

# 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  
39th Legislative Day  
Monday, April 26, 1999

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

Prayer by Reverend Albert R. Phillips, United Baptist Church, Ocean Park (Pastor Emeritus).

Pledge of Allegiance.

The Journal of Thursday, April 15, 1999 was read and approved.

**SENATE PAPERS**

**Non-Concurrent Matter**

JOINT ORDER - Relative to the Joint Standing Committee on Health and Human Services reporting out to the House legislation on long-term care

(H.P. 1539)

**READ** and **PASSED** in the House on April 13, 1999.

Came from the Senate **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-100)** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act to Increase the Property Tax Exemptions for a Parsonage"

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

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140)** in the House on April 8, 1999.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **ADHERE**.

**COMMUNICATIONS**

The Following Communication: (H.P. 1552)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333**

April 16, 1999

G. Steven Rowe  
Speaker of the House  
119th Legislature  
Mark W. Lawrence  
President of the Senate  
119th Legislature

Dear Mr. Speaker and Mr. President:

On April 16, 1999, four bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 16, 1999, as follows:

**Inland Fisheries and Wildlife**

Bill "An Act to Implement an Atlantic Salmon Conservation Plan" (H.P. 1549) (L.D. 2206) (Presented by Representative DUGAY of Cherryfield) (Cosponsored by Representatives:

AHEARNE of Madawaska, DUNLAP of Old Town, GILLIS of Danforth, GOODWIN of Pembroke, NORBERT of Portland, SHOREY of Calais, WHEELER of Eliot)

**Taxation**

Bill "An Act to Eliminate the Personal Property Tax and Make Other Changes in the Tax Laws" (H.P. 1550) (L.D. 2207) (Presented by Representative GAGNON of Waterville) (Cosponsored by Representative LEMOINE of Old Orchard Beach) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

**Transportation**

Bill "An Act to Require Legislative Approval of the Automation of 2 Drawbridges between Kittery and Portsmouth, New Hampshire" (H.P. 1548) (L.D. 2205) (Presented by Representative WHEELER of Eliot) (Cosponsored by President LAWRENCE of York and Representatives: ANDREWS of York, LEMONT of Kittery, TUTTLE of Sanford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Bill "An Act to Remove Restrictions on Changeable Signs" (H.P. 1551) (L.D. 2208) (Presented by Representative MacDOUGALL of North Berwick) (Cosponsored by Senator MacKINNON of York and Representatives: BOWLES of Sanford, MACK of Standish, MENDROS of Lewiston, O'NEAL of Limestone, O'NEIL of Saco, RICHARDSON of Brunswick, Senators: NUTTING of Androscoggin, PENDLETON of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

Sincerely,  
S/Joseph W. Mayo  
Clerk of the House  
S/Joy J. O'Brien  
Secretary of the Senate

**READ** and **ORDERED PLACED ON FILE**.

Sent for concurrence.

The Following Communication: (H.P. 1556)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333**

April 20, 1999

G. Steven Rowe  
Speaker of the House  
119th Legislature  
Mark W. Lawrence  
President of the Senate  
119th Legislature

Dear Mr. Speaker and Mr. President:

On April 20, 1999, three bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 20, 1999, as follows:

**Appropriations and Financial Affairs**

Bill "An Act to Encourage Expanded Use of Maine's Port Facilities" (H.P. 1553) (L.D. 2210) (Presented by Representative BROOKS of Winterport) (Cosponsored by Senator MILLS of Somerset and Representatives: JACOBS of Turner, RICHARDSON of Brunswick, ROSEN of Bucksport, SNOWE-MELLO of Poland, TREADWELL of Carmel, Senators: BERUBE of Androscoggin, CATHCART of Penobscot, PARADIS of

Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205)

**Health and Human Services**

Bill "An Act to Revise Laws Regarding Persons with Mental Retardation" (H.P. 1555) (L.D. 2212) (Presented by Representative KANE of Saco) (Cosponsored by Senator RAND of Cumberland and Representatives: BERRY of Livermore, POWERS of Rockport, Senator: HARRIMAN of Cumberland.

Submitted by the Department of Mental Health, Mental Retardation and Substance Abuse Services pursuant to Joint Rule 204)

**Taxation**

Resolve, to Modify the State Valuation for the Sappi Plant in the City of Westbrook (EMERGENCY) (H.P. 1554) (L.D. 2211) (Presented by Representative USHER of Westbrook) (Cosponsored by Senator O'GARA of Cumberland and Representatives: BRYANT of Dixfield, DUPLESSIE of Westbrook, Senator: LIBBY of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205)

Sincerely,

S/Joseph W. Mayo

Clerk of the House

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

Sent for concurrence.

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The Following Communication: (H.P. 1562)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333**

April 21, 1999

G. Steven Rowe

Speaker of the House

119th Legislature

Mark W. Lawrence

President of the Senate

119th Legislature

Dear Mr. Speaker and Mr. President:

On April 21, 1999, two bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on April 21, 1999, as follows:

**Business and Economic Development**

Bill "An Act to Create and Regulate the Profession of Legal Document Technician" (H.P. 1557) (L.D. 2213) (Presented by Representative STEDMAN of Hartland)

**Criminal Justice**

Bill "An Act to Reinstate the Death Penalty" (H.P. 1558) (L.D. 2214) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Senator CAREY of Kennebec and Representatives: ANDREWS of York, KASPRZAK of Newport, MacDOUGALL of North Berwick, MACK of Standish, SNOWMELLO of Poland, WATERHOUSE of Bridgton.)

Sincerely,

S/Joseph W. Mayo

Clerk of the House

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

Sent for concurrence.

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The Following Communication: (H.C. 146)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

April 16, 1999

Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk Mayo:

Pursuant to my authority under House Rule 201.1(l), I have appointed Representative Lillian LaFontaine O'Brien of Lewiston to the Joint Standing Committee on Legal and Veterans Affairs, replacing Representative David C. Shiah of Bowdoinham.

Sincerely,

S/G. Steven Rowe

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 147)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

April 12, 1999

Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Pursuant to my authority under 3 MRSA, §231, I am appointing Representative David Madore of Augusta to the New England and Eastern Canada Legislative Commission.

Sincerely,

S/G. Steven Rowe

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 148)

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

DATE:

April 20, 1999

TO:

Members of the 119th Maine Legislature

James Clair, Director,

Office of Fiscal and Program Review

FROM:

S/John R. Nicholas, State Budget Officer

Public Law 1995, Chapter 591 requires each department and agency to submit to the Bureau of the Budget a list of any new laws, regulations or other requirements of the Federal Government that may require the State of Maine to comply with a new Federal mandate in FY99 or in the FY98-99 biennium. (New is defined as being any mandate for which the implementation date is September 30, 1998 or later).

