

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
36th Legislative Day
Tuesday, April 13, 1999

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

Prayer by Reverend Norman A. Shaw, First Church of the Nazarene, Augusta.

National Anthem by Gorham High School Chorus.

Pledge of Allegiance.

Doctor of the day, David Belyea, M.D., Falmouth.

The Journal of Thursday, April 8, 1999 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 772)

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF
THE UNITED STATES TO INCREASE FUNDING TO
SUPPORT SPECIAL EDUCATION**

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 members of the Congress of the United States, as follows:

WHEREAS, the people of Maine believe that every student should receive an adequate public education; and

WHEREAS, it costs on average more than twice as much to educate a student with a disability as to educate a student without a disability; and

WHEREAS, the issue of funding special education in our schools is one of the people of Maine's foremost concerns; and

WHEREAS, when the Individuals with Disabilities Education Act was first enacted, Congress committed to covering 40% of the cost of special education in the United States; and

WHEREAS, according to the Maine Department of Education, in fiscal year 1998, the Federal Government covered only 8.15% of the cost of special education in the State of Maine; and

WHEREAS, special education costs paid with local and state taxes have more than doubled in the past 10 years from \$52,697,027 in the 1987-1988 school year to \$139,008,607 in the 1997-1998 school year; and

WHEREAS, special education costs in some Maine communities consume a large percentage of local education dollars including:

1. An amount of \$4,595,769 constituting 19.7% of total education expenditures in the City of Auburn;
2. An amount of \$1,324,791 constituting 13.2% of total education expenditures in the Town of Wiscasset;
3. An amount of \$5,758,750 constituting 21.5% of total education expenditures in the City of Lewiston;
4. An amount of \$2,941,301 constituting 11.7% of total education expenditures in the City of Bangor;
5. An amount of \$14,860 constituting 21.7% of total education expenditures in Monhegan Plantation; and
6. An amount of \$6,357,742 constituting 12.4% of total education expenditures in the City of Portland; and

WHEREAS, the cost of special education has increased dramatically in recent years, causing property taxes in the State of Maine to rise and school districts around the State to cut

activities such as art and music programs, field trips and extracurricular activities to maintain balanced budgets; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Congress increase funding to support special education at a level originally envisioned in the Individuals with Disabilities Education Act; 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 Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

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

READ and **ADOPTED** in concurrence.

On motion of Representative MURPHY of Kennebunk, the House **RECONSIDERED** its action whereby the Joint Resolution was **ADOPTED**.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This is a very good resolution. If you had to boil this resolution down to a phrase, it could be called keeping a promise. A 40 percent funding promise and our two US Representatives and our two US Senators have promised to work in a bipartisan way to keep this promise. But one of the beauties of the federal system is that there is a series of steps and each of those steps and levels has its own set of responsibilities and its own set of promises and I would hope that when this legislature adjourns they'll also be able to say this legislature kept its promise for fully funding education K-12 and higher ed and also kept the promise for reducing the tax burden on Maine citizens. These promises must be kept on each and every level of our federal government. Thank you.

Subsequently, the Joint Resolution was **ADOPTED** in concurrence.

The following Joint Resolution: (S.P. 774)

**JOINT RESOLUTION RECOGNIZING ANDY STROUT, WHO
HAS BEEN NAMED NATIONAL GIRLS TENNIS COACH OF
THE YEAR FOR 1999**

WHEREAS, Andy Strout is the boys and girls tennis coach at Cape Elizabeth High School, where he has coached the girls team for 8 years and the boys team for 19 years; and

WHEREAS, he was just selected as Girls Tennis National Coach of the Year for 1999 by the National Federation Interscholastic Coaches Association; and

WHEREAS, this honor is given to represent all girls tennis coaches throughout the nation and is given to the person who best represents the sport; and

WHEREAS, Andy Strout was chosen as the National Girls Tennis Coach of the Year for his success as a coach; community service; involvement in other school activities; involvement in the coaching profession at local, state and national levels; and for his basic philosophy of athletics; now, therefore, be it

RESOLVED: That We, the Members of the 119th Legislature, now assembled in the First Regular Session, take this opportunity to extend our congratulations and very best wishes to Andy Strout on his success and achievements and to acknowledge his excellence in his chosen field; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Cape Elizabeth High School and to Andy Strout.

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

Bill "An Act to Ensure the Availability of Funds for Tobacco Prevention and Control"

(S.P. 769) (L.D. 2167)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

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

Non-Concurrent Matter

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

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in the House on April 7, 1999.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 130)

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

March 31, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 294 An Act Requiring That the Director of the Bureau of Parks and Lands Appoint the Executive Director of the Allagash Wilderness Waterway
- L.D. 1183 An Act to Increase Harness Racing Opportunities

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

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

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 131)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

March 31, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 121 An Act to Require the State to Fully Fund Out-of-district Placement of Special Education Students
- L.D. 152 An Act to Enhance Economic Development in Hancock County
- L.D. 190 An Act to Designate the Allagash Wilderness Waterway as a Separate Program for Budgeting Purposes
- L.D. 214 An Act to Provide Funds for the Repair of Schools
- L.D. 389 An Act to Achieve Equity in Transportation Funding
- L.D. 475 An Act to Promote Adult Education
- L.D. 487 An Act to Strengthen Child Abuse Prevention in Maine
- L.D. 585 An Act to Appropriate \$4,000,000 for School-based Health Clinics
- L.D. 674 An Act to Support Community Radio
- L.D. 690 An Act to Appropriate Funds for Staff Development to Meet the Learning Results Standards
- L.D. 848 An Act to Implement the Recommendations of the Coastal Quality Improvement Council
- L.D. 882 An Act to Require Live Answering of Department of Human Services Hot Lines
- L.D. 1024 An Act to Revise the Purpose and Authority of the Long-term Care Steering Committee
- L.D. 1037 An Act to Protect Children from Internet Predators
- L.D. 1118 An Act to Enhance the Drug Testing Law
- L.D. 1234 An Act to Establish the Maine School Technology Fund
- L.D. 1408 An Act to Increase Reimbursement for Hands-on Care to Nursing Home Residents
- L.D. 1412 An Act to Fund the Special Educational Adjustment
- L.D. 1461 An Act to Improve the Efficiency of State Government by Increasing Flexibility in Staffing Patterns
- L.D. 1548 An Act to Increase Reimbursement for Home Health Care Services
- L.D. 1573 An Act to Implement Training for School Counselors at the Maine Youth Center and Upgrade Pay Classifications

- L.D. 1599 An Act to Allow Philip Wolley to Receive Certain Legal Costs from the State
L.D. 1641 An Act to Provide Financial Support for Teachers Seeking National Board Certification

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

Sincerely,
S/Sen. Michael H. Michaud
Senate Chair
S/Rep. Elizabeth Townsend
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 132)

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

March 31, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 1119 An Act to Ensure that Emergency Mental Health Services are a Covered Benefit
L.D. 1197 An Act to Encourage the Acquisition of Long-term Care Insurance
L.D. 1476 An Act to Conform Maine Law to Federal Law Regarding Long-term Care Insurance for Tax Purposes
L.D. 1527 An Act to Provide Equity in Reimbursement for Health Care Providers
L.D. 1677 An Act to Enhance the Integrity of Processing Insurance Claims Relating to Motor Vehicle Glass

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

Sincerely,
S/Sen. Lloyd P. LaFountain III
Senate Chair
S/Rep. Jane W. Saxl
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 133)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

March 31, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333
Dear President Lawrence and Speaker Rowe:

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

- L.D. 75 An Act to Create Licensing Requirements for Pipefitters
L.D. 1070 An Act to Expand the Bottle Law to Include Certain Beverage Containers
L.D. 1186 An Act Regarding the Circumstances under Which a Physician May Be Disciplined
L.D. 1676 An Act to License Installers of Septic Systems
BY REQUEST

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 134)

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

March 31, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 436 An Act to Establish an Appeal Process for Concealed Firearms Permit Applications and to Grant Reciprocity to Other States
L.D. 839 An Act to Ensure Proper Identification of Nonresident Concealed Firearms Permit Applicants
L.D. 1260 An Act to Offer Reciprocity Concerning Concealed Firearms Permits
L.D. 1433 An Act to Repeal the Requirement That a Person Have a Permit to Carry a Concealed Weapon

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 135)

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

March 31, 1999

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

Dear President Lawrence and Speaker Rowe:

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

- L.D. 719 Resolve, Regarding Legislative Review of Chapter 64: Rules Relating to the Maine School Facilities Program and School Revolving Renovation Fund, Major Substantive Rules of the Department of Education
- L.D. 826 An Act Concerning Student Medication
- L.D. 1056 An Act to Clarify Conflicts of Interest Regarding Local School Board Members
- L.D. 1215 An Act Regarding the Eligibility of a Citizen to Serve as a School Board Member BY REQUEST
- L.D. 1373 An Act to Require the Coordination of School Calendars
- L.D. 1397 An Act to Promote School Achievement
- L.D. 1468 An Act to Eliminate the Licensing Requirements for Certain School Administrators
- L.D. 1568 An Act to Require Parenting Skills to be Taught as Part of the High School Course of Instruction
- L.D. 1609 An Act to Create Greater Equity in Representation Among Municipalities Belonging to School Administrative Districts and Ensure That All School Referendum Votes Are Preceded by a Public Hearing

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 136)

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

March 31, 1999
 Honorable Mark W. Lawrence, President of the Senate
 Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 453 An Act to Prohibit the Department of Human Services from Closing Adolescent Cases before 18 Years of Age
- L.D. 515 An Act to Provide Additional Health Care Options to Disabled Persons and the Elderly
- L.D. 1393 An Act Concerning Due Process Regarding Certified Nursing Assistants
- L.D. 1478 Resolve, to Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to Contract for the Operation of a Stabilization Facility
- L.D. 1508 Resolve, to Establish a Task Force to Determine the Effectiveness and Quality of Care of In-home Care Services
- L.D. 1515 An Act to Prohibit Certain Practices in the Advertising and Sale of Tobacco Products
- L.D. 1551 An Act to Provide a Method of Compensation for Personal Injuries Caused by Side-stream Tobacco Smoke BY REQUEST
- L.D. 1585 An Act to Prohibit Self-service Tobacco Displays
- L.D. 1613 An Act to Provide a Definition of Cigarette for Retail Purposes
- L.D. 1760 Resolve, to Create the Commission to Study the Provision of Mental Health Services to the Elderly

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 137)

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

March 31, 1999
 Honorable Mark W. Lawrence, President of the Senate
 Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 303 An Act to Amend the Uniform Unclaimed Property Act
- L.D. 794 An Act to Ensure That Child Support Obligations are Met
- L.D. 860 An Act to Limit the Adverse Possession Laws
- L.D. 942 An Act to Establish the Juvenile Division of the District Court
- L.D. 1031 An Act to Require that Child Support Benefits Designated Children BY REQUEST
- L.D. 1058 An Act to Provide for Geographic Distribution of Funds for Civil Legal Services

- L.D. 1284 An Act Regarding Test Results Used in Determining Paternity
- L.D. 1371 An Act Regarding the Collection of Child Support by Custodial Parents
- L.D. 1405 An Act to Allow for a Citizen's Petition for a Grand Jury
- L.D. 1411 An Act Regarding Counseling in Divorce and Separation
- L.D. 1514 An Act to Amend the Filing Requirements to Perfect a Purchase Money Security Interest in Consumer Goods
- L.D. 1670 An Act to Amend the Conservation Easement Laws
- L.D. 1792 An Act Relating to the Admissibility of Medical Records and Reports

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

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

READ and ORDERED PLACED ON FILE.

