

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
 40th Legislative Day
 Tuesday, April 27, 1999

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

Prayer by Honorable Reuben "Butch" Phillips of Milford, former Representative of the Penobscot Nation, and Honorable George Stevens, St. Ann's Church, Indian Township, former Representative of the Passamaquoddy Tribe.

Pledge of Allegiance.

Doctor of the day, Linda Keniston-Dubocq, M.D., Fairfield.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 793)

JOINT RESOLUTION COMMENDING SEEDS OF PEACE

WHEREAS, Seeds of Peace is an extraordinary and unique effort that promotes understanding between warring peoples and tries to end bias and violence; and

WHEREAS, since 1993 Seeds of Peace has been bringing together teenagers from troubled parts of the world, such as the Middle East and Cyprus, at the Seeds of Peace International Camp in Otisfield, Maine; and

WHEREAS, the teenagers live, work and interact together in a camp setting, learning techniques in conflict management and how to settle differences peaceably and with respect for opposing viewpoints; and

WHEREAS, this work of peace is accomplished in the beautiful surroundings of rural Otisfield, Maine, with the timeless allure of woods, mountains and lakes; and

WHEREAS, more than 1,000 teenagers representing traditional enemies have attended the Seeds of Peace International Camp since its founding; and

WHEREAS, these teenagers have forged bonds and friendships with each other that span the differences between their peoples; and

WHEREAS, these teenagers go back to their homelands where they continue the work that was started at the Seeds of Peace International Camp; and

WHEREAS, Seeds of Peace has been endorsed by such world figures as President Clinton; Kofi Annan, the United Nations Secretary General; Yasser Arafat, the President of the Palestinian Authority; Shimon Peres and the late Yitzhak Rabin, former Prime Ministers of Israel; and Queen Noor and the late King Hussein of Jordan; and

WHEREAS, the lessons taught by Seeds of Peace are vital lessons not only for peace in the world but also peace with our neighbors and those of different races, ethnicity and backgrounds here in the United States and Maine; now, therefore, be it

RESOLVED: That We, your Memorialists, express our gratitude that the administrators of the Seeds of Peace International Camp have chosen rural Maine as the site of this extraordinary and unique program; and be it further

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature now assembled in the First Regular Session, take this occasion to recognize the Seeds of Peace initiative and to commend the Seeds of Peace International Camp, the camp's teenage participants and officials of the countries that have endorsed and supported the camp for the success they have achieved together in promoting

understanding and peace among hostile neighbors; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Seeds of Peace Board of Directors.

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation (EMERGENCY)

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

Minority (2) **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-97)** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-97) AS AMENDED BY HOUSE AMENDMENT "A" (H-195)** thereto, in the House on April 8, 1999.

Came from the Senate with the Majority (10) **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)** Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96) in NON-CONCURRENCE**.

On motion of Representative O'NEAL of Limestone, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

Non-Concurrent Matter

An Act to Clarify Minimum Size Standards for Marine Species under Aquaculture

(H.P. 793) (L.D. 1116)

PASSED TO BE ENACTED in the House on April 15, 1999.

Came from the Senate, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-124) in NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Allow a One-time Double Exemption for Income Tax Filers Who Adopt a Dependent Child"

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

Majority (7) **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-141)** in the House on April 8, 1999.

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

The House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act to Reduce the Amount of Paperwork Required for Transactions Involving the Sale of Wood"

(H.P. 709) (L.D. 976)

Minority (4) **OUGHT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-64)** in the House on March 25, 1999.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative TRAHAN of Waldoboro, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 149)

**STATE COMPENSATION COMMISSION
5 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

March 29, 1999

TO: Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
FROM: S/Ralph Leonard, Chair
State Compensation Commission

On behalf of the State Compensation Commission, I am pleased to submit to you the first report of the commission. Since the members of the State Compensation Commission have had a relatively short preparation time to complete our first report we have decided that the most urgent needs would be addressed in this report. Those matters requiring a more detailed study will be included in the commission's next report on January 1, 2000.

The commission has met monthly since November 1998. During that time we met with former and current members of the State Legislature, legislative leadership and constitutional officers. Also, surveys were sent to former and current legislators to determine a statistical finding for pertinent questions concerning compensation that the commission deemed appropriate. The commission has spent considerable time at our monthly meetings discussing the comments from many individuals. The attendance at the commission's meetings and the participation in the questionnaire was outstanding and provided the commission with valuable testimony for our consideration. Finally, the commission held a public hearing on March 17, 1999 to provide an opportunity for public input.

After careful consideration, the commission recommends the following statutory changes:

1. Beginning in the 120th Maine State Legislature, increase legislative salaries from \$10,500 to \$15,750 for the 1st Regular Session and from \$7,500 to \$11,250 for the 2nd Regular Session;
2. Increase the annual constituent allowance for the Senate from \$1,000 to \$2,000 and from \$750 to \$1,500 for the House;
3. Decrease the vesting requirement for the Legislative Retirement system from 10 to 8 years.

4. Establish that the Attorney General's salary (\$83,470.40 current) will be the same as that paid to District Court Judges, currently established at \$90,000 for FY 1998-1999 with annual cost-of-living adjustments in subsequent years; and
5. Increase the annual salaries for both the State Treasurer and the Secretary of State (both currently at Range 88, Step 5, \$56,999) to no lower than Range 89, Step 5 which is currently \$60,777.

The State Compensation Commission will be meeting this summer and fall to prepare our next report which we will submit to you on January 1, 2000. We plan to examine the following topics:

1. the complicated area of medical benefits and how they relate to Medicare;
2. a more detailed look at the subject of constituent allowances and how legislators are coping with increasing constituent workloads;
3. the extra work required of committee chairmen;
4. a more detailed review of retirement benefits and how they relate to Social Security; and
5. a number of other areas of concern that were uncovered during the commission hearings.

Our statutory recommendations have been published as L.D. No. 2168, "An Act to Implement the Recommendations of the State Compensation Commission." We look forward to working with you and other members of the Legislature as you consider our recommendations. Please feel free to contact me or any other member of the commission with any questions that you might have.

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

The Following Communication: (S.P. 797)
119TH MAINE LEGISLATURE

April 21, 1999
Senator Susan Longley
Representative Richard Thompson
Chairpersons
Joint Standing Committee on Judiciary
119th Legislature
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:
Please be advised that Governor Angus S. King, Jr. has nominated the Honorable John V. Romei of Machias for reappointment as Maine District Court Judge designated as fulfilling the residency requirements for the Fourth District established in 4 M.R.S.A. §157.

Pursuant to Title 4, M.R.S.A., §157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/G. Steven Rowe
Speaker of the House

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

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

The Following Communication: (S.P. 798)
119TH MAINE LEGISLATURE

April 21, 1999
Senator Susan Longley
Representative Richard Thompson
Chairpersons
Joint Standing Committee on Judiciary
119th Legislature
Augusta, Maine 04333

Dear Senator Longley and Representative Thompson:
Please be advised that Governor Angus S. King, Jr. has nominated the Honorable Andrew M. Mead of Bangor for reappointment as Superior Court Justice and the Honorable Paul L. Rudman of Veazie for reappointment as Maine Supreme Judicial Court Associate Justice.

Pursuant to Article V, Part 1, Section 8 of the Maine Constitution, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/G. Steven Rowe
Speaker of the House

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

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

The Following Communication: (S.P. 799)
119TH MAINE LEGISLATURE

April 23, 1999
Senator Georgette Berube
Representative Michael Brennan
Chairpersons
Joint Standing Committee on Education and Cultural Affairs
119th Legislature
Augusta, Maine 04333

Dear Senator Berube and Representative Brennan:
Please be advised that Governor Angus S. King, Jr. has nominated Albert B. Glickman of Cape Elizabeth for reappointment and Edward A. Fox of Harborside and Barry D. McCrum of Mars Hill for appointment as members of the University of Maine Board of Trustees.

Pursuant to P & SL 1967, Chapter 229, these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/G. Steven Rowe
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

The Following Communication: (S.P. 800)
119TH MAINE LEGISLATURE

April 23, 1999
Senator Neria Douglass
Representative Pamela Hatch
Chairpersons
Joint Standing Committee on Labor
119th Legislature
Augusta, Maine 04333

Dear Senator Douglass and Representative Hatch:
Please be advised that Governor Angus S. King, Jr. has nominated Catherine R. Sullivan of Portland for appointment as a member of the Board of Trustees, Maine State Retirement System.

Pursuant to Title 5, M.R.S.A., §17102, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/G. Steven Rowe
Speaker of the House

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

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

The Following Communication: (S.P. 801)
119TH MAINE LEGISLATURE

April 23, 1999
Senator Beverly Daggett
Representative John Tuttle
Chairpersons
Joint Standing Committee on Legal and Veterans Affairs
119th Legislature
Augusta, Maine 04333

Dear Senator Daggett and Representative Tuttle:
Please be advised that Governor Angus S. King, Jr. has nominated Edwin W. Bowden of Camden and Orland G. McPherson of Eliot for reappointment as members of the State Liquor and Lottery Commission.