We are pleased to disclose that no new mandates were reported.

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 189)

**THE SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

April 15, 1999

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Minority Ought Not to Pass Report from the Committee on Legal and Veterans Affairs on Bill "An Act Relating to the Registration Requirements of the Military Selective Service Act," H.P. 168 L.D. 230 was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 190)

**THE SENATE OF MAINE  
OFFICE OF THE SECRETARY  
3 STATE HOUSE STATION  
AUGUSTA, MAINE 04333**

April 15, 1999

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that the Senate has Insisted to its previous action and Joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Create a Senior Lobster and Crab Fishing License" (H.P. 1006) (L.D. 1417)

The President has appointed as conferees on the part of the Senate the following:

Senator Marge L. Kilkelly of Lincoln

Senator Peggy Pendleton of Cumberland

Senator Bruce W. MacKinnon of York

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**ORDERS**

On motion of Representative PEAVEY of Woolwich, the following Joint Resolution: (H.P. 1559) (Under suspension of the rules, cosponsored by Senator MURRAY of Penobscot and Representatives: CHIZMAR of Lisbon, FRECHETTE of Biddeford, McALEVEY of Waterboro, MUSE of South Portland, O'BRIEN of Augusta, POVICH of Ellsworth, QUINT of Portland, SHERMAN of Hodgdon, TOBIN of Dexter, Senators: DAVIS of Piscataquis, O'GARA of Cumberland)

**JOINT RESOLUTION COMMEMORATING 1999 NATIONAL  
CRIME VICTIMS' RIGHTS WEEK**

WHEREAS, until recently, victims of crime received limited services for support and assistance and there were few laws on both federal and state levels regarding victims' rights; and

WHEREAS, this oversight has been remedied in the courts, in state houses and in communities where voices of victims are heard and valued for the vision of justice they provide; and

WHEREAS, there are now over 10,000 organizations nationwide that provide services and assistance to victims of crime and over 30,000 laws have been passed at the federal and state levels that define and protect victims' rights; and

WHEREAS, 32 states have constitutional amendments that offer a range of participatory rights for victims that results in public policy and increased services that support victims and communities that are hurt by crime; and

WHEREAS, Governor Angus King has proclaimed that April 25, 1999 to May 1, 1999 is Crime Victims' Rights in Maine Week, which corresponds to the National Crime Victims' Rights Week; and

WHEREAS, the theme of this designated week is "Victims' Voices: Silent No More" to remind us of the personal suffering caused by crime; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the First Regular Session, recognize victims of crime and those who serve them; and be it further

RESOLVED: That we encourage people throughout the State to salute the many efforts of crime victims and their advocates to make our communities safer and better places to live; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Corrections.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative PEAVEY: Mr. Speaker, Men and Women of the House. Over the past few years the Legislature has spent a great deal of time and energy on prison reform and the need for both adult and juvenile offender rehabilitation. Victims Rights Week is a time to remind us that for every offender there is a victim. When the Criminal Justice Committee was established during the 11<sup>th</sup> Legislature, one of our prime goals was to begin the process of making victims an intricate part of our criminal justice system. We wrote a chapter of victims rights statute right into our criminal code. During the 118<sup>th</sup> Legislature we worked with the Department of Corrections and victim witness advocates to put together a pamphlet that clearly describes victims rights. These pamphlets are printed by the Department of Corrections and are available through victim witness advocates in every district attorneys offices. Victims never ever plan on being a victim. There is no way to be prepared. Having some rights and being given those rights in writing in this pamphlet is one small way that a victim can begin to regain a sense of control over their devastating situation. It would be great if you could all take a time during this week to call up your district attorney or assistant district attorney or better yet, both, and tell them how important you think victims rights are and how important it is to get this pamphlet into the hands of every victim. The Department of Corrections also has a victims services coordinator if you have any victims call you

asking for help. That is a place you can turn to help them. I know the victims in your community will appreciate your help and concern.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MC ALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to take a moment to recognize and thank Representative Peavey from Woolwich, Representative Povich from Ellsworth and the many, many other legislators in this body that have made victims rights an issue and have become strong advocates. I think that their work in this field promoting these issues needs to be recognized and commended. Thank you.

**ADOPTED.**

Sent for concurrence.

On motion of Representative DAVIDSON of Brunswick, the following Joint Order: (H.P. 1560)

WHEREAS, the Legislature finds that it is important to the economic well-being of Maine citizens to examine the extent of existing regulation of telemarketing and to consider appropriate measures to combat telemarketing fraud; and

WHEREAS, the Department of the Attorney General is conducting a study of existing state laws and rules and federal laws and regulations that regulate telemarketing and will be reporting its findings and recommendations by December 31, 1999; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Utilities and Energy is authorized to report out to the House of Representatives in the Second Regular Session of the 119th Legislature legislation relating to telemarketing fraud.

**READ and PASSED.**

Sent for concurrence.

On motion of Representative PIEH of Bremen, the following Joint Order: (H.P. 1561)

ORDERED, the Senate concurring, that the Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to report out legislation to the House in the Second Regular Session of the 119th Legislature concerning the arming of forest rangers.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. The reason I have presented this order is that we have confusion in the Department of Conservation and in the Legislature about arming of rangers. Two years ago there was a debate in both houses and it was passed to arm forest rangers and subsequently died on the Appropriations Table. Some of us thought it was the end of it. However, what happened subsequently was that the commissioner of the Department of Conservation was directed by the Agriculture, Conservation and Forestry Committee to continue to proceed toward arming rangers as funds were available in savings. This has caused a lot of confusion on our parts. We need to take a look at this and clarify it. It is an emotional issue for people. It is not a partisan issue. Some people feel very strongly that rangers should be armed. Some people feel very strongly they shouldn't. I think what has become clear is that we, as legislators, need to take a

look at it and make a decision whether they should be armed or not. That is the basis of this order. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. I support the passage of the order. As you may or may not know after the Legislature killed that bill last year the department chose to spend \$50,000 to buy this assuming that at some point they would get the power from someone or somewhere to then proceed to buy the rifles and the guns and whatever else. My position with the Forest Service is they ought to be buying hoses and not guns. I certainly hope that somehow we can figure out a way before this session is over to turn the \$50,000 that they have used to buy bullet proof vests back to the forest fire control portion of the budget where it properly belongs.

**PASSED.**

Sent for concurrence.