- State House
 Augusta, Maine 04333
 Dear President Lawrence and Speaker Rowe:
 Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":
 S.P. 613 JOINT ORDER-Relative to Establishing the Commission to Review Municipal Shellfish Conservation Programs
- L.D. 522 An Act to Regulate the Harvesting of Rockweed and Seaweed in Maine Waters
- L.D. 1485 An Act Regarding Aquaculture Leases in Salt Pond in Hancock County
- L.D. 1581 An Act to Revise the Laws Regarding Shellfish

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 138)

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

March 31, 1999
 Honorable Mark W. Lawrence, President of the Senate
 Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 431 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prohibit Fees for Activity Related to the Election Process
- L.D. 1042 An Act to Require Liability Insurance for Sellers of Liquor Consumed on the Premises

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 139)

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

March 31, 1999
 Honorable Mark W. Lawrence, President of the Senate
 Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature

The Following Communication: (H.C. 140)

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

March 31, 1999
 Honorable Mark W. Lawrence, President of the Senate
 Honorable G. Steven Rowe, Speaker of the House
 119th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 141 An Act to Amend the Diesel-powered Motor Vehicle Emission Opacity Testing Program
- L.D. 1355 An Act to Prohibit a Municipality from Being Penalized by the State for Lacking a Comprehensive Plan
- L.D. 1394 An Act to Limit the Idling Time for Diesel Motor Vehicles
- L.D. 1395 Resolve, Establishing a Commission to Study the Future Use and Reclamation of Number One Pond in Sanford
- L.D. 1455 An Act Regarding the Spreading of Sludge
- L.D. 1536 Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Dioxin Emissions and Discharges
- L.D. 1643 An Act to Remove Certain Wetland Sites Requirements for Proposed Developments within the Jurisdiction of the Maine Land Use Regulation Commission

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

Sincerely,
 S/Sen. Sharon Anglin Treat

Senate Chair
S/Rep. John L. Martin
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 141)

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

March 31, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 98 An Act to Observe Daylight Savings Time Year-round
- L.D. 245 An Act to Abolish Kennebec County as a Legal Entity
- L.D. 648 An Act Related to Legislator Intervention in Actions Before a State Agency or Authority
- L.D. 715 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide 4-year Terms for Members of the Senate and the House of Representatives
- L.D. 752 An Act to Require the Secretary of State to Supply Municipalities with Preprinted, Postage-prepaid Post Cards to be Used when a Voter Moves
- L.D. 815 An Act to Require Counties to be Reimbursed for Medical Expenses Incurred by Prisoners from Other Jurisdictions
- L.D. 1107 An Act to Prohibit Municipalities from Imposing Licensing Standards for Businesses and Occupations

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 142)

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

March 31, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333
Dear President Lawrence and Speaker Rowe:

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

- L.D. 18 An Act to Exempt from the State Sales Tax Adult Incontinence Undergarments
- L.D. 372 An Act to Roll Back All Sales Tax to 5%
- L.D. 418 An Act to Reduce the Meals and Lodging Tax to the Same Rate as the State Sales Tax
- L.D. 458 An Act to Ensure Fair Taxation of Insurance and Securities Sales
- L.D. 572 An Act to Amend the Veterans' Property Tax Exemption
- L.D. 609 An Act to Repeal All State Taxes on Phone Service
- L.D. 633 An Act to Amend the Distribution of Revenue Sharing
- L.D. 680 An Act to Cut the Gasoline Tax by 5 Cents Per Gallon
- L.D. 753 An Act to Amend the Homestead Exemption to Include Homeowners' Cooperatives
- L.D. 832 An Act to Reduce the Sales Tax and Review All Tax-exempt Entities
- L.D. 841 An Act to Exempt All Business Equipment from Property Tax
- L.D. 858 An Act to Increase Eligibility for the Elderly Low-cost Drug Program
- L.D. 1141 An Act to Provide Fairness for Nondrinkers in Restaurants
- L.D. 1174 An Act to Revise the Business Equipment Property Tax Reimbursement Program
- L.D. 1196 An Act to Clarify the Amount of Meals and Lodging Tax Applicable When an Establishment Has Take-out and On-premise Food
- L.D. 1247 An Act to Extend the Homestead Tax Exemption to the Passamaquoddy and Penobscot Communities
- L.D. 1271 An Act to Ensure the Proper Taxation of Low-energy Fuels
- L.D. 1300 An Act Exempting from the Sales Tax the Value of a Trade-in Vehicle When the Trade-in Is Sold Privately
- L.D. 1365 An Act to Amend the Procedures under the So-called Circuit Breaker Program BY REQUEST
- L.D. 1388 An Act to Amend the Sales and Use Tax Law Regarding the Food Service and Lodging Industries
- L.D. 1410 An Act Clarifying the Tax Treatment of Prepaid Calling Arrangements
- L.D. 1426 An Act to Reform the Property Tax Laws for Certain Exempt Properties
- L.D. 1442 An Act to Provide a State Income Tax Credit for Individual Contributions Made to Maine Charitable Organizations

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 143)

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

March 31, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 197 An Act to Promote Business and Economic Development by Helping Sign Manufacturers in Maine
- L.D. 247 Resolve, to Improve Access to the Maine Turnpike
- L.D. 509 An Act to Promote Highway Safety
- L.D. 590 An Act to Remove Tolls from Roads North of Portland
- L.D. 657 An Act to Require the Revocation of the Registration of an Uninsured Motor Vehicle
- L.D. 998 An Act to Preserve and Improve Public Access to Inland and Coastal Waters
- L.D. 1040 An Act to Allow all Fines Collected by the Maine Court System as a Result of Evasion of Fare Laws to be Transferred to the Maine Turnpike Authority
- L.D. 1163 An Act to Amend the Laws Concerning Suspension or Revocation of Driver's Licenses for Failure to File a Report
- L.D. 1184 An Act to Amend the Inspection Process for Motor Vehicles That Fail Inspection
- L.D. 1381 An Act to Make the Use of Halogen Lights on Motor Vehicles Illegal BY REQUEST
- L.D. 1462 An Act to Establish a Pilot Program to Allow Private Driving School Instructors to Conduct Driver Operation Examinations
- L.D. 1491 An Act to Improve Access to Driver Education

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 144)

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

March 31, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

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

- L.D. 471 An Act to Repeal the Public Utilities Commission's Authority to Issue Certificates of Public Convenience and Necessity for Electric Transmission
- L.D. 1430 An Act to Ensure the Protection of Ratepayers' Interests in the New England Power Pool
- L.D. 1480 An Act Relating to Electric Utility Rate Design

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

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

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

- Resolve, to Address Liquidation Harvesting (H.P. 1526) (L.D. 2179)
Presented by Representative WATSON of Farmingdale.
Cosponsored by Representatives: COWGER of Hallowell, FULLER of Manchester, McKEE of Wayne, PIEH of Bremen, SAXL of Portland, VOLENIK of Brooklin, Senators: NUTTING of Androscoggin, PINGREE of Knox.

HEALTH AND HUMAN SERVICES

- Resolve, to Help Homeless Young People Returning to Home or Safe Living Situations (H.P. 1528) (L.D. 2181)
Presented by Representative QUINT of Portland.
Cosponsored by Senator PINGREE of Knox and Representatives: BRAGDON of Bangor, LOVETT of Scarborough, O'NEIL of Saco, ROWE of Portland, TOWNSEND of Portland, Senators: AMERO of Cumberland, MURRAY of Penobscot, PARADIS of Aroostook.

- Bill "An Act to Promote Workplace Safety" (H.P. 1532) (L.D. 2185)
Presented by Representative FULLER of Manchester.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: BUMPS of China, DUPLESSIE of Westbrook, KANE of Saco, SAMSON of Jay, Senator: PARADIS of Aroostook.

- Resolve, to Implement the Study and Report on the Problems of Homeless Youth (H.P. 1534) (L.D. 2187)

Presented by Representative QUINT of Portland.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: BROOKS of Winterport, KANE of Saco,
NORBERT of Portland, VOLENIK of Brooklin, WILLIAMS of
Orono.

JUDICIARY

Bill "An Act to Amend the Act to Implement the Maine
Indian Claims Settlement Concerning the Houlton Band of
Maliseet Indians"

(H.P. 1525) (L.D. 2178)

Presented by Representative SHERMAN of Hodgdon. (BY
REQUEST)

Cosponsored by Representative WATSON of Farmingdale and
Representative: SOCTOMAH of the Passamaquoddy Tribe.

NATURAL RESOURCES

Bill "An Act to Improve Air Quality through Market
Incentives for the Purchase of Cleaner Vehicles"

(H.P. 1529) (L.D. 2182)

Presented by Representative WATSON of Farmingdale.

Cosponsored by Senator PINGREE of Knox and
Representatives: BRENNAN of Portland, BRUNO of Raymond,
CAMERON of Rumford, COLWELL of Gardiner, COWGER of
Hallowell, DUDLEY of Portland, Senators: LIBBY of York, RAND
of Cumberland.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Authorize York County to Hold Bond
Referenda for New County Facilities"

(H.P. 1533) (L.D. 2186)

Presented by Representative CHICK of Lebanon.

Cosponsored by Senator LIBBY of York and Representatives:
ANDREWS of York, BOWLES of Sanford, COLLINS of Wells,
LEMONT of Kittery, MacDOUGALL of North Berwick, MURPHY
of Berwick, MURPHY of Kennebunk, NASS of Acton.

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

Bill "An Act to Prohibit Law Suits by Municipalities Against
Firearm or Ammunition Manufacturers" (EMERGENCY)

(H.P. 1537) (L.D. 2192)

Presented by Representative PERKINS of Penobscot.

Cosponsored by Senator DAVIS of Piscataquis and
Representatives: BROOKS of Winterport, DUGAY of
Cherryfield, JOY of Crystal, SCHNEIDER of Durham,
SHERMAN of Hodgdon, Senators: KIEFFER of Aroostook,
KILKELLY of Lincoln.

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

TAXATION

Bill "An Act to Promote Participation in the Maine
Residents Property Tax Program"

(H.P. 1527) (L.D. 2180)

Presented by Representative DUDLEY of Portland.

Cosponsored by Senator MILLS of Somerset and
Representatives: GAGNON of Waterville, LEMONT of Kittery,

MURPHY of Berwick, STEVENS of Orono, TESSIER of Fairfield,
TOWNSEND of Portland, Senator: RAND of Cumberland.

Bill "An Act to Exempt from the Sales Tax Feminine
Hygiene Products"

(H.P. 1531) (L.D. 2184)

Presented by Representative BAKER of Bangor.

Cosponsored by Senator RUHLIN of Penobscot and
Representatives: ANDREWS of York, BERRY of Livermore,
BROOKS of Winterport, LEMONT of Kittery, MAILHOT of
Lewiston, STANLEY of Medway, WHEELER of Eliot, Senator:
HARRIMAN of Cumberland.

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

UTILITIES AND ENERGY

Bill "An Act to Allow the Fort Kent Utility District to be
Dissolved and Combined With the Town of Fort Kent"
(EMERGENCY)

(H.P. 1538) (L.D. 2193)

Presented by Representative MARTIN of Eagle Lake.

Cosponsored by Senator PARADIS of Aroostook.

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

Pursuant to Statute Department of Human Services

Representative KANE for the **Department of Human
Services** pursuant to Maine Revised Statutes, Title 5, section
8072 asks leave to report that the accompanying Resolve,
Regarding Legislative Review of Certain Sections of Chapter II,
Section 67, Nursing Facility Services, of Chapter 101: Maine
Medical Assistance Manual, a Major Substantive Rule of the
Department of Human Services (EMERGENCY)

(H.P. 1535) (L.D. 2188)

Be **REFERRED** to the Committee on **HEALTH AND
HUMAN SERVICES** and printed pursuant to Joint Rule 218.

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

Sent for concurrence.

Pursuant to Statute Department of Human Services

Representative KANE for the **Department of Human
Services** pursuant to Maine Revised Statutes, Title 5, section
8072 asks leave to report that the accompanying Resolve,
Regarding Legislative Review of Chapter 231: Rules Relating to
Drinking Water, a Major Substantive Rule of the Department of
Human Services (EMERGENCY)

(H.P. 1536) (L.D. 2189)

Be **REFERRED** to the Committee on **HEALTH AND
HUMAN SERVICES** and printed pursuant to Joint Rule 218.

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

Sent for concurrence.

Pursuant to Statute

Commission on Governmental Ethics and Election Practices

Representative TUTTLE for the **Commission on Governmental Ethics and Election Practices** pursuant to Maine Revised Statutes, Title 1, section 1007 asks leave to report that the accompanying Bill "An Act to Clarify Provisions of the Laws Administered by the Commission on Governmental Ethics and Election Practices"

(H.P. 1530) (L.D. 2183)

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

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

Sent for concurrence.

ORDERS

On motion of Representative KANE of Saco, the following Joint Order: (H.P. 1539)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out to the House legislation on long-term care.

READ and **PASSED**.

Sent for concurrence.

On motion of Representative TOWNSEND of Portland, the following Joint Order: (H.P. 1540)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House legislation authorizing a General Fund bond issue to finance the purchase of public lands.

READ and **PASSED**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Marshwood Junior High School Basketball Team, who won the 1999 S.Y.A.A. Junior High School Basketball Championship, and in extending our congratulations to them;

(HLS 226)

Presented by Representative WHEELER of Eliot.

Cosponsored by President LAWRENCE of York, Representative MURPHY of Berwick, Representative MacDOUGALL of North Berwick.

On **OBJECTION** of Representative WHEELER of Eliot, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. It gives me a great deal of pleasure to stand in front of you and to report to you the last few minutes of a game that was one of the most exciting games I've seen.

On February 11, in the York Junior High Gym when there was standing room only, where the Marshwood Junior High team played Kittery for the SYAA Championship. It was the most exciting basketball game I have ever witnessed.

