

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
34th Legislative Day
Wednesday, April 7, 1999

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

Prayer by Pastor Richard Rockwell, Ellsworth Baptist Temple.

National Anthem by Mount View High School Chorale, Thorndike.

Pledge of Allegiance.

Doctor of the day, James Douglas, D.O., Waterville.

The Journal of Monday, April 5, 1999 was read and approved.

SENATE PAPERS

Resolve, to Transfer the Functions and Responsibilities of the Maine Turnpike Authority to the Department of Transportation

(S.P. 538) (L.D. 1600)

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

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

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

Non-Concurrent Matter

Bill "An Act to Enhance Competition and Public Health"

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

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in the House on March 30, 1999.

Came from the Senate **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and RESOLUTION 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:

Bill "An Act to Reimburse Androscoggin County for Shortfalls in State Reimbursement for Jail Costs"

(H.P. 1511) (L.D. 2159)

Presented by Representative BOLDUC of Auburn.

Cosponsored by Representatives: BERRY of Livermore, BOUFFARD of Lewiston, CHIZMAR of Lisbon, JACOBS of Turner, MAILHOT of Lewiston, SNOWE-MELLO of Poland.

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

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

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

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Require Contractor Registration"

(H.P. 1515) (L.D. 2163)

Presented by Representative POVICH of Ellsworth.

CRIMINAL JUSTICE

Bill "An Act to Stop the Construction of the Prison at Warren"

(H.P. 1512) (L.D. 2160)

Presented by Representative SKOGLUND of St. George.

Cosponsored by Representatives: PIEH of Bremen, VOLENIK of Brooklin.

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

HEALTH AND HUMAN SERVICES

Bill "An Act to Establish the Trust Fund for a Healthy Maine"

(H.P. 1519) (L.D. 2169)

Presented by Speaker ROWE of Portland.

Cosponsored by Senator PARADIS of Aroostook and Representatives: BRAGDON of Bangor, BROOKS of Winterport, FULLER of Manchester, KANE of Saco, QUINT of Portland, SAXL of Portland, Senator: MITCHELL of Penobscot.

JUDICIARY

Bill "An Act to Enhance Communications Between the Department of Corrections, the Judiciary and Law Enforcement Agencies" (EMERGENCY)

(H.P. 1518) (L.D. 2166)

Presented by Representative SAXL of Portland.

Cosponsored by Senator LONGLEY of Waldo and Representatives: POVICH of Ellsworth, THOMPSON of Naples.

LEGAL AND VETERANS AFFAIRS

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Persons with Mental Illness to Vote

(H.P. 1514) (L.D. 2162)

Presented by Representative BRENNAN of Portland.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: BRUNO of Raymond, KANE of Saco, MURPHY of Kennebec, ROWE of Portland, SAVAGE of Buxton, SHIAH of Bowdoinham, TESSIER of Fairfield, Senator: PINGREE of Knox.

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

TAXATION

Bill "An Act to Provide a Sales Tax Credit on the First \$2000 of the Purchase Price of Certain Automobiles"

(H.P. 1517) (L.D. 2165)

Presented by Representative GAGNON of Waterville.

Cosponsored by Senator RUHLIN of Penobscot and Representatives: JABAR of Waterville, MURPHY of Berwick, O'NEIL of Saco, Senators: MILLS of Somerset, MURRAY of Penobscot.

UTILITIES AND ENERGY

Bill "An Act to Prohibit a Telephone Utility from Charging a Toll-call Rate for a Telephone Call Made from a Municipality to a Point in that same Municipality"

(H.P. 1513) (L.D. 2161)

Presented by Representative MACK of Standish.

Cosponsored by Senator HARRIMAN of Cumberland and Representatives: BULL of Freeport, DESMOND of Mapleton, GLYNN of South Portland, MATTHEWS of Winslow, O'NEIL of Saco, VOLENIK of Brooklin, WATERHOUSE of Bridgton, WINSOR of Norway.

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

Bill "An Act to Enhance Access to Technology for Maine Schools and Libraries"

(H.P. 1516) (L.D. 2164)

Presented by Representative DAVIDSON of Brunswick.

Cosponsored by Senator TREAT of Kennebec and Representatives: BERRY of Belmont, BRYANT of Dixfield, COLWELL of Gardiner, DUNCAN of Presque Isle, McGLOCKLIN of Embden, ROSEN of Bucksport, SAVAGE of Buxton, SAXL of Portland.

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

Pursuant to Public Law

Joint Standing Committee on Utilities and Energy

Representative DAVIDSON for the **Joint Standing Committee on Utilities and Energy** pursuant to Public Law 1997, chapter 316, section 12 asks leave to report that the accompanying Bill "An Act to Amend the Electric Industry Restructuring Laws"

(H.P. 1509) (L.D. 2154)

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative DUNLAP of Old Town, the following Joint Order: (H.P. 1510)

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife may report out legislation, to the House, to more equitably distribute gas tax revenues attributable to snowmobiles, all-terrain vehicles and watercraft.

READ and **PASSED**.

Sent for concurrence. **ORDERED SENT FORTHWITH**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Paul J. Aldrich, President and Chief Executive Officer of Village Candle, Inc., Topsham, who is the recipient of the

prestigious Entrepreneur of the Year award by the Finance Authority of Maine. We send our congratulations to Mr. Aldrich on this occasion;

(HLS 150)

Presented by Representative TRIPP of Topsham.

Cosponsored by Senator SMALL of Sagadahoc.

On **OBJECTION** of Representative TRIPP of Topsham, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative **TRIPP**: Mr. Speaker, Men and Women of the House. It is truly a personal honor that I present this special sentiment today. From being unemployed in 1993 to owning one of Maine's most successful businesses, Village Candle of Topsham, Paul Aldrich, deserves a special legislative sentiment. Coming out of the recession in the early 1990s, Paul lost his business. With his wife Sally bringing in the only paycheck, Paul found himself with a lot of time on his hands. He started making candles in his kitchen as a hobby and gifts for friends. The hobby expanded into a small home business. He got a large order from a candle distributor in Pennsylvania and Sally and Paul filled their car with candles and barely made it out of the driveway, but they made it to Pennsylvania. Later Paul got a break by making a candle presentation to the marketing manager for LL Bean in Freeport. She didn't show a great deal of enthusiasm until she saw a scented candle in a square glass jar. This shape now distinguishes Village Candle of Topsham from others in the field. That marketing person later became Paul's marketing person. Earlier this year Paul Aldrich was honored by FAME as the Entrepreneur of the Year. I am happy for his success and am pleased to call him a friend. Thank you.

PASSED and sent for concurrence.

Recognizing:

Carl Einar Gustafson, of New Sweden, who helped launch the Jimmy Fund over 50 years ago. Mr. Gustafson was selected in 1948 by Dr. Sidney Farber to represent every child stricken with cancer. Carl Gustafson was nicknamed Jimmy by Dr. Farber and the Jimmy Fund was born. As a cancer survivor, Mr. Gustafson is a trucker who travels around the country speaking and raising thousands of dollars for this celebrated fund. We extend our congratulations and best wishes to him;

(HLS 194)

Presented by Speaker ROWE of Portland.