Pursuant to Title 5, M.R.S.A., §283-A, these nominations will require review by the Joint Standing Committee on Legal and Veterans Affairs and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/G. Steven Rowe
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

READ and **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

The Following Communication: (S.P. 802)
119TH MAINE LEGISLATURE

April 23, 1999
Senator Sharon Treat
Representative John Martin
Chairpersons
Joint Standing Committee on Natural Resources
119th Legislature
Augusta, Maine 04333

Dear Senator Treat and Representative Martin:
Please be advised that Governor Angus S. King, Jr. has nominated John D. Tewhey of Gorham and John F. Marsh of West Gardiner for reappointment and Ernest W. Hilton of Starks and Virginia N. Plummer of Turner for appointment as members of the Board of Environmental Protection.

Pursuant to Title 38, M.R.S.A., §341-A, these nominations will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,
S/Mark W. Lawrence
President of the Senate
S/G. Steven Rowe
Speaker of the House

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

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

The Following Communication: (S.P. 795)

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

April 15, 1999
Mark W. Lawrence
President of the Senate
119th Legislature

G. Steven Rowe
Speaker of the House
119th Legislature

Dear President Lawrence and Speaker Rowe:

On April 15, 1999 two bills were received by the Secretary of the Senate.

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

Appropriations and Financial Affairs

Bill "An Act to Appropriate Funds for the Welfare-to-work Program" (S.P. 790) (L.D. 2203) (Sponsored by Senator Paradis of Aroostook County).

Labor

Bill "An Act to Amend the Calculation of Service Credits Under the Maine State Retirement System Pertaining to the Comprehensive Education and Training Act of 1973 Employees" (S.P. 792) (L.D. 2204) (Sponsored by Senator Paradis of Aroostook County).

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

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

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

The Following Communication: (S.P. 796)

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

April 16, 1999
Mark W. Lawrence
President of the Senate

119th Legislature

G. Steven Rowe
Speaker of the House
119th Legislature

Dear President Lawrence and Speaker Rowe:

On April 16, 1999 a bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to the Joint Standing Committee as follows:

Health and Human Services

Resolve, Directing the Department of Human Services to Include Asset Depreciation with Respect to Commercial Fishing Vessels in Establishing Eligibility for the Cub Care Program. (S.P. 794) (L.D. 2209) (Sponsored by Senator Goldthwait of Hancock County).

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

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

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

The Following Communication: (S.C. 193)

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

April 26, 1998
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 State and Local Government on Bill "An Act to Require the Legislature to Examine Executive Orders for Violations of Separate Powers," (H.P. 464) (L.D. 627), was accepted.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

TAXATION

Bill "An Act to Strengthen the Maine Taxpayer Bill of Rights"

(H.P. 1565) (L.D. 2216)

Presented by Representative CHICK of Lebanon.

Cosponsored by Senator LIBBY of York and Representatives: BOWLES of Sanford, CLOUGH of Scarborough, GLYNN of South Portland, MARTIN of Eagle Lake, McALEVEY of

Waterboro, SCHNEIDER of Durham, THOMPSON of Naples, TRACY of Rome.

ORDERS

On motion of Representative MARTIN of Eagle Lake, the following Joint Order: (H.P. 1564)

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources report out, to the House, legislation relating to pollution prevention.

READ and PASSED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Bunny McBride, who is the first person to have done research on and written about the history of Penobscot women. As the author of Molly Spotted Elk and Women of the Dawn, we acknowledge the tremendous contribution she has made with the publication of her 2 books and we extend our congratulations to her;

(HLS 285)

Presented by Representative LORING of the Penobscot Nation. Cosponsored by Senator CATHCART of Penobscot, Representative SOCTOMAH of the Passamaquoddy Tribe.

On **OBJECTION** of Representative LORING of the Penobscot Nation, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I stand to recognize Bunny McBride for her great contribution in writing these books to making the women of the Penobscot Nation visible. I think it took a number of years for her to do the research and the writing and I think it's a tremendous contribution to Abanaki history and I just wanted to recognize her for that, although she's not here, I just wanted to say a few words to that issue. Thank you.

Was **PASSED** and sent for concurrence.

Recognizing:

the Society of American Friends for their service to the Wabanaki People of Maine for over 100 years. We extend our appreciation to the Society for their hard work and dedication to the Wabanaki people and the people of this State;

(HLS 287)

Presented by Representative LORING of the Penobscot Nation. Cosponsored by Representative SOCTOMAH of the Passamaquoddy Tribe, Senator CATHCART of Penobscot.

On **OBJECTION** of Representative LORING of the Penobscot Nation, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I rise again to recognize the American Friends Service Committee and the Subcommittee of the Wabanaki

Committee. When I was a child growing up many years ago, the American Friends were on the island and they actually built the playgrounds for the children and I remember that and they also did some mentoring to the kids and I really had a relationship with the Quakers for I'd say over 20 years and they have really worked hard in the Penobscot and Passamaquoddy communities and I wanted to recognize that hard work. Thank you.

Was **PASSED** and sent for concurrence.

Recognizing:

the following Penobscot Representatives who have served the people of the Penobscot Nation in the Legislature from 1949 to 1997: Ernest Gosline, Tim Love, Reuben Phillips, Jim Sappier and Paul Bisulca. We especially recognize them on Wabanaki Day, and acknowledge their dedication to the Wabanaki People of Maine;

(HLS 288)

Presented by Representative LORING of the Penobscot Nation. Cosponsored by Representative SOCTOMAH of the Passamaquoddy Tribe, Senator CATHCART of Penobscot.

On **OBJECTION** of Representative LORING of the Penobscot Nation, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I rise to recognize my colleagues that came before me. It strikes me as probably a very difficult assignment for them for those years, being able to in some way be part of the House and be able to get up and be able to get up and speak and others were not. In the history of this body shows that tribal representatives have never been able to vote and we hope in the future that we will correct that. We look forward to working towards a vote, but I think the contributions that our legislators in the past have made is tremendous and I thank them for that.

Was **PASSED** and sent for concurrence.

Recognizing:

Susan Colby Neptune, the 1st Passamaquoddy woman to serve her country as a member of the Women's Army Corps during World War II. We acknowledge her commitment to the people of this State;

(HLS 289)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Representative LORING of the Penobscot Nation, Senator CATHCART of Penobscot, Senator CASSIDY of Washington.

On **OBJECTION** of Representative SOCTOMAH of the Passamaquoddy Tribe, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr Speaker, fellow members of the House of Representatives, Susan Colby Neptune was a woman leader. She was a warrior. She served

in the military during World War II when women weren't expected to be serving for their country in world war. I am honored to acknowledge her for she is a role model that we all should look up to and I would like to thank her family for being in attendance.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. As chair of the Women's Veteran Commission, I would be remiss not to stand and acknowledge Susan Neptune as she also lives on Indian Island. She may be a Passamaquoddy, but she lives on our reservation and we are very proud of her and her service, not only to the Penobscot Nation, but to this country.

Was **PASSED** and sent for concurrence.

Recognizing:

the following Passamaquoddy Representatives who have served the people of the Passamaquoddy Tribe in the Legislature from 1945 to 1995: Albert Dana, George Stevens, Joseph Nicholas, John Baily, Reuben Cleaves, Wayne Newell, Madonna Soctomah and Fred Moore. We especially recognize them on Wabanaki Day, and acknowledge their dedication to the Wabanaki People of Maine;

(HLS 290)

Presented by Representative **SOCTOMAH** of the Passamaquoddy Tribe.

Cosponsored by Representative **LORING** of the Penobscot Nation, Senator **CASSIDY** of Washington.

On **OBJECTION** of Representative **SOCTOMAH** of the Passamaquoddy Tribe, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr. Speaker, Men and Women of the House. I am honored to have the tribal representatives back in the State House. They have and continue to have a positive impact on our communities. Each one has been an important part of our culture and relations with the state. I'd like to congratulate the Representatives. I think it's time we start acknowledging people who have had an impact in our communities and our relations with the state.

The SPEAKER: The Chair recognizes the Representative from Pembroke, Representative Goodwin.

Representative **GOODWIN**: Mr. Speaker, Men and Women of the House. It is indeed a pleasure to rise today to acknowledge our visitors, my neighbors. I hope the members today enjoyed the drums this morning. That was a wake up call. You will enjoy, I'm sure, the continuation of the drums later this morning in these special ceremonies. Visit the Hall of Flags for the fine tribal exhibits set up there today and visit with the former tribal representatives to this legislative body who have gathered here today. I thank the Speaker.