### SPECIAL SENTIMENT CALENDAR

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

#### In Memory of:

Jacob J. Immonen, of West Paris, beloved husband of Barbara Immonen, a member of the State Legislature from 1967-1980 and an active member of the Republican Party. Mr. Immonen served on the local school board, the Chamber of Commerce and the West Paris Board of Selectmen. He was also active as a member of the American Legion, Granite Lodge, A.F. & A.M., of West Paris and the West Paris Historical Society. Mr. Immonen will be greatly missed by his family, friends and his community;

(HLS 282)

Presented by Representative WINSOR of Norway.

Cosponsored by Senator BENNETT of Oxford.

On **OBJECTION** of Representative WINSOR of Norway, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. I would like to pause for just a moment to recognize Jacob J. Immonen for his lifetime of service to his community, his state and his nation. He was 91 when he passed away last week. I consider Jake to be my friend. I am sure that all people who knew him did as well. He was a member of this body serving seven terms between 1966 and 1980. He represented the Town of West Paris. He had a full and complete life and he leaves a loving wife and two children. For me, he left an example of a modest, quiet, caring and concerned public servant who always worked for and found good in all people. It is an example for each of us to emulate. Mr. Speaker, when we adjourn today, I request that we do so in memory of the honorable Jacob J. Immonen of West Paris. Thank you.

**ADOPTED** and sent for concurrence.

### REPORTS OF COMMITTEE Change of Committee

Representative KANE from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Access to Prescription Drugs for the Elderly"

(H.P. 1347) (L.D. 1947)

Reporting that it be **REFERRED** to the Committee on **BANKING AND INSURANCE**.

Report was **READ** and **ACCEPTED**.

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

**Ought to Pass As Amended**

Report of the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Improve the Collection of Restitution"

(S.P. 268) (L.D. 761)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (S-67)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-67) AS AMENDED BY SENATE AMENDMENT "A" (S-86)** thereto.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **COMMITTEE AMENDMENT "A" (S-67) READ** by the Clerk. **SENATE AMENDMENT "A" (S-86) TO COMMITTEE AMENDMENT "A" (S-67) READ** by the Clerk and **ADOPTED**. **COMMITTEE AMENDMENT "A" (S-67) AS AMENDED BY SENATE AMENDMENT "A" (S-86) thereto ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

**Ought to Pass Pursuant to Joint Order (H.P. 1501)**

Representative KANE from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Implement the Recommendations of the Commission on Eating Disorders"

(H.P. 1563) (L.D. 2215)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1501).

Report was **READ** and **ACCEPTED**.

The Bill **READ ONCE** and **TOMORROW ASSIGNED FOR SECOND READING**.

**Divided Report**

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-95)** on Bill "An Act to Recodify the Auctioneers Licensing Law"

(S.P. 321) (L.D. 955)

Signed:  
Senators:

KONTOS of Cumberland  
LONGLEY of Waldo  
MacKINNON of York

Representatives:

O'NEAL of Limestone  
SIROIS of Caribou  
TRIPP of Topsham  
USHER of Westbrook  
MARVIN of Cape Elizabeth  
BOWLES of Sanford  
CLOUGH of Scarborough

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

Signed:

Representatives:

MENDROS of Lewiston  
SHOREY of Calais

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-95)**.

**READ.**

On motion of Representative O'NEAL of Limestone, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-95)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, April 27, 1999.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Exempt Food and Lodging Property from the Business Equipment Tax Reimbursement Program"

(S.P. 80) (L.D. 183)

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:

GAGNON of Waterville  
GREEN of Monmouth  
DAVIDSON of Brunswick  
COLWELL of Gardiner  
STANLEY of Medway  
LEMOINE of Old Orchard Beach  
LEMONT of Kittery  
MURPHY of Berwick  
BUCK of Yarmouth  
CIANCHETTE of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-81)** on same Bill.

Signed:

Senator:

MILLS of Somerset

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

**READ.**

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Eliminate the Sales Tax on Textbooks"

(S.P. 90) (L.D. 193)

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:

GAGNON of Waterville  
GREEN of Monmouth

DAVIDSON of Brunswick  
 COLWELL of Gardiner  
 STANLEY of Medway  
 LEMOINE of Old Orchard Beach  
 LEMONT of Kittery  
 MURPHY of Berwick  
 BUCK of Yarmouth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-79)** on same Bill.

Signed:  
 Senator:

MILLS of Somerset

Representative:

CIANCHETTE of South Portland

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

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act Regarding the Taxation of Natural Gas in a Gas Pipeline"

(S.P. 159) (L.D. 479)

Signed:  
 Senators:

RUHLIN of Penobscot  
 DAGGETT of Kennebec  
 MILLS of Somerset

Representatives:

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

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

Signed:  
 Representative:

GREEN of Monmouth

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Establish Recall Provisions for Elected County and Municipal Officials"

(H.P. 394) (L.D. 525)

Signed:  
 Senators:

PENDLETON of Cumberland

GOLDTHWAIT of Hancock  
 DAVIS of Piscataquis

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-223)** on same Bill.

Signed:  
 Representative:

GERRY of Auburn

**READ.**

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

Representative GERRY of Auburn **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. 83**

YEA - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Glynn, Green, Hatch, Heidrich, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McAlevy, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl MV, Schneider, Shiah, Shorey, Sirois, Stanley, Stanwood, Stedman, Stevens, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Treadwell, Tripp, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Belanger, Collins, Foster, Gerry, Gillis, Goodwin, Gooley, Honey, Labrecque, MacDougall, Mack, McNeil, Mendros, Pinkham, Sherman, Shields, Snowe-Mello, Tracy, Trahan, True.

ABSENT - Bolduc, Colwell, Cross, Frechette, Jabar, Marvin, Muse, Povich, Sanborn, Saxl JW, Skoglund, Tessier, Tuttle, Watson.

Yes, 117; No, 20; Absent, 14; Excused, 0.