Cosponsored by Senator PARADIS of Aroostook, Senator KIEFFER of Aroostook, Senator MICHAUD of Penobscot, Representative AHEARNE of Madawaska, Representative MARTIN of Eagle Lake, Representative JOY of Crystal, Representative SHERMAN of Hodgdon, Representative WHEELER of Bridgewater, Representative KNEELAND of Easton, Representative DUNCAN of Presque Isle, Representative DESMOND of Mapleton, Representative BELANGER of Caribou, Representative O'NEAL of Limestone, Representative SIROIS of Caribou.

On **OBJECTION** of Representative DESMOND of Mapleton, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Mapleton, Representative Desmond.

Representative **DESMOND**: Mr. Speaker, Colleagues of the House. I am very proud to recognize Carl Einar Gustafson and welcome him and his wife Gloria to the Capitol. As a young boy from New Sweden, he was stricken with cancer and became the "Jimmy" of the Jimmy Fund. Since being rediscovered last year, he has traveled all over and has raised thousands and thousands of dollars for this very worthwhile find, which has been a special fund for the Red Sox. Jimmy has always been, from 50 years ago, a very popular fund that people are always very proud to contribute to. I am very pleased to welcome you to the Capitol. We are very proud of you. I am very proud to consider myself a friend.

The **SPEAKER**: The Chair would like to add to the comments today. Each of you have on your desk today a letter describing who Mr. Gustafson is and his accomplishments. I would like to read an excerpt from that.

"In 1948 a 12 year old boy from New Sweden, Maine, who was suffering from Leukemia, was admitted to Children's Hospital. Dr. Dana Farber picked Carl Einar Gustafson to represent every child with cancer and he named him Jimmy. He suggested the foundation be named the Jimmy Fund, but Jimmy's identity was never revealed. Mr. Gustafson grew up in the small rural town of New Sweden with the population of about 800 where people helped care for their neighbors, but they didn't talk about it. They just made sure he got back and forth to Boston for his checkups. For nearly 50 years the people at the Dana Farber Institute felt that the young patient known as Jimmy had probably died, as many children affected with this disease did in those early years. Undoubtedly, the younger generation in New Sweden have had no idea that Jimmy was in their midst or knew much about the Jimmy Fund. In 1997, Mr. Gustafson's sister called the Jimmy Fund to report that Jimmy was alive and well and Jimmy was back just in time for the 50th Anniversary of the fund's birth. Since his discovery, Einar Gustafson, "Jimmy", has been an honored guest at numerous Jimmy Fund events, including the Massachusetts Challenge, the Boston Marathon, Jimmy Fund Walk, Jimmy Fund Golf Classic and the recent Canadian Club Celebrity Cup held at Sugarloaf, USA in Maine. Since his return, fund-raising revenues from the Jimmy Fund have increased over 20 percent."

It is an honor for us to have Mr. Gustafson and his wife Gloria with us today. I would like to present them with the special sentiment.

PASSED and sent for concurrence.

Recognizing:

the Mt. Blue High School Girls Ski Team on being named the Class A State Champions for the 8th consecutive year. The team includes: Amanda Bitterauf, Hannah Bogar, Molly Hardy, Heidi Tripp, Megan Caldwell, Lynette Batt, Elena Yates, Martha Yates, Barbara Bean, Amanda Roberts, Lacey Guyette, Lauren Stevens, Caitlin McPherran, Liz Elman, Hillary Smith, Allison Dingley, Andaria Crespi, Lilah Violette, Eva Egan, Katie Lawrence, Jessica Bouchard, Amy McCormick, Molly Milliken, Monica Hedstrom, Hannah Whitney, Courtney Clark, Jen Smith and Jessica Ellingwood; coaches Rick Hardy and Jeff Meserve; and assistant coaches David Nordstrom and Mark Cyr. We send our congratulations and best wishes to the team;

(HLS 202)

Presented by Representative GOOLEY of Farmington. Cosponsored by Senator BENOIT of Franklin, Representative LaVERDIERE of Wilton, Representative SAMSON of Jay.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. The Mount Blue Girls Class A Ski Team, both Nordic and Alpine, this is their eighth consecutive year. What a record. You know, I still teach skiing at Titcomb Mountain Ski Area in Farmington. Guess what, I had at least two of them as first graders. One of them has been making me a scarf since the first grade. I probably wouldn't follow them down a double diamond trail at Sugarloaf now. The members of this team excel academically and I am sure these young people will be among the leaders of tomorrow. I congratulate them, both the team members and the coaches. Congratulations.

The **SPEAKER**: The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

Representative **LAVERDIERE**: Mr. Speaker, Men and Women of the House. It is my great pleasure to stand here today to add my congratulations to the Lady Cougars Ski Team. This is becoming a habit, which I am enjoying very much. Standing up here and singing the praises of some of our athletic teams here at Mount Blue. They are outstanding athletes. They are fine citizens and they are people that make our area very, very proud. I hope you will join with me when the Speaker recognizes them in indicating to them how much we appreciate their efforts and their success this year in their endeavors. Thank you.

PASSED and sent for concurrence.

Recognizing:

the Falmouth High School Boys Basketball Team, the Yachtsmen, who have won the 1999 State Class C Basketball Championship, and in extending our congratulations to them on this achievement;

(HLS 203)

Presented by Representative DAVIS of Falmouth.

Cosponsored by Senator ABROMSON of Cumberland.

On **OBJECTION** of Representative DAVIS of Falmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Davis.

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. This may be the finest basketball team that Falmouth has ever had and the finest coaching staff. I would like to introduce the young men and give them a round of applause. Not only are they a good basketball team, but they are good students. Their gentlemanly behavior on the court has been noted by many of their opponents. They are Jeff Davis, Zach Rand, Brad Barr, Brandon Barr, Matthew Beaudoin, David Berry, Aaron Maines, Ryan Mastropaolo, Ben Parker, Andy Allan, Jason Iiolbrook and Andy Tupper. The Captains are David Connolly and Roger Levesque. Assistant coach Gilman and McCollic and our great head coach David Halligan, Jr. If they would stand please.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. While my allegiances now lie with another school

system, Falmouth is my alma mater. I want to congratulate the team. Way to go Yachtsmen!

PASSED and sent for concurrence.

Recognizing:

Chef Donald Rossignol, director of the culinary program at Central Maine Technical College, who has been named Maine's Chef of the Year by the Maine Chapter of the American Culinary Federation. We extend our congratulations to him on receiving this award;

(HLS 204)

Presented by Representative BOUFFARD of Lewiston. Cosponsored by Senator DOUGLASS of Androscoggin, Representative SHIELDS of Auburn, Representative GERRY of Auburn, Representative BOLDUC of Auburn, Senator BERUBE of Androscoggin, Representative MAILHOT of Lewiston, Representative COTE of Lewiston, Representative MENDROS of Lewiston.