Was **PASSED** and sent for concurrence.

Recognizing:

Theodore Mitchell, upon his retirement as Vice Chancellor of the University of Maine System and the Director of the Wabanaki Center. Mr. Mitchell has been a devoted representative of the Wabanaki People for over 20 years and we

acknowledge and appreciate his dedication to the citizens of this State;

(HLS 291)

Presented by Representative **SOCTOMAH** of the Passamaquoddy Tribe.

Cosponsored by Representative **LORING** of the Penobscot Nation, Senator **CATHCART** of Penobscot.

On **OBJECTION** of Representative **SOCTOMAH** of the Passamaquoddy Tribe, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Soctomah.

Representative **SOCTOMAH**: Mr Speaker, members of the House. Ted Mitchell has been a foundation of native education in Maine as Director of the Wabanaki program at the University of Maine. Hundreds of native students have graduated college, with his wise guidance he helped others seek higher education. He has paved the way for a new generation of native educators and leaders stressing education and Wabanaki tradition. I honor Ted Mitchell today for all the work and hope he has a nice retirement.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I've known Ted Mitchell since I was a kid, and again, that was many years ago. Ted really helped me in college. I did go to college by the way. He was a great help and whenever I needed something, I went to Ted and a lot of other students also did the same and for the many times that he has helped me personally and has helped other native students, I thank him.

Was **PASSED** and sent for concurrence.

In Memory of:

Dana Childs, of Westbrook, who was a former member of the Maine House of Representatives from Portland. He was a former Speaker of the House and also a longtime probate judge in Cumberland County. Dana Childs started his career as a Republican and rose to leadership in that party in the Legislature before switching to the Democratic Party. He became Speaker of the House of Representatives in 1964 after serving as the Democratic Assistant Minority Leader. In 1973, Governor Kenneth Curtis appointed Mr. Childs as Judge of Probate in Cumberland County, where he served with distinction until his retirement in 1998, when his son succeeded him. He also loved horses and was a strong supporter of harness racing. We acknowledge his dedicated service to his State and to his community. He will be greatly missed by his loving family, his colleagues and his many friends;

(HLS 296)

Presented by Speaker **ROWE** of Portland.
 Cosponsored by President **LAWRENCE** of York, Senator **PINGREE** of Knox, Senator **RAND** of Cumberland, Senator **AMERO** of Cumberland, Senator **BENNETT** of Oxford, Representative **SAXL** of Portland, Representative **SHIAH** of Bowdoinham, Representative **CAMPBELL** of Holden, Representative **MURPHY** of Kennebunk, Representative **DUDLEY** of Portland, Representative **McDONOUGH** of Portland, Representative **QUINT** of Portland, Representative **NORBERT** of Portland, Representative **TOWNSEND** of Portland, Representative **BRENNAN** of Portland, Senator **ABROMSON** of

Cumberland, Representative USHER of Westbrook, Representative DUPLESSIE of Westbrook, Senator O'GARA of Cumberland, Representative MARTIN of Eagle Lake.

On **OBJECTION** of Representative MARTIN of Eagle Lake, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MARTIN**: Mr. Speaker, Ladies and Gentlemen of the House. It is with a deep sense of loss that I rise today to talk about a former colleague and a former friend. Dana Childs was born in Lewiston in 1922. He graduated from Portland High School and then subsequently entered the service as a Marine and served in the Pacific Theater during World War II. He came back from the war and entered Portland Law School, now called the University Law School. He became an attorney. He graduated in 1951. Shortly thereafter, in 1952, he ran for the Legislature as a Republican and was elected as a member of this House. He served a number of terms and in his last term he became the Majority Floor Leader of the Republican Party. Subsequent to that, he then ran for the Attorney General's position, which he did not get. He ran and decided in 1960 to become a Democrat. He then, at that point, ran for the Legislature again and won as a member of the Portland delegation. In 1962 he was the Assistant Democratic Floor Leader.

Then, of course, you may remember came the Johnson landslide. In 1964, when the Democrats, for the first time in 50 years, took control of the Maine House. He was elected Speaker and served in that position at that time. He then, immediately thereafter, decided that he would run for Governor after his term as Speaker and you had an election where you had Ken Curtis; the Speaker of the House, Dana Childs and you had the President of the Senate, Bud Reed. All three were running for the position. Some of you may well remember that election. In 1966, of course, he lost to then Governor Curtis.

The one thing that he then decided to do was he really wanted to continue his law practice, raise horses and practice law a little bit of the time and at that point he was appointed to an open slot as the Judge of Probate in Cumberland County where he subsequently served for 25 years, retiring just last year in 1998. It is interesting that his son now succeed him as the Judge of Probate for Cumberland County.

Some of you may have read my comments in the Saturday paper of the *Portland Press Herald*. He is partially to blame for my parliamentary knowledge, so you can blame him if you want to blame someone, him and the former Speaker David Kennedy from Milbridge. He started me off with a clear desire to educate and letting me sort of have, to some degree, some flexibility, which, as you can imagine, at a young age of 23 I needed. You can imagine what that was like.

Dana was one of those persons who was very kind and very considerate and also very able to bring people together, whether they be Democrats, Republicans, conservatives, liberals or whatever. He was always willing to talk to people and more than willing to be helpful. Through all of this, I just have to say that his real love, besides his family and politics, was horses. I am not sure, but as I understand the morning of his death that is where he had gone and was coming back from the barn and sat down for a glass of juice with his wife Jean and that is when he passed away Friday morning. That is the way I am sure he would have wanted even though probably a little quicker than he had expected or wanted.

I think he will always be remembered in my mind, especially in my case, as the Speaker that I began with in this body. A person who really worked well with everyone. I think it is also fitting that in his memory those who wish to contribute to the family decided it be a scholarship for the Horse Breeders Association. That is exactly where he would have wanted the money to go. I really, this morning, want to say, Thank you Dana for all the work you have done for the people of Maine.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. As Representative Martin has indicated, we honor a rare member who served in leadership of both parties. I knew Dana as a former Speaker and also someone that was a very frequent visitor to this chamber. When you talked with Dana, you could see and feel the love that he had for this institution, the people's Legislature. Today, we honor Speaker Dana Childs who brought honor to this chamber and to his state.

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

Representative **USHER**: Mr. Speaker, Men and Women of the House. Anybody who has been involved with politics, they had to know Dana Childs, especially if you were from southern Maine. I can remember when he moved to Westbrook and opened up his horse ranch, which all the neighborhood kids still visit because he has four or five different pastures right on his front lawn. They go and see the young horses from the time they are born right up to the racing time. He was always there to give advice on what not to do and what to do. He got involved with all of our meetings and said you should do this. We tried to follow his direction and good results came from that.

Harness racing, he was there. He was involved with the county fairs giving advice to them on how to improve. They did improve. The county fairs are very well received now and harness racing is the top of the line. He was also helpful to all of his family. He involved his family in many, many things. His advice and knowledge will be greatly missed.

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. I have known Dana Childs most of my life. We both were associated with Riverside Golf Course, so I knew him for a long time with my association with golf. In 1963, I was playing football for the North Atlantic Coast Football League and Dana Childs was one of the owners of that team. The last game we played in Mount Vernon, New York, we didn't have enough players for the bench. You had to have 11 players sitting on the bench, as well as 11 players playing. Mr. Childs suited up so that we wouldn't be fined. There was much good humor about this. There is some dispute whether he played or not, but he was put in on a punt and actually played, I think, one play. When I think of Dana Childs, I think of the 19th century concept of a gentleman. He was always kind, always cordial and always glad to see you. I will miss seeing him at the store or the golf course or on the street or on an athletic event. I think he will be sadly missed. Thank you Mr. Speaker.

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

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I would like to say a few words about Judge Childs as I first met him over 15 years ago as a young lawyer learning to do some of the cases in the Probate Court. Judge Childs was so easily accessible. As you know, the

probate judges in this state are part-time judges and perhaps only sit in their chambers one day a week. You could call Judge Childs at his office anytime and ask him how to do it. You know, I have this case I have to do a guardianship for the first time, how do I do it? He would tell you what forms to fill out. He would tell you who to bring to the hearing. He would explain to a young attorney how the process works. Judge Childs had all of the qualifications that one would look for in a judge. He had a temperament that was perfectly suited for his job. He treated everyone with the utmost respect and courtesy. He made sometimes difficult situations much easier on the parties. He dealt with adoptions, guardianships and difficult situations. He brought everyone into his chambers, calmed them down, made it easy for them. He knew the law without question in great detail. Most importantly, he had the highest integrity that anyone could ask. He was a man of great integrity and he will be remembered for that. I would like to join the others in remembering Judge Childs.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. As I mentioned before, these are always the most difficult occasions in this body when recalling the memory of a member who passes. I knew Dana, particularly because he had been a former chairman of the Committee on Legal Affairs. What I remember the most about Dana is he always told me that once the elections were over, you had to take a person based upon who they were and not on their political party. He also told me that it was very important to talk about issues, not based upon partisan politics, but upon the issue itself. Dana, like my grandfather, was a horseman all his life. He told me that sometimes he bred his best horses based on their disposition and not on their speed. For a horseman, I think most understand that. It is with great sadness that I stand today and recall the memories of a friend that is no longer with us, but as I have said before, I think that those who have served here, there will be a part of them here for many years to come. It is with great sadness that I mourn the memory of my good friend.