117 having voted in the affirmative and 20 voted in the negative, with 14 being absent, 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 to Pass as Amended by Committee Amendment "A" (H-222)** on Bill "An Act Regarding Notification to Parties Affected by Marine Construction" (H.P. 969) (L.D. 1367)

Signed:  
Senators:

PENDLETON of Cumberland  
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska  
BAGLEY of Machias  
RINES of Wiscasset  
McDONOUGH of Portland  
BUMPS of China  
GERRY of Auburn

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

Signed:  
Senator:

DAVIS of Piscataquis

Representatives:

TWOMEY of Biddeford  
JODREY of Bethel  
RICHARDSON of Greenville

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-222)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, April 27, 1999.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-218)** on Bill "An Act to Restore Municipal Revenue Sharing" (H.P. 701) (L.D. 968)

Signed:  
Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:

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

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

Signed:  
Senator:

MILLS of Somerset

Representative:

BUCK of Yarmouth

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-218)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, April 27, 1999.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 127) (L.D. 324) Bill "An Act to Allow Assistants to Physicians to Perform Certain Tasks outside the Direct Supervision of the Physicians" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 255) (L.D. 689) Bill "An Act Concerning Municipal Public Library Trust Funds" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-93)**

(S.P. 429) (L.D. 1266) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Promote Historic and Scenic Preservation Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-96)**

(H.P. 529) (L.D. 736) Bill "An Act to Further Discourage the Field Theft of Wild Blueberries" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 1058) (L.D. 1489) Bill "An Act Regarding the Operation of a Motorized or Electric Bicycle on a Public Way" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 1161) (L.D. 1672) Bill "An Act Concerning Service Relating to the Disclosure of Financial Records" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

(H.P. 1362) (L.D. 1960) Bill "An Act to Change the Names of Divisions within the Bureau of Forestry to More Accurately Reflect the Roles and Duties of Those Divisions" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 192) (L.D. 270) Bill "An Act to Create the Washington County Electricity Agency" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-226)**

(H.P. 258) (L.D. 362) Bill "An Act to Allow Municipalities to Set Speed Limits and Determine Whether Passing Is Advisable on State Roads" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-236)**

(H.P. 328) (L.D. 444) Bill "An Act to Permit Senior Citizens to Remain in Their Homes by Providing Funds for Necessary Modifications" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-244)**

(H.P. 396) (L.D. 527) Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2000" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-237)**

(H.P. 501) (L.D. 708) Bill "An Act to Provide Educational Opportunities for Persons Who Resided in Foster Care as Children" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-231)**

(H.P. 636) (L.D. 886) Bill "An Act to Establish Lobster Hatcheries" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-248)**

(H.P. 685) (L.D. 941) Bill "An Act to Require That Certified Public Accounting and Public Accounting Firms Have a Majority of Their Owners Hold Certificates" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-234)**

(H.P. 692) (L.D. 959) Bill "An Act to Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-229)**

(H.P. 917) (L.D. 1295) Bill "An Act Regarding Continuing Education for Professional Land Surveyors" (EMERGENCY) Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-232)**

(H.P. 948) (L.D. 1345) Bill "An Act to Allow Student License Holders to Become Eligible for Commercial Lobster and Crab Fishing Licenses" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-249)**

(H.P. 993) (L.D. 1391) Bill "An Act to Amend the Charter of the Dover-Foxcroft Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-242)**

(H.P. 1007) (L.D. 1418) Bill "An Act Concerning Blueberry Growing Practices" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-228)**

(H.P. 1018) (L.D. 1429) Bill "An Act to Add Members to the Maine Turnpike Authority" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-238)**

(H.P. 1023) (L.D. 1434) Bill "An Act to Make Minor Corrections to the Laws Governing Consumer Credit and Collection" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-245)**

(H.P. 1110) (L.D. 1569) Bill "An Act to Amend the Charter of the Veazie Sewer District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-227)**

(H.P. 1139) (L.D. 1624) Bill "An Act to Amend the Lobster Trap Escape Vent Laws" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-247)**

(H.P. 1173) (L.D. 1684) Resolve, Regarding Legislative Review of Chapter 306: Uniform Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-243)**

(H.P. 1179) (L.D. 1690) Bill "An Act Regulating the Transportation of People and Dogs in Pickup Trucks" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-239)**

(H.P. 1210) (L.D. 1739) Bill "An Act Relating to New and Used Car Document Fees" Committee on **TRANSPORTATION**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-240)**

(H.P. 1233) (L.D. 1762) Bill "An Act to Clarify the Law Concerning Representations Made in Insurance Contracts" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-246)**

(H.P. 691) (L.D. 958) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-255)**

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

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(H.P. 1368) (L.D. 1966) Bill "An Act to Require Disclosures in Connection with Transfers of Residential Property" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

On motion of Representative O'NEAL of Limestone, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and specially assigned for Tuesday, April 27, 1999.

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(H.P. 803) (L.D. 1126) Bill "An Act to Increase Internal Plumbing Fees and Remedy Inconsistencies in Plumbing Laws" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-233)**

On motion of Representative O'NEAL of Limestone, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-233)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-233)** and specially assigned for Tuesday, April 27, 1999.

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## CONSENT CALENDAR

### Second Day

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

(S.P. 501) (L.D. 1502) Resolve, to Study the Changes in Lobster Morbidity and Mortality (EMERGENCY)

(S.P. 617) (L.D. 1782) Bill "An Act to Amend the Maine Criminal Code Regarding Improper Gifts"

(S.P. 23) (L.D. 4) Bill "An Act to Eliminate Sales Tax on Electricity Used in Agriculture and Aquaculture" (C. "A" S-85)

(S.P. 186) (L.D. 579) Bill "An Act to Encourage Contributions to Family Development Account Reserve Funds" (C. "A" S-84)

(S.P. 192) (L.D. 581) Resolve, to Ensure Proper Funding of the Public Utilities Commission (EMERGENCY) (C. "A" S-90)

(S.P. 234) (L.D. 656) Bill "An Act to Adjust the Alternative Funding Mechanism for the Maine Public Drinking Water Commission" (C. "A" S-74)

(S.P. 239) (L.D. 661) Bill "An Act Regarding the Unbundling of Natural Gas Services" (C. "A" S-92)

(S.P. 295) (L.D. 867) Resolve, to Amend the Requirements for Alcohol and Drug Treatment Programs (C. "A" S-88)

(S.P. 375) (L.D. 1076) Bill "An Act to Simplify the Process of Claiming Abandoned Vehicles" (C. "A" S-76)

(S.P. 382) (L.D. 1083) Bill "An Act to Amend the Real Estate Brokerage Law" (C. "A" S-77)

(S.P. 405) (L.D. 1194) Bill "An Act to Expand the Basic Service Calling Area in Certain Rural Areas" (C. "A" S-91)

(S.P. 439) (L.D. 1276) Bill "An Act Relating to Utilities and Affiliated Interests" (C. "A" S-89)

(S.P. 446) (L.D. 1321) Bill "An Act to Increase Long-term Health Care Options" (C. "A" S-75)

(S.P. 643) (L.D. 1825) Resolve, to Establish the Commission to Study Children in Need of Services (EMERGENCY) (C. "A" S-87)

(H.P. 475) (L.D. 682) Bill "An Act to Increase the Late Fee for Licensing a Dog"

