of Portland.

Cosponsored by Representatives: BOLDUC of Auburn, MENDROS of Lewiston, POVICH of Ellsworth, SIROIS of Caribou, TOWNSEND of Portland, TRIPP of Topsham, Senator: KONTOS of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act to Allow Doctors of Dentistry to Prescribe Physical Therapy"

(H.P. 1472) (L.D. 2112)

Presented by Representative PLOWMAN of Hampden.

Cosponsored by Representatives: BRAGDON of Bangor, BUCK of Yarmouth, WINSOR of Norway.

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

(H.P. 1475) (L.D. 2115)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator BENOIT of Franklin.

CRIMINAL JUSTICE

Bill "An Act to Establish a Critical Incident Review Panel Regarding Physical Force Used by Officers Causing Serious Bodily Injury or Death to Another Person"

(H.P. 1448) (L.D. 2069)

Presented by Representative LaVERDIERE of Wilton.

Cosponsored by Representatives: GREEN of Monmouth, JABAR of Waterville, McALEVEY of Waterboro, Senator: TREAT of Kennebec.

Bill "An Act to Protect Library Materials in Circulation and to Designate Secure Archival Repositories"

(H.P. 1449) (L.D. 2070)

Presented by Representative DUNLAP of Old Town.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: CAMERON of Rumford, CHIZMAR of Lisbon, ETNIER of Harpswell, MARTIN of Eagle Lake, MUSE of South Portland, QUINT of Portland, Senators: CATHCART of Penobscot, KIEFFER of Aroostook.

Bill "An Act to Authorize the Disposition of Forfeited Firearms"

(H.P. 1461) (L.D. 2093)

Presented by Representative SCHNEIDER of Durham.

Bill "An Act to Improve the Safety of Firefighters"

(H.P. 1466) (L.D. 2098)

Presented by Representative DUPLESSIE of Westbrook.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: AHEARNE of Madawaska, BERRY of Livermore, DUDLEY of Portland, MAILHOT of Lewiston, McALEVEY of Waterboro, SANBORN of Alton, SAXL of Bangor, Senator: RAND of Cumberland.

Resolve, to Establish the Study Commission to Create and Submit a Master Plan for the Future Use of the Existing Land and Buildings at the Maine Youth Center

(H.P. 1478) (L.D. 2118)

Presented by Representative QUINT of Portland.

Cosponsored by Senator RAND of Cumberland and Representatives: BERRY of Livermore, DAVIDSON of Brunswick, McALEVEY of Waterboro, MUSE of South Portland, THOMPSON of Naples, TOWNSEND of Portland, Senators: PARADIS of Aroostook, PINGREE of Knox.

EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Allow Local School Officials Greater Freedom in Disciplining Students"

(H.P. 1453) (L.D. 2074)

Presented by Representative FULLER of Manchester. (BY REQUEST)

Cosponsored by Representatives: BAKER of Bangor, DESMOND of Mapleton, GAGNE of Buckfield, SKOGLUND of St. George, STEDMAN of Hartland, TRUE of Fryeburg, Senators: CATHCART of Penobscot, MITCHELL of Penobscot.

Bill "An Act to Transfer the Child Development Services System to the Department of Human Services"

(H.P. 1456) (L.D. 2077)

Presented by Representative QUINT of Portland.

Cosponsored by Senator RAND of Cumberland and Representatives: BAKER of Bangor, MARTIN of Eagle Lake, SNOWE-MELLO of Poland, STEVENS of Orono, TOWNSEND of Portland, Senators: CATHCART of Penobscot, MITCHELL of Penobscot.

HEALTH AND HUMAN SERVICES

Resolve, Establishing the Commission on Dental and Mental Health Services for Children (EMERGENCY)

(H.P. 1465) (L.D. 2097)

Presented by Speaker ROWE of Portland.

Bill "An Act to Provide Increased Access to Dental Care in Maine"

(H.P. 1467) (L.D. 2099)

Presented by Speaker ROWE of Portland.

Cosponsored by Senator PARADIS of Aroostook and Representatives: KANE of Saco, MAILHOT of Lewiston, MAYO of Bath, PEAVEY of Woolwich, QUINT of Portland, TESSIER of Fairfield, Senators: MICHAUD of Penobscot, MILLS of Somerset.

Bill "An Act to Ensure Adequate Nutrition for Low-income Legal Aliens" (EMERGENCY)

(H.P. 1470) (L.D. 2110)

Presented by Representative QUINT of Portland.

Cosponsored by Senator RAND of Cumberland and Representatives: KANE of Saco, TOWNSEND of Portland, Senators: PARADIS of Aroostook, PINGREE of Knox.

Resolve, Directing the Department of Human Services to Conduct a Review of the Reimbursement Rates under the Medicaid Program for Speech, Language Pathology and Audiology Services

(H.P. 1473) (L.D. 2113)

Presented by Representative QUINT of Portland.

Cosponsored by Senator CATHCART of Penobscot and Representatives: BERRY of Livermore, ETNIER of Harpswell, KANE of Saco, MUSE of South Portland, POWERS of Rockport, TOWNSEND of Portland, Senators: PARADIS of Aroostook, RAND of Cumberland.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Stagger Registration for Watercraft, All-terrain Vehicles and Snowmobiles"

(H.P. 1463) (L.D. 2095)

Presented by Representative POVICH of Ellsworth.

Cosponsored by Senator RUHLIN of Penobscot and Representatives: BRYANT of Dixfield, CLARK of Millinocket, COTE of Lewiston, DUNLAP of Old Town, TRACY of Rome, TRAHAN of Waldoboro, Senators: KIEFFER of Aroostook, KILKELLY of Lincoln.

JUDICIARY

Bill "An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide"

(H.P. 1446) (L.D. 2067)

Presented by Representative FRECHETTE of Biddeford.

Cosponsored by Senator MURRAY of Penobscot and Representatives: DUGAY of Cherryfield, MAILHOT of Lewiston, MUSE of South Portland, POVICH of Ellsworth, SAVAGE of Buxton, SAXL of Portland, THOMPSON of Naples, Senator: O'GARA of Cumberland.

Bill "An Act to Clarify the Admissibility of Electronic Records and Signatures"

(H.P. 1451) (L.D. 2072)

Presented by Representative THOMPSON of Naples.

Cosponsored by Representative: MADORE of Augusta, Senator: LONGLEY of Waldo.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act to Improve Responsible Check Writing"

(H.P. 1477) (L.D. 2117)

Presented by Representative SNOWE-MELLO of Poland.

Bill "An Act to Require a 24-hour Waiting Period before an Abortion May Be Performed"

(H.P. 1483) (L.D. 2123)

Presented by Representative AHEARNE of Madawaska.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: BOUFFARD of Lewiston, CARR of Lincoln, DAVIS of Falmouth, MACK of Standish, PERRY of Bangor, SIROIS of Caribou.

LABOR

Bill "An Act to Amend the Workers' Compensation Laws Pertaining to Attorney's Fees"

(H.P. 1452) (L.D. 2073)

Presented by Representative HATCH of Skowhegan.

Cosponsored by Representative MITCHELL of Vassalboro, Senator TREAT of Kennebec and Representatives: AHEARNE of Madawaska, BERRY of Livermore, BRYANT of Dixfield, CLARK of Millinocket, DUPLESSIE of Westbrook, JABAR of Waterville, RINES of Wiscasset, STANLEY of Medway.

Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health"

(H.P. 1454) (L.D. 2075)

Presented by Representative COWGER of Hallowell.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BRYANT of Dixfield, CAMERON of Rumford, DUPLESSIE of Westbrook, HATCH of Skowhegan, O'BRIEN of Augusta, SAMSON of Jay, VOLENIK of Brooklin, Senator: KILKELLY of Lincoln.

Bill "An Act to Move the Monitoring, Auditing and Enforcement of Workers' Compensation Payments to the Bureau of Insurance"

(H.P. 1455) (L.D. 2076)

Presented by Representative STANLEY of Medway.

Cosponsored by Senator MICHAUD of Penobscot and Representatives: BERRY of Livermore, BRYANT of Dixfield, MARTIN of Eagle Lake, SAXL of Bangor, SAXL of Portland.

Bill "An Act to Change the State Retirement System from a Defined Benefit Plan to a Defined Contribution Plan"

(H.P. 1484) (L.D. 2124)

Presented by Representative MACK of Standish.

Cosponsored by Representatives: GOODWIN of Pembroke, MacDOUGALL of North Berwick, TREADWELL of Carmel.

LEGAL AND VETERANS AFFAIRS

Bill "An Act to Enhance Competition and Public Health"

(H.P. 1479) (L.D. 2119)

Presented by Representative O'NEIL of Saco.

Cosponsored by President LAWRENCE of York and Representatives: BRENNAN of Portland, COLWELL of Gardiner, ETNIER of Harpswell, KANE of Saco, Speaker ROWE of Portland, SAXL of Portland, TOWNSEND of Portland, Senator: MILLS of Somerset.

NATURAL RESOURCES

Bill "An Act to Maintain Protection of Sand Dunes Under Existing Law"

(H.P. 1442) (L.D. 2063)

Presented by Representative COLLINS of Wells.

Cosponsored by Senator MacKINNON of York and Representatives: CLARK of Millinocket, COWGER of Hallowell, LEMOINE of Old Orchard Beach, MARTIN of Eagle Lake, SULLIVAN of Biddeford, WHEELER of Eliot, Senator: NUTTING of Androscoggin.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Create a State House Citizen Participation and Lobby Center"

(H.P. 1447) (L.D. 2068)

Presented by Representative McKEE of Wayne.

Cosponsored by Senator PINGREE of Knox and Representatives: BAKER of Bangor, BRENNAN of Portland, COWGER of Hallowell, ETNIER of Harpswell, MADORE of Augusta, MURPHY of Kennebunk, O'BRIEN of Augusta, Speaker ROWE of Portland.

Bill "An Act to Require Legislative Approval to Lease Certain Land to the Federal Government"

(H.P. 1460) (L.D. 2092)

Presented by Representative CARR of Lincoln.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: CLARK of Millinocket, JOY of Crystal, MARTIN of Eagle Lake, STANLEY of Medway, TRACY of Rome, WHEELER of Bridgewater.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act Regarding Regulations and Compensation to Property Owners"

(H.P. 1481) (L.D. 2121)

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: BUCK of Yarmouth, GLYNN of South Portland, MENDROS of Lewiston, PINKHAM of Lamoine, TRAHAN of Waldoboro, WATERHOUSE of Bridgton.