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

Representative DUPLESSIE: Mr. Speaker, Ladies and Gentlemen of the House. In February of 1998 when I decided to run for this seat that I currently occupy, one of the first people that I wanted to go to speak to for advice and to ask to sign my petition was Dana Childs. He gave me encouragement and gave me some good advice. I am now here.

Dana attended many city committee meetings, as Representative Usher had mentioned. He always had good words of advice for the Democrats in the City of Westbrook. Living close to where Dana Childs has his farm was always a joy to me, whereas there were very few farms left in southern Maine. They are quickly disappearing. It was always nice to go by there and see horses in the springtime, the new foals out running around the pasture. You would often go by there and there would be parents with babies in the baby carriage and young children in hand and they would be feeding the horses a little bit of the grass on the other side of the fence that the horses couldn't quite get to. I hope that the farm stays there because it is a joy to the citizens of Westbrook.

I would like to extend my condolences to his wife Jean and the family.

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

Representative CHICK: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning because I take part in the Maine fairs and am a member of the Board of the Maine Fairs. I was acquainted with Dana Childs for a great number of years through harness racing. As he has been described here this morning, he was a real friend of the Maine fairs. They have two types of racing, the Stakes Program, which he was quite interested in for two and three year olds and some of those contests are at the Maine fairs. There is also the overnight racing, which he took part in. Wherever I met him, if it was at a meeting of the standard breed breeders or in a northern Maine fair in a barn area or at Union Fair, he was always talking about how racing in Maine and the breed might be improved. I would offer from the Maine fairs, the board, my condolences to the family. Thank you.

The SPEAKER: The Chair would add that I also was honored to have known Dana Childs, Speaker Childs, Judge Childs. I knew him to be a well liked person. I think the Representative from Falmouth put it accurately when he described him as a gentleman. He was a true gentleman. He had friends in every walk of life. I think the fact that he was a leader in both parties is a testament to the respect that was accorded to him and to his abilities. That says a lot. As the memoriam says, Dana Childs will be greatly missed.

Was **ADOPTED** and sent for concurrence.

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Licensing Fees of Tobacco Products Manufacturers"

(S.P. 412) (L.D. 1201)

Reporting that it be **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Ought to Pass

Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Enhance Equity Under the Maine Milk Pool Laws"

(S.P. 489) (L.D. 1474)

Reporting **Ought to Pass**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-94)**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **SENATE AMENDMENT "A" (S-94)** **READ** by the Clerk and **ADOPTED**.

TOMORROW ASSIGNED FOR SECOND READING.

Report of the Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Clarify the Laws Regarding Fund Raising During the Legislative Session" (EMERGENCY)

(S.P. 575) (L.D. 1655)

Reporting **Ought to Pass.**

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-68).**

Report was **READ** and **ACCEPTED.** The Bill **READ ONCE. SENATE AMENDMENT "A" (S-68) READ** by the Clerk and **ADOPTED.**

TOMORROW ASSIGNED FOR SECOND READING.

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Amend the Definition of 'Parent' in the Laws Governing Education"

(S.P. 519) (L.D. 1553)

Signed:
Senators:

BERUBE of Androscoggin
MURRAY of Penobscot
SMALL of Sagadahoc

Representatives:

BRENNAN of Portland
RICHARD of Madison
DESMOND of Mapleton
SKOGLUND of St. George
WATSON of Farmingdale
BAKER of Bangor
STEDMAN of Hartland
BELANGER of Caribou
WESTON of Montville

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

Signed:
Representative:

ANDREWS of York

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

READ.

On motion of Representative BRENNAN of Portland, 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 Exclude Retail Stores from Participation in Tax Increment Financing Districts"

(S.P. 120) (L.D. 317)

Signed:
Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec

Representatives:

GAGNON of Waterville
DAVIDSON of Brunswick
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:
Senator:

MILLS of Somerset

Representatives:

GREEN of Monmouth
COLWELL of Gardiner

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 to Pass as Amended by Committee Amendment "A" (S-82)** on Bill "An Act to Allow Counties to Retain a Larger Share of the Real Estate Transfer Tax"

(S.P. 121) (L.D. 318)

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 Not to Pass** on same Bill.

Signed:
Senator:

MILLS of Somerset

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-82).**

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" (S-82) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Thursday, April 29, 1999.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Allow a Person to Erect One Advertising Sign"

(S.P. 126) (L.D. 323)

Signed:
Senators:

O'GARA of Cumberland
CASSIDY of Washington
PARADIS of Aroostook

Representatives:

FISHER of Brewer
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" (S-98)** on same Bill.

Signed:
 Representatives:

COLLINS of Wells
 WHEELER of Bridgewater

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

READ.

Representative BOUFFARD of Lewiston 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 **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Amend the Maine Land Use Regulation Commission Laws to Prohibit Fines on First-time Violators of Maine Land Use Regulation Commission Laws or Rules" (H.P. 542) (L.D. 749)

Signed:
 Senators:

NUTTING of Androscoggin
 KILKELLY of Lincoln
 KIEFFER of Aroostook

Representatives:

COWGER of Hallowell
 CARR of Lincoln
 GOOLEY of Farmington
 VOLENIK of Brooklin
 PIEH of Bremen
 WATSON of Farmingdale
 GAGNE of Buckfield
 GILLIS of Danforth

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

Signed:
 Representatives:

FOSTER of Gray
 CROSS of Dover-Foxcroft

READ.

Representative PIEH of Bremen moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. This is a bill that would prohibit the Maine Land Use Regulation Commission from filing first time violator of the Commission rules and also to require the Commission to help the violator remedy the environmental damage that may have occurred. In the public hearing and the work session on this bill, the majority of us felt that this bill was not necessary, that LURC has had policies that they have followed since 1992 and are

lenient on first time violators anyway unless it is willful. The other part of this bill that is of concern to us is that it implies that the state would have to pay for the cleaning up of any environmental damage that was done by the first time violator, so I encourage you to support the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Foster.

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. I'm on the other side of this issue and for two reasons, which may or may not be simple. One is, my experience with people who are charged with enforcing environmental regulations are not necessarily Land Use Regulation Commission, but others in some instances have come down kind of hard on people when the action has not been willful. My latest experience was this winter and apparently there's a person who has been charged with a violation. It was illegal, he admits it, however, environmentally what he did was correct, but he is faced with a \$2,000 fine and so that's one reason I'm on the other side of this issue.

The other reason is that the language in many of these laws is very, very confusing to the average person and in many cases it really takes a lawyer to figure out, or at least have somebody consult a lawyer to figure out what they can do and what they can't do. Essentially, those are the two reasons why I'm on the other side of this issue.

Representative FOSTER of Gray **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. 89

YEA - Ahearne, Bagley, Baker, Belanger, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Colwell, Cote, Cowger, Daigle, Davidson, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Gooley, Green, Hatch, Honey, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Lindahl, Mack, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Norbert, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Sirois, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Bragdon, Bumps, Campbell, Cianchette, Clough, Collins, Cross, Davis, Foster, Gerry, Glynn, Goodwin, Heidrich, Jodrey, Jones, Joy, Kasprzak, Labrecque, Lovett, MacDougall, Marvin, McKenney, McNeil, Mendros, Murphy E, Nass, O'Brien JA, Pinkham, Richardson E, Rosen, Sherman, Shorey, Snowe-Mello, Stedman, Tobin J, Treadwell, True, Wheeler EM, Winsor.

ABSENT - Bolduc, Buck, Clark, Jabar, Lemont, Perry, Plowman, Povich, Skoglund.

Yes, 100; No, 42; Absent, 9; Excused, 0.

100 having voted in the affirmative and 42 voted in the negative, with 9 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 to Purchase School Buses for Public Schools" (H.P. 450) (L.D. 613)

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
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond

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

Signed:
Representative:

NASS of Acton

READ.

Representative TOWNSEND of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. You can see the Report, this is a bill which proposes to float a bond issue to purchase school buses. You can see how the vote fell. The majority of the committee merely felt that bonding was not the preferred way to purchase school buses. We have appropriated significant sum in the Part I budget. We have in addition to that passed a piece of legislation which purchases buses using about one and a half million dollars cash. That's the only issue is the method of what's the best way to buy buses and most of us felt that bonding was not the preferred method.