I'd like to walk you through the last few minutes, beginning with the last four minutes when we lost two of our tallest players after playing a very aggressive game. Tom Knowle and Pierce Cote fouled out, but this didn't slow the team down a single bit. With 2:55 left in the game, Marshwood down by nine, they came back within 36 seconds down by six. John McCallum hit a lay up and then we were down by four with Jason Royce hitting a three pointer with 25 seconds left. Mark Paul fouled a Kittery player and the Kittery player made both free throws. Down by three with 16 seconds left, Jason Royce hits another three pointer and immediately after hitting the three pointer jumps to a full court press, steals the inbound pass, passes it over to another player and calls time out. There was approximately three or four seconds left in the game with Marshwood taking the ball out underneath. Now I remind you, they'd been down by as many as 12 or 13 points in the game. They throw the ball into Mark Paul and he scores on the buzzer, the winning basket.

I've never witnessed a game like this before and it gives a great deal of pleasure to invite them up and for all of us to recognize this team on a job well done.

The **SPEAKER**: The Chair recognizes the Representative from Kittery, Representative Lemont.

Representative **LEMONT**: Mr. Speaker, Ladies and Gentlemen of the House. I'm very good friends with the coach of the Shapleigh Middle School team that competed against the Marshwood Junior High team. He relayed to me that it was a very competitive game, it was a very entertaining game for the fans and there was a great deal of sportsmanship displayed throughout the game and I told him, there's nothing wrong when you compete in a game like that finishing second, but I'm sure finishing first is much more rewarding and I compliment and congratulate the Marshwood Junior High team. Thank you.

PASSED and sent for concurrence.

Recognizing:

the following members and coaches of the Gorham High School Indoor Track Team, who won the 1999 Class B State Championship: Tim Amoroso, Ryan Brown, David Wiggins, Keith Wehmeyer, Pete Gordon, Jacob Pike, Mike Downing, Ethan Burns, Tim Kennedy, Shaun Leeper and Coaches John Wilkinson, Christina Stone, Lisa Witte and Jay Vance. This is the team's first state championship and we extend our congratulations and best wishes to them;

(HLS 228)

Presented by Representative LABRECQUE of Gorham.

Cosponsored by Senator O'GARA of Cumberland, Representative CLOUGH of Scarborough.

On **OBJECTION** of Representative CLOUGH of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

the following members of the Gorham High School Golf Team, who have won the 1999 State Championship: Jason Rousseau, Joe Manganaro, Rick Harmon, Dave Greer, Justin Ball, Ryan Brady, Cory Carrier and Coach Jed Russell. We extend our congratulations and best wishes to them on this achievement;

(HLS 229)

Presented by Representative LABRECQUE of Gorham.

Cosponsored by Senator O'GARA of Cumberland, Representative CLOUGH of Scarborough.

On **OBJECTION** of Representative CLOUGH of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

the following members of the Gorham High School Girls Basketball Team, who have won the 1999 State Class B Championship: Carla Flaherty, Brooke Elliott, Noel Beagle, Deanna Emery, Bre Butterfield, Whitney Libby, Amanda Towle, Hannah Morrill, Rachel Martin and Kim Fogg; Coaches Carol Merrifield, Sue Hannigan and Mandy King; and Managers Erica Croxford, Robin Flaherty, Sarah Sanborn and Stacy Theriault. We extend our congratulations to them on their achievement;

(HLS 230)

Presented by Representative LABRECQUE of Gorham.

Cosponsored by Senator O'GARA of Cumberland, Representative CLOUGH of Scarborough.

On **OBJECTION** of Representative CLOUGH of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to offer my personal congratulations to these Gorham High School championship teams. The boys track team for winning their first State indoor track championship in Class B; the high school golf team who won the 1999 State championship and the girls' basketball team who won the 1999 State Class B championship and this is their first golden ball since 1990. Gorham is extremely proud of these winning teams and their coaches and of course of the individual young men and women who accomplished these victories and we wish them well in future competition.

PASSED and sent for concurrence.

Recognizing:

the Thompson family on the occasion of the dedication of Thompson's Corner in Cambridge, Massachusetts on April 10, 1999 in honor of Ronald H. and Doris K. Thompson. Mr. and Mrs. Thompson were longtime summer residents of York, Maine and were well-known for their dedicated involvement with youth activities;

(HLS 232)

Presented by Representative SAXL of Portland.

Cosponsored by Speaker ROWE of Portland, President LAWRENCE of York, Senator PINGREE of Knox.

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. It's one of my favorite opportunities as Majority Floor Leader is to stand up and recognize a member of our chamber who has done something great and in this instance I get to recognize the parents of one of our members who did something who survived years and years of raising Rich

Thompson, the Chair of our Judiciary Committee, the good representative from Naples.

This past weekend you may have seen an article in the Boston Globe rejoicing in the great works of Rich's parents who lived in the Cambridge area in Boston. Rich's folks not only did they raise Rich well, but they raised a host of nine other Thompson kids and have 15 other grandchildren at this event when they named Thompson corner. But it writes in the article about what it was like in the era to raise these kids in this big, big home and it writes about the everyday struggles of working people who found the time to lead boy scout troops, who found the time to teach Sunday school and to take in a local runaway and to help kids at all ages of their lives and it talks about what being a good neighbor is and what being a good member of a community is and it talks about Rich's Mom and the work that she did and how she put her kids first everyday of her life and how everyday she ironed 40 white shirts every week so that her kids could go through St. John's Grammar School and that for 26 years there was a tradition in Cambridge for one of those Thompson kids, 26 years, to be enrolled at St. John's. It talks about giving up for kids and how that it wasn't until the age of 50 that Rich's Mom went back to school to get her own Bachelor's Degree so that she could move up from being an aid in the classroom to being a full time teacher.

It's all about the hard work that we see in each and everyone of you everyday. I think it's important to recognize Rich's folks today for the great work they did in raising him, but also on what they symbolize to all of us as being leaders in the community as being selfless givers and I think it's great that we have the opportunity to say thank you to them and thank you to Representative Thompson for the work he does here today.

PASSED and sent for concurrence.

Recognizing:

Warren Kessler, of Readfield, on the occasion of his retirement as the Chief Executive Officer of MaineGeneral Hospital. Mr. Kessler is the recipient of numerous awards recognizing his outstanding leadership in the health care industry including the Lifetime Achievement Award by the Association of Maine Hospitals and Healthcare Organizations, the Distinguished Service Award by the Maine Hospital Association in 1978, the Outstanding Citizen of the Year by Le Club Calumet in 1993 and the Business Person of the Year by the Kennebec Valley Chamber of Commerce in 1998. Mr. Kessler was the former President of the United Way of Kennebec Valley and is currently the Chair of the Southern Kennebec Domestic Abuse Council. We send our congratulations and best wishes to Mr. Kessler on his retirement;

(HLS 235)

Presented by Representative FULLER of Manchester.

Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative FULLER of Manchester, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. It is indeed an honor for me to be here today to recognize Warren Kessler for his many years of leadership in the health care field. He has been in hospital

administration for 34 years, 28 of those years in Maine hospitals. He's received five awards as outstanding or distinguished leader, citizen, whatever. His most recent being the first award from the Maine Hospital Association for lifetime achievement. It's the lifetime achievement award from the Association of Maine Hospitals and Healthcare Organizations. This award is the highest honor bestowed by the Association on outstanding leaders who have made significant contributions to healthcare and in advancing the goals and policies of the Association.

I worked closely with Mr. Kessler when he was on the Board of the United Way of Kennebec Valley in which he served on the Board for six years from 1990-96 and I had the pleasure of serving with him for three of those years. He chaired the fund drive in 92, he was president in 96 and he was term limited out of the Board of Directors with United Way. However, he's retired and now he's back on the Board again and I expect he'll start all over again going the route of fund raising and leadership in that organization.

He's been on the Southern Kennebec Domestic Abuse Council for three years and he is now the Chair of that organization. Mr. Kessler is a dynamic leader when he agrees to do something, he does it well. It has been a pleasure to work with him. He gives generously of himself and to others and he is here with us today and I hope you will join me in recognizing Mr. Kessler for his service to our country and state.

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

Representative O'BRIEN: Thank you Mr. Speaker, esteemed Colleagues of the House. I just found out that this sentiment was coming in so I'm very pleased that Representative Fuller alerted me to this because I couldn't let this opportunity go by without saying a few words about Warren Kessler.

I don't know if he's here, if he's here I'm actually surprised, I'm surprised he's not on some warm golf course somewhere or in Greece or somewhere else and if he isn't here it also could be because as he said on several occasions, I've worked closely with Warren and as he says, that when he sees me he runs, because I'm always asking him for something. I'm either asking him for a donation for something or asking him to do something in which he always does.

I have served with Warren on several committees, perhaps the most dynamic committee that we've been together on is the one aforementioned the Southern Domestic Abuse Council and he is really brought the issue of domestic abuse in the Central Maine area to a new level. Warren, when he was head of the hospital and I still believe that he is, each employee, every employee of the hospital had to have training on domestic abuse and that raised this level in the community to an absolutely new level and I very much appreciate that. Warren is also in his quiet way, very, very concerned about children's issues and child abuse. He has under his administration, the Children's Health Collaborative was the Kennebec Valley Children's Health Collaborative was formed. He has worked very closely and very, very dilligently to form the Vickery, a place for children and families which is the building that you've heard me speak about before. The museum is in it, the Child Abuse Council is in it. It's a very family and children service agency, friendly building and that is a huge result of Warren and his dedication and dedication of the hospital.

So, I'm very pleased to be able to say these few words for him and Warren if you are here I do need to speak to you about something else. Thank you.

PASSED and sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Representative SAXL from the Committee on **BANKING AND INSURANCE** on Bill "An Act to Clarify Reimbursement for Cognitive Services"

(H.P. 1050) (L.D. 1472)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

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

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act to Expand Opportunities for Education, Training and Employment for Displaced Homemakers"

(S.P. 409) (L.D. 1198)

Signed:
Senators:

MICHAUD of Penobscot
CATHCART of Penobscot
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield

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

Signed:
Representatives:

KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton

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 TOWNSEND of Portland, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, April 14, 1999.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-174)** on Bill "An Act to Provide Funding for the Education Research Institute"

(H.P. 820) (L.D. 1143)

Signed:
Senators:

MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond

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

Signed:
Senator:

HARRIMAN of Cumberland

Representative:

NASS of Acton

READ.

Representative TOWNSEND of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and specially assigned for Wednesday, April 14, 1999.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act Regarding Civil Actions Involving Insurance Coverage"

(H.P. 584) (L.D. 824)

Signed:
Senators:

LaFOUNTAIN of York
ABROMSON of Cumberland

Representatives:

JONES of Pittsfield
NUTTING of Oakland
SAXL of Bangor
SULLIVAN of Biddeford
PERRY of Bangor
GLYNN of South Portland
MAYO of Bath

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-189)** on same Bill.

Signed:
Senator:

DOUGLASS of Androscoggin

Representatives:

RICHARDSON of Brunswick
DUDLEY of Portland
O'NEIL of Saco

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 **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Decrease the Required Minimum Amounts of Liability Insurance Coverage for Motor Vehicles"

(H.P. 593) (L.D. 833)

Signed:
Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

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

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

Signed:
Representative:

GLYNN of South Portland

READ.

Representative SAXL of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote against the pending motion and vote for this bill. This legislation would increase the rates, passed under the hammer in the last session, came out a unanimous report. I've spoken with some people who are on the committee and they told me there was no opposition to this increase. I can tell you why there was no opposition because most of the people that this affected are the poorest people in the state, that can barely keep their cars on the road. They didn't know what was going on. I can also tell you that there was a great deal of opposition, I heard during my campaign, during my door-to-door from some poor people about their rates going up, they were complaining about it.

I'll give you some specific facts. This bill, in theory, was only supposed to increase somebody's rates \$20 to \$40 a year. In fact, one constituent of mine, 37 year old, single male with a clean driving record had his rate increase \$16 a month, \$192 a year. His rates went up, with a clean driving record because of this increase. Not to many people in their forties, fifties and sixties are getting minimum insurance. Most of you people that are that old have assets, they own a house, they get a better rate, maybe their increase wouldn't be as much, but people under 30, in their mid 30's and under 30 are paying much more for insurance and they're the ones who have to get the minimum coverage. I also checked and by the way, I won't say the name of the company, but it's the one we hear about all the time on the radio, that you can call them direct and they give you the cheapest rates. You call five other places and they're all still more expensive, so this is still the best deal at \$192 a year or more.

I also checked in, for \$2 a month, I can get uninsured motorist, which I have, uninsured motorist. So, if somebody doesn't have that \$50,000 or \$100,000 coverage and I hit them

or they hit me, I'm in an accident with them, they don't have enough coverage I'll still be protected. So I ask you to defeat the pending motion.