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

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

TAXATION

Bill "An Act Concerning Penalties under the Maine Tree Growth Law and the Farm and Open Space Law"

(H.P. 1450) (L.D. 2071)

Presented by Representative McKENNEY of Cumberland.

Cosponsored by Senator AMERO of Cumberland and Representatives: BUCK of Yarmouth, CLOUGH of Scarborough, DAVIS of Falmouth, LOVETT of Scarborough, MITCHELL of Vassalboro, NORBERT of Portland, SCHNEIDER of Durham, Senator: KONTOS of Cumberland.

Bill "An Act to Reduce Sales and Use Taxes and Address Volatility Within the State's Revenue System"

(H.P. 1474) (L.D. 2114)

Presented by Representative GAGNON of Waterville.

Cosponsored by Senator RUHLIN of Penobscot and Representatives: CIANCHETTE of South Portland, COLWELL of Gardiner, DAVIDSON of Brunswick, GREEN of Monmouth, LEMONT of Kittery, MURPHY of Berwick, STANLEY of Medway, Senator: MILLS of Somerset.

Bill "An Act to Base the Rate of Tax Imposed on Married Couples Solely on Income Earned in this State"

(H.P. 1482) (L.D. 2122)

Presented by Representative LEMONT of Kittery.

Cosponsored by Representatives: ANDREWS of York, BOWLES of Sanford, COLLINS of Wells, MacDOUGALL of North Berwick, MURPHY of Berwick, Senator: MacKINNON of York.

TRANSPORTATION

Bill "An Act to Increase Load Weight on Farm Vehicles"

(H.P. 1443) (L.D. 2064)

Presented by Representative O'NEAL of Limestone.

Cosponsored by Representatives: AHEARNE of Madawaska, DESMOND of Mapleton, DUNCAN of Presque Isle, KNEELAND of Easton, SHERMAN of Hodgdon, SIROIS of Caribou, WHEELER of Bridgewater, WHEELER of Eliot.

Bill "An Act to Change the Fine for Speeding in a School Zone"

(H.P. 1462) (L.D. 2094)

Presented by Speaker ROWE of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

UTILITIES AND ENERGY

Bill "An Act to Amend the Charter of the Richmond Utilities District"

(H.P. 1459) (L.D. 2091)

Presented by Representative SHIAH of Bowdoinham.

Cosponsored by Senator TREAT of Kennebec.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT and

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Implement the Recommendations of the Target Industries Committee to Promote Research and Development Activities in Maine"

(H.P. 1485) (L.D. 2125)

Presented by Speaker ROWE of Portland.

Cosponsored by President LAWRENCE of York and Representatives: BELANGER of Caribou, COWGER of Hallowell, HONEY of Boothbay, STEVENS of Orono, TESSIER of Fairfield, TOBIN of Dexter, TRIPP of Topsham, Senator: CATHCART of Penobscot.

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

ORDERS

On motion of Speaker ROWE of Portland, the following Joint Resolution: (H.P. 1468) (Cosponsored by President LAWRENCE of York and Representatives: BOUFFARD of Lewiston, MURPHY of Kennebec, SAXL of Portland, SHIAH of Bowdoinham, Senators: AMERO of Cumberland, BENNETT of Oxford, PINGREE of Knox, RAND of Cumberland)

JOINT RESOLUTION HONORING ALBERT P. GAMACHE

WHEREAS, the Legislature has learned with deep regret of the passing of Albert P. Gamache, Representative from Lewiston; and

WHEREAS, Representative Gamache, who had been given the distinction and honor of "The Dean of the Maine House," was a friend to all of us and a Legislator well-known for his remarkable record of public service and his unflinching affection for the people of Lewiston; and

WHEREAS, Representative Gamache's public service spanned decades and included serving as an aide and Chief of Staff to Senator William D. Hathaway, as an executive with the United States Department of Labor and at the time of his death as State Representative for District #89; and

WHEREAS, Representative Gamache was also known for his years of service as the executive director for the United Fund and as the Director of the Board of Trustees of the Lewiston Public Library; and

WHEREAS, Representative Gamache was dedicated to the cause of good government and had been included in the book, "An Insider's Guide to Maine Politics, 1946-1996" by Bowdoin College political science professor Christian P. Potholm, who considers Representative Gamache to be "one of the outstanding players in Maine Democratic history"; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred Nineteenth Legislature, now assembled in the First Regular

Session, pause in a moment of understanding and prayer to inscribe this token of sympathy and condolence to all who share the loss of our dear colleague and respectfully request that when the Legislature adjourns this date it do so in honor and lasting tribute to the deceased; and be it further

RESOLVED: That a suitable copy of this resolution in memory of our friend and colleague, duly authenticated by the Secretary of State, be transmitted to his family.

READ and ADOPTED.

Sent for concurrence.

On motion of Speaker ROWE of Portland, the following Joint Resolution: (H.P. 1469) (Cosponsored by President LAWRENCE of York and Representatives: CAMPBELL of Holden, MURPHY of Kennebunk, SAXL of Portland, SHIAH of Bowdoinham, Senators: AMERO of Cumberland, BENNETT of Oxford, PINGREE of Knox, RAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW THE STATES TO KEEP THEIR TOBACCO SETTLEMENT MONEY

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 President of the United States and the United States Congress, as follows:

WHEREAS, the State of Maine settled its litigation against the tobacco industry on November 23, 1998; and

WHEREAS, the Federal Government, through the federal Health Care Financing Administration, has asserted that it is entitled to a significant share of the state settlement on the basis that it represents the federal share of Medicaid costs; and

WHEREAS, the Federal Government asserts that it is authorized and obligated, under the United States Social Security Act, to collect its share of any settlement funds attributable to Medicaid; and

WHEREAS, the state lawsuit was brought for violation of state law under state law theories, and the state lawsuit did not make any federal claims; and

WHEREAS, the State bore all the risk and expense in the litigation brought in State Court and settled without any assistance from the Federal Government; and

WHEREAS, the State is entitled to all of the funds negotiated in the tobacco settlement agreement without any federal claim; now, therefore, be it

RESOLVED: That We, your Memorialists, request that the President of the United States and the United States Congress work together to support and sign legislation to allow the states to keep their tobacco settlement funds; and be it further

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

READ and ADOPTED.

Sent for concurrence.

On motion of Representative GLYNN of South Portland, the following Joint Order: (H.P. 1457) (Cosponsored by Representatives: CAMPBELL of Holden, GERRY of Auburn, KASPRZAK of Newport, MACK of Standish, MURPHY of Kennebunk, PLOWMAN of Hampden, TRAHAN of Waldoboro)

ORDERED, the Senate concurring, that the Joint Select Committee to Ensure Accountability in the Legislature is established as follows.

1. Committee established. The Joint Select Committee to Ensure Accountability in the Legislature, referred to in this order as the "committee," is established.

2. Membership. The committee consists of 5 members appointed as follows.

A. The President of the Senate shall appoint 2 Senators who serve on the Joint Standing Committee on State and Local Government, at least one of whom is a member of the party with the 2nd highest number of Senators.

B. The Speaker of the House of Representatives shall appoint 3 members from the House who serve on the Joint Standing Committee on State and Local Government, at least one of whom is a member of the party with the 2nd highest number of members in the House.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; convening committee. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than June 1, 1999.

5. Duties. The committee shall examine methods to ensure accountability in the Legislature, including but not limited to:

A. The mandatory use of roll calls for votes of final enactment in the Senate and the House of Representatives; and

B. Term limits for officers in the Senate, including the Secretary of the Senate and the Assistant Secretary of the Senate, and in the House, including the Clerk of the House and the Assistant Clerk of the House.

6. Staff assistance. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

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

8. Legislation. The committee shall submit a report along with any recommended legislation to the Joint Standing Committee on State and Local Government by January 7, 2000. Following receipt of the report, the Joint Standing Committee on State and Local Government may introduce legislation to the Second Regular Session of the 119th Legislature. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. Committee budget. The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the

committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget.

Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chair and staff with a status report on the study budget, expenditures incurred and paid and available funds.

READ and REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

On motion of Representative SKOGLUND of St. George, the following Joint Order: (H.P. 1487) (Cosponsored by Senator ABROMSON of Cumberland and Representatives: BRENNAN of Portland, DUPLESSIE of Westbrook, PIEH of Bremen, QUINT of Portland, Senator: KILKELLY of Lincoln)

ORDERED, the Senate concurring, that the Task Force to Develop a Plan to Implement a Pilot Program for a Public Defender's Office is established as follows.

1. Task force established. The Task Force to Develop a Plan to Implement a Pilot Program for a Public Defender's Office, referred to in this order as the "task force," is established.

2. Task force membership. The task force consists of 5 members appointed as follows:

A. Two Senators appointed by the President of the Senate; and

B. Three members of the House of Representatives appointed by the Speaker of the House.

3. Chair. The first named Senate member is the Senate chair and the first named House member is the House chair.

4. Appointments; convening task force. All appointments must be made within 30 days of the enactment of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. The chairs shall call and convene the first meeting of the task force within 30 days from when the appointment of all members is complete.

5. Duties. The task force shall meet with court administrators, judges, criminal defense lawyers, Pine Tree Legal Assistance, the Maine Bar Association and other interested parties, gather information and study public defender programs of other jurisdictions in order to develop a plan to implement a pilot program for a public defender's office to be located in Cumberland County.

6. Expenses. Members of the task force are entitled to receive the legislative per diem and reimbursement for necessary expenses for their attendance at authorized meetings of the task force.

7. Report. By December 1, 1999, the task force shall submit its report, together with any necessary implementing legislation, to the Joint Standing Committee on Criminal Justice.

READ and REFERRED to the Committee on **JUDICIARY**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following Monmouth High School Cheerleaders and coaches for winning the 1999 Class D Cheerleading Championship: cheerleaders Beth Sirois, Kim Burgess, Stephanie Morin, Andria Vachon, Nichole Doucette, Kristin Gulliford, Megan Jackson, Lauren Kolenda, Jessie Sawyer, Monica Sirois, Michelle Clark, Erin Eldridge, Kyla Greenier, Stephanie Savard and Katie Stanchfield and coaches Michael Gilbert and Sharlene Morin. We congratulate them on their achievements and wish them future success in their endeavors;

(HLS 81)

Presented by Representative GREEN of Monmouth.

Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative GREEN of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the following Monmouth Academy Drama Players, who won the 1999 Regional One-Act Play Competition for District II. Players who performed in "Present Tense" were: Zeke O'Donnell, Leah Kolenda, Nick Rioux, Dary Stroup, Elisabeth Thibodeau, Abby Carter and Angela Parvanta; student director Paul Ruopp, III; Stage Manager William Hafford; Stage Crew Tessie Gray, Bob Foley and Zack Gimpel; Adult Technical Director David Heckman and Advisor Christine Heckman. We extend our congratulations to them on their achievement;

(HLS 164)

Presented by Representative GREEN of Monmouth.

Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative GREEN of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Mark McDonald, of Monmouth Academy, on his exceptional high school wrestling career. Mark won the 1997-1998 State Class D Wrestling Championship for the 103-pound division and was the Mid-State League Champion. He also won the 1998-1999 State Class D Wrestling Championship for the 119-pound division and placed 3rd in the Bulldog Invitational Championship. We extend our congratulations and best wishes to him on his future endeavors;

(HLS 165)

Presented by Representative GREEN of Monmouth.

Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative GREEN of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the following members of the Monmouth Academy Academic Decathlon Team, capturing 55 individual medals and the 1999 State Championship: Shaun Bartlett, Annie Ellis,

Rachel Ellis, Robert Foley, Tessie Gray, Erin Harker, Jon Hillier, Jesse Kahl, Chris Martin-McNaughton, Jamie Martin-McNaughton, Di O'Donnell, Zeke O'Donnell, Nick Rioux, Lia Steuerwalt and Liz Thibodeau; Coaches David S. Heckman, Cathy Foyt, Scott Foyt, Elizabeth Garrett and Christine D. Heckman. We extend our congratulations and best wishes to the team for the National Finals in Anaheim, California, April 14-17;

(HLS 166)

Presented by Representative GREEN of Monmouth.
Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative GREEN of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

the following members of the Monmouth Academy Girls Basketball Team, with a 2-year record of 41-3, who won the 1998-1999 Class D Western Maine Championship and the East-West Conference Championship: Jessica Arsenault, Abby Carter, Kate Chuprevich, Faith Flannery, Sierra Grant, Leticia Palleschi, Sarah Baran, Lisa Hasch, Ashley Poole, Kara Pushard, Alicia Drake, Heidi Jackson and Managers Beth Mulcahy, Katie Mulcahy, Mellony Hafford, Christine Arsenault and Debbie Rioux; Head Coach Rick Amero and Assistant Coaches Debbie Marshall and Rachel Bernier. We extend our congratulations and best wishes to them on their achievements;

(HLS 168)

Presented by Representative GREEN of Monmouth.
Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative GREEN of Monmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Maynard F. Marsh, a beloved husband, father and grandfather. Mr. Marsh worked for the Department of Inland Fisheries and Wildlife for 4 decades, retiring in 1979 after 8 years as Commissioner. Mr. Marsh was known as a firm but well-respected game warden, a reputation he carried into the administrative ranks. In 1993, he was the recipient of the prestigious Maine Legendary Game Warden Award. The Department dedicated the 600-acre Killick Pond Wildlife Management Area in southern Maine in his name. Mr. Marsh touched the lives and influenced the careers of many people and was truly a legend in his own time leaving permanent tracks in the Department's history. He will be missed by all who knew him;

(HLS 167)

Presented by Representative USHER of Westbrook.
Cosponsored by Senator O'GARA of Cumberland, Representative LABRECQUE of Gorham, Representative MARTIN of Eagle Lake.

On **OBJECTION** of Representative USHER of Westbrook, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Usher.

Representative **USHER**: Mr. Speaker, Men and Women of the House. Maynard Marsh served 40 years in the Department of Fisheries and Wildlife, it's the old fish and game department that many of us remember. He graduated from college with a degree in wildlife management and he worked one year for the U.S. Forest Service. He began his career with the Fish and Wildlife Department and he was one of the original biologists in today's wildlife division. Then he became a district game warden in the Sebago area, Gorham, all southern parts of Cumberland County. He was appointed Deputy Commissioner in 1970 by Governor Curtis and then to the Commission of the Fish and Wildlife Department. He was the first to progress through the ranks through that position. He went on to serve Governor Longley and Governor Brennan until his retirement. He served on the Baxter Park Authority, Chair of the Pesticides Board and Sea Run Salmon Commission and Maine Indian Tribal Commission.

I recall in 1971, deer season, when it was of great concern of the deer herd in the State of Maine and Commissioner Marsh made a drastic decision to close the season early. He was concerned about the decline of the deer herd, he had great concern to protect the resource. I remember him as a soft spoken man with a reputation second to none. He was a gentleman respected by all. He is survived by his wife Francis and two sons, John and Eben and daughter Mary. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I haven't lived all of my life in Gorham, only about 35 years of it, but when I first moved there with my husband as a young bride, we had a game warden in the area that was next to none, Mr. Marsh. He was involved with young people. I can remember a Sunday afternoon when he spent the day with the only snowmobile probably in Gorham, hauling kids up and down our hill when we had a youth gathering. I also can remember the day shortly after they had released partridges and I'd taken our dog in training to try to see if she could be trained to smell out the birds and I happened to glance up the hill and there was a car that had stopped, my dog noticed that too and immediately went up and got into the car with the game warden, Mr. Marsh. He's touched many lives in Gorham. As Representative Usher has said, a kind, gentle man, deeply respected by all of us there. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. There's very little that I could add to the comments about Commissioner Marsh that have already been elucidated here today, however, he is truly a legend in the field of fish and wildlife across the country and he'll be remembered as a great Commission of Fish and Wildlife in this State. Thank you.

ADOPTED and sent for concurrence.

Recognizing:

Joseph E. "Joe" Brooks, who has been named Legislator of the year by the Maine Chapter of the National Association of Social Workers. We extend our congratulations and best wishes to him;

(HLS 171)

Presented by Representative SAXL of Portland.
 Cosponsored by Senator LONGLEY of Waldo, Representative BRENNAN of Portland, Representative TESSIER of Fairfield, Representative KANE of Saco.

On **OBJECTION** of Representative SAXL of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I always think it's important to take a moment to pause during our busy days to recognize when one of our colleagues has achieved something remarkable. This year Joe Brooks has been selected as Legislator of the Year. He's a worthy recipient of the award. Joe has been a champion for the mentally ill in the State of Maine, he's fought to make sure that everybody has access whether through public or private insurance to access the mental health care in the State of Maine and I truly believe that he's a great and worthy recipient and I'm joined on this resolution by social workers here in the Maine House and saying good for you Representatives Brooks and thank you for all your hard work.

PASSED and sent for concurrence.

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

Expression of Legislative Sentiment recognizing the Monmouth High School Cheerleaders and Coaches.

(HLS 81)

Which was tabled by Representative GREEN of Monmouth pending **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from Monmouth, Representative Green.

Representative **GREEN**: Mr. Speaker, Ladies and Gentlemen of the House. It is with pleasure and great pride that I rise this morning to honor the achievements of the students of Monmouth Academy. First, I'd like to introduce you to Monmouth, it is a small town, approximately 3500 people, probably more cows and in just about every way demographically, it's an average Maine town except for the consistent history of excellence in its schools. The Monmouth schools are a K-12 public school system. Monmouth Academy was established in 1803 as a private academy but it is public in every way except for the retention of its name. The current student population 9-12 is approximately 230 students. It consistently has scored in the top 5 of the State, regardless of the size on the MEA tests. 60% of all students are involved in some sort of extra curricular activity and 70% of the teaching staff, which averages 19 years of teaching experience coaches or advises at least one extra curricular activity.

A raid in the gallery today are several teams, all of which have won titles recently. It is important to note however, that there are several other teams missing, they are not here because there wouldn't be anyone left in school. But they also deserve to be mentioned.

Last spring the softball team won the Class D State Championship. This past fall both the girls and the boys cross country team won the state Championship. The team is only 3 years old. The coaches were duly honored for building such outstanding teams and were both named as coaches of the year. The boys cross country coach also is the girls' basketball

coach and has been named coach of the year in that sport as well.

There are 30 students on the Monmouth Academy speech team. For 18 years this team won the Mid-Maine Conference Speech conference and for over 20 years it has been one of the top five teams in the State, again regardless of size.

This year we have a first and third in the State of Maine Speers Speaking Regional Championship. We have a state runner-up and a state champion. We have national district finalist in speech, a national district runner-up and a national district champion who will be going to Phoenix, Arizona in June to represent the State of Maine.

The Monmouth Academy wrestling team, also quite a young team, received the Western Maine sportsmanship award. I have purposely, for the students to be honored together today, to emphasize both the extent and the diversity of their accomplishments. Many of those in the balcony today have participated in more than one activity. I know members in this house understand what commitment it takes to be on one championship team. To be on more than one is amazing and these students are amazing.

Ladies and Gentlemen of the House, I don't claim that Monmouth Academy is perfect, but if you're interested in good education and how public education can word, I invite you to Monmouth. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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

Expression of Legislative Sentiment recognizing the Monmouth Academy Drama Players.

(HLS 164)

Which was tabled by Representative GREEN of Monmouth pending **PASSAGE**.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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

Expression of Legislative Sentiment recognizing Mark McDonald, of Monmouth Academy.

(HLS 165)

Which was tabled by Representative GREEN of Monmouth pending **PASSAGE**.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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

Expression of Legislative Sentiment recognizing the Monmouth Academy Academic Decathlon Team.

(HLS 166)

Which was tabled by Representative GREEN of Monmouth pending **PASSAGE**.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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

Expression of Legislative Sentiment recognizing the Monmouth Academy Girls Basketball Team.