On **OBJECTION** of Representative BOUFFARD of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. Don Rossignol is one of those special individuals who should be celebrated. He graduated from SMTC in 1963 with a diploma in culinary arts. He established the Cedar Cook School in Lewiston in 1972 and worked to establish culinary arts as a program at CMTC, which he eventually did. Opening the Culinary Arts Center at CMTC in 1989. Don enlisted the help of CMTC's building construction program in the Lewiston Regional Vocational Center to build a facility for the program overlooking Lake Auburn. I remember in 1985 when we were on the southern legislative tour when the tour came to Auburn, the legislators who were on that tour commented when they had the dinner over at CMTC that it was the first good meal that they had in that southern tour. After being named Chef of the Year by the Maine Chapter of the American Culinary Foundation, Don told chapter members that he had received many awards in his days, but there are none that he will cherish as much as this one. Well, that he should, because the award of Chaptered Chef of the Year has always been viewed as the most prestigious in the eyes of every professional culinarian. Being recognized by one's professional peers is the highest form of praise anyone can achieve. Acknowledgment by one's peers is indeed the highest recognition that one can receive.

Don was born in Van Buren and has been a lifelong resident of Maine. It is especially fitting that Don's accomplishments be recognized today because it happens to be his 51st birthday. Thank you for your commitment to education, Don, congratulations.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Cote.

Representative **COTE**: Mr. Speaker, Men and Women of the House. It gives me great honor to rise today in honor of Don Rossignol. I have personally experienced his teachings. Back in 1992-1993, I was a student of Don Rossignol. Because of working and other prior commitments, I was unable to finish. I spoke to him earlier and he has agreed to gather with me and have me continue on and pick up a couple of courses to finish and get my degree with him. I gives me great pleasure to honor him and say congratulations Don and happy birthday.

PASSED and sent for concurrence.

Recognizing:

William S. Webb, M.Ed., Counselor of the Higher Education Resources Outreach for his outstanding dedication to the Legislative Memorial Scholarship Selection Committee. We extend our appreciation;

(HLS 205)

Presented by Representative TRUE of Fryeburg. Cosponsored by Senator RUHLIN of Penobscot, Representative LINDAHL of Northport, Senator LONGLEY of Waldo.

On **OBJECTION** of Representative TRUE of Fryeburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative **TRUE**: Mr. Speaker, Men and Women of the House. It is with great honor that I speak this morning to recognize William S. Webb who is a counselor of higher education resources outreach for MES. You can't imagine the number of inquiries we had about the Legislative Memorial Scholarship and what a task it is to look these over to pick one particular person from each county. Mr. Webb helped each time. I think we met 8 to 10 times during the summer to make the selection. I would like for you, certainly, to show your appreciation to Mr. Webb.

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

Representative **O'NEAL**: Mr. Speaker, Ladies and Gentlemen of the House. I couldn't let an opportunity pass by without also rising to express my congratulations to Bill Webb. Bill Webb has been a friend, a mentor and someone that I have respected for over 35 years. He is a giant in the education field. He is a loving caring family man. I congratulated him the other day on being a grandfather for the first time. He is also a former high school teacher of mine, which I get a great pleasure in saying to people. Thank you.

PASSED and sent for concurrence.

Recognizing:

William H. Stone, Jr., Clinical Director of Higher Education Resources Outreach for his outstanding dedication to the Legislative Memorial Scholarship Selection Committee. We extend our appreciation;

(HLS 206)

Presented by Representative TRUE of Fryeburg. Cosponsored by Senator RUHLIN of Penobscot, Representative TRACY of Rome, Senator BENOIT of Franklin.

On **OBJECTION** of Representative TRUE of Fryeburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. Again, Mr. William Stone, Clinical Director of Higher Education for MES, also participated and set up all the programs that was necessary in order to carry this forthwith. I must say that he served great coffee and doughnuts in the morning. I would like to have Mr. Stone step forward to also be recognized by this body. Thank you.

PASSED and sent for concurrence.

Recognizing:

Rand E. Newell, A.S., B.S., Director of Financial Aid at Unity College, for his outstanding dedication to the Legislative Memorial Scholarship Selection Committee. We extend our appreciation;

(HLS 207)

Presented by Representative TRUE of Fryeburg.
Cosponsored by Senator RUHLIN of Penobscot, Representative WESTON of Montville, Senator LONGLEY of Waldo.

On **OBJECTION** of Representative TRUE of Fryeburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. Rand Newell also helped in this effort. He could not be here this morning, but I certainly wanted for you people to know and especially those people in the Unity area for someone to come from a college to help us do this, I think is worth remembering. Thank you.

PASSED and sent for concurrence.

Recognizing:

Richard Pierce, C.E.O. of Maine Educational Services, for his outstanding dedication to the Legislative Memorial Scholarship Selection Committee. We extend our appreciation;

(HLS 208)

Presented by Representative TRUE of Fryeburg.
Cosponsored by Senator RUHLIN of Penobscot, Representative CIANCHETTE of South Portland, Representative MUSE of South Portland, Representative GLYNN of South Portland, Senator AMERO of Cumberland.

On **OBJECTION** of Representative TRUE of Fryeburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. I have distributed to each desk the Maine Legislative Memorial Scholarship Auction pamphlet. I want you to know that this is because of MES and certainly through the acknowledgment of Richard Pierce who is the CEO and has at various times entered into coming to our auction and has made it a success. I hope that you enjoy the pictures. Many of you are on this pamphlet. I would like to have Dick Pierce to come forth so that we can thank him for making this all possible.

PASSED and sent for concurrence.

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

The **SPEAKER**: The Chair recognizes the Representative from Eagle Lake, Representative Martin who wishes to address the House on the record.

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. I first want to begin by thanking Representative True for his work that he has personally been doing for all the

years that he has been a member of the House with the scholarship account. I thought for a moment that I would mention the origin of the fund for those of you who are not familiar with it. It goes back a number of years when Steve Gould, some of you remember him well, was a legislator from Old Town. He was perhaps best known for his antics that he would from time to time pull. Probably the most famous one was playing Taps when the moose bill was passed in the Maine House. He was hiding behind the upstairs gallery so I couldn't see him. As the vote was finally be taken, the final roll call was coming. He had the trombone and started playing Taps. For about five or six seconds, we couldn't figure out where it was coming from since he was hiding below the balcony. He passed away during the session. We immediately decided the following year we had to do something for this man. We started the scholarship which then would be made to students who would go to the University of Maine.

About two and a half years after, a member of my staff, David Michaud, got killed by an OUI driver coming back from picking up a pizza on a Saturday night late in the year in the spring as we normally are here in June. So the following year we changed it a little bit and it became the Gould/Michaud Scholarship Fund. It stayed that way until about three or four years ago when a decision was made that we really ought to turn this to a Legislative Memorial Scholarship Auction and Fundraiser. That is where it is today.

I cannot imagine without the efforts of Representative True and others, that this would be as successful as it is. I just wanted to say how it originated and how it came about and why we are here today.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Resolve, Granting a Right-of-way Across Baxter State Park Authority Property in the Town of Harpswell to the Coffin Family (**EMERGENCY**)

(S.P. 343) (L.D. 997)

Signed:
Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

COWGER of Hallowell
CARR of Lincoln
FOSTER of Gray
GOOLEY of Farmington
VOLENIK of Brooklin
PIEH of Bremen
WATSON of Farmingdale
GILLIS of Danforth
CROSS of Dover-Foxcroft

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-52)** on same Resolve.