(H.P. 511) (L.D. 718) Bill "An Act Pertaining to Maturity Dates of Bonds of the Maine Turnpike Authority"

(H.P. 811) (L.D. 1134) Bill "An Act to Extend the Maine Residents Property Tax Program to Persons Living in Subsidized Housing Who Receive Certain Disability Payments" (C. "A" H-219)

(H.P. 981) (L.D. 1379) Bill "An Act Regarding Municipal Firearm Discharge Ordinances" (C. "A" H-221)

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  
House As Amended**

Bill "An Act to Provide Funding for the Education Research Institute"

(H.P. 820) (L.D. 1143)  
(C. "A" H-174)

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

**ENACTORS  
Emergency Measure**

An Act to Appropriate Funds for Acquisitions for the Maine State Library and for Library Resource Sharing

(H.P. 374) (L.D. 499)

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

Representative MURPHY of Kennebunk **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 84**

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Bolduc, Colwell, Cross, Dugay, Frechette, Jabar, Mailhot, Marvin, Plowman, Povich, Sanborn, Saxl JW, Skoglund, Tessier, Tuttle, Watson.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Update and Amend the Maine Pharmacy Act

(H.P. 434) (L.D. 576)  
(C. "A" H-80; H. "A" H-205)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Increase Access to Primary Health Care in Rural Maine

(S.P. 202) (L.D. 591)  
(C. "A" S-66)

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

Representative CLARK of Millinocket **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 85**

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Ethier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Volenik, Waterhouse, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Bolduc, Colwell, Cross, Frechette, Jabar, Marvin, Muse, Povich, Sanborn, Saxl JW, Skoglund, Tessier, Tuttle, Watson, Wheeler EM.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Assist the Department of Public Safety in Implementing the Requirements of Fingerprint-based Background Checks

(H.P. 534) (L.D. 741)

(C. "A" H-152)

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

**Emergency Measure**

An Act to Promote the Cranberry Industry and to Encourage Cultivation of Cranberries in the State

(H.P. 587) (L.D. 827)

(C. "A" H-156)

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. 128 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 Require Legislative Review of Motor Vehicle Fuel Standards

(H.P. 929) (L.D. 1306)

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. 127 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 125: Health Care Information that Directly Identifies an Individual, Major Substantive Rules of the Maine Health Data Organization

(H.P. 298) (L.D. 406)

(C. "A" H-170)

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. 125 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 Create a Task Force to Study Ways to Improve and Streamline the Regulation of Water Utilities

(S.P. 261) (L.D. 756)

(H. "A" H-213 to C. "A" S-45)

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. 126 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Acts**

An Act Authorizing County Commissioners to Enact Animal Control Ordinances in Unorganized Territories

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

(C. "A" H-145)

An Act to Allow Any-deer Permits to be Transferred to Junior Hunters and Hunters 65 Years of Age or Older

(S.P. 83) (L.D. 186)

(C. "A" S-71)

An Act to Increase the Appropriation to the Saco River Corridor Commission

(H.P. 155) (L.D. 217)

(C. "A" H-160)

An Act to Amend the Laws Regarding Reporting Requirements for the Maine Health and Higher Educational Facilities Authority

(H.P. 261) (L.D. 365)

(C. "A" H-162)

An Act to Enhance the Marketing and Promotion Capabilities of the Department of Inland Fisheries and Wildlife

(S.P. 138) (L.D. 374)

(C. "A" S-70)

An Act to Increase the Sanctions for Criminal Mischief Within a Correctional Facility

(H.P. 341) (L.D. 457)  
(C. "A" H-149)  
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)  
An Act to Appropriate Funds for Conservation at the Local  
Level  
(H.P. 406) (L.D. 548)  
(C. "A" H-173)  
An Act to Change the Minimum Time for Issuing a  
Temporary Registered Gross Weight Increase from 2 Months to  
One Month  
(H.P. 410) (L.D. 552)  
(C. "A" H-178)  
An Act to Prohibit Surveillance of Dressing Rooms,  
Bathrooms and Similar Places  
(H.P. 415) (L.D. 557)  
(C. "A" H-155)  
An Act to Allow for Continuing Law Enforcement  
Certification of the Commissioner of Public Safety and the  
Assistant to the Commissioner  
(H.P. 477) (L.D. 684)  
(C. "A" H-154)  
An Act to Require Courts to Reimburse Jurors for Parking  
Expenses  
(H.P. 490) (L.D. 697)  
(C. "A" H-133)  
An Act Concerning the Method of Taking of Soft Shell  
Clams  
(H.P. 513) (L.D. 720)  
(C. "A" H-159)  
An Act to Increase State Funding for the Purchase of  
School Buses  
(H.P. 522) (L.D. 729)  
(C. "A" H-157)  
An Act to Revise Maine's Trespass Laws  
(H.P. 531) (L.D. 738)  
(C. "A" H-181)  
An Act to Amend the Laws Pertaining to the Movement of a  
Mobile Home Over a Public Way and the Movement of Objects  
Requiring an Overlimit Movement Permit  
(H.P. 553) (L.D. 774)  
(C. "A" H-177)  
An Act to Allow the State Police to Accept Revenue for  
Providing Services to Municipalities and Counties  
(H.P. 572) (L.D. 812)  
(C. "A" H-180)  
An Act to Establish Thresholds for Delegated Purchasing  
Authorities and Requirements for Competitive Bidding  
(H.P. 641) (L.D. 891)  
(C. "A" H-187)  
An Act to Reestablish the Municipal Boundary between  
Pownal and Durham  
(H.P. 650) (L.D. 900)  
An Act to Require Reflective Material or Lamps on the  
Front of Utility Trailers  
(H.P. 673) (L.D. 929)  
(C. "A" H-148)  
An Act to Require the State to Reimburse Licensed Vehicle  
Inspection Stations for Unused Inspection Stickers  
(H.P. 698) (L.D. 965)  
(C. "A" H-147)  
An Act to Amend the Centers for Innovation Program