Finally, the thing that really bugged me about this legislation passing is while we're out campaigning, people on my side of the aisle, we say, we believe in less regulations and less burdensome regulations in people's lives and I think even people on the other side of the aisle agree with that and one of the big things I hear from the other side is we believe in working families and helping the low income and I think most of the people on my side agree with that too. So what boggles my mind about this piece of legislation is it puts an unfair burdensome regulation on our lowest income people. I can't support something like that, now I meant it when I said that I was against regulations when I campaigned and I urge everyone else to vote against the pending motion. Thank you.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I would remind you that two years ago this item was before this body and the good Representative from Lewiston is correct, it went under the hammer. It had previous to that however, a lengthy debate in the committee. The limits that we changed two years ago had been instituted in 1971. They had been with us for over 25 years. Those of us who drive vehicles, who purchase insurance, who need repairs to our vehicles as a result of accidents are well aware of the fact that the cost of the vehicle, the cost of the repair has gone up tremendously in the last 25 years. While I will not dispute the good Representative from Lewiston's remarks about the fact that a particular individual had an increase of nearly \$200 that does not coincide with what took place with everyone. The rates were increased somewhere between \$20 and \$40 per individual per year unless that particular individual was young number one or unless that individual had a bad driving record. Anyone with a bad driving record today will see, regardless of their age, will see an dramatic increase in rates.

I think that Maine was long overdue in making this change. It caught us up with other states around this country which have had legislation with limits similar to ours and I would urge that you support the committee Ought Not to Pass Report which was a twelve to one report. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative **MENDROS** of Lewiston **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: 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. 72

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Carr, Chizmar, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jones, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Martin,

Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien, O'Neal, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Buck, Chick, Collins, Dunlap, Gerry, Glynn, Jodrey, Kasprzak, MacDougall, Mack, McKee, Mendros, Pinkham, Sirois, Snowe-Mello, Stedman, Tracy, Trahan, Waterhouse, Winsor.

ABSENT - Jabar, Joy, Labrecque, Madore, Matthews, Muse, O'Neil, Plowman, Richardson E, Sherman, Weston.

Yes, 119; No, 20; Absent, 11; Excused, 0.

119 having voted in the affirmative and 20 voted in the negative, with 11 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **BANKING AND INSURANCE** reporting **Ought Not to Pass** on Bill "An Act to Eliminate Discrimination in Accident Insurance Coverage"

(H.P. 769) (L.D. 1092)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
ABROMSON of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-188)** on same Bill.

Signed:

Representative:

GLYNN of South Portland

READ.

Representative **SAXL** of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **SAXL**: Mr. Speaker, Ladies and Gentlemen of the House. At the sound of being repetitious I want to remind you that this bill would prohibit reductions at the age of 70 or over on accident policies. These policies pay benefits for death, dismemberment, disability and or medical expenses resulting from accidents. We would point out that there is common benefit under accident insurance policies to reduce at a certain age, such as 70. The premiums for these policies typically do not vary by age and the benefits reductions reflect the increase incidence of accidents in older ages. If this bill were enacted as written, insurers can circumvent the intent by reducing benefits in the younger age such as 69 rather than

70. If benefit reductions were prohibited entirely, the likely result is that the carriers offering these policies would charge higher premiums at older ages or simply stop offering these policies in Maine.

Some question the value of purchasing insurance that covers accidents only since the need for coverage is the same whether health care services are needed to treat accidents or sickness and most treatment is for sickness. The same argument is made against insurance that covers only specified diseases. However, the state has not tried to discourage the sale of these limited benefit policies as long as the limited nature of the coverage is clearly disclosed. These policies are popular due to their low cost and because they cover risks that people tend to worry about. In fact, in the case in which we had before us the stub indicated clearly, it was printed on the stub that the benefit was reduced at, cut in half at 70 ½ years. These are experiential policies so it's the experience rate which determines what the premiums will be. I ask you for your support on this twelve to one report.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Sirois.

Representative **SIROIS**: Mr. Speaker, Men and Women of the House. I introduce L.D. 1092 in an effort to put an end to this discriminatory practice by insurance companies of lowering coverage limits to accident insurance for persons the age of 70 and older. This practice came to my attention the hard way. I broke my arm in 1997, I was 72 years old at the time. My insurance company reimbursed me for only 50% of the accident because I am over the age of 70. Yet, I have been paying the same premium that I pay for higher coverage before I turned 70. This practice is blatantly discriminatory since elderly persons must pay the same premium for less coverage. Elderly persons are among a vulnerable sector of our population who can least afford large out of pocket costs. I believe this practice is wrong and I encourage you to join me in ending this form of discrimination against our elderly citizens by supporting L.D. 1092. Thank you.

Representative SIROIS of Caribou **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 Lebanon, Representative Chick.

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. This is clearly a bill that will cause people to have less coverage paying the same premiums and it comes at a time that everyone is going to reach, it's a time when they have less income and I believe they should be accorded the privilege of the same insurance. It's quite easy for people to rule at a time in life when they're not at that particular reduction, but I would ask sincerely that this motion be defeated and do not separate one segment of our population from the other by less coverage. Thank you.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I truly do not enjoy having to speak against the remarks of the good Representative from Caribou or the good Representative from Lebanon. However, I would remind this body that the particular type of insurance coverage that we are talking about here is an accidental insurance policy with the intent to cover those people who do not have insurance

and who are young or middle aged. It is not intended to cover those people who are over 65 years of age and that is why the premiums on this particular type of very narrow coverage are as low as they are. It was never intended to be an add on or a supplement to Medicare coverage which those of us who reach 65 hopefully will be able to have. It's a particular narrow, very narrowly focused type of insurance. I would urge that this body leave this alone and accept the Majority Ought Not to Pass Report of the committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Richardson.

Representative **RICHARDSON**: Mr. Speaker, Men and Women of the House. I think I should tell you that just one person came before the committee and it was the good Representative from Caribou and as much as it pains me to talk against his bill and as much as the committee wanted to address his needs, we found that this was not the proper vehicle to do so. We had no complaints from the Bureau of Insurance. As a matter of fact when the good Representative came before us, he provided us a copy of the disability claim form which clearly indicated on the face of the form that benefits under policies are reduced by 50% at age 70. So it was clearly disclosed and it's unfortunate that the good Representative did not have his insurance salesperson explain that to him, but it was only a matter of a couple paragraphs and it was certainly set forth therein.

The second issue that we talked about during the committee so that you understand why it was, both bipartisan and a consensus within the committee is that to eliminate the premiums or excuse me to keep the premiums the same, provided people at 70 a constant premium rate from 55 to 70 you have the same or 55 to over 70 you have the same premium rate. Generally, the policy at 65, that's about the time you're looking for disability income, at 70 you're looking for income loss, but over 70 that's where the actuarial rate goes up and because the actuarial rate goes up, it's more costly for people 70 or over, because they simply have more accidents. This actually is a fine policy because it least gives half, that's half of what you would normally get below the age of 70. It just doesn't cut you off at 70 like term life insurance does. This actually gives some benefits as opposed to no benefits. So we thought it was a great idea. The premiums don't get up because or don't rise after 70 because they get shared with people from 55 to 70. If you mandate this, then this is what the insurance commission and the superintendent indicated to us. To mandate insurance companies that it must lower the amount of coverage will drive up costs to everyone else and that is the rest of our seniors and would result in companies deciding to eliminate this benefit in Maine. So I ask you, although the benefit isn't what the good Representative from Caribou would like, do we want to eliminate or potentially eliminate that unintended consequence that we all are concerned about. Do we want to eliminate that for people from 55 all the way to 69? Thanks

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. I was an insurance agent for 29 years before this life and the thing that I have to say about this coverage that everybody is talking about, it's not that the idea of lowering the coverage for people over 70 years old is not allowed. What should not be allowed is that they are still paying the same premium for full coverage and yet get only half of the coverage. Recently, in the health insurance program that I had

and my wife was covered, my wife turned 65 and therefore became eligible for Medicare and immediately the coverage for the health insurance of my wife went to a Medicare supplement. So the premium was lowered. This is the same thing with this here. If you're paying the full amount of premium, you should be getting a full amount of coverage. If your coverage is going to be decreased because of actuarial figures being higher for elderly people, than their premiums should also be decreased and in this instance it is not happening and although the insurance department may seem to think that they understand what they're doing is correct, I don't think it is. I really think that the banking and insurance department in the State of Maine should look severely at some of these insurance companies that are selling limited policies, yet charging the full amount of premiums. So I hope that you do defeat this motion Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Sometimes I tend to doodle and do too much math and what I've come up with is that it looks like buying one of these policies is probably going to be a little better risk than spending money on those magazine subscriptions to win the sweepstakes. I think it is a better risk than that. Not much, but a little bit and it looks like if you spend over a lifetime, let's say 50 years and you average \$100 a year, these things start out low and they grow higher, I think Rosaire was paying above \$300 a year, but let's say you average \$100 a year on these policies with the multiplier effect, you're giving these insurance companies somewhere between about \$12,000 and \$50,000 in your lifetime. Now you'd have to have between four and twelve full disability claims to get that money back and I understand that these insurance companies have to control all the assets of the planet and we don't want to try to disrupt that, but it seems to me that the least they could do is pay out a full benefit to anyone who has sent in these premiums for sometimes a full life time. Thank you.

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

Representative **JONES**: Mr. Speaker, Men and Women of the House. I spent quite a few years selling insurance. I sold very little of disability insurance or accident insurance because it's expensive. However, what I did sell there are many, many options of buying disability insurance, one of which would cut in half at age 70. I'm sure that if the good Representative from Caribou asked the agent he would have told him about several different options that were available to him. I saw the policy and it clearly stated there's no cover up and I have no quarrel defending the insurance industry that I proudly was a part of for many years.

We talk about the same premium. The premium could have been lowered for, would have been raised for a good many years. I don't know when our good friend took the policy out but it could have been 40 years ago and had he demanded that it continue for the same benefit starting at age 70, I can assure you folks that it would have been greatly increased, greatly increased and that was the reason of it, the actuaries had this figured out and so I urge you to stick with the Ought Not to Pass. Thank you.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending

motion to defeat LD 1092 and I too wish to join with the sponsor from Caribou and those that have spoken in support of this LD and needed legislation.

I also sit on the Committee of Banking and Insurance and I was the member that voted to bring this issue out because I do believe it is an issue of great importance. To me the pivotal thing about insurance is just that you're looking to buy a policy that's going to cover you when the going gets round and when the health problems start and what we have is a situation of a number of elderly people that have taken out policies, insurance policies, their hedge against illness and when they need it they're finding that their coverage is disappearing as they get older and I have a few constituents in my district that have had similar problems to the experience of the Representative from Caribou and I can tell you that having worked with them on those issues they really are in a rock and a hard place. When you're 75 that's not a time to go out shopping for health insurance. When you're 84 it is not a time to go out and shop for health insurance. You're not going to get good insurance, you're not going to get good accident insurance. These types of coverages are very much if you're paying a set premium I think it's a reasonable expectation to believe that the coverage stays the same. People don't remember that 15 years ago or 20 years ago when they signed a policy that this happens and it really affects them at a time when they're most vulnerable in their lives and as such I do believe that legislation is warranted on this issue and I thank you for your time and consideration.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I just want to summarize what we've said here today. I want to remind you that this is a 12 to 1 report and that means that a vast majority of the committee though they hold Representative Sirois in great esteem and affection and wanted very much to do something for him felt that this was not a wise action to take. I want to remind you that at the age of 65 Medicare takes care of medical bills and the one really an accidental policy is designed to help people who are younger who have an uninsured accident that this is not a disability policy it's designed for those who are of working age and therefore is usually not applicable at age 70. Please, please bare these in mind and bare the policy in mind rather than your affections as you vote this bill. Thank you.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I believe that people that have driven automobiles and had a plan in their mind to protect against becoming involved in illegal practices with the automobile trying to avoid and drive defensively should not be separated from the other citizens on the highway in the State of Maine when they reach a particular age. This is something that doesn't provide for equal treatment and I would sincerely urge all of the wonderful people in this body to protect the rights of that group of Maine citizens.

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

Representative **DUDLEY**: Mr. Speaker, Men and Women of the House. With all due respect, I'd like to correct the Representative from Lebanon, Representative Chick. This bill does not pertain to auto insurance but rather accident insurance coverage and I'd also like to point out to the members of the House that this bill does nothing to control the cost of premiums.

If people over 70 want to be covered by this insurance under this bill, they are going to pay higher premiums and that's going to reduce access to this type of coverage. Where people at 70 now may have a reduced benefit, they will at least have an easier access to such insurance and I would urge you all to support the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Sirois.