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

Representative **MC ALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I rise today and urge that you defeat the pending motion. I'm not here to criticize the Appropriations Committee. I appreciate the fact that they've worked on this and they've worked on this bill for a long amount of time. They have a much broader view of the overall fiscal state of this state than most of us individually have and I recognize that and I respect that. I would ask that you defeat this because the issue is 11 years ago this legislature sent out to bond the purchase of school buses which passed. All those buses were bought in one year and right now we have over 300 school buses who need to be retired within the next year. I remind you that when this legislature 11 years ago made that decision to send it to the people, they cast that stone into that pond creating those waves. One of the unanticipated consequences was today we now have

over 300 buses statewide that need to be retired. The program then and the program now is still a 50-50 split between the municipality as well as the state, each putting up half of the money. I appreciate the other bill, I appreciate the money that went into Part I for school buses and the other bill that deals with a million and a half, but \$7 million the Superintendent's Association is requesting does not even meet the need of all the buses that need to be retired. A million and a half is a tremendous idea, but it doesn't go anywhere to any length to eliminating this major problem. I reluctantly stand and ask people to overturn the Majority because I do respect the committee process, but this is a issue that reaches into each and every one of our districts. We all have buses that are needing to be retired and our local school districts are unable to take as many off line as possible, because they just don't have the money. All I would ask is you defeat the motion to allow this issue for bonding of school buses to lie on the table with the other issues of bonds. That's my commitment and I'd be pleased to see if that could happen and then let us collectively decide on what our bond package is going to be. Thank you.

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

A vote of the House was taken. 97 voted in favor of the same and 32 against, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act to Provide Partial Funding for Construction of the Edmund S. Muskie School of Public Service"

(H.P. 925) (L.D. 1302)

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

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

Signed:
Senator:

HARRIMAN of Cumberland

Representatives:

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

READ.

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

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

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. This is L.D. 1302, which is an appropriation for the renovation of a building for the Edmund S. Muskie School of Public Service located on the campus of the University of Southern Maine. We heard some compelling arguments in favor of renovating a building at that location for this facility. One is that the Muskie School brings in about \$15 million worth of grants per year and they employ approximately 200 people, so there's an economic value to consolidating them within one building allowing them to continue to accept grants. What they say at this point is they cannot take on any further projects because they are spread too thin across too many buildings. They are disorganized and they need to be consolidated in one location. Furthermore, it's a good reuse of an existing facility, it's referred to affectionately as the old Steego Building. It was a car parts store, which is sitting empty, on which the university is paying a mortgage although they're not getting the optimum use out of it. So again, there's financial sense in getting the full value out of their mortgage out of the building as well as reducing the amount of rent they are paying. They're currently paying about a \$100,000 a year in all the rents scattered around the city. Less you think it's merely a Portland issue, I want to point out that the Muskie School is also located here in Augusta. There is not a proposal to my knowledge to close those offices and move them south, but I want to point out they have an economic impact around the state. I think that they have a very important impact on us as policy makers and on shaping public debate in the State of Maine. We probably don't use them as much as we could and should, but they provide important background information on child welfare, nutrition, long-term care, and rural health needs. Eighty percent of their alumni remain in Maine and they probably put about \$6,000 into the local economy per year. This proposal has the backing of the Chancellor and the Board of the University System. It rose to the top through a process. It's not a randomly put in bill. It's one that has the full backing of the university system. If there's a difference on this bill, I expect that it has to do with funding again, whether this is the appropriate way. I want to say off the top that appropriating cash is not the ideal way, however, our committee was under pressure to meet deadlines. We didn't want to kill the bill and have no vehicle with which to discuss the value of the Muskie School, so I want to assure you that if you do vote for this proposal, keep it alive, we will certainly be struggling to find a different preferred way to fund this school, including perhaps revenue bonds or other options. I ask your support for the Edmund S. Muskie School of Public Service.

The same Representative **REQUESTED** a roll call on her 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 Norway, Representative Winsor.

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. The Appropriations Chair, Representative Townsend, has made a very good argument and an argument that I agree with almost every point. I think the Muskie School is an important element of the University of Maine system. I think it's an important economic engine for southern Maine. I agree that it needs to rehabilitate a building or do something to locate all its various functions under one roof. I disagree entirely with the method of funding this proposal. As the good chair eluded, this institute is located in a number of different locations in the

greater Portland area. The result is that actually the information that I have is that the university is paying in addition to a mortgage on a building they're not using about, they expect to pay in the next biennium about \$270,000 a year in lease fees. In addition to that, they are occupying space in other buildings within the university system that they don't pay leases, but other parts of the university system does, so we could expect that by building a building the university system could probably save in the neighborhood of \$275 to \$350,000 a year in lease costs. In addition, from the latest figures we have the Muskie Institute generates some \$20 million worth of outside contracts to the University of Maine system and this as the good chair eluded to employs better than 200 people in the university system in the greater Portland area and other parts of the state. In addition, it provides educational opportunities for many students. All that said, the minority of the committee felt that the savings and lease costs, the revenue stream that's generated by these contracts are probably the only real reason to have revenue bonds and revenue bonds, as you know, are issued by the university. They don't need the permission of the Legislature to do it. They have the right to issue revenue bonds of their own. All they have to do is show a definite income stream that can pay for those and frankly, if you have an institute that is contracting out for a particular job, a study or something like that, what you would expect as part of the cost of that is the space that is occupied by the people who do this work. The minority feels very strongly that direct appropriation, which really has the effect of increasing the university system appropriation from \$157 million next year in addition to some debt service that we're paying for previous bonding is really unwarranted and unnecessary and the Muskie system can grow and achieve its potential simply by realizing and taking in account the savings that this project would allow the school and therefore, I would respectfully request a vote against the pending motion and I thank the Speaker.

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

Representative **MARTIN**: Mr. Speaker and members of the House, let me give you just a quick history of the Muskie Institute. as it was first called, was put together by a number of people who felt, one was to have some sort of public service operation in southern Maine to provide services to the local areas, not only to southern Maine, but the rest of the state. Senator Muskie was asked to lend his name to that because of all the work that he, frankly, had done for public service servicing this state whether it be a state Representative, or a Governor of this state, or United States Senator and he willingly agreed. At the same time the university is promoting basically an attempt USM through the Muskie School was trying to get to the point of it awarding its first doctorate program, which you saw in the paper yesterday has been achieved so that's not on line. After Senator Muskie's death, there was a realization that the school growing the way it was, called the Institute at the time, there had to be something done with the buildings. I served on the board of either the Institute or the school, since its origin and one of the things that we went through as members of the board was trying to figure out how to raise money. With Senator Muskie's passing, frankly, it became a little more difficult because he had agreed to help us in that course of trying to raise the money. Mainly after his passing, you may be aware that the Congress of the United States passed a one time appropriation and created the Muskie Foundation, which in fact, is in existence today. So basically what the board did was try to work out some method of trying to find the necessary funds to

build the facility. The money, frankly, would come from three sources. It would come from the state, in this fashion or some other fashion, it would come from the Foundation, that is controlled in part by the family and others and the third part would be a fund raising effort. The fund raising effort, frankly, it's difficult to go try to raise \$3 million whatever the figure is going to be, until the state puts up its share. That is one of the reasons why the bill got drafted the way it did. You may remember the beginning of the session there was all this talk about all this extra money and you may be aware that the talk has sort of disappeared at this point in time. So the bill was drafted basically that it would come from existing resources. I am not, and never have been, for those of you who know me, particularly care where the money is coming from. If it comes from northern Maine, or western Maine, or from southern Maine, if it comes especially from anywhere in Maine to come to northern Maine, you've never heard me complain, so I think the one thing you've got to be careful of here is that we let the bill die because we don't like the funding, so what I simply ask you to follow the lead of the House Chair, to deal with the issue as we get to the end of the session and if there is not money and if it's clear that there is no resource there for this to occur that hopefully the other methods will be used, so I have never been or intend to be married to the method, simply to the concept, because I think it's important in two fashions one that there be the public school, because it serves the entire state, not only Portland and second that it have added as it's name the name of Edmund S. Muskie, a person who served the state so well in public service and so I would ask you this morning to vote in the affirmative.

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

Representative **TESSIER**: Mr. Speaker, Men and Women of the House. As you all know I am on the majority report. As part of the majority report we have not truly made up our mind on the funding. There are still a lot of issues that need to be worked out and I have no problem at all at what the minority report states, however, I still think that we need to keep that option open as to how is the best way to fund this. There seems to be agreement among all of us that it needs funding. The mechanism for funding is the issue. I would ask that you go with the majority report to allow us some latitude in how we will fund this project. Thank you.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This Institute is named for a former constituent of mine and a gentleman who became a friend. I think what we are hearing is that we all share the same goal. We just have different roads, at this time with the report that we're looking to travel. I think what we're hearing from both political parties is whether this comes back to us eventually as a revenue bond, or it comes back as a request for general fund money that the Muskie Institute will get its building and it's program will continue to grow.