(S.P. 329) (L.D. 983)  
(C. "A" S-62)  
An Act to Strengthen the Criminal Justice Response to  
Domestic Violence  
(S.P. 342) (L.D. 996)  
(C. "A" S-61)  
An Act to Provide Funding for the Advisory Commission on  
Women Veterans  
(H.P. 732) (L.D. 1022)  
(C. "A" H-158)  
An Act to Exempt the Requirement that All Municipal Taxes  
Be Paid in Advance of Moving a Mobile Home  
(H.P. 776) (L.D. 1099)  
(C. "A" H-176)  
An Act to Expand Opportunities for Education, Training  
and Employment for Displaced Homemakers  
(S.P. 409) (L.D. 1198)  
An Act to Provide for Resident State Police Officers for  
Municipalities Without a Police Force  
(H.P. 863) (L.D. 1220)  
(C. "A" H-153)  
An Act to Provide Additional Funding for the Maine Indian  
Tribal-State Commission  
(H.P. 944) (L.D. 1341)  
(C. "A" H-161)  
An Act to Amend the Law Regarding Conflict of Interest  
(H.P. 956) (L.D. 1354)  
(C. "A" H-186)  
An Act to Require That Both the Northern Maine Regional  
Juvenile Detention Facility and the Maine Youth Center Receive  
Detainees  
(H.P. 984) (L.D. 1382)  
(C. "A" H-182)  
An Act to Allow Military Personnel Home on Leave to  
Purchase a Hunting or Fishing License for \$10  
(S.P. 464) (L.D. 1403)  
Reported by the Committee on **Engrossed Bills** as truly  
and strictly engrossed, **PASSED TO BE ENACTED**, signed by  
the Speaker and sent to the Senate.

**Resolves**

Resolve, Establishing the Replacement Simultaneously of  
State Correctional Facilities in Cumberland and Washington  
Counties as the First Priority If Additional General Obligation  
Bond Issues or Lease Appropriation Bonds are Authorized by  
the Legislature  
(H.P. 65) (L.D. 78)  
(C. "A" H-150)  
Resolve, to Study Limited Effort in the Scallop Fishery  
(S.P. 130) (L.D. 327)  
(H. "A" H-216 to C. "A" S-48)  
Resolve, to Establish a Task Force to Study the Operation  
of and Support for the Board of Environmental Protection  
(H.P. 899) (L.D. 1256)  
(C. "A" H-169)  
Resolve, to Establish a Police Cadet Program for the State,  
Municipal and County Law Enforcement Agencies  
(H.P. 988) (L.D. 1386)  
(C. "A" H-151)  
Resolve, to Provide Incentives for School Breakfast  
Programs in Maine Public Schools

(S.P. 524) (L.D. 1558)  
(C. "A" S-64)

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

An Act to Protect Consumers in Real Estate Mortgage Transactions

(S.P. 45) (L.D. 116)  
(C. "A" S-59)

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 Prohibit the Misuse of Identification

(H.P. 162) (L.D. 224)  
(C. "A" H-183)

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.

Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care

(H.P. 918) (L.D. 1296)  
(C. "A" H-146)

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 **FINAL PASSAGE** and later today assigned.

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

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, April 15, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Report "A" (10) **Ought Not to Pass** - Report "B" (2) **Ought to Pass as Amended by Committee Amendment "A" (H-214)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-215)** - Committee on **JUDICIARY** on Bill "An Act to Amend the Statute of Limitations for Land Surveyors"

(H.P. 363) (L.D. 488)

**TABLED** - April 15, 1999 (Till Later Today) by Representative BULL of Freeport.

PENDING - Motion of same Representative to **ACCEPT Report "A" OUGHT NOT TO PASS**.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. I ask you to defeat this report in order that we may go on and pass another report that will give some relief to land surveyors. In the first session of the Legislature that I served in, land surveyors came to us asking for relief from what they have been told is a liability in perpetuity for the work that they did when they were surveying land. We gave them that. We gave them a 20 year limit on their work so that they would know as one man put it, that I can't be dug up and have the gold ring ripped off my finger in order to pay for damages. He would like to be able to assure his wife of that. There were very compelling arguments that this was necessary. The committee worked very hard and we came up with a 20 year statute of limitations. A case that proceeded to the Law Court in the last year. It was actually found that the land surveyors never had that length and duration of liability. They were covered under the regular liability statutes of the State of Maine, which I believe was seven years. In effect, in the 116<sup>th</sup> we passed legislation that took them from a seven year statute of limitations to a 20 year statute of limitations. We thought we were doing good.

This year they came back before us and asked us to put them back under the seven year statute. The committee did not see that as appropriate. There are members of the committee who saw that there should be something done to ameliorate the 20 year statute. I would ask that you defeat this report so that we can go on to talk about the Minority Report, which will give some relief to surveyors as they had asked for originally and as has been clarified to us by the Law Court. The Law Court decision makes it very clear now where land surveyors stand. It is an appropriate time for us to address the issue with the full knowledge of how we can limit their liability to something reasonable. 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 you support the Majority Ought Not to Pass Report on this bill. The nature of land surveying is a unique type of work in that they perform a survey on your property and it is often not until many years later that you would find a defect in that survey. When you go to convey your property 10 years later and there is a defect in the survey and you only have half as much land as you thought you had and if this bill is enacted, you would not have a remedy. To put it simply, because of the unique aspect of land and you are relying on a survey to tell you how much land you have and where it is located, you need to have a remedy when you find out later that a mistake has been made. This is not the same as other professions. It has a unique area of law that is real estate and often the mistakes are not discovered until many years later. Other states are split on how they handle things. Some have set years of limitations and others have, in fact, discovery rules on this area, which means it could an unlimited number of years until it is discovered. On the current statute of limitations there was no testimony provided indicating that there have been a lot of lawsuits filed. There have not been. There has been very little litigation in this area. The majority of the committee felt that the current statute of limitations was appropriate.

Representative PLOWMAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought Not to Pass**.

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 Report "A" **Ought Not to Pass**. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 86**

**YEA** - Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Chick, Chizmar, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Hatch, Honey, Jacobs, Kane, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Savage W, Saxl MV, Shiah, Sirois, Stevens, Sullivan, Thompson, Townsend, Tracy, Tripp, Twomey, Usher, Volenik, Williams, Mr. Speaker.

**NAY** - Ahearne, Andrews, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Cianchette, Clark, Clough, Collins, Daigle, Davis, Dugay, Duncan, Foster, Gerry, Gillis, Glynn, Heidrich, Jodrey, Jones, Joy, Kasprzak, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

**ABSENT** - Belanger, Bryant, Colwell, Cross, Frechette, Jabar, Kneeland, Marvin, Povich, Sanborn, Saxl JW, Skoglund, Tessier, Tuttle, Watson.

Yes, 70; No, 66; Absent, 15; Excused, 0.

70 having voted in the affirmative and 66 voted in the negative, with 15 being absent, Report "A" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

**HOUSE DIVIDED REPORT** - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass** - Committee on **MARINE RESOURCES** on Bill "An Act Regarding Lobster Trap Escape Vent Dimensions"

(H.P. 609) (L.D. 849)

**TABLED** - April 15, 1999 (Till Later Today) by Representative **ETNIER** of Harpswell.

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

On motion of Representative **ETNIER** of Harpswell, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and specially assigned for Tuesday, April 27, 1999.