Representative **SIROIS**: Mr. Speaker, Men and Women of the House. A few members of the House mentioned something about Medicare. This has got nothing to do with Medicare whatsoever, this is just a plain accident insurance. You've got to get hurt to get the premium from the company. This has got nothing to do with Medicare, Medicaid because I'm insured with that Medicare, Medicaid with Blue Cross and Blue Shield, I've got the whole bit. This is just a plain accident insurance and I did get hurt and I only got 50% of what I was supposed to get and it strictly discriminatory against me. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. As a former insurance agent myself, I have a few questions, problems I guess with this, with the Majority Report. This is accident insurance, this isn't health insurance. People get in accidents all the time regardless of their age. Somebody who's over 80 years old, as a matter of fact, I think people over 70 are less likely to get in accidents because they don't go out as much, they don't live as risky a lifestyle as people my age or in their forties.

This is clearly discriminatory. We're not talking about their high health costs, I want to make that clear. This is accidental insurance and I urge you to vote against the pending motion. 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. 73

YEA - Andrews, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Cianchette, Colwell, Cowger, Daigle, Davidson, Dudley, Duncan, Duplessie, Etnier, Foster, Fuller, Gagne, Gagnon, Hatch, Honey, Jodrey, Jones, Kane, Kasprzak, Lemoine, Lindahl, Madore, Marvin, Mayo, McAlevey, McGlocklin, McKenney, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien, Peavey, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Stedman, Sullivan, Tessier, Thompson, Tobin D, Townsend, Treadwell, Tripp, Twomey, Waterhouse, Weston, Williams, Mr. Speaker.

NAY - Ahearne, Bagley, Bouffard, Bowles, Bryant, Buck, Carr, Chick, Chizmar, Clark, Clough, Collins, Cote, Cross, Davis, Desmond, Dugay, Dunlap, Fisher, Frechette, Gery, Gillis, Glynn, Gooley, Green, Heidrich, Jacobs, Kneeland, LaVerdiere, Lemont, Lovett, MacDougall, Mack, Mailhot, Martin, McDonough, McKee, Mendros, O'Neal, Perkins, Pinkham, Rines, Sanborn, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stevens, Tobin J, Tracy, Trahan, True, Tuttle, Volenik, Watson, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Goodwin, Jabar, Joy, Labrecque, Matthews, Muse, O'Neil, Plowman, Richardson E, Sherman, Usher.

Yes, 78; No, 61; Absent, 11; Excused, 0.

78 having voted in the affirmative and 61 voted in the negative, with 11 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-184)** on Bill "An Act to Repeal the Maine Criminal Justice Academy Certification Requirements for Sheriffs"

(H.P. 139) (L.D. 201)

Signed:
Senators:

MURRAY of Penobscot
O'GARA of Cumberland
DAVIS of Piscataquis

Representatives:

POVICH of Ellsworth
FRECHETTE of Biddeford
MUSE of South Portland
CHIZMAR of Lisbon
McALEVEY of Waterboro
TOBIN of Dexter
SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-185)** on same Bill.

Signed:
Representatives:

QUINT of Portland
PEAVEY of Woolwich
O'BRIEN of Augusta

READ.

On motion of Representative POVICH of Ellsworth, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Increase the Availability of Glucose Screenings"

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

Signed:
Senators:

PARADIS of Aroostook
BERUBE of Androscoggin

Representatives:

KANE of Saco
BROOKS of Winterport
FULLER of Manchester
QUINT of Portland
DUGAY of Cherryfield
LOVETT of Scarborough
SNOWE-MELLO of Poland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-193)** on same Bill.

Signed:
Representative:

SHIELDS of Auburn

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Change the Name of the Department of Inland Fisheries and Wildlife"

(H.P. 17) (L.D. 27)

Signed:
Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
KIEFFER of Aroostook

Representatives:

DUNLAP of Old Town
CHICK of Lebanon
HONEY of Boothbay
TRUE of Fryeburg
BRYANT of Dixfield
COTE of Lewiston
TRAHAN of Waldoboro

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

Signed:
Representatives:

PERKINS of Penobscot
CLARK of Millinocket
TRACY of Rome

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass** on Bill "An Act to Increase the Amount Retained by Agents Who Sell Hunting and Fishing Licenses"

(H.P. 237) (L.D. 341)

Signed:
Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot

Representatives:

DUNLAP of Old Town
HONEY of Boothbay
TRUE of Fryeburg
BRYANT of Dixfield
COTE of Lewiston

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

Signed:
Senator:

KIEFFER of Aroostook

Representatives:

PERKINS of Penobscot
TRAHAN of Waldoboro
TRACY of Rome
CHICK of Lebanon
CLARK of Millinocket

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning in hope to defeat the pending motion. Right now the way it is, is when a municipality or another agent sells a hunting or fishing license, \$1 of that license goes to that agent. Now if you pass this bill, it would have \$2 go to that agent. That would mean that we'd have to raise the price of the hunting and fishing licenses all across the state and we don't want that to happen because right now they're at their highest now and people across the state are not just buying their hunting and fishing licenses. So let's keep the licenses down. I wish that we'd support the Minority Report.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I know a number of you in this chamber have received correspondence from your municipal clerks, other agents who sell these licenses. Very briefly, what this does is it increases agent fee on the licenses that they sell from one dollar to two dollars. The majority of the committee felt that this is appropriate at this time as it had not been done in many years and that especially in rural areas town clerks who are only paid minimum wage, plus their agent fees, so this could be a substantial boost to them. They are asked now to much more in the selling of these licenses than they have been in the past. It used to be you just went in and bought a hunting license, well now there's another option, there's water fowl check off, there's duck stamps, bear stamps, pheasant stamps, muzzle loading stamps; whether or not they're actually a resident. There's the sworn statement on the license which is punishable under provisions of Title 17A. There's a great deal that goes in to selling a license now, a great deal more than there was in the past. So the majority of the committee felt that this was an appropriate increase at the time.

I won't go into what the arguments against were. Simply that the majority felt that they were not compelling. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. This is a tax increase, let's make no mistake about it, it's an increase in a tax and whenever you want to get less of something, you increase the tax. Every time we raise the license fee we have about three or four years of dip in sales and this is nearly the entire budget for the Fish and Wildlife Department is from sales and this tax increase would probably cause a concomitant reduction in sales. So please use your red button. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. This is my bill. It was put in in response to three town offices saying when is the state going to assume its responsibilities and pay for the services that we give them, and that's just exactly what has happened. Right now all the charge is a dollar. This has, as far as I know, been that way for 25 years. Twenty-five years ago the town offices were paying \$1.25 per hour to their help. Right now they are spending at least \$8 an hour. Because of the changes in what they do in regard to their license fees, it now takes 15 to 20

minutes on most licenses to do the job. All of the towns are asking and this will go to the towns. This isn't money that goes to the IFW and whatever. This goes to the town and stays in the town and helps pay for those clerks for the agents that are making out the licenses and the whole thing. This would mean that finally, and it won't cover it totally, you have said to the state that we have done this for you for over 25 years, now is the time for you to address it and pay what it is worth. I ask you all to remember this. I hope that you will accept the Ought to Pass report and vote accordingly. Thank you very much.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. Everything has already been said. I would like to perhaps speak only of one thing. I don't know how this can be a tax. The money is coming back to the town. I know it is very minute, but certainly it is tax relief. It will indirectly have something to do with your property tax. I agree that certainly for the number of years that we have had this, it is time that we had a change. If we had several changes of small amounts, maybe our property tax would be much less than they are. Thank you.

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

Representative **CHICK**: Mr. Speaker, Men and Women of the House. I received a great deal of calls and letters on this bill. Here we are again at the point where what happens. It raises the price of a license by \$1. If this is needed and the municipalities feel that the clerk should be compensated, possibly they could find some funds that would achieve this purpose. However, we had problems with IFW on many services that they perform and were not compensated for. This one is clearly going to be paid for by the hunters and fishermen in the State of Maine and there is no way that I would support increasing the price of the license when the real reason is getting money for the people that administrate selling the licenses. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. There again, two good friends of mine have been in the Legislature with me and are against me on this particular bill. There again, having been a municipal official and a town manager, I have watched this operation happen. I would like to have you know that this particular bill has got the endorsement from the Maine Municipal Association. Again, if we were really going to charge enough to pay for the people who are doing the work, they wouldn't be \$2, it would be \$3 and \$4. You have heard about the fee is a tax. Again, if the fee is a tax, it is all right for different organizations to go up a \$1 here and \$1 there or \$5 here in some kind of a deal and go up in price. All we are asking for is justification of doing a job for the State of Maine for the past 25 years and losing money. All we are asking you to do is to try to rectify that mistake. I thank you very much.

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

Representative **COTE**: Mr. Speaker, Men and Women of the House. I rise today in support of this bill. I have talked to a lot of the fishing organizations in my area. I asked them about this bill and if they favored the \$1 raise for the clerks in their municipalities. They agreed with me that it is right to go ahead and they don't mind paying the extra \$1. They figure they love

the sport. They like to go fishing. Everybody likes to go fishing. They figure that the agents who are selling the licenses put a lot of time and effort into what they do. They deserve that \$1 raise. I urge all my colleagues to join me in support of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Men and Women of the House. Even though I am new to the House of Representatives, I have served in local government for many, many years. I will be brief. All I have to say is if the state expects the municipalities to perform a service, they should pay for it. This increase will not cover all of the costs, but it will cover part of it. Thank you very much.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I speak in favor of passage of this bill. I have talked with the town clerks in both of the towns that I represent and the scenario that they explained to me is, first of all, the money doesn't go to the town clerk as has been said here. It goes to the town. The town clerk is an employee that performs a function and they are paid regardless of whether or not you pass this bill. The problem is there is so much time consumed in processing these licenses that they have had to add additional help or additional hours of labor for the existing help. On that basis I would urge you to support this bill.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. Somebody else mentioned an endorsement on one side of the issue. I would just like to state that Sportsmen Alliance of Maine came out strongly opposed. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to oppose the following motion. We did have a good public hearing and a lengthy debate. It is not because I stand here before you wanting to deny any clerk anywhere in the State of Maine for doing a marvelous job, especially in my hometown where Betty Sillanpaa is the clerk. It doesn't matter if it is Sunday, Monday, evenings, holidays or whatever, you give Betty a call and she will be right there to fill out a hunting and fishing license. The problem that I have with this piece of legislation is when the number of hunting and fishing licenses in this state are dramatically going down. If we send out the message to these individuals out there that the cost of hunting and fishing licenses are going up and people in the sporting situation demand more from the Fish and Wildlife Department. Right now they feel as if they are getting less. I urge you to vote against the pending motion and when the vote is taken, Mr. Speaker, I request the yeas and nays. Thank you.

Representative **TRACY** of Rome **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. We did have a good debate on this issue. While the issues already are out here and have been explained, I would just like to remind everybody when they go to

buy their hunting and fishing license the clerk will be watching their vote today. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to respond to a couple of things that have been said today. Essentially when you talk about the volatility of license sale, it has shown some volatility in the past when a fee increase has gone through. A few people decide not to buy them anymore because they say that the \$20 they have to pay is too much for a years worth of opportunity in hunting and fishing. We have done an awful lot in the last couple of years to expand opportunities for Maine's sportsmen. We have had the expanded archery season and the moose lottery system, we have gotten more permits. We have almost twice as many doe permits right now being proposed this year as were proposed when I first came here. There is a great deal more opportunity that has evolved through these processes and the town clerks have been part of this. They have to implement it. They have to sell this stuff to people. They have to push the super sport and other items. I would really request that you think long and hard about this. Vote your conscience on this one. Is it really worth paying for the service they are providing to this government on behalf of the Maine people. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Machias, Representative Bagley.

Representative **BAGLEY**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to support the town clerks in the state. Contrary to some of the things you might have heard, not all clerks get big wages. Some clerks do this just for fees in different areas and that is all they get. There a lot more to it than just writing out a license. There are forms that have to be filed every month. There are bank deposits that have to be made. There are a lot of phone calls made when people have questions. Having sold a lot of these licenses, I know what a chore it is and it is time for towns or the clerks, whoever gets the money, get compensated as they should be. Thank you Mr. Speaker.

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

ROLL CALL NO. 74

YEA - Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chizmar, Clough, Collins, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Gagne, Gagnon, Gillis, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jodrey, Jones, Kane, Kneeland, LaVerdiere, Lemoine, Lovett, Mailhot, Mayo, McAlevey, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy E, Norbert, Nutting, O'Brien, O'Neal, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Shields, Sirois, Skoglund, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Treadwell, Tripp, True, Tuttle, Volenik, Wheeler GJ, Williams.