(HLS 168)

Which was tabled by Representative GREEN of Monmouth pending **PASSAGE**.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 407) (L.D. 549) Bill "An Act to Fund Maine Agricultural Education Programs" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1028) (L.D. 1450) Bill "An Act to Amend Agency Disclosure within the Real Estate Brokerage Laws" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 172) (L.D. 250) Resolve, to Name the State Office Building the Burton M. Cross Building Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-117)**

(H.P. 229) (L.D. 333) Bill "An Act to Amend the Charter of the Department of Electric Works Within the Town of Madison" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-114)**

(H.P. 305) (L.D. 421) Bill "An Act to Amend the Membership of the State Board of Funeral Service" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-118)**

(H.P. 321) (L.D. 437) Bill "An Act to Clarify the Law Regarding Executive Sessions of Public Bodies" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-104)**

(H.P. 325) (L.D. 441) Bill "An Act to Exempt Election Officials and Workers from Serving on Juries One Month Prior to an Election" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-103)**

(H.P. 373) (L.D. 498) Bill "An Act Relating to Transfer of Ownership of Dams" (EMERGENCY) Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-106)**

(H.P. 426) (L.D. 568) Bill "An Act to Amend the Laws Pertaining to Conveyance and Reservation of Real Estate" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-101)**

(H.P. 469) (L.D. 632) Resolve, Regarding Legislative Review of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)**

(H.P. 474) (L.D. 681) Bill "An Act to Fund Public School Alliances" Committee on **EDUCATION AND CULTURAL**

AFFAIRS reporting **Ought to Pass as Amended by Committee Amendment "A" (H-95)**

(H.P. 487) (L.D. 694) Bill "An Act to Increase the Number of Elm Trees in the State" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-94)**

(H.P. 509) (L.D. 716) Bill "An Act to Amend the Law Relating to School Construction and School Facilities" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-108)**

(H.P. 516) (L.D. 723) Bill "An Act to Establish a Marine Recreation Fishing Conservation and Management Fund" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-116)**

(H.P. 549) (L.D. 770) Bill "An Act to Make the Laws Governing State Ambient Air Quality for Ozone and Particulate Matter Consistent with Federal Requirements" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-105)**

(H.P. 623) (L.D. 863) Bill "An Act to Amend the Pulling Event Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-110)**

(H.P. 722) (L.D. 1012) Bill "An Act to Increase Public Trust in Medical Care" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-93)**

(H.P. 853) (L.D. 1210) Bill "An Act to Amend the Site Evaluator Licensing Laws" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-102)**

(H.P. 882) (L.D. 1239) Bill "An Act to Clarify the Governance of Soil and Water Conservation Districts" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-111)**

(H.P. 1004) (L.D. 1402) Bill "An Act to Create the Telemarketing Registration and Fraud Prevention Act" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-113)**

(H.P. 1045) (L.D. 1467) Resolve, to Authorize the Director of the Bureau of Parks and Lands to Exchange Land between the State and Pownal Relating to Bradbury Mountain State Park (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-109)**

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

(H.P. 651) (L.D. 901) Bill "An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-115)**

On motion of Representative ETNIER of Harpswell, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-115)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-115)** and later today assigned.

(H.P. 1393) (L.D. 1998) Bill "An Act to Fulfill the Requirements of the Electric Restructuring Act" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-112)**

On motion of Representative DAVIDSON of Brunswick, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-112)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "A" (H-112)** and 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 **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Expand the Number of Lights Firefighters May Use on Their Motor Vehicles" (H.P. 38) (L.D. 52)

Signed:

Senators:

O'GARA of Cumberland
CASSIDY of Washington

Representatives:

FISHER of Brewer
COLLINS of Wells
WHEELER of Eliot
LINDAHL of Northport
JABAR of Waterville
BOUFFARD of Lewiston
SAVAGE of Union

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-84)** on same Bill.

Signed:

Representatives:

CAMERON of Rumford
WHEELER of Bridgewater

READ.

On motion of Representative JABAR of Waterville, **TABLED** pending **ACCEPTANCE** of either report and later today assigned.

CONSENT CALENDAR

Second Day

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

(S.P. 61) (L.D. 131) Bill "An Act to Amend the Beano and Games of Chance Statutes" (C. "A" S-25)

(S.P. 263) (L.D. 758) Bill "An Act to Allow the State's Laboratory Certification Program to be Consistent with National Environmental Laboratory Accreditation Program Standards" (C. "A" S-23)

(H.P. 165) (L.D. 227) Bill "An Act to Further Decriminalize Operating an Unregistered Vehicle" (C. "A" H-83)

(H.P. 279) (L.D. 387) Bill "An Act to Exempt Persons 70 Years of Age and Older From Paying the Fee for Commercial Shellfish Licenses" (C. "A" H-90)

(H.P. 461) (L.D. 624) Bill "An Act to Require Public Hearings for School Administrative District Referenda" (C. "A" H-87)

(H.P. 514) (L.D. 721) Bill "An Act to Amend the Radon Registration Act" (C. "A" H-91)

(H.P. 656) (L.D. 912) Resolve, to Transfer Land in Dennysville (C. "A" H-89)

(H.P. 667) (L.D. 923) Bill "An Act to Extend the Penobscot County Budget Committee" (C. "A" H-88)

(H.P. 676) (L.D. 932) Bill "An Act to Establish the Position of School Nurse Consultant" (C. "A" H-85)

(H.P. 762) (L.D. 1085) Bill "An Act to Amend the Qualifications for Participation in the High School Aspirations Incentives Program" (C. "A" H-86)

(H.P. 802) (L.D. 1125) Bill "An Act to Modify the State's Safe Drinking Water Laws" (C. "A" H-92)

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

BILLS IN THE SECOND READING

Senate

Bill "An Act to Amend the Law regarding Reportable Motor Vehicle Accidents" (S.P. 123) (L.D. 320)

Senate As Amended

Bill "An Act to Change the Percent of Gross Sales of Tri-State Lotto That May Be Paid Out As Prizes" (S.P. 373) (L.D. 1074) (S. "A" S-30)

House

Bill "An Act to Transfer the Regulatory Responsibilities of the Arborist Examining Board to the Department of Agriculture, Food and Rural Resources" (H.P. 1025) (L.D. 1436)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act to Clarify the Jurisdiction of the Public Utilities Commission with Regard to Wireless Carriers (H.P. 399) (L.D. 541) (S. "A" S-27 to C. "A" H-57)

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. 132 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, to Name the Route 160 Bridge in Brownfield Spanning the Saco River the Charles E. Hill Memorial Bridge
(H.P. 551) (L.D. 772)
(H. "A" H-65)

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. 131 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Strengthen Marine Fisheries Conservation Protection
(S.P. 283) (L.D. 801)

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.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-84)** - Committee on **TRANSPORTATION** on Bill "An Act to Expand the Number of Lights Firefighters May Use on Their Motor Vehicles"

(H.P. 38) (L.D. 52)

Which was **TABLED** by Representative JABAR of Waterville pending **ACCEPTANCE** of either report.

Representative JABAR of Waterville moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative **JABAR**: Mr. Speaker, Ladies and Gentlemen of the House. This bill comes before you, a request of some firefighters, to change the present law with regards to red lights on vehicles on firefighters proceeding to fires. Right now, firefighters are authorized to have a red flashing light, one red flashing light, no more than 5 inches in diameter proceeding to the fire. They are not an emergency vehicle and they have to abide by all of the laws of the road when proceeding to the fire.

This request that came before the Transportation committee wanted to allow the local communities, the local fire chief to authorize additional lights to be put on the vehicle, not on the hood but below the windshield on the front or the back without any sort of limit.

This bill was objected to by the Professional Firefighters Association, by the Maine Fire Chiefs Association, by the Maine Chiefs of Police Association, by the Department of Public Safety and by the Maine State Police. The problem is that their concern was it would create much more confusion. It would create the image that these vehicles are emergency vehicles

when they are not emergency vehicles. One of the statistics we found out in the hearing was that more deaths occur on the way to the fire than at the scene of the fire. The professionals involved are concerned about creating a great deal of confusion by having vehicles with a great many lights proceeding to a fire when they are supposed to abide by the law.

Although the amendment does provide for local decision in this matter, it would create a great deal of confusion as you proceed from community to community as to is this an emergency vehicle or is this just a fireman proceeding to a fire and for this reason most of the professionals involved in this area objected to this bill because it would create a great deal of confusion. I urge you to support the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative **CAMERON**: Mr. Speaker, Ladies and Gentlemen of the House. My colleague from Waterville is exactly right about this bill about who opposed it, but what I found kind of amazing, they opposed it but are really no good reasons. The gentleman from Waterville said that we won't know if it's an emergency vehicle or not, does that really make a difference? The fact is, regardless of whether they have one light or two lights, these people will still have to abide by the same laws that you and I have to. If the speed limit is 55mph that's all they can drive. Putting another light on the car doesn't change that, it doesn't change anything.

I'm sure most of you have seen these volunteer fire department vehicles that have one little tiny light on their dash. Now if you're behind them and that's going, you can't tell that. If they get to an accident scene or a fire before anybody else and they get out to direct traffic or something like that, that little tiny light doesn't call much attention to that.

This, to me, as we heard the testimony and the amendment that allowed the local fire department, fire chief, that local group to make the decision to whether or not they wanted to allow one light, two lights or three lights, to me as I just said a local control issue, it's not a big deal. We heard it would cause an adrenaline rush and these people would drive 900 mph and everybody was going to die. I mean it just didn't hold water. If these folks are breaking the law with a single light today, they're breaking the law and with two lights tomorrow, they'll still be breaking the law. If you had one light to two lights, and I want to emphasize that these are not allowing them to put lights on top of the car, they're still below the roof level, I would find it really amazing that the average John Q. public citizen couldn't tell that this wasn't an emergency vehicle. An old 1965 pick up with two flashing lights on it doesn't constitute an emergency vehicle folks and it might have a load of hay on it, for some of these rural communities.

I give the public credit for being smarter than that, for being able to tell the difference between an ambulance with white and red and yellow and all colors of the rainbow, lights flashing going 90 mph from that old rural pick up with a snow plow on it and a fuel tank in the bank and two little red lights on it. I can tell the difference and I think anybody in this room can tell the difference. This is a local control issue folks, let's let the people in the community determine what they want on this issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Jones.

Representative **JONES**: Mr. Speaker, Men and Women of the House. I rise as the primary sponsor of L.D. 52 and seek

your support in defeating the pending motion so that we can move forward with the Minority Report as amended.

I'm sure you have all studied the flyer distributed to your desk which gives seven reasons to support this L.D. In addition, let me explain the amendment which states that the additional lights may not be installed any higher than the top of the windshield. In other words, no big fancy roof bars like many other professions are permitted to have by state law.

Let me say also that this bill pertains to a group of folks who in my opinion, perform a very, very important service throughout the state and if my house should be on fire I could care less how many lights they have when coming to my aid. Please follow my light. Thank you very much and Mr. Speaker I request a roll call vote.

Representative JONES of Pittsfield **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought Not to Pass Report.