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. 90

YEA - Ahearn, Bagley, Baker, Berry RL, Bolduc, Brennan, Brooks, Bryant, Bull, Chick, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay,

Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gooley, Green, Hatch, Honey, Jacobs, Jodrey, Kane, Labrecque, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McKenney, Mendros, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Carr, Clough, Collins, Cross, Daigle, Duncan, Foster, Gillis, Glynn, Goodwin, Heidrich, Jones, Joy, Kasprzak, Kneeland, Lindahl, Lovett, MacDougall, Mack, McAlevey, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Pinkham, Plowman, Richardson E, Rosen, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Bouffard, Campbell, Jabar, Lemont, Povich, Skoglund.

Yes, 90; No, 55; Absent, 6; Excused, 0.

90 having voted in the affirmative and 55 voted in the negative, with 6 being absent, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 29, 1999.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass** on Resolve, to Increase Access to Maine's Technical College System

(H.P. 1191) (L.D. 1701)

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
NASS of Acton

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

Signed:
Senator:

HARRIMAN of Cumberland

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** Thursday, April 29, 1999.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Require All Voting Places to be Accessible"

(H.P. 74) (L.D. 87)

Signed:

Senators:

DAGGETT of Kennebec
FERGUSON of Oxford

Representatives:

McKENNEY of Cumberland
LABRECQUE of Gorham
FISHER of Brewer
GAGNE of Buckfield
TUTTLE of Sanford
HEIDRICH of Oxford
CHIZMAR of Lisbon
PERKINS of Penobscot

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-250)** on same Bill.

Signed:

Senator:

CAREY of Kennebec

Representative:

MAYO of Bath

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the motion as presented by the good Representative from Sanford. I am at a complete loss to understand why we would do anything to prohibit people who need to access polling places in a wheelchair, on a walker, or with the aid of a cane from being able to go to any polling place in their community. We have a number of polling places in this state that are not accessible to people who are physically impaired. The right to vote is a right that we all enjoy, in which this country has gone to war on numerous occasions to protect. I would urge that you not support the motion before you, so that we may go on and accept the minority report and allow all those voting in the State of Maine the right and privilege to access the polling place. Thank you.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. The good Representative from Bath, Representative Mayo, has explained to you this bill essentially strikes the language that would require one acceptable polling place per district and amends the law requiring that all polling places be acceptable to persons with physical handicaps or impairments. The majority of the committee feel that the current law is working very well. The current law addresses this issue and I believe federal law also does. The bill essentially leaves the municipalities, it leaves them no choice but to consolidate the number of wards and precincts available to voters and of the 494 municipalities only 32 have multiple polling places, but out of the 81 percent of those that are handicapped accessible 100 percent are also accessible. This is a municipal mandate requiring a general fund appropriation of 90 percent. It will require a two-thirds vote in final enactment. It is my

understanding that the potential cost to the general fund would be between \$3 and \$4 million on the low estimate and about \$10 million on the high estimate. I do understand the concerns of those that would require that we have this 100 percent compliance, but it's my feelings that this law is working well and a number of municipalities are working to do that because of the municipal mandate requirement. I would ask you to oppose this motion. I think that it is in the best interest of our municipalities that we do so. It is my understanding that the law is working very well as far as accessible. My understanding is even in the municipality where the concern is raised, I believe there was a potential for the person to gain handicapped access, not at that particular poll, but I believe at other polls that would be acceptable and I also feel with the extensive absentee process that state law provides there is plenty of avenue for these concerns. For that reason I would ask that you support the Majority Ought Not to Pass Report.

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

Representative **BAKER**: Mr. Speaker, Men and Women of the House. I rise today to ask you to vote against the Majority Ought Not to Pass Report. Current law since 1985 has required each municipality to provide at least one voting place that is accessible to persons with physical handicaps or impairments. Voters using such accessible places may use absentee ballots or be treated differently from other voters. The reality is they are treated differently from other voters. This bill would require access to all voting places in Maine. In passing this bill, Maine would join 3 other New England states, New Hampshire, Vermont and Rhode Island requiring that each polling must be accessible to and usable by elderly and physically handicapped citizens. As our population is aging and as we work to attract seniors to Maine, we need to consider what this means to them. When my constituent told me about the devastating experience of her wheelchair ridden mother failed to vote at her long time voting station. I registered disbelief. I had no idea that so many years after the America's Disabilities Act had become the law of the land that Maine citizens could actually be turned away from their voting places because accommodations had not been made for the physically challenged. My constituent's mother came from an immigrant family and as a proud American she relished the privilege of voting. She saw the war bonds while her husband fought in World War II. Years later after age and infirmity had placed her in a wheelchair, she returned to vote at the Longfellow School in Portland. It was a big day for her, alas she was turned away because the school was not accessible, though she could have voted absentee, she made the effort to get to the centrally located accessible polling place with all this humiliation that accompanied that because the ritual of voting meant putting her own ballot in the box.

Voting is not just an American right, for which many American men and women have fought and died, voting is an American ritual. For many, as for my constituent's mother, that ritual is bounded by a sense of neighborhood, a sense of place. In an age of strip malls and urban sprawl, it is more than ever essential that we work to preserve our sense of community, our sense of place. Recently, the state house has completed the job of making the Minority Office accessible to one of our colleagues. We rejoice and the removal of one of the last inaccessible places in our state capitol. Should we not do the same for our fellow citizens on the day they go to elect you and me. I urge you to vote against the Majority Report. Thank you.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I, too, urge you to vote red on this. This bill has to do with a woman who is handicapped and held in a wheelchair, but her story must be replicated many times over in this state. Shame on us for insisting that our small businesses must have elevators to get to a second floor or restaurants they must also do this while we keep voting away from our disabled members. So many years after the Americans with Disabilities Act passed, we still have voting places that are inaccessible. I think that this bill is really an important one and ought to be passed. Please join me in voting red.

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

Representative **MCALLEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. I have one town that is not in compliance with the American's with Disabilities Act, it is a single voting place, second story and I saw one of the most courageous things in my life that occurred four years ago when a Vietnam veteran came to vote who had no legs below his knees get out of his wheelchair and he went up a flight of stairs on his back side pushing himself with his arms and he refused to take any help and he was bound and determined he was going to vote no matter what obstacle the town put up in his place. I spoke to the selectmen about that and their attitude was when someone sues us, we'll do something, well now is our chance to do something. That was despicable on the town's part. I represent 3 towns, you can guess which one it is, I'm not going to tell you, but his action in coming to vote, and exercising his authority to vote, a very courageous act. There are other people who are denied that access because they can't climb those stairs, one way or the other, or because they fear the embarrassment their handicap may bring upon them, because they are very sensitive. I would urge you to defeat this and move on with the Minority Report. Thank you.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, am going to vote red on this. I have spent a great many years organizing election coverage for the newspaper where most of you know where I work, and one of the great prides that I think I have taken over the years I think we all have is voter turnout. I think that I would do just about anything and spend any amount of money that I could to make sure that every single polling state is accessible to everyone. I have worked on the Secretary of State's Committees for mock elections, the goal of which is to make absolutely certain that we get the highest voter turnout. We've all recognized that in recent past elections where we have had more voter turnout than almost every other state in the country. As far as the cost is concerned, I don't have any numbers in front of me, I did hear a few minutes ago it costing between \$4 and \$10 million, I think, it seems to me we're talking about a half or dozen communities we're probably talking about maybe not more than 10 or 15 places where we will need to make these kinds of renovations. In the Town of Winterport we did it, we built a ramp and we spent around \$500 to \$1,000. Well \$500 to \$1,000 for a ramp, multiply that folks against 10 or 15 communities, I don't think we're at \$4 million. Vote red. Thank you very much.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. I'm on the Majority Report and as I understand it, as people have said already, every municipality now has to have at

least one handicapped accessible voting site and from the hearing, it was my understanding that if we pass this bill what we're likely to do, what the communities are likely to do is consolidate, close down some of their voting sites in effect denying people more choices. I still am going to vote with the Majority unless I hear something different. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Cowger.

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

The SPEAKER: The Representative may pose his question. Thank you Mr. Speaker. To anyone who may care to answer, don't we have a federal law through the Americans for Disabilities Act that already requires accessibility of all public buildings and therefore is there truly a need for this legislation?

The SPEAKER: The Representative from Hallowell, Representative Cowger has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Mr. Speaker, I would thank the gentleman for his question, he is correct. Presently in federal law, essentially that is one of the main reasons why I'm opposing this legislation.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Stevens.