Signed:
Representative:

GAGNE of Buckfield

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

On motion of Representative PIEH of Bremen, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass** on Bill "An Act to Amend Law Enforcement Powers of Maine Forest Rangers"

(S.P. 397) (L.D. 1188)

Signed:
Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

COWGER of Hallowell
CARR of Lincoln
FOSTER of Gray
GOOLEY of Farmington
VOLENIK of Brooklin
PIEH of Bremen
WATSON of Farmingdale
GAGNE of Buckfield
CROSS of Dover-Foxcroft

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

Signed:
Representative:

GILLIS of Danforth

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

READ.

On motion of Representative PIEH of Bremen, the Majority **Ought to Pass** Report was **ACCEPTED.**

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 8, 1999.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act Authorizing Municipalities to Create Nonprofit Corporations for the Sole Purpose of Providing Homeowners Liability Insurance to Citizens of the Municipalities"

(H.P. 351) (L.D. 467)

Signed:
Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield
RICHARDSON of Brunswick
NUTTING of Oakland
O'NEIL of Saco
SAXL of Bangor
GLYNN of South Portland
MAYO of Bath
PERRY of Bangor
SULLIVAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-135)** on same Bill.

Signed:
Representative:

DUDLEY of Portland

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Providing for a Vote of Confidence before a Judge Is Eligible for Reappointment"

(H.P. 28) (L.D. 37)

Signed:
Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
JACOBS of Turner
MITCHELL of Vassalboro
NORBERT of Portland
MADORE of Augusta
SCHNEIDER of Durham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-132)** on same Bill.

Signed:
Representatives:

PLOWMAN of Hampden
WATERHOUSE of Bridgton

READ.

Representative BULL of Freeport moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-133)** on Bill "An Act to Require Courts to Reimburse Jurors for Parking Expenses"

(H.P. 490) (L.D. 697)

Signed:
Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
JACOBS of Turner
NORBERT of Portland
MITCHELL of Vassalboro
WATERHOUSE of Bridgton

SCHNEIDER of Durham

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

Signed:
Representatives:

MADORE of Augusta
PLOWMAN of Hampden

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-133)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 8, 1999.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-145)** on Bill "An Act Authorizing County Commissioners to Enact Noise and Animal Control Ordinances in Unorganized Territories"

(H.P. 108) (L.D. 139)

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

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

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

Signed:
Representative:

RICHARDSON of Greenville

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-145)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 8, 1999.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-143)** on Bill "An Act to Require the Legislature to Examine Executive Orders for Violations of Separation of Powers"

(H.P. 464) (L.D. 627)

Signed:
Senator:

DAVIS of Piscataquis

Representatives:

AHEARNE of Madawaska
RINES of Wiscasset
BUMPS of China

KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville
GERRY of Auburn

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

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock

Representatives:

TWOMEY of Biddeford
BAGLEY of Machias
McDONOUGH of Portland

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-143)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 8, 1999.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-144)** on Bill "An Act to Create a Uniform Standard Governing Legislative Leave of Absence"

(H.P. 502) (L.D. 709)

Signed:
Senators:

GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

BAGLEY of Machias
RINES of Wiscasset
TWOMEY of Biddeford
BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
GERRY of Auburn
RICHARDSON of Greenville

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

Signed:
Senator:

PENDLETON of Cumberland

Representatives:

AHEARNE of Madawaska
McDONOUGH of Portland

READ.

On motion of Representative SAXL of Portland, **TABLED** unassigned pending **ACCEPTANCE** of either Report.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Increase the Property Tax Exemptions for a Parsonage"

(H.P. 150) (L.D. 212)

Signed:
Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-140)** on same Bill.

Signed:

Representatives:

GAGNON of Waterville
GREEN of Monmouth
LEMONT of Kittery
MURPHY of Berwick
BUCK of Yarmouth
CIANCHETTE of South Portland

READ.

Representative GAGNON of Waterville moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report**.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. This is a report of primarily House members. What we looked at were parsonages attached to churches. Unlike other exemptions at the local level for churches, colleges and hospitals that receive 100 percent exemptions, parsonages have never received a 100 percent exemption. The real property exemption over the years has been up to \$20,000 and on personal property, \$6,000. The sponsor brought the bill before us. We did amend it to not increase it by as much as he wished, but we did double the amount of exemption from \$20,000 to \$40,000 on real property and from \$6,000 to \$12,000 on the amount of personal property also. We felt that this was an exemption that was seriously out of date. It has not been updated since 1877. We felt that it was important that we provide additional increase in exemptions since they have never had 100 percent exemption over the years. Thank you Mr. Speaker.

Representative BUCK of Yarmouth **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended Report**.

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

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

ROLL CALL NO. 63

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Daigle, Davis, Desmond, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Muse, Nass, Nutting, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Perry, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson,

Savage C, Savage W, Saxl MV, Schneider, Sherman, Shields, Sirois, Skoglund, Snowe-Mello, Stanwood, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Brennan, Bryant, Cowger, Cross, Davidson, Dudley, Gerry, Lemoine, Mitchell, Norbert, Pieh, Rines, Sanborn, Saxl JW, Shiah, Stanley, Stevens, Townsend, Volenik.

ABSENT - Goodwin, Plowman, Shorey, Thompson, Twomey.

Yes, 126; No, 19; Absent, 5; Excused, 0.

126 having voted in the affirmative and 19 voted in the negative, with 5 being absent, the Minority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-140)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 8, 1999.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Provide Tax-exempt Status to Organizations That Teach Reading"

(H.P. 271) (L.D. 379)

Signed:

Senators:

RUHLIN of Penobscot
MILLS of Somerset

Representatives:

DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach
LEMONT of Kittery
MURPHY of Berwick
CIANCHETTE of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-142)** on same Bill.

Signed:

Senator:

DAGGETT of Kennebec

Representatives:

GAGNON of Waterville
GREEN of Monmouth
BUCK of Yarmouth

READ.

Representative GAGNON of Waterville moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report**.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended Report** and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-141)** on Bill "An Act to Allow a One-time Double Exemption for Income Tax Filers Who Adopt a Dependent Child"

(H.P. 295) (L.D. 403)

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

GAGNON of Waterville
GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach

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

Signed:
Senators:

DAGGETT of Kennebec
MILLS of Somerset

Representatives:

LEMONT of Kittery
MURPHY of Berwick
CIANCHETTE of South Portland

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-141)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 8, 1999.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Decrease the Mahogany Quahog Tax from \$1.20 per Bushel to \$.40 per Bushel"

(H.P. 390) (L.D. 521)

Signed:
Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GAGNON of Waterville
GREEN of Monmouth
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-139)** on same Bill.

Signed:
Representatives:

LEMONT of Kittery
MURPHY of Berwick
CIANCHETTE of South Portland
BUCK of Yarmouth

READ.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-148)** on Bill "An Act to Require Reflectors on the Front of Utility Trailers"

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

Signed:
Senators:

O'GARA of Cumberland
CASSIDY of Washington

Representatives:

FISHER of Brewer
COLLINS of Wells
SANBORN of Alton
CAMERON of Rumford
JABAR of Waterville
BOUFFARD of Lewiston
SAVAGE of Union
WHEELER of Bridgewater

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

Signed:
Representatives:

WHEELER of Eliot
LINDAHL of Northport

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-148)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 8, 1999.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-147)** on Bill "An Act to Require the State to Reimburse Licensed Vehicle Inspection Stations for Unused Inspection Stickers"

(H.P. 698) (L.D. 965)

Signed:
Senators:

O'GARA of Cumberland
CASSIDY of Washington

Representatives:

FISHER of Brewer
COLLINS of Wells
JABAR of Waterville
SAVAGE of Union
WHEELER of Bridgewater

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

Signed:
Representatives:

SANBORN of Alton
CAMERON of Rumford
WHEELER of Eliot
LINDAHL of Northport
BOUFFARD of Lewiston

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-147)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 8, 1999.