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

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I also rise in opposition to the pending motion to defeat L.D. 52 and would urge the House members to strongly consider the merits of this proposal and passage of it. Down in South Portland we have a very long history and heritage of our call companies and our volunteer fire department. Many of you might think in the big city you expect to see full time departments taking the full load. In actuality down in South Portland we only have 60 full time firefighters and more than double that force is our call companies. Engine One over on School Street, Engine Two in Woolard Square, Engine Three in Pleasantdale, Engine Five in Cash Corner and of course, Engine Eight and we have literally one hundred years of heritage and history of these people risking their lives in support and protection of property and lives and when they come forward with something as serious as wanting better demarcation on their vehicles, it's something I very much stand in support of and I can tell you that the volunteers down in our area very much support this measure. They're not just fighting fires in South Portland. Many times, actually most of the calls they have are to our sister city of Portland, across the river responding to fires over there and I do urge your strong consideration of this very important measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative **BERRY**: Mr. Speaker, Men and Women of the House. I'll be brief. I am a fire chief in a volunteer department, small town. I'm not speaking as a representative of the Fire Chiefs' Association or firefighters. I'm speaking from my own experience. We're a very rural town, there are times when we just don't know who's in town during the daytime. There's times our response is not to a house fire, it's probably to a car accident. Most of our calls are not structure fires. Quite often we're used to direct traffic or control traffic. Quite often our own firemen are at risk if we're in the middle of Route 4, which runs through my town. Quite often we're the first ones there and we're at risk from oncoming traffic. It's a good way for us to be able to mark or to signal traffic that may be coming through to slow them down.

I've never been a big fan of lights, the only reason I have a red light on my dash is because I won it at a raffle. The lights could be expensive. I think a fireman, it doesn't give them a

special right or right of way, but it does signify the people that there is an emergency. Sometimes it's people who yield as a courtesy, most cases I find that. I just don't think the Minority Report is all that bad and I guess in that sense I'll vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to encourage you to accept the Majority Ought Not to Pass Report on this bill and I speak from experience as a career firefighter, 25 years in the City of Portland. The City of Portland has various pieces of apparatus that respond to any where from 1100 to 1400 calls per year. The size of these apparatus, the lights way above recommendations, the airhorns and the sirens and traffic does not pull over, even for these big emergency vehicles.

This legislation has been proposed in the past and has failed in this chamber. I think you need to seriously look at the statistics of fatalities from the National Fire Protection Association. The NFPA collects extensive data annually on firefighter injuries and deaths, the process of responding to and returning from alarms is now a leading cause of death for firefighters. Of the 94 firefighter fatalities in 1997, 25 of 37.5% were in this category. More alarming however, is the difference in the number of deaths of volunteer and career firefighters in this category. Twenty one volunteers were killed while responding or returning from alarms. Four career firefighters during this type of operation.

They talk about local control, it's not in control now. Currently in many communities, what is currently allowed by law is being violated. You allow more lights, the liability problem could shift on to your towns and cities. I find it hard to believe that communities want to accept more liability. Currently, for anyone to even have a red light in these departments must have a written authorization annually, they're supposed to, this is not even complied with in many communities. And the amendment that the good Representative from Pittsfield talked about, talks about it would not be above the roof line, only on the dash. While we seem to be hearing that they need to have the lights up so it's visible 360 degrees. Be it for traffic control or whatever. But I'm a little puzzled if it's below the roof line how do we solve the 360 degree issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

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

The SPEAKER: The Representative may pose his question.

Representative **STEDMAN**: Does the amendment say that a community has to enforce or have these rules requiring these vehicles to have lights? I was under the impression that it was a voluntary or something that the community agreed upon. Could someone answer the question please.

The SPEAKER: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Pittsfield, Representative Jones.

Representative **JONES**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to that question, it's strictly with the approval of the local fire chief and it's nothing mandatory. They can have lights and if they're lucky enough to

win one at the raffle they can go ahead and put it on, but it must be with the approval of the local fire chief.

The **SPEAKER**: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative **LINDAHL**: Mr. Speaker, Men and Women of the House. Current law does allow local control. It allows the local municipal officers or municipal official designated by the municipal officers with approval of the fire chief to authorize a light on each one of these vehicles of the volunteers, a five inch light above the license plate or a dash mounted light. That's local control, they can approve it now if they wish and what your going to see if the Minority Report is accepted, you're going to see strobe lights all across the back deck of the vehicles, you're going to see strobe lights everywhere and I think it's really going to be a detriment to volunteer firefighters. One person came and spoke in favor of this, one firefighter and that was a Lieutenant from the Pittsfield Fire Department. He's the only one who supported this and you heard the impressive array of people that came opposed to this. John Martin, Maine Chief's of Police Association; Jay Bradshaw, Director of the Maine Emergency Medical Services; Jethro Pease who is the secretary of the Maine Firefighter's Association; Lieutenant Bruce Dow of the Maine State Police; John Cannon, representing the Professional Firefighters Association and those are the people who are opposed to this legislation. I think that's very impressive, I think you should listen to them. I know Jethro Pease is a Chief in a small fire department in my town, Morrill. I spoke to the fire chief in my local department, my town is 1200 people, he's opposed to this, he says we have all the lights we need now. I think it's sufficient what we have and I urge you to accept the Majority Ought Not to Pass. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. If I may for a few moments mention my involvement and my only knowledge of the problem that we're talking about there this morning. It started in York County where I live with the forest fires of 1947 and within a short time, we had a fire association which went to a volunteer fire department, purchased equipment with donations and from that as in many other towns in York County and in all of the counties in the State of Maine there has been a great addition, a very valuable fire fighting equipment. I would say here and now that I hear remarks about people that hold positions involved in fire fighting also in police protection however, I find myself thinking about all of the towns in the State of Maine and I believe in all of the towns in the State of Maine, I don't separate them from geographical location and I would say to you that nearest to my home I see a Deputy Fire Chief going to assignments and I never know what it is and the light that he has in his pickup truck is very small and I believe that these people are in a position. Protecting us 24 hours a day, not limited to the numbers of calls they answer, they're people that work and if you noted in the paper this morning, yesterday in Lebanon there was a tragedy and it occurred near the Route 202 and I'm sure that the young men and women that I know in Lebanon that served in the volunteer fire department were in evidence and going from their jobs, going from their homes and on a route like 202, to me this places them all in harms way.

I believe that every time I read about some fire or tragedy in Maine and I hear some person, Captain or Fire Chief speaking for a department they're telling it like it is and I believe that this body should consider these folks that are protecting you 24 hours a day and I will refrain from separating any particular

part of Maine from any other part or what exists is some part and doesn't in another, but we must remember these people are performing such a wonderful thing for the people in Maine and I would urge you sincerely here this morning to oppose the pending motion. Thank you.

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

Representative **MACK**: Thank you Mr. Speaker, Right Honorable Members of the House. I had a volunteer firefighter in my district contact me in support of this bill. Lights mean get out of the way and if there are more lights the firefighters will be easier to see and they can respond to calls a bit faster. This could lead to save lives and less property damage because they can respond to the calls a little bit faster and I think we all want to save lives and we all want less property damage and to add a few more lights so the firefighters are a little more visible makes perfect sense to me. Please vote against the pending motion and support the Majority Ought to Pass Report.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I stand here today in opposition of the pending motion. You have heard that there were several different organizations that testified against the bill. Well, I'm here to tell you that police chiefs and state police chief and all these organizations are not always right. I think sometimes you have to go with the feel and listen to the people that are doing the job. Those people are in harms way and if we can do anything to help them by giving them more lights to be readily seen, I think it is a positive step in the right direction. I for one would rather see an emergency vehicle coming at me and know what it is than to see someone coming at me at a fast speed or at a speed higher than normal and not know what it is.

As a police officer for many years and an administrator, I wanted to make sure that when I was out on the road doing the job that people could see what I was doing and notify me or identify me as a police officer. As an administrator for many years, I wanted to make sure that my people were safe and worked in a safe environment. That's why a lot of people in these departments buy their own lights and put them in the grills put them in the back windows so that they can be readily seen.

I would ask that you think this over as a safety situation for our people, both the firemen and the civilians and vote against the pending motion and vote for the Minority Report. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Just a little clarification on the report, the Minority Ought to Pass as amended, Representative Wheeler from Bridgewater that is not Representative Wheeler from Eliot. I've had a lot of people ask me if I was on the Minority Report. I stand in front of you today to support the Majority Ought Not to Pass Report and my biggest concern was during the public hearing there was one firefighter as Representative Lindahl said come forward. If this was a big problem with the firefighters why wasn't there more than just one there testifying for more lights? I don't want to see us create another law that's just going to take care of a few individuals in the State of Maine and create more chaos than it would help. So I urge you to stay with the Majority Ought Not to Pass Report. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is acceptance of the Majority Ought

Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 47

YEA - Ahearne, Bagley, Baker, Berry DP, Bolduc, Bouffard, Brennan, Bryant, Bull, Bumps, Chizmar, Clark, Collins, Colwell, Cote, Davidson, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Goodwin, Green, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lindahl, Madore, Mailhot, Marvin, Matthews, McGlocklin, McKee, McNeil, Norbert, O'Brien, O'Neil, Peavey, Perry, Pieh, Povich, Powers, Richard, Rines, Samson, Sanborn, Savage C, Saxl JW, Saxl MV, Stanwood, Sullivan, Townsend, Tripp, Tuttle, Twomey, Volenik, Watson, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Andrews, Belanger, Berry RL, Bowles, Brooks, Bruno, Buck, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Cowger, Cross, Daigle, Davis, Desmond, Dugay, Duncan, Foster, Gagne, Gerry, Gillis, Glynn, Gooley, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lovett, MacDougall, Mack, Mayo, McDonough, McKenney, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Nutting, O'Neal, Perkins, Pinkham, Plowman, Quint, Richardson E, Richardson J, Rosen, Savage W, Schneider, Sherman, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Tessier, Thompson, Tobin J, Tracy, Trahan, Treadwell, True, Usher, Waterhouse, Wheeler EM.

ABSENT - Bragdon, Martin, McAlevey, Shorey, Tobin D, Weston.

Yes, 68; No, 76; Absent, 6; Excused, 0.