NAY - Ahearne, Belanger, Berry DP, Buck, Carr, Chick, Cianchette, Clark, Colwell, Davis, Duncan, Foster, Fuller, Gerry, Glynn, Goodwin, Jacobs, Kasprzak, Lemont, Lindahl, MacDougall, Mack, Madore, Marvin, McDonough, Mendros, Murphy T, Nass, Peavey, Perkins, Pinkham, Rosen, Schneider,

Shorey, Snowe-Mello, Tobin J, Tracy, Trahan, Twomey, Usher, Waterhouse, Watson, Weston, Wheeler EM, Winsor.

ABSENT - Joy, Labrecque, Martin, Matthews, Muse, O'Neil, Plowman, Richardson E, Mr. Speaker.

Yes, 96; No, 45; Absent, 9; Excused, 0.

96 having voted in the affirmative and 45 voted in the negative, with 9 being absent, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, April 14, 1999.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Allow Free Access to Waters Stocked With Fish by the State"

(H.P. 289) (L.D. 397)

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
KIEFFER of Aroostook

Representatives:

DUNLAP of Old Town
PERKINS of Penobscot
CHICK of Lebanon
TRAHAN of Waldoboro
HONEY of Boothbay
TRUE of Fryeburg
BRYANT of Dixfield

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

Signed:

Representatives:

CLARK of Millinocket
TRACY of Rome
COTE of Lewiston

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning, again, it is almost noon time, to give careful consideration. As we deal with public land purchase and things like that throughout the state, let's remind ourselves about public access. This bill would provide fish be stocked so that us as public people can go and fish without going through these paid gates. All this bill does is, if there are fish being stocked beyond paid gates, they will be able to get there as an access issue. I wish you guys to overturn the Majority Ought Not to Pass Report and go with the Minority Report. Thank you.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. Very simply, there is a couple of things that the implications of this bill could have. It does provide to prohibit stocking of state raised fish in waters where there is not completely free access and that implies an awful lot of bodies of water. Starting about 25 years ago, the state started turning over some boat launches that it could not afford to maintain. They turned them over to municipalities, private groups and then charge a modest launch fee, \$5 or \$1. It has

gone up and down in various areas over the years. That money would be used to maintain the launches. Also, you have the paper mill land. Some of which are gated and have fee access to the north Maine woods. There is a fee access. If you prohibited stocking in those areas, then you would basically be reducing by probably around half, but anyway the amount of waters the state stocks, the submerged lands belong to all the people of the state, 10 acres or greater. I think it is reasonable for people to expect that those waters will be maintained for their fisheries habitat and their fisheries production whether or not the access is free or not free. Free access is no longer practical when you are talking about maintaining boat launches and maintaining roads. Somebody has to pay for that. Municipalities have elected to do it through fees and private entities have elected to do it through fees. They do not own the bodies of water, the state does. It is up to the state to maintain those fisheries. I would ask that you vote with the majority on this bill to keep basically moving forward into the future for reasonable access. Thank you very much.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

A vote of the House was taken. 92 voted in favor of the same and 22 against, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Establish a Fishing Rules Policy"

(H.P. 294) (L.D. 402)

Signed:
Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot

Representatives:

DUNLAP of Old Town
PERKINS of Penobscot
TRAHAN of Waldoboro
HONEY of Boothbay
BRYANT of Dixfield
COTE of Lewiston

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

Signed:
Senator:

KIEFFER of Aroostook

Representatives:

CHICK of Lebanon
TRUE of Fryeburg
CLARK of Millinocket
TRACY of Rome

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-192)** on Bill "An Act to Allow Noncommercial Whitewater Rafting Clubs to Submit More than One Amended Membership List in Any Calendar Year"

(H.P. 435) (L.D. 577)

Signed:
Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot

Representatives:

PERKINS of Penobscot
CHICK of Lebanon
TRAHAN of Waldoboro
HONEY of Boothbay
DUNLAP of Old Town
BRYANT of Dixfield
TRACY of Rome
COTE of Lewiston

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

Signed:
Senator:

KIEFFER of Aroostook

Representatives:

TRUE of Fryeburg
CLARK of Millinocket

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass** on Bill "An Act Regarding Juvenile Hunters"

(H.P. 449) (L.D. 612)

Signed:
Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
KIEFFER of Aroostook

Representatives:

DUNLAP of Old Town
CHICK of Lebanon
HONEY of Boothbay
TRUE of Fryeburg
CLARK of Millinocket
BRYANT of Dixfield
COTE of Lewiston

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

Signed:
Representatives:

PERKINS of Penobscot
TRAHAN of Waldoboro
TRACY of Rome

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. Right now the way the law is for a person to hunt under age 16 to get a juvenile license they have to be with a parent or a guardian or somebody approved by the parent or the

guardian who is over 18. This bill would require that person, even if approved by the parent or even if the parent or the grandparent goes with that person, that they go through the hunter safety course or have had a grandfathered license, as it were. There again, we are coming along with another proposal for another law. Nobody can cite any problem. It was just possible. No problems exist. This would take the right away from some grandfather or anybody approved by the parent as a responsible adult to go with this youngster when they are hunting. Thank you.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. This is a bill which I presented primarily for safety. This does not take away the right of the person to be there. It only means that they have to buy a license and certainly have to go through a hunter safety course. I have taught my grandchildren how to hunt and I have observed people who do not know about hunting in the woods with young adults. They might as well be home sitting by the stove. As I said, this is mainly safety. It is not a money raising bill or anything. I ask you to support the majority.

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

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. This bill does exactly what Representative True from Fryeburg has just described to you. It simply says that if a juvenile hunter is going to go into the woods and because by law they have to be accompanied by an adult. That person should have at least some hunter safety education, which does include firearm training, map and compass, bag limits and ethics so that when the young person is out in the woods they are receiving some reasonable instruction in the pursuit of outdoor activities. Currently there is no assurance that an adult in the company of a juvenile hunter has any of that training and for the safety of the individuals involved and for the peace of mind of the parents or the guardians of those children, it seems reasonable to ask that the accompanying adults have some training. I urge you to vote in favor of the Ought to Pass report. Mr. Speaker, I request a division.

Representative **DUNLAP** of Old Town **REQUESTED** a division on his motion to **ACCEPT** the Majority **Ought to Pass** Report

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I am sorry about this, but I did have to comment on that last comment by my good friend from Old Town, Representative Dunlap, that this would give peace of mind to the adults and the supervisors and the guardians that they can request that the person that they give permission to go with get a license or go to the training. I just had to comment on that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. The problem that I have with this piece of legislation is, and I said it down during the public hearing, if anybody is in the armed services be it he or she and happen to come home on leave during the hunting season and has a nephew, brother or whatever relative and would like to go out into the woods of the State of Maine with this juvenile hunter who has probably taken a safety course and stuff and being a

military person be it he or she that has the experience in firearms, I have a problem to say that we as the people of the State of Maine would deny these very individuals the opportunity to go out with these juveniles, but yet as a government and United States government would say that it is all right after we have trained them in this expertise to send them anywhere in the world in harms way to preserve and protect our rights. That is why I have a problem with this bill. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

A vote of the House was taken. 85 voted in favor of the same and 23 against, the the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, April 14, 1999.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Create the Maine Civil Rights Act of 1999"

(H.P. 496) (L.D. 703)

Signed:
Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-194)** on same Bill.

Signed:
Representatives:

PLOWMAN of Hampden
WATERHOUSE of Bridgton

READ.

Representative THOMPSON of Naples moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative MACK of Standish **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 Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. This bill is the Maine Civil Rights Act of 1999. What it does is to ban the State of Maine from discriminating against or giving any special rights or privileges to anyone on the basis of race, sex, color ethnicity or national origin in the areas of public hiring, education or contracting. No special rights and no discrimination.

I want to tell you about my family. My stepfather was born in Kingston, Jamaica and is of Chinese and Black ancestry. When he was young the family came to this country for the freedom and opportunity that is available to all in America. He

is now an American citizen and very proud of that fact. He always taught me that it is a persons ability that mattered, not who his parents were. Martin Luther King had it right when he argued for a color-blind society and said, "We should base our judgment of someone on the content of their character, not on the color of their skin."

One of the opponents to this bill testified that a color blind society is not a fair society. I cannot speak for everyone in this chamber, but as for myself, I want a color-blind society. Some people hold the attitude that a black, a woman or another minority can only get a job if it is handed to them. They cannot earn it of their own merit and ability. That attitude appalls me and reeks of racism and arrogance. All people, regardless of their parents, have the ability to achieve and become great. That was the goal of the 1964 Civil Rights Act and that is the goal of this bill. In fact, the language from this bill is modeled very closely on the 1964 Civil Rights Act.

Finally, I want to tell you about my baby sister. Tia V. Chang. I have great hopes for her future. She is 10 years old now, but when she grows up, I want her to be proud that she has earned everything she has and that nothing was handed to her because she is Black, a woman, Chinese, Jewish or Indian. I want her to know that she has earned it because of her charm and her intelligence. The only special privileges I ever want her to have are from her big brother spoiling her. I urge you to vote against the pending motion and support this bill. Vote for a color-blind society without special rights, discrimination or preferences for anyone. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. The sponsor of the bill is correct. Let me tell you what LD 703 does and doesn't do. LD 703 does track a language of the text in the original federal 1964 Civil Rights Act. It is similar to the California Civil Rights Initiative in 1996 and the Washington Civil Rights Initiative in 1998. Both of which passed by voters with an 8 and 17 point margin respectively. LD 703 does not dismantle all affirmative action. It simply prohibits discriminatory affirmative action, which employs preferences and sets aside quotas. Non-discriminatory programs such as broad based outreach and recruitment which ensure equal opportunity for all individuals regardless of race or creed would be permitted under this legislation. LD 703 puts the civil rights movement back in track in keeping with the original goals and intentions of the 1964 Civil Rights Act. Having said that, let me tell you that personally this issue has been a real problem with me going back many, many years. I couldn't quite rationalize the dichotomy between a 1964 Civil Rights Act which says you cannot discriminate because of age, race and so forth and so on. Then the affirmative action which turns around and does exactly that to try to address past grievances or discrimination done by somebody who you might not even know or not even been born when you were born and so forth and so on.

When I was in college I took a cultural anthropology course. The professor was a woman from India. I did a research paper on affirmative action. I got a B+ on that paper. Across the foot of the paper was, well researched, well written, but naive. It was naive she thought because I thought that everybody could start at the same position in life and be treated as individuals. I think I was right then. I don't think I was naive then. I certainly don't think I am naive now. I think she was wrong. Group identify and affirmative action with preferences is insidious and divisive.

I asked some interesting questions when we had people who came before our committee in opposition of this bill. One of them was, do you have any children? The ones that said they did I said to them, would you think that if one of your children went for a job or an education or a grant or whatever and was turned down because of the color of their skin or their gender, do you think justice was done to your child? It is a very uncomfortable question because when you put it on a personal basis, you are talking about your children or your wife or your husband or whatever. It kind of hits home. Affirmative action probably would never affect me. I wasn't blessed with any children so it is not going to affect my children, but it might affect somebody else. One person actually said to me after I posed that question to them and they really struggled with it. Finally, they said, I could live with it.

My contention, ladies and gentlemen, is they shouldn't have to live with it. Is it fair? Is it justice to make somebody else pay for past grievances because they belong to an identity group? Does it promote non-racism, non-discrimination and non-tolerance? I would postulate that if somebody suffered under that and I have know some people who have, I can't think of a quicker way of turning somebody into racist, bigot or somebody who is intolerant who suffered under this type of policy. Maybe I am naive. I am not naive to the point to think that we are ever going to get rid of racism or bigotry. If you study human nature down through the history, we haven't done a very good job. If you look at what is happening over in Kosovo now and around the world in places we don't even know. This utopian view and policies to achieve that utopian view to think that we can change a man's nature causes more misery in human history than any other policy. That is why we have the rule of law to protect us from our human weaknesses. This policy is an aberration to that rule of law because it says exactly opposite of the thing we are trying to get rid of.