CONSENT CALENDAR

First Day

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

(S.P. 233) (L.D. 655) Bill "An Act to Increase the Penalty for Failure to Yield the Right-of-way to a Visually Impaired Pedestrian" Committee on **TRANSPORTATION** reporting

Ought to Pass as Amended by Committee Amendment "A" (S-51)

(H.P. 650) (L.D. 900) Bill "An Act to Reestablish the Municipal Boundary between Pownal and Durham" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 65) (L.D. 78) Bill "An Act to Ensure Funding for a Replacement Correctional Facility in Washington County" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-150)**

(H.P. 155) (L.D. 217) Bill "An Act to Increase the Appropriation to the Saco River Corridor Commission" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-160)**

(H.P. 261) (L.D. 365) Bill "An Act to Amend the Laws Regarding Reporting Requirements for the Maine Health and Higher Educational Facilities Authority" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-162)**

(H.P. 341) (L.D. 457) Bill "An Act to Increase the Sanctions for Criminal Mischief Within a Correctional Facility" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-149)**

(H.P. 415) (L.D. 557) Bill "An Act to Prohibit the Surveillance of the Interior of Dressing Rooms" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-155)**

(H.P. 477) (L.D. 684) Bill "An Act to Give the Commissioner of Public Safety Law Enforcement Powers" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-154)**

(H.P. 513) (L.D. 720) Bill "An Act Concerning the Method of Taking of Soft Shell Clams" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-159)**

(H.P. 522) (L.D. 729) Bill "An Act to Increase State Funding for the Purchase of School Buses" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-157)**

(H.P. 534) (L.D. 741) Bill "An Act to Assist the Department of Public Safety in Implementing the Requirements of Fingerprint-based Background Checks" (EMERGENCY) Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-152)**

(H.P. 587) (L.D. 827) Bill "An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-156)**

(H.P. 732) (L.D. 1022) Bill "An Act to Provide Funding for the Advisory Commission on Women Veterans" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-158)**

(H.P. 863) (L.D. 1220) Bill "An Act to Provide for Resident State Police Officers for Municipalities Without a Police Force" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-153)**

(H.P. 944) (L.D. 1341) Bill "An Act to Provide Additional Funding for the Maine Indian Tribal-State Commission"

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-161)**

(H.P. 988) (L.D. 1386) Resolve, to Establish a Police Cadet Program for the State Police Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-151)**

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

**CONSENT CALENDAR
Second Day**

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

(S.P. 35) (L.D. 45) Bill "An Act to Appropriate \$50,000 for the Muskie Memorial Committee in Rumford"

(S.P. 376) (L.D. 1077) Bill "An Act to Prevent Minors from Acquiring Beer-making or Wine-making Equipment"

(S.P. 496) (L.D. 1481) Bill "An Act to Increase the Contingency Reserve Fund Percentage for Consumer-owned Electric Utilities"

(S.P. 508) (L.D. 1509) Bill "An Act to Amend and Improve the Education Laws"

(S.P. 130) (L.D. 327) Bill "An Act to Provide for Additional Management Measures of the Scallop Industry" (C. "A" S-48)

(S.P. 198) (L.D. 587) Bill "An Act to Ameliorate Penalties for Late Filing of Municipal Tax Returns" (C. "A" S-49)

(S.P. 208) (L.D. 597) Bill "An Act to Allow Certain Companies' Operations that Started in 1996 to Qualify for Employment Tax Increment Financing Treatment" (C. "A" S-50)

(S.P. 261) (L.D. 756) Resolve, to Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities (EMERGENCY) (C. "A" S-45)

(S.P. 301) (L.D. 874) Bill "An Act to Remove Certain Records Concerning Minors From the Definition of 'Public Records'" (C. "A" S-39)

(S.P. 313) (L.D. 947) Bill "An Act to Clarify Certain Liens" (C. "A" S-38)

(S.P. 316) (L.D. 950) Bill "An Act to Consolidate and Improve Agricultural Market Research and New Technology Grants in the Department of Agriculture, Food and Rural Resources to Encourage Economic Development of Maine Farms and Food Processors" (C. "A" S-41)

(S.P. 383) (L.D. 1162) Bill "An Act to Require Legislative Review of Rules Regarding Campaign Report Filing Forms" (C. "A" S-44)

(S.P. 396) (L.D. 1187) Resolve, to Preserve the Temporary Assistance to Needy Families Block Grant Funds Reserved for Future Use (EMERGENCY) (C. "A" S-40)

(S.P. 419) (L.D. 1208) Bill "An Act to Amend the Enhanced 9-1-1 Laws" (EMERGENCY) (C. "A" S-47)

(S.P. 428) (L.D. 1265) Bill "An Act to Amend the Charter of the Tenants Harbor Standard Water District" (EMERGENCY) (C. "A" S-46)

(H.P. 793) (L.D. 1116) Bill "An Act to Clarify Minimum Size Standards for Marine Species under Aquaculture"

(H.P. 1099) (L.D. 1546) Bill "An Act to Encourage Payment of Certain Workers' Compensation Premiums Owed to a Previous Insurer"

(H.P. 721) (L.D. 1011) Bill "An Act to Change the Application of the Durable Financial Power of Attorney Provisions" (C. "A" H-138)

(H.P. 814) (L.D. 1137) Bill "An Act to Allow Police Officers to Prosecute Their Own Traffic Infractions in District Court" (C. "A" H-136)

(H.P. 918) (L.D. 1296) Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care (C. "A" H-146)

(H.P. 977) (L.D. 1375) Bill "An Act to Provide Pre-judgment and Post-judgment Interest in Small Claims Actions" (C. "A" H-137)

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

(H.P. 154) (L.D. 216) Bill "An Act to Prohibit the Transportation of Open Containers that Contain Liquor" (C. "A" H-134)

On motion of Representative TRACY of Rome, was **REMOVED** from the Second Day Consent Calendar.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Unanimous **Ought to Pass as Amended** Committee Report and specially assigned for Thursday, April 8, 1999.

BILLS IN THE SECOND READING

House As Amended

Bill "An Act to Increase the Frequency With Which Message Boards May Change Their Message"

(H.P. 585) (L.D. 825)
(C. "A" H-125)

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

Senate As Amended

Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil"

(S.P. 203) (L.D. 592)
(C. "A" S-29)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative CAMERON of Rumford, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-29)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-165)** to **Committee Amendment "A" (S-29)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-29) as Amended by **House Amendment "A" (H-165)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-29)** as Amended by

House Amendment "A" (H-165) thereto in **NON-CONCURRENCE** and sent for concurrence.