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. I stand today in support of the Minority Ought to Pass Report, last year I had the pleasure of being the prime sponsor of this bill and today I stand with no less support for this measure. It is true that every municipality has one polling place that is handicapped accessible. It is untrue that people don't care where they vote. When I go to vote I almost anticipate and look forward to the process of having to wait in line. I run up the front stairs, I don't take the ramp. I do take the stairs and I run into people that live in my town. I see the town clerk, the lady sitting there with her Dunkin Doughnuts and cider and I see the petitioners sitting at the long table and I see the curtains with the red and white strips separating the booths and I have that heavy black maker that's tied to a string that's tied to the booth and I love the whole process. Going down and getting dropped off at the front door of the municipal building would not be the same. Voting absentee from my sofa in my living room would not be the same. People like to go vote, people deserve to go vote in their districts, in their precinct where they have voted all along. It's not enough for us to say that you may vote absentee. You may vote at a different precinct in the same municipality and I think it's beholding upon our municipalities who do not have complete compliance with accessibility to urge them, if by law perhaps, to make all voting places handicapped accessible. The voting precinct are the very precincts of our democracy. Please vote red. Vote against the Majority, vote for our friends and our families who need assistance getting into their polling places and who today need a little compassion and a little support. Thank you.

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

Representative **TWOMEY**: Mr. Speaker, Men and Women of the House. I, too, am in support of making sure that everyone has accessibility when they want to go vote and even though the law is in place and some of you might be saying, as Representative Tuttle is saying that he is voting against this because he feels the law is in place. Well, the law was in place and we still didn't have accessibility in the people's house and

we still don't have complete accessibility because when the weather becomes nice and we want to go out on the verandah, Representative Schneider will still not have access to go out on that verandah, so we still have things that we're not accessible to in the people's house. It only goes to prove that the law is in place but people are not enforcing it and we only need to look to ourselves. We haven't enforced it right here, so I think there is a need for this bill. Capable people, able bodied people don't come and vote and there are people who are in wheelchairs, people who cannot make it and want to come and vote and we should stand there and welcome them, we should support this, so please vote red. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Matthews.

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. It seems to me what we are saying here for some citizens is that I'd be happy to live in a bigger municipality or city in Maine and you happen to be handicapped then you might have to go across town to vote and that raises a great deal of concern on my part and other members of this House and I think it should. My question to the committee and the chair is that if we do have and we have to comply with the ADA, then would those towns that are requiring or making it mandatory for citizens to go from one end of the town to the other to vote, aren't they out of compliance with the ADA? Wouldn't this law make us in compliance? Thank you Mr. Speaker.

The SPEAKER: The Representative from Winslow, Representative Matthews has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Sanford, Representative Tuttle.

Representative **TUTTLE**: Thank you Mr. Speaker. Yes, the gentlemen is right, if the federal law does recommend that the towns be in compliance, I believe there is a period of time in which those municipalities do have to be in compliance and he is correct there. As far as making us in compliance with the federal law, my understanding is that that would not be the case.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I rise to make two quick points. First, we've heard that this isn't a big problem for the majority of the people, well obviously the majority of the people aren't handicapped, and don't have problems getting in to vote. Another point I thought about when the Representative from Waterboro, Representative McAleve was speaking about that courageous Vietnam veteran climbed those stairs, in all likelihood gave those legs in defense of our right to vote and we're not willing to pay a little extra to defend his right to vote. That shames me. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TUTTLE**: Thank you Mr. Speaker. For the proponents of this bill, have the proponents of this measure checked with their city about funding this at a local level, or as an alternative and what might that price tag be? My other question would be, how many wards are not accessible in the City of Bangor at present?

The SPEAKER: The Representative from Sanford, Representative Tuttle has posed two questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Thank you, Mr. Speaker. The good Representative from Sanford is correct, this would be a mandate on the municipalities and it can be handled in one of two ways. We can remove the mandate, which would require a two-thirds vote of this body after we have all voted red on the current motion or we can leave it and fund it. The Office of Fiscal and Program Review in a note to the committee a month and a half ago indicated that at this time they were not able to determine what, if any, the cost of this piece of legislation would be, because they did not know at that time how many municipalities and how many polling places were, in fact, out of compliance.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Tuttle. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would like to share with you a memo I received from the Maine Municipal Association, an organization that I have valued highly over my years in this body. It says that MMA is opposed to this legislation for two reasons. First it says that we do not disagree that handicapped accessibility is an important issue, however, we do believe that the Maine Statute adequately addresses the polling place accessibility issue. Our municipalities take seriously the provisions found under Title 21A, Section 630, would require that municipalities to provide at least one centrally located accessible polling place. Secondly, Mr. Speaker, we are concerned that as written in this bill, as Representative Perkins has told you, municipalities will have no choice but to consolidate the number of wards and or precincts available to voters and a survey conducted for a similar public hearing over a year ago, the MMA contacted municipalities with multiple polling places and determined the current level of handicapped accessibility and the feasibility for converting of those 32 municipalities with multiple polling places is 81 percent of those municipalities polling places, in other words what they're saying 100 percent are accessible, however, the truth of the matter is that they are accessible because their polling places are located in public places such as schools and libraries as most of us know. Those municipalities lacking 100 percent handicapped typically use private buildings such as elderly housing units, fraternal organization's meeting houses, which are at times are not accessible. The issue for municipalities then becomes a choice between finding a new place in which to hold elections or consolidating wards into larger districts to make use of existing handicapped accessible space. Relocating the polling place is not an easy solution for many of us who have been municipal officials. Many clerks have stated that finding a place that's either functional or large enough in which to hold an election is very difficult. Therefore, a municipality's last resort will be a consolidation of voting places as a consequence, which is in conflict with the intent of this bill. Whether than providing greater access, what this bill will do is provide fewer polling places with less accessibility and I would encourage you to support the Majority Ought Not to Pass Report.

The same Representative **REQUESTED** a roll call on his 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 Winterport, Representative Brooks.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I just want to run down through a couple of numbers that maybe will help a little bit to clarify what we're talking about here and the magnitude of what we are talking about. It seems to me that some of the concern has been on cost or the inappropriateness of this recommendation. According to information that I'm looking at here, there are approximately 490 polling places in the State of Maine. This apparently, this bill would cover, I stand to be corrected on this, but I believe this bill would cover those primarily that are not multiple voting precincts. I use as an example my district that I run from has seven towns and I visit all seven of those towns and they all have their voting in one place and that's in the town office and that currently is accessible and I believe that that meets the standard of the ADA. The town office must be accessible so what we are really not talking about is many of those 492 towns we're talking about 32 municipalities. And of those 32 municipalities they all have multiple voting precincts. All of them, with the exception of 5, all but 5 already have all of their voting places accessible. So now we are down to the number 5 and those 5 communities where there are not accessible voting places are Gorham, Portland, Cranberry Isle, Gardiner and Sanford. In many of those cases, as the Representative who spoke before me said that's because they seem to be having a difficult time finding an appropriate place to vote that is accessible, well, I'm not so sure that that is a good answer for me, because it would seem to me that somewhere in town, even in Cranberry Isle, you'd be able to find a place that is handicapped accessible. Let's look at Portland alone, Portland has 28 voting precincts, all but 5 are accessible, so we're still only talking about 5 in the City of Portland and the answer is that if they can't fix the place to allow the handicapped to access the polling area, they can move to another place where they can merge. That's all that we are asking here, if on the other hand this does become a mandate, the numbers that I have just given you, and I'm sorry if I have given too many numbers and you're confused, it doesn't seem to me to be that large a mandate that would cost the state that much money. I'm going to continue to ask you to vote red so that we can get to the Minority Report and pass this thing so that every single polling place in the State of Maine is accessible to the handicapped. Thank you, Mr. Speaker.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I'd like to first of all clarify that all voting places in the Town of Gorham are handicapped accessible that that is an inaccurate statement in the report that Representative Brooks has presented. We received that in committee. I would further point out one more thing that I think that we're overlooking. The American's Disabilities Acts, as I understand it, requires that all public places be handicapped accessible. That has to occur within a certain period or when renovation starts and it isn't just a matter of making it handicapped accessible for you to get into the building to vote. It encompasses all of the other aspects of making a building handicapped accessible, that means widening doors, that means changing bathroom facilities and that is why the price tag on this is undetermined at this time because they do not,

number one, know just exactly how many buildings we're talking about and to what length the renovations will be. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Chizmar.