68 having voted in the affirmative and 76 voted in the negative, with 6 being absent, the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-84)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 30, 1999.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 750)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT A WORLD WAR II MEMORIAL

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 President of the United States and the United States Congress, as follows:

WHEREAS, in 1987, United States Representative Marcy Kaptur, at the suggestion of World War II veteran Roger Durbin, introduced legislation to establish a memorial to honor all who served in the Armed Forces of the United States during World War II and the entire nation's contribution to the war effort. The legislation failed, but the interest in having a memorial gained patriotic support and subsequent legislation prevailed; and

WHEREAS, federal Public Law 103-32 authorizing a World War II Memorial in the District of Columbia or its environs was signed into law on May 25, 1993; and

WHEREAS, the Memorial Advisory Board was created to advise the American Battle Monuments Commission in site

selection and design and to promote donations to support the memorial construction; and

WHEREAS, a memorial design by Freidrich St. Florian at the site of the historic Rainbow Pool on the National Mall was approved; and

WHEREAS, former Senator Bob Dole and Frederick W. Smith, CEO, Federal Express, were named as National Co-chairmen of the World War II Memorial Campaign; and

WHEREAS, news of the World War II Memorial is currently being spread throughout the country, to every city, town, church, synagogue, mosque, business, civic group, veterans' organization and every other organization that comprises a part of our American culture; now, therefore, be it

RESOLVED: That We, your Memorialists, request the President of the United States and the United States Congress to offer support in obtaining the necessary financial resources to help the World War II Memorial take its rightful place in history; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; each Member of the Maine Congressional Delegation; and the American Legion, Department of Maine.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 451) (L.D. 1326) Bill "An Act to Clarify the Authority of the Maine Milk Commission" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-32)**

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

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

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 25, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

JOINT RESOLUTION - Relative to Encouraging the Department of Education to Teach the Eddie Eagle Elementary Gun Safety Education Program

(H.P. 1374)

TABLED - March 24, 1999 by Representative SAXL of Portland. PENDING - **ADOPTION**.

Subsequently, the JOINT RESOLUTION was **ADOPTED** and sent for concurrence.

HOUSE ORDER - Relative to Rescinding the House Vote on Adoption of Joint Resolution (H.P. 1373)

(H.O. 18)

TABLED - March 24, 1999 by Representative KASPRZAK of Newport.

PENDING - **PASSAGE.**

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

Representative **KASPRZAK**: Mr. Speaker, Ladies and Gentlemen of the House. I believe this body made a grievous error when we passed this Joint Resolution. Since you have had the information on the desk now what this Joint Resolution actually says. I would just add to that by giving you some further information. When the United Nations was first established, after World War II, most people looked to it with hope for the future. Primarily it was envisioned as a world authority, which would serve to prevent wars and act as mediator and arbitrator when disputes developed between member nations. Secondly, as the gross violations of human rights by the Nazi regime became more fully known, the UN was also seen as a world body to establish and protect human rights throughout the world.

Most of the countries that played a major part in the early development of the UN and in the drafting of its first declarations had a strong underlying Judeo-Christian, and thus pro-family, ethic. The Universal Declaration of Human Rights adopted by the General Assembly, fifty years ago, is evidence of this, asserting, as it does, and I quote, "Motherhood and childhood are entitled to special care and assistance," and also, "Parents have a prior right to choose the kind of education that shall be given to their children. Not too many cared what the UN had resolved when I introduced my "Parental Rights" bill last year. But in 1945, it would have passed muster in the General Assembly as the language that they did adopt, mirrored that of my own bill. After this time, the UN made similar declarations that tended to focus on improving children's health, nutrition, safety, and education. There appeared to be a general agreement that such interests were ordinarily best served by keeping children within integrated families and under the care and guidance of their parents.

But there has been a drift in the UN away from its Judeo-Christian roots.

In 1989, the UN General Assembly introduced a new Convention on the Rights of the Child. It was promptly signed by 130 nations with, it would seem, little debate or scrutiny and even less intelligent discussion on the legal effects of its provisions. This Convention was full of platitudinous phrases and contained much ambiguous language. However, many soon became aware of the problems and traps within it, and lectured and wrote on its proper interpretation, warning their countries not to sign or ratify it. Most of the representatives of the various nations, which rushed like so many lemmings to sign the Convention, probably had no real understanding of its meaning. It was celebrated as a Convention in the best interests of children, and those nations that signed it were said to demonstrate a commitment to the prevention of child abuse. Those who expressed concern about possible interpretations of the Convention were falsely assured that parental rights were fully preserved by Article Five.

A number of the supporters of this '89 Children's Rights Convention also maintained, quite falsely, that its main object was the protection of children, and that it did no more than provide for those rights that were already law in more advanced democracies such as the US. In reality, had legislation setting out similar provisions to those of the Convention been introduced into the House of Representatives or similar houses of foreign governments, it would probably never have become law. By 1989, however, many supporters of humanist philosophies had already realized it was far easier to implement their ideas by incorporating them in UN Conventions, which their countries might thereafter ratify, rather than attempting the far more difficult, if not impossible, task of trying to pass such provisions through a multitude of legislatures, where they were likely to receive much closer scrutiny, and where the legal interpretation and actual effect of the provisions might be the subject of proper analysis and debate.

Why won't it pass muster in most legislative bodies? Because the Convention gave to children a sphere of autonomy and freedom from control. In particular a freedom from parental control, and thereby introduced a radically new concept of children having rights entirely separate from their parents, with the government accepting the responsibility for protecting the child from the power of parents. The "Start Me Right" program that is being touted in Maine is the precursor to just this type of "New Wave" thought. How do I know this to be so? Because the most prominent voices in support of "children's rights" has historically come from well identified homosexual and pedophile organizations, which long ago realized that the easiest way to obtain access to children was to demand their freedom from any form of restraint, thereby exposing them to the predatory behavior of those who would harm them.

While some of the Articles of the Convention are praise worthy, for example its prohibitions on slavery and child prostitution, there are five articles in particular 12, 13, 14, 15, and 16 that would create grave difficulties for parents seeking to exercise authority over children.

Article 12 is the first to provide a charter of autonomous children's rights. Its implications therefore require close attention. It assures to a child the right to express views freely in all matters affecting the child, the view of the child being given due weight in accordance with the age and maturity of the child.

But who is to determine what weight is attached to those views? Obviously not the parents alone. Article 12 enables children to vent their disagreements with parental rulings in primarily public and legal forums. Carried to its logical conclusion, the child will be able to demand state intervention to challenge any parental conduct that the child doesn't like.

Article 13 assures to the child the right of freedom of expression, which includes "freedom to seek, receive and impart information and ideas of all kinds." This article will prevent parents from protecting their children from objectionable or immoral materials, often disseminated in public schools. A recent case in Australia provides a most disturbing example: When a family tried to persuade their daughter's school that some of its curriculum was inappropriate for young secondary students, the Department of Secondary Education invoked the provisions of the Convention as authority for overriding parental rights and wishes.

We would do well, at this juncture, to consider some material that the UN has already approved for children, since we can that the Convention of the Rights of the Child would support the unrestricted dissemination of such material to them.

The United Nations Children's fund (UNICEF) has already produced two sex education films. *The Blue Pigeon* and *Music for Two*. *The Blue Pigeon* is a cartoon targeted at 10 to 12 year old children, and graphically depicts sexual intercourse between two children attending a children's picnic. *Music for Two* depicts the fantasies of a young girl who foresees herself as tired, overworked and overburdened when married, and her husband as indifferent and uninterested. By contrast, sexual intercourse with a boy neighbor is depicted as a happy commitment free sexual relationship.

It takes no genius to discern this message of approval for sexual activity outside of marriage and even for children at a very young age. Parents must understand that this is the type of "information" the UN wishes to "impart" to their children.

Article 14 declares "the right of the child to freedom of thought, conscience and religion." Dr. James Dobson has suggested that the real freedom given by Article 14 is freedom from parental control in the area of religion.

Article 15 recognizes, the right of the child to freedom of association and the right to freedom of peaceful assembly. Such rights make it difficult, if not impossible, for parents to control the company their children keep, even though that company may be truly harmful.

Article 16 protects the child's right not to be "subjected to arbitrary or unlawful interference with his or her privacy." The inclusion of the word arbitrary may permit children to exclude parents from anything they consider private, including medical treatments, and presumably activity in the child's bedroom or any other part of the home set aside for the child's use. This Article greatly strengthens the position, of Planned Parenthood, which routinely puts young girls on birth control pills and promotes abortion without notice to, much less consent from, their parents.

The new humanist philosophy, increasingly embraced by so many would be children advocates today, has enormous potential for harm, especially when applied to the children they seek to protect. The UN Convention on the Rights of the Child reflects, this humanist philosophy and is in many ways diametrically opposed to what the UN had to offer the world in its 1948 Universal Declaration of Human Rights.

We desperately need to reappraise the UN's present direction. We must realize that those humanist philosophies, which masquerade as a concern for human rights will end up trampling them just as the UN Convention of the Rights of the Child pretends to protect children, but damages the parental authority that God has given as their best protection. The humanist element of such documents has the potential to destroy all that is best in Judeo-Christian civilization, replacing it is profoundly chaotic and harmful.

Ironically, those whose hearts are really toward children, and I have no doubt as to the sincerity and well meaning of the sponsors of this resolution, would undermine the best hope for the next generation. Parents have loved, disciplined, cherished, and brought up children for millennia without any UN involvement whatsoever and we are still the best equipped ones to do so. I believe this is American philosophy and I intend to vote against passage of this Joint Resolution. I would ask that you would join me. Thank you Mr. Speaker.

Representative SAXL of Portland moved that the House Order be **INDEFINITELY POSTPONED**.

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

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. If you read the information that was put out on your desk during the last week you certainly should have come up with a different idea of the resolution that was passed. Representative Kasprzak has given you a detailed break down on some of the problems that exist in this. If you've done a little more research you'll find that there are over 300 treaties or conventions that have been put forth by the United Nations which all attempt to destroy a little bit more of the sovereignty of individual nations. We are faced with the possible creation of a world court in which if Congress should pass and adopt this convention any problems that arose would be subject to being dealt with in this world court.

At the present time we are involved in a questionable operation in Yugoslavia. Many, many innocent people are being injured and killed. Ratification of these treaties and conventions will bring us one step closer to possibly our own President and our Secretary of Defense being brought up on charges to be tried in that world court. I think that we need to really be very careful when we memorialize our Senate to adopt any of these so called conventions, treaties or resolutions. The United States is a sovereign nation and we should not be doing anything that is going to reduce that sovereignty.

I urge you to defeat the motion to Indefinitely Postpone and support Representative Kasprzak in the rescission of the action that the House took on this article before and Mr. Speaker when the vote is taken I request the yeas and nays.

Representative **JOY** of Crystal **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the House Order.

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 Orono, Representative Stevens.

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. I'll remind you that the United Nations is an organization of sovereign nations, all of which take and place a high value on their sovereignty. Nations that choose to ratify human rights treaties do so without diminishing their sovereign nation powers and may indicate the provisions that they will not apply to. The ratification of the convention of the rights of the child would not bring about any major changes to United States law. One-third of the provisions in the convention can be directly traced to United States proposals and parts of the material included, greatly reflect the American delegations influence on those proposals.