House As Amended

Bill "An Act to Make Confidential Certain Information Collected from Maine Farmers and Agricultural Business"

(H.P. 536) (L.D. 743)
(C. "A" H-129)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative CAMERON of Rumford, was **SET ASIDE**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-129)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-164)** to **Committee Amendment "A" (H-129)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-129) as Amended by **House Amendment "A" (H-164)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-129)** as Amended by **House Amendment "A" (H-164)** thereto and sent for concurrence.

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

ENACTORS

Constitutional Amendment

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)
(C. "A" S-24)

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

Representative GLYNN of South Portland **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 64

YEA - Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chick, Chizmar, Cianchette, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Hatch, Heidrich, Jabar, Jodrey, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Madore, Mailhot, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Murphy T, Muse, Norbert, Nutting, 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, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stevens,

Sullivan, Tessier, Tobin D, Townsend, Tripp, True, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearne, Belanger, Berry DP, Bragdon, Buck, Bumps, Campbell, Carr, Clark, Clough, Collins, Cross, Davis, Foster, Gerry, Gillis, Glynn, Honey, Jones, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Martin, Marvin, McNeil, Mendros, Nass, O'Brien, O'Neal, Peavey, Perkins, Pinkham, Rosen, Shields, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Jacobs, Plowman, Thompson, Twomey.
Yes, 99; No, 47; Absent, 4; Excused, 0.

99 having voted in the affirmative and 47 voted in the negative, with 4 being absent, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Emergency Measure

An Act to Update and Amend the Maine Pharmacy Act
(H.P. 434) (L.D. 576)
(C. "A" H-80)

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

On motion of Representative SAXL of Portland, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act to Change the Way Nursery License Fees Are Established

(H.P. 537) (L.D. 744)
(C. "A" H-75)

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

On motion of Representative SAXL of Portland, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Monday, April 5, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-96)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (H-97)** - Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation (EMERGENCY)

(H.P. 20) (L.D. 30)

TABLED - March 31, 1999 by Representative O'NEAL of Limestone.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)** Report.

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

Representative **O'NEAL**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to ask you to support the Majority Ought to Pass Report. This is a major substantive rule. The Business and Economic Development Committee began the process of regulating naturopathic medicine back in 1995. There was an extensive review made and a task force established. The task force consisted of four physicians, including the president of the Maine Medical Association, the director of public health, the academic dean of the New England School of Osteopathic Medicine, two lawyers, two naturopaths and a public member. The law took place in 1996. The licensure has been conducted through a comprehensive process designed by this Legislature to assure accountability and production for the public. The point of the major substantive rule reflects the prescription authority. This law reflects the recommendation of the original task force. The specifications of the rules and regulations were drafted by a subcommittee and the Board of Complimentary Health Care Providers including a pharmacist, a physician board member and medications required unanimous agreement to pass. The law also requires that each of the doctors will have a one year relationship with a licensed physician for the historical review of their prescriptions. These doctors have received a minimum of 72 class hours in working with prescriptions. Medical doctors and osteopathic doctors receive approximately 82 hours. Nurse practitioners receive about 38 hours and they have almost the same prescription rights. Naturopaths have received approximately 4500 hours of both academic and clinical training. As I have stated before, almost 72 hours pertaining to prescriptive qualifications.

The other day I sent out a letter on my request from the Department of Professional and Financial regulators who oversee this particular board. I will just quote part of it. It says, "The representative of the Board of Pharmacy feels comfortable with the formulary that could be understood by dispensing pharmacies and did not recommend any further amendments to the rules at this time."

These doctors have waited since 1995 to be licensed. The committee worked and made side by side comparisons on what is being looked at today. The majority of the committee feels that we are very comfortable letting this group of people be licensed and regulated by the board. We have a lot of people who claim that they are naturopathic doctors and the doctors who have had the college and the post graduate work feel that they want to be licensed to protect themselves. I urge you to support the Majority Ought to Pass Report.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative Tripp.

Representative **TRIPP**: Mr. Speaker, Men and Women of the House. As you know, I am a member of the Business and Economic Development Committee which put out this 10 to 2 Majority Report. I just wanted to let you know that we did a lot of work on this bill. We heard from a lot of people and the process and licensure for these doctors which began as a slow and careful process in 1995 continued when this bill was presented to us this year. We feel that we have done a good job in scoping out all the problems with this bill. We feel that you should know that these naturopathic doctors who are affected by this law have a four year post graduate naturopathic medical school degree. We feel very comfortable at this time recommending this to you. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Brooks.

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

The **SPEAKER**: The Representative may pose his question.

Representative **BROOKS**: Thank you Mr. Speaker. My question is whether or not this would allow any naturopathic doctors to prescribe Schedule A drugs?

The **SPEAKER**: The Representative from Winterport, Representative Brooks has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative **O'NEAL**: Mr. Speaker, Ladies and Gentlemen of the House. It is my understanding that they cannot prescribe Schedule A drugs.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this amendment. I urge you to vote down this amendment and vote for the minority amendment on this same bill.

I will give you some background, the subcommittee that worked on the formulary came out with a three to two vote on that subcommittee. It consisted of three naturopaths, an MD and a pharmacist. The three naturopaths voted for the formulary as is. The MD and the pharmacist voted in opposition. I understand naturopathic doctors need licensing. They have been waiting since 1995 to be licensed. By all means, they should be licensed. The minority amendment would allow licensure. What I am proposing to do is to send the formulary right back. I think they should have their licensure and they should have them as soon as possible. We should not put public health at risk in the formulary.

Some points that were brought up, six credit hours of survey study is all that is taken by naturopathic doctors in issues of pharmacology. Some of the medicines that got through the formulary, some people that speak about this is methyltestosterone, which is a steroid. It is a level 3 scheduled drug. I have great concern about that particular medicine getting through the formulary.

Another concern I had is when we looked at this through committee, eight specific medicines were brought to us that were objected to in the department's hearings. We took three of those out. Those eight medicines were examples that represented over 100 different medicines that were objected to. Only those three were taken out. I urge you to defeat this amendment and go with the Minority Report. Let them have their licensure, but send the formulary back to the department to go through it slowly and accurately so that the public health will not be put at risk. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Tessier.

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. I rise this morning to request that you vote no on the pending motion and move on and approve the amendment offered by Representative Mendros. This bill seeks to expand the scope of practice for naturopaths in Maine. However, this isn't unique to the Maine Legislature. Rather, it is part of a national push by this group to blur the lines between naturopaths and primary care physicians. Similar bills are being introduced in other Legislatures throughout the United States. I would ask that you keep in mind that before a primary care physician, whether an MD or an osteopath, can write their very first prescription independently or can independently order a

medical test, they must complete four years of college and four years of medical school and two years of a residency program and thousands and thousands of hours of clinical supervision. Yet, here in Maine a naturopath with much less training and clinical supervision would be able to order medical procedures such as x-rays cat scans and ultra sounds. He can even order medically intrusive tests such as endoscopies. He can even perform minor surgery in their office. Now, we are asked to give them expanded authority on prescription writing.