Let's end this policy of making somebody else pay the price for intolerance, racism and bigotry done in the years past. I hope you will join me in voting against the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I would ask that the members of this body join with me in supporting the 11 to 2 Ought Not to Pass report of the Judiciary Committee. We reviewed this matter and the 11 to 2 majority of the committee felt quite strongly that current law was sufficient. Current law already limits any preferences, considerations of gender or race can only be when there is a written affirmative action plan with supportive statistical data and the provisions in which it is set forth are very clearly laid out in the statute. There were no people brought forward to tell us how they have been discriminated against in the State of Maine and needed this change in the law. There were no people that came forward and said they had been discriminated against and needed this law. I would ask that you join the Ought Not to Pass report.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. The idea that current law already covers this is untrue. It is being done in the State of Maine, most notably the university system. Other places such as with highway funds, this bill does not cover where the federal government requires discrimination for the state to get the highway funds. This bill would not cover that situation. In the

university, it would be covered. The right honorable gentleman from Naples mentioned that it is allowed in places in support of statistical data. Well, statistical numbering means quotas. I think it is appalling that the State of Maine would put in any quotas and hire people just because we need a woman or a black or a white or a man on a particular position. We should be basing people just on their content and their ability to do the job. There have been people who have sent letters unsigned because of fear of job reprisal at the University of Southern Maine. They have been the victims of discrimination and who see it all around them and want it stopped at the university. This bill would still allow outreach to get more women, blacks or other minorities to apply for the jobs. That is fine. I would encourage that. Once everyone is applying for the job, the person who is chosen is the one who is best able to perform the job. Please vote against the pending motion and support an end to discrimination and preferences in state hiring. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. I will be very brief. A couple of the people testifying before our committee made a statement that we needed this policy because discrimination still exists and so does racism. Of course it does. My contention is that it will always exist. One of the points that I left out in my previous statements was who decides sometime in the future that we no longer need this type of a policy and that everything is hunky dory and there is no more racism and there is no more bigotry and everybody is tolerant. Who is going to be on Mt. Olympus to say everything is okay, let's get rid of it? Is it going to be the people who are benefiting from the discrimination? It is going to be the people who are overseeing the program? Is it going to be the people who are suffering under the discrimination? I call this policy discrimination. Let's call it what it is. That is what I think it is. If they are in the minority some time in the future, they are certainly not going to have the votes to overturn this type of a policy. We are going to have to leave it up to somebody who benefits from this policy or somebody who oversees it. I say that is the wrong way to do it. Let's get rid of it now folks. Let's start everybody off on an equal footing.

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

ROLL CALL NO. 75

YEA - Ahearne, Andrews, Bagley, Belanger, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Bruno, Bryant, Bull, Bumps, Cameron, Chizmar, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Mayo, McDonough, McKee, Mitchell, Murphy E, Murphy T, Norbert, Nutting, O'Neal, Peavey, Perkins, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Schneider, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler EM, Wheeler GJ, Williams.

NAY - Berry DP, Buck, Carr, Chick, Cianchette, Clough, Collins, Davis, Duncan, Foster, Glynn, Heidrich, Jodrey, Jones, Kasprzak, MacDougall, Mack, McKenney, McNeil, Mendros, Nass, Pinkham, Sherman, Shields, Snowe-Mello, Stanwood,

Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Winsor.

ABSENT - Baker, Bragdon, Brooks, Campbell, Dugay, Goodwin, Joy, Labrecque, Matthews, McAlevey, McGlocklin, Muse, O'Brien, O'Neil, Perry, Plowman, Richardson E, Saxl JW, Saxl MV, Shorey, Mr. Speaker.

Yes, 96; No, 33; Absent, 21; Excused, 0.

96 having voted in the affirmative and 33 voted in the negative, with 21 being absent, 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 to Include Fraudulent Billing by Attorneys under the Unfair Trade Practices Act"

(H.P. 1055) (L.D. 1486)

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

MADORE of Augusta

SCHNEIDER of Durham

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

Signed:

Representatives:

PLOWMAN of Hampden

WATERHOUSE of Bridgton

READ.

Representative THOMPSON of Naples moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote with me against the pending motion. This is a consumer bill. Basically what it does or what it says is that a consumer who has had a problem with billing practices of a lawyer can proceed with an action to the Unfair Trade Practices Act. This was brought to me by a colleague who had a constituent who had a problem. I did some research on it and I found some court decisions throughout the country dealing with the issue of the practice of law and consumer fraud protection statutes in the state. The particular one that I was looking at was in Illinois and was the Kript vs. Lider decision and the Supreme Court in Illinois came to the decision that because the Legislature didn't put in the intention of a possibility of a citizen pursuing an action under their fraud act that they couldn't be able to do it. There are four other states in the country, Texas, Washington, Louisiana and Connecticut. The State Supreme Courts in those states let lawyers be punished on the state consumer protection laws. This is my attempt to clarify our statutes, so if a similar occurrence happens in this state, that the language will be there so that the courts can say you will pursue a civil action against fraudulent billing practices of lawyers. The distinction is that most, if not

all, Supreme Courts, in Maine it is the Law Court, oversees the practice of law for the lawyers. The distinction being that billing practices should be separated out from the practice of law. It is really not the practice of law. This would allow citizens of the State of Maine who had trouble with lawyers billing to pursue a civil action. Thank you and I hope you will vote against the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. I was the sponsor of this legislation and brought it forward because of a situation one of my constituents had in terms of dealing with this issue. Let me briefly say that under the present system if a client has a problem with the manner in which an attorney has conducted his case and has indeed later billed him, the process is a close one in terms of those involved in making a decision are all members of that profession. It would seem reasonable to me that if this bill went forward, then when it comes to a case of a question about billing, it would be done outside the purview of those individuals who are in the profession themselves. Therefore, I hope that you would support me on this issue and I would request a roll call. Thank you.

Representative BUCK of Yarmouth **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 Naples, Representative Thompson.

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. This again is an 11 to 2 report of the Judiciary Committee. The bill was brought forward as the Representative from Yarmouth, Representative Buck, indicated. The one person who testified in favor of this bill was a constituent of his who did not, in fact, have a billing problem with an attorney. He had a lot of other problems with some attorneys, but one of them was not a billing problem. He came to us and provided us with a two inch loose leaf binder, which I read quite completely and documented a number of problems with attorneys who happened to be sitting on Land Use Boards who made decisions against them and felt there was a conspiracy among the legal profession to keep him from being able to expand the business use of a dwelling. It was a very complicated legal issue in which he appealed to the Law Court and lost and is unhappy with the decision. I don't know whether it was a good decision or a bad decision. The point is, it had nothing to do with billing.

The only other basis for this, we were told, is in Illinois there was a case that said under Illinois statute, the billing is not part of the Unfair Trade Practices Act. We should pass something to make sure that ours is, but there still have been no problems with billing practices presented to us. There is an existing practice that gives people a remedy over and above this court system in the State of Maine. That is the Fee Arbitration System in which the consumer can ask for a fee arbitration which is mandatory on the attorney. They don't have to do that. They can also go to court and sue the attorney if they have a dispute over their fees. Typically, if they have a dispute over their fees, they just don't pay them.

This is an unneeded bill that is not backed by any cases from Maine that support it. I would ask you to support the Ought Not to Pass report.

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. 76

YEA - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Bruno, Bryant, Bull, Bumps, Cameron, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Green, Hatch, Jabar, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Neal, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl MV, Schneider, Shiah, Shorey, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams.

NAY - Belanger, Buck, Campbell, Carr, Chick, Clough, Collins, Desmond, Foster, Gerry, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Kasprzak, MacDougall, Mack, Martin, McAlevey, McKenney, Mendros, Pinkham, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Winsor.

ABSENT - Brooks, Goodwin, Joy, Labrecque, Matthews, Muse, O'Brien, O'Neil, Plowman, Richardson E, Saxl JW, Mr. Speaker.

Yes, 101; No, 37; Absent, 12; Excused, 0.

101 having voted in the affirmative and 37 voted in the negative, with 12 being absent, 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 to Ensure Compliance with Court Orders Relating to Child Visitation"

(H.P. 1057) (L.D. 1488)

Signed:
Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

THOMPSON of Naples
BULL of Freeport
MITCHELL of Vassalboro
NORBERT of Portland
MADORE of Augusta

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

Signed:
Representatives:

LaVERDIERE of Wilton
JACOBS of Turner
PLOWMAN of Hampden
WATERHOUSE of Bridgton
SCHNEIDER of Durham

READ.

Representative THOMPSON of Naples 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 **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding Lobbying by Government Agencies and Organizations That Receive Public Funds"

(H.P. 217) (L.D. 295)

Signed:
Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

TUTTLE of Sanford
CHIZMAR of Lisbon
LABRECQUE of Gorham
MAYO of Bath
HEIDRICH of Oxford
McKENNEY of Cumberland
GAGNE of Buckfield
FISHER of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-190)** on same Bill.

Signed:
Representative:

PERKINS of Penobscot

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Vote of 2/3 of Each House of the Legislature to Enact or Include a Tax or License Fee

(H.P. 255) (L.D. 359)

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
RINES of Wiscasset
McDONOUGH of Portland
TWOMEY of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-172)** on same RESOLUTION.

Signed:
Senator:

DAVIS of Piscataquis

Representatives:

BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
RICHARDSON of Greenville

GERRY of Auburn

READ.

Representative AHEARNE of Madawaska 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 **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-171)** on Bill "An Act to Provide for Citizen Participation in the Hancock County Budget"

(H.P. 716) (L.D. 1006)

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

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

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

Signed:
Representatives:

RICHARDSON of Greenville
KASPRZAK of Newport

READ.

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

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Prohibit the Use of Hand-held Phones by Operators of Moving Motor Vehicles"

(H.P. 68) (L.D. 81)

Signed:
Senators:

CASSIDY of Washington
PARADIS of Aroostook
O'GARA of Cumberland

Representatives:

FISHER of Brewer
COLLINS of Wells
SANBORN of Alton
CAMERON of Rumford
WHEELER of Eliot
LINDAHL of Northport
JABAR of Waterville
SAVAGE of Union
WHEELER of Bridgewater

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-179)** on same Bill.

Signed:
Representative:

BOUFFARD of Lewiston

READ.

Representative JABAR of Waterville 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 **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Increase Sanctions for Passing School Buses that Have Red Lights Flashing"

(H.P. 634) (L.D. 884)

Signed:
Senators:

O'GARA of Cumberland
CASSIDY of Washington
PARADIS of Aroostook

Representatives:

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

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

Signed:
Representative:

CAMERON of Rumford

READ.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Amend the Seat Belt Law Regarding the Enforcement of Penalties"

(H.P. 869) (L.D. 1226)

Signed:
Senators:

O'GARA of Cumberland
PARADIS of Aroostook

Representatives:

FISHER of Brewer
COLLINS of Wells
SANBORN of Alton
CAMERON of Rumford
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-175)** on same Bill.

Signed:
Senator:

CASSIDY of Washington

Representative:

WHEELER of Bridgewater

READ.

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

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. I got a note saying that I believe this was not going to be run right now so I didn't have my handout passed out. I have a couple of handouts if I may have those sent around.

On motion of Representative SAXL of Portland, **TABLED** pending the motion of Representative JABAR of Waterville to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 329) (L.D. 983) Bill "An Act to Amend the Centers for Innovation Program" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-62)**

(S.P. 342) (L.D. 996) Bill "An Act to Strengthen the Criminal Justice Response to Domestic Violence" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-61)**

(S.P. 524) (L.D. 1558) Resolve, to Provide Incentives for School Breakfast Programs in Maine Public Schools Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-64)**

(H.P. 950) (L.D. 1347) Bill "An Act Addressing an Allegation of Prior Conviction When the Sentence Is Enhanced" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 1065) (L.D. 1496) Bill "An Act to Amend the Charter of the Kennebunk Sewer District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 1160) (L.D. 1671) Bill "An Act to Broaden Victim Notification of Release of Defendant Placed in Institutional Confinement Following a Verdict of Not Criminally Responsible by Reason of Insanity" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 56) (L.D. 70) Bill "An Act to Enact the Railroad Trespass Prevention Act" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-199)**

(H.P. 130) (L.D. 161) Bill "An Act to Establish a Lead Abatement Revolving Loan Fund and a Tax Credit for Day Care Facilities for Expenditures Required to Comply with the Lead Poisoning Control Act" (EMERGENCY) Committee on

TAXATION reporting **Ought to Pass as Amended by Committee Amendment "A" (H-202)**

(H.P. 171) (L.D. 249) Bill "An Act to Give Citizens 70 Years of Age and Older Free Bear and Duck Hunters Stamps" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-191)**

(H.P. 195) (L.D. 273) Bill "An Act to Require New and Reconstructed Bridges to Provide for Safe Recreational Use" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-198)**

(H.P. 538) (L.D. 745) Bill "An Act to Amend the Licensing Provisions Under the Propane and Natural Gas Act" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-201)**

(H.P. 1012) (L.D. 1423) Bill "An Act to Revise the Staffing and Resources of the Office of Public Advocate" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-196)**

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. 512) (L.D. 1513) Bill "An Act to Clarify the Definition of 'Area of Operation' for Municipal Housing Authorities"

(S.P. 540) (L.D. 1602) Bill "An Act to Expand Term Limits of Maine Employers' Mutual Insurance Company Directors"

(S.P. 18) (L.D. 3) Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (C. "A" S-53)

(S.P. 45) (L.D. 116) Bill "An Act to Protect Consumers in Real Estate Mortgage Transactions" (C. "A" S-59)

(S.P. 228) (L.D. 650) Bill "An Act to Amend the Crime of Theft by Deception to Include False Impressions as to Identity" (C. "A" S-60)