This convention is the most rapidly and widely adopted human rights treaty in history, with over 190 countries signed on and, in fact, on February 16, 1995; Ambassador to the United States then, Madeline Albright, signed the convention of behalf of the United States.

I'll close by adding that this treaty is endorsed by many, many people, including the National Education Association, the National Council of Churches of Christ, the National Council of Senior Citizens, the National Peace Corp, Lawyers for Human Rights, Church World Services, Children Rights Services and Projects and Childrens Rights Projects of the UN. I would greatly appreciate your support of this measure and vote against Indefinite Postponement. Thank you.

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

ROLL CALL NO. 48

YEA - Ahearne, Bagley, Baker, Belanger, Berry RL, Boiduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gerry, Gillis, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien, Peavey, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Shields, Snowe-Mello, Stanwood, Stedman, Tobin J, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bragdon, McAlevey, Shorey, Tobin D, Weston.
Yes, 83; No, 62; Absent, 5; Excused, 0.

83 having voted in the affirmative and 62 voted in the negative, with 5 being absent, the House Order was **INDEFINITELY POSTPONED**.

TABLED AND TODAY ASSIGNED

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-71)** - Minority (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Referendum for a People's Veto to Be Held at a Primary or General Election

(H.P. 166) (L.D. 228)

TABLED - March 25, 1999 by Representative AHEARNE of Madawaska.

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

On motion of Representative AHEARNE of Madawaska, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and specially assigned for Wednesday, March 31, 1999.

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

**ENACTORS
Emergency Measure**

An Act to Fulfill the Requirements of the Electric Restructuring Act

(H.P. 1393) (L.D. 1998)
(C. "A" H-112)

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. 143 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. **ORDERED SENT FORTHWITH.**

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-24) - Committee on **LEGAL AND VETERANS AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Timing of Elections Following the Submission of a Petition for People's Veto

(S.P. 52) (L.D. 122)

- In Senate, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-24).**

TABLED - March 25, 1999 by Representative SHIAH of Bowdoinham.

PENDING - **ACCEPTANCE** of **COMMITTEE REPORT.**

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you'll vote and vote against accepting this report. This is a very important issue and as you all can see that we had two difference of opinions from two different committees and had this piece of legislation been properly channeled to the right committee, certainly we wouldn't be in this dilemma and most likely wouldn't be unanimous. But I ask you to follow my light and vote against the pending motion. The process to initiate and follow through with the peoples' veto can be complex. Complex in that there are several deadlines and requirements to an initiator who must go through this process and this does not include the plethora of other forces that possibly could be thrown into the mix of the peoples veto process. One must file with the Secretary of State within ten days after adjournment of the Legislature with the intent to veto a law passed and signed by the Chief Executive of that Legislative session. Once the Secretary of State has received the application, the Secretary of State has 10 days to provide a ballot question. The signatures must be gathered within 90 days after the adjournment of the Legislature. The number of signatures required is 10 percent of the total number of votes cast in the last gubernatorial election. Presently the number of signatures needed is just under 43,000.

This is an important fact which needs to be emphasized. If the full 10 days in order to file an application is taken and the Secretary of State takes the full 10 days to provide a ballot question, than the number of days to gather those signatures has now dropped from 90 days to 70 days. Maine Constitution specifically states that the signatures must be acquired within 90 days after the adjournment of the Legislature not within 90 days from the date when the Secretary of State receives the application or provides the ballot question.

I have not personally participated in gathering signatures for either the peoples initiatives or vetoes, however, to gather over 40,000 signatures without duplication, without errors, in 70 or even 90 days is a momentous task. Since 1995, four attempts were made for a people's veto, but for whatever reason the initiators did not follow it through. The last successful attempt at a people's veto was in 1998. The previous successful attempt was in 1980. Two successful attempts at a people's veto in 18 years does not indicate that this process is a problem requiring corrective action. I therefore contend that the people's veto is rarely used and that the requirement to make the process more restrictive to discourage the initiation of frivolous vetoes make this legislation unnecessarily and clearly not required.

We are asked to amend the Constitution of Maine. I have yet to hear any compelling reasons to do so. If we are concerned with the low voter participation, do we then immediately amend the Constitution of Maine to fix it? Isn't the cost of a special election a local municipality that concerns us? If it is, when did we begin to place a price on democracy? As I have outlined, the process to initiate a people's veto is difficult, as well it should be, and need not to be altered. As the saying goes, if it ain't broke, don't fix it. I ask you to vote against the pending motion.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Let me try to bring the issue back into order here. Essentially what this LD is proposing is a resolution that will require a petition for a people's veto be submitted to people either at a regular statewide or a general election. By doing that, Mr. Speaker and men and women of the House, we would encourage greater voter participation. This resolution eliminates language of the Constitution of Maine that authorizes the Governor to call a special election for the purposes of submitting a petition for a people's veto with the voters. As you have heard, the opponents to this bill feel that this bill could result in a veto question waiting many months to get on the ballot. They feel that this is in direct conflict of due process. They also feel that tampering with the voters rights is wrong, as you heard the good Representative from Madawaska tell you. Also, they feel, as you have heard, that connecting voter turnout with democracy could be very dangerous.

As many of us are aware, unanimous reports of committees have from time to time, been called to jeopardy in the Legislature in the session. I am hoping I can convince you why this is a good bill. The bill, in my opinion, is an attempt to save municipalities from undue costs and hassles. As many of us are aware, the February 10, 1998 election costs to municipalities was in excess of \$350,000. When we stray from the June/November voting, we see very low voter turnout, which I have some concern about. The veto on the budget issues is a red herring, which can be accepted in the law. We have seen that citizen initiative process increase. We can assume, based upon debate in this session, that the veto process will too.

Often municipalities do not own polling places, thus these buildings they use plan their schedules around the scheduled election, which really makes it very difficult for municipalities to deal with. Proponents at the public hearings, those who spoke in favor of the bill, were the Secretary of State's Office, the Municipal Clerk's Association, the Maine Municipal Association and there was also testimony from the Town Clerk of York, Maine. Those speaking in opposition were Representative Gerry from Auburn and a gentleman by the name of Julien Holmes from Wayne.

I will close with a testimony given by Maine Municipal. Maine Municipal said, "Their Legislative Policy Committee unanimously agreed to support this bill for two reasons. First, it eliminates the unbudgeted costs associated with holding special elections and second, it addresses the need to hold elections on significant or controversial matters at a time when a large percentage of the elector convenes. Its for that reason that I would ask that you would support this bill, it's a unanimous report, I believe it's a win, win situation not only for the citizens of Maine, but for municipalities and Mr. Speaker I would ask for a roll call.

Representative **TUTTLE** of Sanford **REQUESTED** a roll call on the motion to **ACCEPT** the **COMMITTEE 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 Orono, Representative Williams.

Representative **WILLIAMS**: Mr. Speaker, Ladies and Gentlemen of the House. As a sponsor of one of these bills, I would like to rise in support of this and let me just first begin by saying what this bill is not and what this bill is not going to do is change any of the filing deadlines with the Secretary of State, it doesn't attempt to tamper with any of the time frame set out. So, if this were to pass, nothing would change in terms of the number of days that it would take to get signatures and it would all remain the same. Also I think it's important to mention that this is not an issue driven bill. By that I mean, some have argued that well this is just sour grapes on behalf of the side that lost in the people's veto and I would point out that both sides of that particular issue have come out in support of this bill in addition to the number of people who were mentioned by Representative Tuttle who have supported this. Also, it's kind of interesting, and I would ask you to frame this question a little bit differently from the other kinds of votes that we take determining whether or not we think that something is worthy of becoming a law. This is not one of those votes. We're asking whether or not this question should be voted upon by the people to amend the Constitution. This is not whether or not we think this should become law. We're asked to consider whether or not this has merit to be voted on by the entire electorate of Maine and that's a little different. Let me just quickly tell you why I feel it does warrant that merit. The Representative from Madawaska, Representative Ahearne is correct. This is not something that has occurred a lot in the past years, however, I think it is broken and I'll tell you why I think it's broken. Since 1958 there have been five people's vetoes, five of them. Four of them have been stand alone elections, they have not taken place on a general or primary election. The average voter turnout was 26% and if we want to turn this into a debate about democracy, I would suggest that this process takes that democratic process and turns it upside down. Specifically, a minority of people setting policy for the majority. In the one people's veto that was held that did correspond to a general or primary election, the voter turnout was 52%. We also know that our municipalities and our town offices have very, very tight budgets. This past people's veto, the Maine Municipal Association estimated that over a quarter of a million dollars was spent to have to put on this special election, and not only just the money, but it's the time and the effort. We all know how difficult it is and what is involved in putting on an election.

I spoke with the Town Clerks in my district as well and they concurred that it wasn't just the money, that is was the time and the effort and volunteers and the set up that needed to be done to see this through. So I would ask that you again consider whether or not this question has merit to be voted upon by the people of the State of Maine and I would also just add for interest sake that since 1911 there have been many many proposals to amend the Constitution and I will say that Mainers in that time have decided to amend the Constitution upwards of 83% of the time. So they know when there is a problem, even though it may not be a big problem, it's a problem and it's broken and we should fix it. Thank you Mr. Speaker

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise before you in opposition of this committee report. What concerns me, I've seen many bills in this session that seems to be attacking the initiative process and attacking the citizens of Maine and attacking their ability to make a decision, whether how many of them come out? There's lots of reasons why people come out and vote in an election. Maybe the ones that truly care are the ones that come out, the ones that don't, are we going to kick somebody out of office because they only got 10% of the vote, their district only had a 10% turn out? I really have a problem with any of these attacks on the initiative process which you'll see many of.

The second point I'd like to make is about the cost. Driving home, I went away this weekend, I was driving home, I drove by a cemetery and I saw some veterans that were in the cemetery, their gravestones with the little flags that were there. There's a price for democracy, our veterans, many of them paid that price with their lives and we can't pay a few thousand dollars for an election. Then when are we paying the price, we just expect them to pay that price with their lives. Thank you.

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative **BUMPS**: Mr. Speaker, Ladies and Gentlemen of the House. I find myself in the unenviable position of standing between you and lunch and so I will be brief. I need to begin by sharing with the body my desire to have voted for a bill similar to the one that's before you and for that reason I would thank the sponsor and the cosponsors and the members of both committees who toiled for a long time with the various aspects of these bills.