It doesn't make sense to me that one would chose to attend training at a naturopathic school and upon graduation expect to be treated like a medical doctor. A naturopath is not a medical doctor. If a naturopath wanted to be a medical doctor, they should go to medical school. The liaison committee on medical education at the Department of Education that accredits medical schools, there are 125 here in the United States, has not accredited any naturopathic school as a medical school. Now what we see is that a group of naturopaths who chose to pursue an alternative medicine degree now coming to the State Legislature and probably will year after year seeking to increase their scope of practice with what I believe is the eventual goal of becoming peers to the primary care physicians. What is next? Admitting privileges to hospitals, reimbursement of insurance on health insurance. We should not allow this to happen. In my view, the current scope of practice may already exceed what it should be. I would ask that you join me in defeating this motion and move on to accept the Minority Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Shorey.

Representative **SHOREY**: Mr. Speaker, Ladies and Gentlemen of the House. I am a member of the Business and Economic Development Committee and I heard the testimony. The naturopaths should be licensed. Absolutely, no doubt about it in my mind. They have waited far too long to be licensed. They satisfied a need for many Maine citizens and these citizens came and testified in front of our committee. A very well organized testimony I might add. As we heard the testimony, there was a theme throughout this. That theme was the naturopaths cleansed our system. They got rid of the prescription drugs that were in our system. That is where I have the trouble. Here we have on one side the patients are thanking the naturopaths for cleansing their system and bringing them back with natural remedies. Then, you read a little further into the bill and they say they want prescriptive authorities. That just doesn't make sense to me. This really goes against what I believe. I have done a lot of talking to a lot of people and they were wondering why they want to prescribe things, they are naturopaths. They do it naturally. That is what we have doctors for. If a patient needs a prescription, he should go see a medical doctor who is trained. There could be unforeseen consequences in prescribing some of these prescription drugs. I urge you to support the Minority Report which would not block the licensing of naturopaths, they should be licensed. They have been waiting far too long. It would not allow them to become medical doctors. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Mr. Speaker, Men and Women of the House. I rise to speak to you today not because I pretend to know a great deal about naturopathic doctors, because I do not. I know something about homeopathy, vitamins, acupuncture, diet and natural healing. All of which are methods that naturopaths use in their practice. I have no arguments that any of these methods are not useful and are not effective often

in treatment of the health of the citizens of our state. Although I do not personally know any naturopathic doctors, I am sure that they are good people and that they are well educated in their profession and deserve to be licensed, which they are.

Actually I rise to speak to you today because for the past 29 years I have been a practicing pharmacist. With all due modesty, I will tell you that no one, with deference to my seat mate, no one knows more or has more training on pharmaceuticals than a pharmacist. A pharmacist entering school today receives six years of education after his high school diploma. At least four of those years and often most of the six years is devoted to pharmaceuticals that are restricted to prescription only. A pharmacist learns where they come from, how they are made, what they are made of and what they do to the body and even how to pronounce some of the names. Yet, it is not pharmacists today who ask for prescriptive authority because pharmacists are not trained to diagnose the cause of disease. If a doctor tells me what is wrong, I can tell you what drug to use. Each health professional has a particular education, which allows him to contribute a particular piece of the puzzle to the healthcare pie.

I understand there is a division even in the naturopathic doctor community of whether or not naturopaths should even be licensed. Prescription authority is obviously the stumbling block here. The list of authorized drugs started out long and was made shorter as the process works its way along. You might think that all drugs that require a prescription do so because they are dangerous. That is not true at all. Just as often a medication is restricted to prescription only because if it was used improperly it might mask the symptoms of a disease while allowing the underlying disease to continue. Prescription drugs really require a triad. They require a well informed consumer or patient. They require somebody who is able to diagnose the disease, a physician. They will require a pharmacist to make sure that the system works seamlessly.

Prescriptive authority is limited in many situations. Dentists cannot treat heart disease. Podiatrist cannot treat oral disease and optometrists cannot treat depression. There are limits everywhere. The only two states that allow naturopaths to prescribe prescription medications are Washington and Oregon. I would expect that they are under some pressure because the two naturopathic colleges are located in those states.

The Maine Medical Center is on record as being opposed to naturopaths being able to prescribe prescription only products. You will hear that this is a turf war. For every naturopathic doctor, there are at least 600 physicians in this country. I don't think you can make that argument about turf war given those numbers. After putting long and careful thought into this matter, I have not been convinced that the naturopaths are qualified to prescribe prescription only products. Let naturopaths practice their special regulated by state law, but do not let them prescribe or dispense medications that require a prescription. I would urge you to use your red light on this vote and save your green light for later on. Thank you Mr. Speaker.

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

Representative **BOLDUC**: Mr. Speaker, Men and Women of the House. I just wanted to reiterate a few points regarding the prescriptive authority which seems to be the major point of contention in the bill before you today. The law reflects the recommendations of the original task force which consisted of four physicians, both allopathic and osteopathic. The specifics of these rules and regulations were drafted by a subcommittee of the Board of Complimentary Healthcare Providers including a

pharmacist and physician member board. Medications required unanimous agreement that were included in the drafting of the bill. There was ample opportunity for public input at two different public hearings by the Board of complimentary Healthcare Providers and all public comments were considered. The bill as written, requires a one year collaborative relationship with a licensed allopathic or osteopathic physician for the historical review of their prescriptions. Naturopathic doctors receive a minimum of 72 classroom hours, once again, in pharmacology. Medical doctors and osteopathic doctors receive approximately 82 hours. Nurse practitioners receive 38 hours in pharmacology. Naturopathic medical education includes approximately 4,500 hours of both academic and clinical training and specifically a minimum of 72 classroom hours in pharmacology. Medical doctors and osteopathic doctors receive approximately 82 hours and nurse practitioners receive 38 hours in pharmacology. I just wanted to again reiterate the concern. I believe that the naturopathic doctors are qualified for the limited prescriptive authority which this bill puts forth and allows them to have. I rise today in strong support of this bill. Once again, it was the Majority Ought to Pass as Amended Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Clough.

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I will try to add something to this discussion that maybe hasn't been discussed already. Through the many public hearings there were numerous MDs and DOs and pharmacists that did support the licensing of naturopathic doctors and were very comfortable with the limited prescriptive authority that is covered in the amendment that is presented to you now for approval. We had two public hearings. We had three work sessions. At the point we all became concerned that the prescriptive authority might be too broad and we asked the Maine Medical Association, the Maine Osteopathic Association and the Maine Pharmacy Association to present information to us to be considered. That was done. The Maine Medical Association presented us with information as did the Maine Osteopathic Association. We had no response from the Maine Pharmacy Association. At that time it was recommended to us that three drugs be dropped from the prescriptive authority lincomycin, aminophylline and theophylline. That is what is reflected in the amendment that you will be voting on in LD 30 as presented now. I would urge your support of this bill. I think this is something that has been in the works since 1995. It has had a lot of review. I think that what we have come up with here for your approval is the right way to go. I would urge you to support the motion before you. Thank you.

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

Representative **SHIELDS**: Mr. Speaker, Men and Women of the House. I have been a physician for 44 years. I am not in practice any further. Naturopaths were not a competitor of mine because I was an orthopedic surgeon and these people don't do that kind of work. I am not speaking to you from any kind of turf war point of view. I am speaking to you as a protector, I hope, of the welfare of the people of the State of Maine. I urge you to vote against Amendment "A" and support Amendment "B." We were told Monday in a flier that the subcommittee that proposed these rules and the board that further voted on the rules all unanimously approved this list of medications. Now, the Committee on Business and Economic Development reviewed the list and lo and behold, they found at least three that they couldn't approve. Those were the three in Amendment "A."