An Act to Clarify the Law Regarding Executive Sessions of Public Bodies

(H.P. 321) (L.D. 437)

(C. "A" H-104)

**TABLED** - April 15, 1999 (Till Later Today) by Representative **SHIAH** of Bowdoinham.

**PENDING** - **PASSAGE TO BE ENACTED**.

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

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)

**TABLED** - April 15, 1999 (Till Later Today) by Representative **SHIAH** of Bowdoinham.

**PENDING** - **PASSAGE TO BE ENACTED**.

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

**JOINT ORDER** - Relative to recalling S.P. 427, L.D. 1264, Bill, "An Act to Ensure Freedom of Speech and Association on Campus" from the legislative files to the Senate.

(S.P. 779)

- In Senate, **READ** and **PASSED**.

**TABLED** - April 15, 1999 (Till Later Today) by Representative **SHIAH** of Bowdoinham.

**PENDING** - **PASSAGE**. (2/3 Vote Required)

Representative **MACK** of Standish **REQUESTED** a roll call on **PASSAGE**.

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. On this bill I want to read some testimony written by a member of the body, the Right Honorable Senator Bennett of Oxford. This was his testimony to the Education Committee about this bill. The bill is "An Act to Ensure Freedom of Speech and Association on Campus." "This legislation before you today is an outgrowth of a sense of Congress legislation passed by Congress and signed into law by President Clinton on October 7, 1998. In short, both houses of Congress have voted to amend the Higher Education Act of 1965 to protect freedom of expressing and freedom of association for students on all campuses that receive financial support from the US Government. The margin of passage was overwhelming. In the House of Representatives it was 414 to 4 and in the Senate it was 96 to 1. This bill mirrors that language.

As many of you are aware, state colleges and universities have long been required to recognize the freedom of students to form associations without interference from the college administration. They must follow the first amendment of the United States Constitution which guarantees freedom of association and freedom of expression. Some private universities have been claiming to be exempt from an obligation to protect freedoms of expression or freedoms of association among their students because they are not government agencies and, therefore, not governed by the first amendment of the US Constitution. The federal legislation states in part it is the sense of Congress that no student attending an institution of higher education on a full or part time basis should on the basis of participation and prohibited speech or protected association be excluded from participating in or be denied the benefits of or be subject to discrimination or official sanction under an education program, activity or division of the institution directly

or indirectly receiving financial assistance under the Higher Education Act of 1965. This bill mirrors that language and like the federal law, it preserves the right of an institution to protect against any disruption of the academic exercises and to prevent violations of local liquor laws.

A number of colleges throughout Maine and the country are vigorously attacking the students constitutionally protected right of free speech and association. The controversy centers on a decision by some private schools to ban all single sex organizations like fraternities and sororities and restrict any involvement with them even if it is off campus and on their own time. Punishment for such offenses ranges from possible suspension to expulsion. Although this trend has been mostly limited to private schools, it is worth noting that there is some concern that the trend is slowly spreading to our public institutions. There are a number of people here today who will speak to that. I certainly don't want to pick on Colby College, but I would like to distribute some materials from Colby College. For me, it is really quite simple. I believe that we should go on record defending the rights of students who face expulsion and other severe consequences by daring to enjoy their most basic constitutional freedoms of speech and associations. Students should have the right to enjoy the same freedoms of association of speech that hold us everywhere else as American citizens."

That was Senator Bennett's testimony, a member of the other body. Basically, since this bill had a hearing there has been a lawsuit filed against the University of Southern Maine for violation of civil rights and free speech. Freedom of speech is for all Americans, even college students. No one is exempt from the first amendment because they are not a government organization. Colleges are prohibiting students from joining fraternities and in the first amendment it says you have the right to association. They are even prohibiting fraternities off campus. It is one thing to disallow them on campus on your property. It is quite another to disallow fraternities off campus that is not your property. There are also many free speech issues on campuses where they have their own court system. There are punishments, breach of contracts and severe penalties for the students without going through the official court system.

In light of the recent lawsuit and all the abuses, this bill deserves to be recalled and be given another public hearing. I urge you to vote with me and support recalling this bill.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. I urge you to vote against this Joint Order. This was the unanimous Ought Not to Pass bill from the Education and Cultural Affairs Committee. We also had a recent discussion as to whether or not we feel it is necessary to bring the bill back to the committee for further discussion. The committee doesn't feel it is warranted. We had an extensive public hearing and work session on this bill and we believe there are adequate protections now in place for freedom of association and freedom of speech. Again, I urge you to vote against the resolution.

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

This Bill having been finally rejected, according to Joint Rule 404 a two-thirds vote of the members present being necessary for **PASSAGE** of this Joint Order, a total was taken.

**ROLL CALL NO. 87**

YEA - Berry DP, Brooks, Buck, Campbell, Chick, Clough, Collins, Davis, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Jones, Kasprzak, Kneeland, Labrecque, Lovett, MacDougall, Mack, Madore, McAlevey, McKenney, Mendros, Murphy T, Nass, Nutting, Pinkham, Plowman, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Tobin J, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chizmar, Cianchette, Clark, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Honey, Jacobs, Jodrey, Joy, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Muse, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl MV, Shiah, Sirois, Stanley, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Tripp, True, Twomey, Usher, Volenik, Weston, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Colwell, Cross, Frechette, Jabar, Marvin, Povich, Sanborn, Saxl JW, Skoglund, Tuttle, Watson.

Yes, 42; No, 98; Absent, 11; Excused, 0.

42 having voted in the affirmative and 98 voted in the negative, with 11 being absent, the Joint Order **FAILED** of passage in **NON-CONCURRENCE** and sent for concurrence.

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SENATE DIVIDED REPORT - Majority (12) **Ought to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (S-69)** - Committee on **CRIMINAL JUSTICE** on Bill "An Act to Continue Restorative Justice" (EMERGENCY) (S.P. 374) (L.D. 1075)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - April 15, 1999 (Till Later Today) by Representative **POVICH** of Ellsworth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS** Report.

On motion of Representative **MUSE** of South Portland, **TABLED** pending the motion of Representative **POVICH** of Ellsworth to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned.

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SENATE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (S-78)** - Committee on **TAXATION** on Bill "An Act to Exempt Articles of Clothing Costing Less than \$200 from the Sales Tax"

(S.P. 89) (L.D. 192)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - April 15, 1999 (Till Later Today) by Representative **GAGNON** of Waterville.