(S.P. 401) (L.D. 1192) Bill "An Act to Update Insurance Financial Standards" (C. "A" S-54)

(H.P. 929) (L.D. 1306) Bill "An Act to Require Legislative Review of Motor Vehicle Fuel Standards" (EMERGENCY)

(H.P. 162) (L.D. 224) Bill "An Act to Prohibit the Taking of Another Person's Legal Identification" (C. "A" H-183)

(H.P. 298) (L.D. 406) Resolve, Regarding Legislative Review of Chapter 125: Health Care Information that Directly Identifies an Individual, Major Substantive Rules of the Maine Health Data Organization (EMERGENCY) (C. "A" H-170)

(H.P. 406) (L.D. 548) Bill "An Act to Appropriate Funds for Conservation at the Local Level" (C. "A" H-173)

(H.P. 410) (L.D. 552) Bill "An Act to Change the Minimum Time for Issuing a Temporary Registered Gross Weight Increase from 2 Months to One Month" (C. "A" H-178)

(H.P. 531) (L.D. 738) Bill "An Act to Revise Maine's Trespass Laws" (C. "A" H-181)

(H.P. 553) (L.D. 774) Bill "An Act to Make Moving a Mobile Home with Unpaid Taxes Subject to a \$250 Forfeiture" (C. "A" H-177)

(H.P. 572) (L.D. 812) Bill "An Act to Allow the State Police to Accept Revenue for Providing Services to Municipalities and Counties" (C. "A" H-180)

(H.P. 641) (L.D. 891) Bill "An Act to Establish Thresholds for Delegated Purchasing Authorities and Requirements for Competitive Bidding" (C. "A" H-187)

(H.P. 776) (L.D. 1099) Bill "An Act to Exempt the Requirement that All Municipal Taxes Be Paid in Advance of Moving a Mobile Home" (C. "A" H-176)

(H.P. 899) (L.D. 1256) Resolve, to Establish a Task Force to Study the Operation of and Support for the Board of Environmental Protection (C. "A" H-169)

(H.P. 956) (L.D. 1354) Bill "An Act to Amend the Law Regarding Conflict of Interest" (C. "A" H-186)

(H.P. 984) (L.D. 1382) Bill "An Act to Require That Both the Northern Maine Regional Juvenile Detention Facility and the Maine Youth Center Receive Detainees" (C. "A" H-182)

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.

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Include a Denturist on the Board of Dental Examiners"

(S.P. 163) (L.D. 483)

(H. "A" H-163 to C. "A" S-58)

House As Amended

Bill "An Act to Eliminate the Lodging Tax on Long-term Rentals"

(H.P. 892) (L.D. 1249)

(C. "A" H-168)

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

Senate As Amended

Bill "An Act to Amend the Provisions Relating to Executive Sessions in Connection with the Transaction of Public or Government Business"

(S.P. 94) (L.D. 233)

(S. "A" S-65 to C. "A" S-55)

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

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

ENACTORS

Emergency Measure

An Act Relating to Transfer of Ownership of Dams

(H.P. 373) (L.D. 498)

(C. "A" H-106)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Pulling Event Laws

(H.P. 623) (L.D. 863)
(C. "A" H-110)

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

Emergency Measure

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

(S.P. 316) (L.D. 950)
(C. "A" S-41)

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

Emergency Measure

An Act to Amend the Enhanced 9-1-1 Laws

(S.P. 419) (L.D. 1208)
(C. "A" S-47)

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

Emergency Measure

An Act to Amend the Charter of the Tenants Harbor Standard Water District

(S.P. 428) (L.D. 1265)
(C. "A" S-46)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 64: Maine School Facilities Finance Program and School Revolving

Renovation Fund, a Major Substantive Rule of the Department of Education

(H.P. 469) (L.D. 632)
(C. "A" H-107)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Preserve the Temporary Assistance to Needy Families Block Grant Funds Reserved for Future Use

(S.P. 396) (L.D. 1187)
(C. "A" S-40)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Resolve Pursuant to the Constitution
Public Land**

Resolve, 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

(H.P. 1045) (L.D. 1467)
(C. "A" H-109)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provision of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Appropriate \$50,000 for the Muskie Memorial Committee in Rumford

(S.P. 35) (L.D. 45)

An Act Regarding Commercial Beano Halls

(H.P. 57) (L.D. 71)
(C. "A" H-126)

An Act to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to State Earned Income Credit

(H.P. 90) (L.D. 103)
(C. "A" H-119)

An Act to Amend the Charter of the Department of Electric Works Within the Town of Madison

(H.P. 229) (L.D. 333)
(C. "A" H-114)

An Act to Amend the Membership of the State Board of Funeral Service

(H.P. 305) (L.D. 421)
(C. "A" H-118)

An Act to Excuse Elections Staff from Jury Duty When Needed to Perform Election Functions

LEGISLATIVE RECORD - HOUSE, April 13, 1999

- | | |
|---|---|
| <p>(H.P. 325) (L.D. 441)
(C. "A" H-103)
An Act to Fund Maine Agricultural Education Programs
(H.P. 407) (L.D. 549)
An Act to Amend the Laws Pertaining to Conveyance and Reservation of Real Estate
(H.P. 426) (L.D. 568)
(C. "A" H-101)
An Act to Ameliorate Penalties for Late Filing of Municipal Tax Returns
(S.P. 198) (L.D. 587)
(C. "A" S-49)
An Act to Establish the Chesuncook Soil Series as the Official State Soil and to Remove Enhanced Protection Status from State Symbols
(S.P. 203) (L.D. 592)
(H. "C" H-165 to C. "A" S-29)
An Act to Allow Certain Companies' Operations that Started in 1996 to Qualify for Employment Tax Increment Financing Treatment
(S.P. 208) (L.D. 597)
(C. "A" S-50)
An Act to Increase the Penalty for Failure to Yield the Right-of-way to a Visually Impaired Pedestrian
(S.P. 233) (L.D. 655)
(C. "A" S-51)
An Act to Fund Public School Alliances
(H.P. 474) (L.D. 681)
(C. "A" H-95)
An Act to Increase the Number of Elm Trees in the State
(H.P. 487) (L.D. 694)
(C. "A" H-94)
An Act to Amend the Law Relating to School Construction and School Facilities
(H.P. 509) (L.D. 716)
(C. "A" H-108)
An Act to Establish a Marine Recreation Fishing Conservation and Management Fund and a Marine Recreational Fishing Advisory Council
(H.P. 516) (L.D. 723)
(C. "A" H-116)
An Act to Make the Laws Governing State Ambient Air Quality for Ozone and Particulate Matter Consistent with Federal Requirements
(H.P. 549) (L.D. 770)
(C. "A" H-105)
An Act to Clarify the Law Regarding the Payment of the Application Fee for a Motorcycle Dealer License
(H.P. 580) (L.D. 820)
(C. "A" H-123)
An Act to Remove Certain Records Concerning Minors From the Definition of "Public Records"
(S.P. 301) (L.D. 874)
(C. "A" S-39)
An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements
(H.P. 651) (L.D. 901)
(C. "A" H-115)
An Act to Clarify Certain Liens
(S.P. 313) (L.D. 947)
(C. "A" S-38)
An Act to Require Motor Vehicles to Stop for All Pedestrians in a Marked Crosswalk</p> | <p>(H.P. 742) (L.D. 1032)
(C. "A" H-124)
An Act to Prevent Minors from Acquiring Beer-making or Wine-making Equipment
(S.P. 376) (L.D. 1077)
An Act to Amend the Site Evaluator Licensing Laws
(H.P. 853) (L.D. 1210)
(C. "A" H-102)
An Act to Increase Payments to Foster Parents
(H.P. 871) (L.D. 1228)
(C. "A" H-131)
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)
(S. "A" S-63)
An Act to Amend Agency Disclosure within the Real Estate Brokerage Laws
(H.P. 1028) (L.D. 1450)
An Act to Increase the Contingency Reserve Fund Percentage for Consumer-owned Electric Utilities
(S.P. 496) (L.D. 1481)
An Act to Amend and Improve the Education Laws
(S.P. 508) (L.D. 1509)
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.</p> <hr/> <p style="text-align: center;">Resolves</p> <p>Resolve, to Increase Public Trust in Medical Care
(H.P. 722) (L.D. 1012)
(C. "A" H-93)
Reported by the Committee on Engrossed Bills as truly and strictly engrossed, FINALLY PASSED, signed by the Speaker and sent to the Senate.</p> <hr/> <p>An Act to Clarify the Law Regarding Executive Sessions of Public Bodies
(H.P. 321) (L.D. 437)
(C. "A" H-104)
Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.
On motion of Representative SAXL of Portland, was SET ASIDE.
On further motion of the same Representative, TABLED pending PASSAGE TO BE ENACTED and later today assigned.</p> <hr/> <p>An Act to Change the Tax Treatment of Truck Campers
(H.P. 767) (L.D. 1090)
(C. "A" H-120)
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.</p> <hr/> <p>An Act to Amend the Qualifications for Participation in the High School Aspirations Incentives Program
(H.P. 762) (L.D. 1085)
(C. "A" H-86)</p> |
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Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative SAXL of Portland, was **SET ASIDE**.

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

An Act to Amend Law Enforcement Powers of Maine Forest Rangers

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

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

On motion of Representative SAXL of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and specially assigned for Wednesday, April 14, 1999.

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

ORDERS

On motion of Representative TRAHAN of Waldoboro, the following House Order: (H.O. 22)

House Order Propounding Questions
to the Justices of the Supreme Judicial Court

WHEREAS, it appears to the House of Representatives of the 119th Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on these questions; and

WHEREAS, there is now before the 119th Legislature for its consideration Senate Paper 397, Legislative Document 1188, "An Act to Amend Law Enforcement Powers of Maine Forest Rangers"; and

WHEREAS, if Legislative Document 1188 becomes law, there may be serious questions regarding its constitutionality and effect; and

WHEREAS, it is important that the Legislature be informed as to the questions raised in this Order; now, therefore, be it

ORDERED, that, in accordance with the provisions of the Constitution of Maine, the House respectfully requests the Justices of the Supreme Judicial Court to give the House their opinion on the following questions of law:

Question No. 1. If Legislative Document 1188 becomes law, do the provisions of that document violate the Declaration of Rights provision of the Constitution of Maine, Article I, Section 1, particularly when construed in conjunction with the provisions of the Maine Revised Statutes, Title 12, section 8869, subsection 11 regarding rights of access to land provided to agents of the Department of Conservation, Bureau of Forestry?

Question No. 2. If Legislative Document 1188 becomes law, do the provisions of that document violate the doctrine of unreasonable searches and seizures under the Constitution of Maine, Article I, Section 5, particularly when construed in conjunction with the provisions of the Maine Revised Statutes, Title 12, section 8869, subsection 11 regarding rights of access to land provided to agents of the Department of Conservation, Bureau of Forestry?

Question No. 3. If Legislative Document 1188 becomes law, do the provisions of that document violate the unreasonable searches and seizures provisions of the Fourth and Fourteenth Amendments to the United States Constitution, particularly when construed in conjunction with the provisions of the Maine Revised Statutes, Title 12, section 8869, subsection 11 regarding rights of access to land provided to agents of the Department of Conservation, Bureau of Forestry?

READ.

On motion of Representative TRAHAN of Waldoboro, **TABLED** pending **PASSAGE** and specially assigned for Wednesday, April 14, 1999.

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

SENATE PAPERS

Bill "An Act to Reestablish the Maine Meat Inspection Act"
(S.P. 780) (L.D. 2190)

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

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

Bill "An Act to Establish the Maine Tobacco Endowment Fund Using Tobacco Settlement Funds"

(S.P. 782) (L.D. 2191)

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

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

On motion of Representative SAXL of Portland, **TABLED** pending **REFERENCE** in concurrence and specially assigned for Wednesday, April 14, 1999.

Bill "An Act to Require the Spouse of a Member of the Maine State Retirement System to Receive the Member's Death Benefits"

(S.P. 778) (L.D. 2177)

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

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

Bill "An Act to Prohibit State Government from Using Automated Telephone Answering Equipment During Business Hours" (EMERGENCY)

(S.P. 777) (L.D. 2176)

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

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

Bill "An Act to Amend the Maine Residents Property Tax Program" (EMERGENCY)

(S.P. 776) (L.D. 2175)

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

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

Bill "An Act Regarding Doing Business with Burma"

(S.P. 783) (L.D. 2194)

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

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

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

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

At this point, pursuant to his authority under House Rule 401.1, the Chair assigned Representative HATCH of Skowhegan to Seat 99.

On motion of Representative McGLOCKLIN of Embden, the House adjourned at 1:15 p.m., until 9:00 a.m., Wednesday, April 14, 1999.