There have been further reviews of this list and I can tell you it clearly violates the scope of practice and their prescriptive authority. There are several antibiotics and hormones, particularly steroids and cortisone, that are there that are very difficult for me to know how these people could possibly handle those with their training.

Their training consisted of a great deal of botanical science, clinical nutrition, physical therapy and manipulation and homeopathic medicine. Homeopathic medicine is not very popular in this country because it really doesn't make much sense. Homeopathic medicine says that if a patient comes to you with a certain number of symptoms, you try to find a medication that would create the same symptoms in a well person and you give the sick person that medication. It is not something that has been highly adopted. There is nobody in this Legislature that has said don't license these people. We are here because there have been substantive rules proposed about prescriptive authority and we must review those substantive rules. Their formulary, I think, is clearly out of kilter and what Amendment "B" says and go back to the drawing board and try it again because you are off base. Develop a revised list of rules. The licensure should continue, but the naturopaths should be limited to non-prescription medications. Although they were trained four years, they weren't trained in the milieu that others were around writing prescriptions for controlled drugs and being supervised in that area. That takes place over a number of years with school and residency. These people did not come from that milieu.

In summary, I believe that we should vote against the pending motion and adopt Amendment "B" which says try again.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that I wasn't going to rise to speak on, but I have heard so much misinformation out here that I just couldn't wait to stand up. There is this perception that the Board of Pharmacy signed off on this formulary. It is absolutely not true. The Board of Pharmacy said we have problems with your formulary. It went back and we looked at the drug and we found methyltestosterone and lincomycin. Drugs that could actually kill you if you don't know what you are doing. It was sent back to this little committee that was set up with three naturopaths, a pharmacist and an MD. The pharmacist who was appointed was a hospital pharmacist, not a retail pharmacist, where all the prescriptions are written and go out there into the public for someone who works in the little closed hospital. That person never had worked a day in a retail pharmacy, so he has no idea how a formulary even works. Then I hear that we had a member of the Board of Pharmacy go and approve the formula. That person is standing right behind the glass. I spoke with him and asked if he approved the formulary. He looked at it and wasn't very comfortable with it. I am here to tell you that the Board of Pharmacy and the pharmacists out in the State of Maine are very uncomfortable with this. We think it needs to go back and really have a good look. I ask you not to vote for the Majority Report, but please support Amendment "B." Thank you.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. I am rising to also support the Minority Report. I too have many concerns about the prescription authority that would be granted under the Majority Report. I would request a roll call vote please.

Representative FULLER of Manchester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** 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 Limestone, Representative O'Neal.

Representative **O'NEAL**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to try to bring you back to some of the issues that we saw in committee. I have in my hand a letter dated March 4, 1999. It is from the Commissioner, Commissioner Longley, of the Department of Professional and Financial Regulations. It states exactly what we had said before, that a representative of the Board of Pharmacy was present and met and felt comfortable. That is where our testimony came from pertaining to that particular issue from the commissioner.

I would also argue with my good friend from Lewiston, Representative Mendros, the subcommittee votes were unanimous. We have that in writing. As to only two states prescribing, I have a list of at least eight. There are both sides of the issues here to be discussed. I hope you will support the Majority Report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. To anyone who may have this knowledge, I am not well versed in pharmacy or medical liability law, but it crosses my mind and I hope somebody could answer this, if a naturopath writes a prescription and say, for instance, that prescription drug is not covered under what they are allowed to write prescriptions for under this bill and then a pharmacist fills that prescription and someone is harmed by that drug, what is the liability on the naturopath and the pharmacist?

The SPEAKER: The Representative from Old Town, Representative Dunlap has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I had that same concern. What the department says is, we will just put a little blurb in here that says only the prescribing physician is liable. I can tell you that I went to my attorney and I asked him what he thinks. He said that will not stand the muster in court. If you fill that prescription, you would be just as liable as the person writing it.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I rise on a bill that I am not on the committee on because I am really concerned about the potential danger to the public. I feel that we will have naturopaths prescribing drugs for which they are not adequately trained or knowledgeable about. This concerns me deeply. It seems to me that naturopaths really offer an alternative form of medicine. Prescriptive drugs are not within that realm or that scope. It would seem to me that they would be best to stick with the non-prescriptive medications and the dietary and homeopathic remedies in which they are the most knowledgeable and leave the prescriptive remedies to the allopathics and osteopaths. The Minority Report

would not block the licensing of naturopaths. That is already in place and would continue in place. It would limit us and protect the public from an unknowledgeable public getting hurt by these drugs. I would ask you very much to go with the Minority Report and to defeat this Majority Report. Thank you.

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

ROLL CALL NO. 65

YEA - Ahearne, Baker, Berry RL, Bowles, Brennan, Bryant, Bull, Clark, Clough, Colwell, Cowger, Davidson, Desmond, Dudley, Duplessie, Etnier, Green, Jabar, Kane, Marvin, Mitchell, Norbert, O'Brien, O'Neal, Peavey, Povich, Powers, Quint, Richard, Richardson J, Rines, Sanborn, Savage W, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Thompson, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler EM, Williams, Mr. Speaker.

NAY - Andrews, Bagley, Belanger, Berry DP, Bouffard, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Collins, Cote, Cross, Daigle, Davis, Dugay, Duncan, Dunlap, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Muse, Nass, Nutting, O'Neil, Perkins, Perry, Pieh, Pinkham, Richardson E, Rosen, Samson, Savage C, Saxl JW, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler GJ, Winsor.

ABSENT - Bolduc, Goodwin, Plowman, Twomey.

Yes, 47; No, 99; Absent, 4; Excused, 0.

47 having voted in the affirmative and 99 voted in the negative, with 4 being absent, the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

The Bill was **READ ONCE. Committee Amendment "B" (H-97) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, April 8, 1999.

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 31, 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 Thursday, April 8, 1999.

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

SENATE PAPERS

Bill "An Act to Amend the Laws Concerning Life and Health Insurance"

(S.P. 765) (L.D. 2157)

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

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

Resolve, to Establish the Blue Ribbon Commission to Establish a Comprehensive Internet Policy (EMERGENCY)

(S.P. 763) (L.D. 2155)

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

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

Bill "An Act to Authorize Matinicus Isle Plantation to Implement a Disposal Fee for Motorized Vehicles"

(S.P. 768) (L.D. 2158)

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

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

Bill "An Act to Amend the Laws Governing the Construction of Salt and Sand Storage Facilities"

(S.P. 764) (L.D. 2156)

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

On motion of Representative RINES of Wiscasset, **TABLED** pending **REFERENCE** and specially assigned for Thursday, April 8, 1999.

**Pursuant to Statute
State Compensation Commission**

Report of the **State Compensation Commission** pursuant to Maine Revised Statutes, Title 3, section 2-B, subsection 5 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the State Compensation Commission"

(S.P. 770) (L.D. 2168)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

On motion of Representative DESMOND of Mapleton, the House adjourned at 11:53 a.m., until 9:00 a.m., Thursday, April 8, 1999.