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

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



HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-203)** - Committee on **TAXATION** on Bill "An Act to Protect Municipalities from Property Tax Loss when Land is Acquired by the State"

(H.P. 205) (L.D. 283)

TABLED - April 15, 1999 (Till Later Today) by Representative GAGNON of Waterville.

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

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

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-204)** - Committee on **TAXATION** on Bill "An Act to Amend the Laws Regarding the Taxation of Certain Automotive Parts"

(H.P. 241) (L.D. 345)

TABLED - April 15, 1999 (Till Later Today) by Representative GAGNON of Waterville.

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

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

An Act to Require Legislative Review of Rules Regarding Campaign Report Filing Forms

(S.P. 383) (L.D. 1162)

(C. "A" S-44)

TABLED - April 15, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

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

Resolve, Relating to Telemarketing Fraud

(H.P. 1004) (L.D. 1402)

(C. "A" H-113)

TABLED - April 15, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **FINAL PASSAGE.**

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

An Act to Change the Way Nursery License Fees Are Established

(H.P. 537) (L.D. 744)

(C. "A" H-75)

TABLED - April 15, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-134)** - Committee on **TRANSPORTATION** on Bill "An Act to Prohibit the Transportation of Open Containers that Contain Liquor"

(H.P. 154) (L.D. 216)

TABLED - April 15, 1999 (Till Later Today) by Representative JABAR of Waterville.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

On motion of Representative BOUFFARD of Lewiston, **TABLED** pending **ACCEPTANCE OF COMMITTEE REPORT** and specially assigned for Tuesday, April 27, 1999.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-172)** - Committee on **STATE AND LOCAL GOVERNMENT** 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)

TABLED - April 15, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

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

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

#### **TABLED AND TODAY ASSIGNED**

The Chair laid before the House the following items which were **TABLED** and today assigned:

SENATE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (S-42)** - Report "B" (4) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (S-43)** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places"

(S.P. 117) (L.D. 314)

- In Senate, Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-42).**

TABLED - April 15, 1999 by Representative TUTTLE of Sanford.

PENDING - Motion of same Representative to **ACCEPT** Report

"B" **OUGHT NOT TO PASS.**  
On motion of Representative SAXL of Portland, **TABLED** pending the motion of Representative TUTTLE of Sanford to **ACCEPT** Report "B" **Ought Not to Pass** and later today assigned.

An Act to Amend Law Enforcement Powers of Maine Forest Rangers

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

TABLED - April 15, 1999 by Representative SHIAH of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED.**

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

HOUSE ORDER - Relative to Propounding Questions to the Justices of the Supreme Judicial Court in regards to S.P. 397, L.D. 1188, "An Act to Amend Law Enforcement Powers of Maine Forest Rangers"

(H.O. 22)

TABLED - April 15, 1999 by Representative SHIAH of Bowdoinham.

PENDING - **PASSAGE**.

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

**BILL HELD**

Bill "An Act to Exempt Pension and Retirement Benefits from the Maine Income Tax"

(H.P. 115) (L.D. 146)

- In House, Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-166)** April 8, 1999.

- In Senate, Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

- In House, House **ADHERED**.

HELD at the Request of Representative GLYNN of South Portland.

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby it voted to **ADHERE**.

The same Representative moved that the House **INSIST** and ask for a **COMMITTEE OF CONFERENCE**.

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

Representative **GLYNN**: Mr. Speaker, Ladies and Gentlemen of the House. The LD that is before you is LD 146, which is "An Act to Exempt Pension and Retirement Benefits from the Maine Income Tax." As members of the House, remember, this issue was passed overwhelmingly by the House of Representatives and was sent forthwith to the Senate and the Senate rejected it by a very narrow margin. While we were adjourned, I would like to share with my fellow House members the number of calls and letters of encouragement that I received from people in my districts and from many people in your districts asking that the House of Representatives please do something to help the retired people of this state with their income tax and please try to work some kind of compromise out with the Senate. With the amount of energy that is behind this proposal, I really feel that a compromise can be worked out with the Senate and we can reduce this fiscal note and come up with a proposal that we can all live with and give the needed tax relief to our seniors. I ask that members of the House join me. I further ask for a roll call vote:

Representative GLYNN of South Portland **REQUESTED** a roll call on his motion to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**.

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 Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Colleagues of the House. I would first like to say thank you to the good

Representative from South Portland for having brought this back. I think being part of that unique situation that occurred here in the House when we unanimously supported this bill that I think we should take this opportunity to move further with this. I think that we could work something out and after being part of that very encouraging vote, I would like you to support this motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Insist and ask for a Committee of Conference. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 88**

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl MV, Schneider, Sherman, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Berry RL, Brennan, Fuller, Shiah, Volenik.

ABSENT - Colwell, Cross, Frechette, Goodwin, Jabar, Marvin, Povich, Sanborn, Saxl JW, Skoglund, Tuttle, Watson.

Yes, 134; No, 5; Absent, 12; Excused, 0.

134 having voted in the affirmative and 5 voted in the negative, with 12 being absent, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

Reference was made to Bill "An Act to Create a Senior Lobster and Crab Fishing License" (H.P. 1006) (L.D. 1417)

In reference to the action of the House on Wednesday, April 14, 1999, whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative ETNIER of Harpswell  
Representative VOLENIK of Brooklin  
Representative McNEIL of Rockland

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

Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care

(H.P. 918) (L.D. 1296)

(C. "A" H-146)

Which was **TABLED** by Representative SAXL of Portland pending **FINAL PASSAGE**.

On motion of Representative BRAGDON of Bangor, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-146)** was **ADOPTED**.

The same Representative presented **House Amendment "B" (H-264)** to **Committee Amendment "A" (H-146)** which was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-146) as Amended by House Amendment "B" (H-264)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-146) as Amended by House Amendment "B" (H-264)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Matthews who wishes to speak on the record..

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. Two weeks ago today my mom suffered a heart attack. I wanted to thank the members for their prayers. It has been a tough year having lost my father back in the summer and my mom having a heart attack. It has been a trying year, but our faith will get us through as it has before. I just wanted the membership to know my thanks from my wife and I and my family. My mom is doing well. It didn't go quite as easy as they had intended to, but she got great care in Bangor. I was there for the last two weeks and missed a number of votes here, but family is a lot more important. My faith is a lot more important than what we do here. I just want to thank all of you. Thank you.

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On motion of Representative WINSOR of Norway, the House adjourned at 11:45 a.m., until 9:00 a.m., Tuesday, April 27, 1999 in honor and lasting tribute to Jacob J. Immonen, of West Paris.