Representative Ahearne and the other members of the State and Local Government Committee at least will attest to my own desire to vote for this legislation because I asked that it be scheduled multiple times for work sessions because I was trying to work through the very fine details of the timing of these issues so that we could be assured that the people's will would be done in special elections. There are a total of four reasons why I have chosen to oppose this committee report and the bill which will follow or which has now been tabled.

The first of those reasons is that only as you've heard, only five times since 1958 has a people's veto been put to the people - five times in 41 years. I ask you is five times a compelling reason to change the Constitution of Maine with regard to how these people's veto elections are carried out? The bill attempts to remove any political or subjective motivation essentially, that the executive might have for scheduling people's vetoes elections. I think that most of you are familiar with the process but once the signatures have been certified, the executive has to schedule a special election and he or she is required to schedule that election not less than 60 days but not more than 6 months. This is the constitutional provision, that the election can not be scheduled more than 6 months after those signatures have been verified. This bill attempts to remove any political motivation or any subjective motivation that might occur in the scheduling of that election and that's admirable. But I'd submit that it might do just the opposite. By setting in statute a date, essentially, for when these elections might be held, I would submit to you that the increase number of court challenges that might be filed to prevent elections from being held at one time or another or even the fact that the filing of the petition itself could be strategically timed so as to prevent the issue from being placed on the very next primary or general election. So to suggest that this removes the political or subjective maneuvering that could take

place with the timing or scheduling of an election. I think it is somewhat premature, if not misguided.

The third reason that I would suggest that you ought not to vote for this is that this bill allows for these elections to be held in primary elections. We heard in the committee, that could happen now, but this bill would have required that it be held in either a primary or in a general election. We heard in the committee that there are a number of people, if you are interested in participation, who choose not to vote in primary elections because they don't happen to be registered in one of the major political parties. So, if you are trying to engineer the turnout of voters, this may not do it either. However, the most compelling of all four of the reasons to vote against this bill and this is the one that caused me in the end to settle on my opposition. What we are talking about is staying a duly enacted act of the Legislature for a period, in my opinion, with the documentation that the Secretary of State's Office has provided to each committee for a period which could be as long as 18 months. This does not benefit the people on either side of the issue. There is nothing political about this. There is no, again, subjective motivation. It is simply the staying of an act duly enacted by the Legislature for a period of up to 15 months when there is going to be divisive campaigning on both sides of the issue. It is carried out for that extended period throughout the entire state.

There is no, in my opinion, a compelling reason to change the current process, five times in 41 years. I would ask that you vote against the committee report. Thank you.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. As the previous speaker, the good Representative from China said, we are interrupting people's lunch. This may, in fact, lead to a different vote than it should. I would remind you that the committee spent a lot of time on this issue and it is a unanimous vote of the committee to recommend what is taking place. Yes, it is possible that there would be a 14 month delay depending on when a petition was filed. That would be the rare instance. Normally it would be in a three to six month period if we looked back on the five that have been held in the last 40 years. I would also remind this body that currently, I believe, it is either five or six petitions out there circulating that, given what is currently allowed under the Constitution, could come forward and we could be facing four or five or six special elections. They are costly. They are time consuming. They are difficult. The last one that we had was in, I believe, February. It is not an easy time for people to get out to vote given the weather that we have in Maine during the winter. I personally feel and the committee felt that we were not adversely affecting the current process by allowing the people of this state an opportunity to vote on this particular change in the Constitution. They can vote it up or they can vote it down. We are not telling them what they have to do. We are just giving them an opportunity to make what we see is a very needed change in the Constitution of the State of Maine. I urge you to follow the committee recommendation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative **GERRY**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the committee report. I rise in opposition not to repeat what has been said, but to support it. One of the things that wasn't brought up was the fact that if we prolong a people's veto from what is currently about a six month wait for a vote, our Legislature may be called

in to try to fix a problem with a piece of legislation that is very time sensitive. Not too long ago, a people's veto was timed for the budget. If the people that had organized the people's veto on the budget had got enough signatures, that would have staved the budget. We would have had to have been called into Special Session to float an emergency budget or enough money to carry the state through.

There are other issues that the Legislature convened as time sensitive. Are we always going to make an exception if the people go after them to call us into Special Session and let other matters that we don't deem maybe slightly sensitive to hold off for 12 months to a year? I think not. It is the right of the people for a quick process of law where their grievance to us if we enact a law that they object to, that it should go back to the people for their voice or their concern. I rise in opposition, as I said. I ask the members to vote against this bill. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I was not going to rise to speak on this, but I was asked to, so I will. I rise in support of this legislation. No one has spoken more eloquently for the people's veto seeing that I have been out on those streets having circulated petitions time and time again. I truly believe having sat in State and Local Government Committee and listening to all the points of view and talking to my town office and my city clerk that this a good idea. It will save money. I am not always one for saving money for democracy because sometimes democracy costs money. I truly, truly believe this is not going to impede in anyone's democratic rights. I truly believe this is good legislation. I would not ask you to follow my light. I would ask you to shine your own light on this. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. I have heard a lot of comments. I will refer back to the original speaker, if it isn't broken, don't try to fix it. It is interesting that in the Constitution, the way it was set up, I am sure the people who put the language in the Constitution knew there was going to be an extra cost to having these elections at a separate time than the general election or the primary. The thing you really have to reflect back to the original speaker is how many times does this happen and how expensive is it? Who is asking to have it changed? Is it the citizens who initiate these people's vetoes and is it a daunting task? Have they run up here or have they come to your door and said to you that they don't like the way it is set up, we wish you would make it easier or we wish you would put it on a general election time frame or a primary? The other question you would have to ask is if the election recently on the people's veto had gone a different direction, would we have this issue before us? It is my gut feeling that we would not.

The citizen's veto is very special thing to me. I really get inspired by people's vetoes because it is the people who come out and say we don't like what you did. We feel so strongly about it that we are going to make this tremendous Herculean effort to overturn what you did. I see no need to change it. The argument that we don't get enough people out to vote on these things is a bogus argument. After all, we have a group of people here that feel so strongly about what we did, that they went out and did that hard work and got this initiative started. They got the signatures for it. If we feel opposite from what they feel, then we can get off our couch or wherever we are and go down

and vote. The idea that not enough people vote on these things is a really bogus argument. I urge you to not accept the pending motion. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I will be brief. The good gentleman from Bridgton, Representative Waterhouse, does make good points as he always does. The question he asked, if the people's veto would have gone the other way would this issue still have been here? Having been one of those that supported the veto, I would guess that that issue would be before us Mr. Speaker. I would just reiterate that in 1988 municipalities spent over \$350 to hold a February 10th special election. The cost of the people's veto would have been absorbed in cost if we would have held it in the general election.

Second, with any special election held outside the regular scheduled elections, in my opinion, having a general election for a decision or in a primary to vote should have been held in a time when a broader electorate is convened. It is for that reason that I would ask that you would support the bill and it will eliminate the costs of unscheduled budget decisions as well as preserve, I think, the best interest of all Maine citizens by holding these important veto elections when a larger percentage of the registered voters are available and accustomed to vote, Mr. Speaker. Thank you.

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

ROLL CALL NO. 49

YEA - Andrews, Bagley, Baker, Belanger, Berry RL, Bolduc, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Chizmar, Colwell, Cote, Cowger, Davidson, Dudley, Dugay, Duncan, Dunlap, Duplessie, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Kane, Labrecque, LaVerdiere, Lemoine, Mailhot, Martin, Mayo, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy T, Muse, Norbert, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Stanley, Stanwood, Stevens, Sullivan, Tessier, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearne, Berry DP, Buck, Bumps, Campbell, Carr, Cianchette, Clark, Clough, Collins, Cross, Daigle, Davis, Desmond, Etnier, Foster, Gerry, Glynn, Jones, Joy, Kasprzak, Kneeland, Lemont, Lovett, MacDougall, Mack, Madore, Marvin, Matthews, McNeil, Mendros, Murphy E, Nass, Nutting, O'Brien, O'Neal, Peavey, Perkins, Pinkham, Plowman, Rosen, Shields, Sirois, Skoglund, Snowe-Mello, Stedman, Thompson, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bouffard, Bragdon, Jabar, Lindahl, McAlevy, Shorey, Tobin D, Weston.

Yes, 88; No, 54; Absent, 8; Excused, 0.

88 having voted in the affirmative and 54 voted in the negative, with 8 being absent, the **COMMITTEE REPORT** was **ACCEPTED**.

The **RESOLUTION** was **READ ONCE**. **Committee Amendment "A" (S-24)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the RESOLUTION was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the RESOLUTION was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-24)** in concurrence.

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

ENACTORS
Emergency Measure

An Act to Clarify the Authority of the Maine Milk Commission

(S.P. 451) (L.D. 1326)
(C. "A" S-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. 137 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. **ORDERED SENT FORTHWITH.**

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

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick who wishes to address the House on the record.

Representative **CHICK**: Mr. Speaker, Men and Women of the House. I will only say briefly that my part in political matters started in 1949 when I was elected to a school committee position. Beginning at that time and continued to date, I have always found that I could work with committee members or

whomever without hatred. During this time, Muriel and I would talk about situations that I would be facing on whatever my activity was at the time. This was something that we shared jointly. When I came here to the House, which I want to direct my remarks about this afternoon, she met many people and had many enjoyable discussions with you people and others that are not here now.

One of the things that I am proud to say is she had high principles. In coming here with me, she didn't know or consider that there were lines of division down the center aisle or in the offices here in the State House building. She and I would discuss bills that were coming up and she did right up until a few days ago when she was able to talk about things that she is interested in. This winter as many of you are aware and present on a cold winter night out at the Civic Center she listened and when we had a chance to talk, I realized her concern for the promise of the future. The last time that she attended a function with me was in Brunswick and she, at that time, didn't feel very well, but she wanted to know and she said to one of the other daughters the other day that probably these two functions would be the last that she would be able to attend. I would want everyone here in this body and within the sound of my voice in the offices in the State House to know that my family and I wish to have you know how much we appreciate everything you have done and said. That is another item that Muriel and I always talked about. I criticize no one for writing letters or sending cards. We used to do it and she'd send lots of cards, but we both believe it was important to tell someone how we felt. That is what I have attempted to do here this afternoon and I would thank you for listening.

On motion of Representative CHICK of Lebanon, the House adjourned at 1:04 p.m., until 9:00 a.m., Wednesday, March 31, 1999 in honor and lasting tribute to Muriel Chick, of Lebanon, Representative Albert P. Gamache, of Lewiston, and Maynard F. Marsh.