Representative **CHIZMAR**: Mr. Speaker, Men and Women of the House. I'm not going to repeat what the last two speakers have said. I would just hope that you listened to Representative Brooks and Representative Labrecque, they have told you the way it is. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I would hope that you have listened to the good Representative from Penobscot when he talked about compressing some of these larger voting districts, like in Portland, if we pass this bill. The comment was made that in Portland there are 28 voting districts and only 5 are not handicapped accessible. Well that tells me that 23 other locations are available to the handicapped if necessary. All districts, by the way, in Bangor are handicapped accessible. I would urge you to support the Majority Report. Thank you.

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

ROLL CALL NO. 91

YEA - Andrews, Bagley, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bryant, Buck, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Colwell, Cote, Cowger, Daigle, Duncan, Dunlap, Fisher, Frechette, Gagne, Gagnon, Gillis, Glynn, Goodwin, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mack, Madore, Mailhot, Marvin, McGlocklin, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Powers, Richard, Richardson E, Rines, Samson, Sanborn, Savage C, Savage W, Saxl MV, Sherman, Shiah, Shields, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin J, Townsend, Trahan, Treadwell, True, Tuttle, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - Ahearne, Baker, Bragdon, Brennan, Brooks, Bruno, Bull, Cameron, Collins, Cross, Davidson, Davis, Desmond, Dudley, Dugay, Duplessie, Etnier, Foster, Fuller, Gerry, Green, Joy, MacDougall, Martin, Matthews, Mayo, McAlevey, McDonough, McKee, Mendros, Mitchell, Muse, Norbert, O'Brien JA, Pinkham, Quint, Richardson J, Rosen, Saxl JW, Schneider, Shorey, Sirois, Snowe-Mello, Stevens, Tobin D, Tracy, Tripp, Twomey, Williams.

ABSENT - Jabar, Plowman, Povich, Skoglund.

Yes, 98; No, 49; Absent, 4; Excused, 0.

98 having voted in the affirmative and 49 voted in the negative, with 4 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Require the Commission on Governmental Ethics and Election Practices to Report Delinquent Filers"

(H.P. 177) (L.D. 255)

Signed:
Senators:

Representatives:
 DAGGETT of Kennebec
 CAREY of Kennebec
 FERGUSON of Oxford
 MAYO of Bath
 PERKINS of Penobscot
 TUTTLE of Sanford
 HEIDRICH of Oxford
 McKENNEY of Cumberland
 GAGNE of Buckfield
 FISHER of Brewer

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

Signed:
 Representatives:
 CHIZMAR of Lisbon
 LABRECQUE of Gorham

READ.

Representative TUTTLE of Sanford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I'm cosponsor of this bill. It was raised out of the concern of fairness. We file campaign reports so that the public and the press, in a timely manner, will have access to where the money comes from and where the money is spent. Ninety-five percent of us sitting here today, probably closer to 98, 99 percent took the time out of our campaigns and filled out that necessary paperwork. We obeyed the law. We filed, we disclosed. That's almost like a poker game, prior to a primary, prior to the general election, you lay your cards on the table. That's what the law says. How much money, where did you spend the money and if a candidate from either party doesn't disclose, then they go into the election with those cards hidden and you may wait weeks or months to find out what the public and the voters had a right to know before election day. I'm still waiting to find what the amount of money was spent and how it was spent and so are other members of this body that are still waiting. Now we're looking at clean or public elections coming up down the road and if you started to look at that, a lot of that is fueled by the fines, in terms of not meeting disclosure requirements and what this bill said is, if we are going to move to that next level then let's disclose this. Let the public know that someone has not filed and let's begin to enforce it. As a cosponsor of this bill, I guess there's things that's happened before the committee, in terms of a more aggressive role on the part of the commission. There's a cosponsor, I haven't seen that or heard that. I haven't seen that substance. I have an opponent that months after the late filing date, the commission has indicated that his fine is up over the \$20,000 level. That lack of disclosure should have been out there before election day. It should have been out there in May or June when it didn't occur rather than after the election. So this is a bill that actually says, if you're that 99 percent or 100 percent that are sitting in this body and you took the time out and you met the law, you're okay, but for those irresponsible candidates who are running to make law and don't obey the law, that there will be a disclosure of that lateness and that disclosure will occur when it's still real important, before the voters make their decision.

Representative **MURPHY** of Kennebunk **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 Lisbon, Representative Chizmar.

Representative **CHIZMAR**: Mr. Speaker, Men and Women of the House. I'd like to thank Representative Murphy for his explanation because this is the reason I am on the Ought to Pass Report and my main concern is political ethics. The following dates for the candidates are set in state statute and if the majority of the candidates adhere to the statutes then all candidates should. There is no gray area regarding this legislation. It's do it right according to state law or abuse and violate the legislation established by previous legislators.

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

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. There's one more point that I would also like to make. One of the things that we heard in committee was this bill isn't necessary because these reports are already available and that's true, however, nothing is ever done with them and as some folks have already indicated and we heard more in committee, these reports come out very late. What we want is a list. What we want is a timely manner, the way all of us have to do that, the way the law is written. Than also this will put a little more teeth into the Attorney General's Department in following through with the late fines and the fees.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I will try to be brief, Mr. Speaker. As you have heard, the present bill requires the Commission on Governmental Ethics and Elections Practices to issue a report each biennium to the Joint Standing Committee of the Legislature, which would be the Committee on Legal and Veterans Affairs identifying the appliers of delinquent problematic campaign reports as the good Representative from Kennebunk, Representative Murphy, has explained to you, he had an opponent what in present is in violation of the law and from the testimony given by the Ethics Commission and at the public hearing, they have promised that they will be more aggressive in pursuing issues of this nature and in response to Representative Murphy, I would like to say it is my feeling that we should allow the Commission to do their job and it's my feeling that if we allow them to do that that the situation that brought this legislation forward will be addressed. Reading the bill as presently drafted, I really don't think that if you look at the bill presently drafted that it really gives the teeth necessary to do what the proponents had wanted to. At the public hearing and at the work session, the Commission is already doing some of this work. They always like to emphasis the public right to know about who has, and has not filed campaign reports. We can go over there anytime, we can go over there right now, so why do we need to pass a law to say we have to do something that's already being done. Of the 230 candidates that reviews completed, 68 notified that the significant problem with the filings, about 10 percent of those are legislators making the names of delinquent filers, 10 percent of legislators out of that 68. It is the feeling by many that making names of delinquent filers public might spur action that might be appropriate in some cases and unappropriate in the other. It may have to be determined which errors or omissions warrant that action. It's my feeling, I would like to allow the Commission to do its job. They've given their promises on pursuing issues of this nature.

If that is not the case, whether it be next year or the year after, if the problem continues I will be there to assist those who are proposing this bill for a change in the law, but at present, Mr. Speaker, I do not think that that merits the occasion and it is my request that we allow the Commission to do their job and therefore defeat this bill.

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. I sponsored this bill and I really wanted one thing. I would like very much to see that anybody that has misused this law that a report be made up and sent to the committee of jurisdiction showing what the Ethics Committee had done, whether they fined them, and how much the fine was, but I do feel sincerely that anybody who has filled out a report in good standing ought to have the ability to go to the committee of jurisdiction and say, what have you had, you shouldn't have to run over to the Ethics Committee to check out on people. I'm not going to check on you. I feel it's up to the committee of jurisdiction and that's the intent of the bill.

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. 92

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Bumps, Clark, Colwell, Cote, Davidson, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Green, Heidrich, Jacobs, Kane, Lemoine, Mailhot, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, Powers, Richard, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Stanley, Stevens, Sullivan, Tessier, Thompson, Tripp, Tuttle, Twomey, Volenik, Watson, Winsor, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Cowger, Cross, Daigle, Davis, Desmond, Dugay, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Martin, Marvin, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perry, Pieh, Pinkham, Plowman, Quint, Richardson E, Richardson J, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, True, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams.

ABSENT - Goodwin, Hatch, Jabar, Povich, Sirois, Skoglund.

Yes, 65; No, 80; Absent, 6; Excused, 0.

65 having voted in the affirmative and 80 voted in the negative, with 6 being absent, the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 29, 1999.

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

(S.P. 271) (L.D. 764) Bill "An Act to Amend Certain Aviation Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-97)**

(S.P. 468) (L.D. 1407) Bill "An Act to Reduce the Cost to Ratepayers of Decommissioning and Nuclear Waste Storage at the Maine Yankee Nuclear Power Plant" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-102)**

(S.P. 546) (L.D. 1608) Bill "An Act to Conform Maine's Consumer Credit Laws to Federal Law and Make Other Changes" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-101)**

(S.P. 632) (L.D. 1797) Bill "An Act to Amend the Charter of the Waterville Sewerage District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-103)**

(H.P. 1399) (L.D. 2004) Bill "An Act to Clarify the Duties of the State Auditor" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 1467) (L.D. 2099) Bill "An Act to Provide Increased Access to Dental Care in Maine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 32) (L.D. 41) Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2000" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-258)**

(H.P. 67) (L.D. 80) Bill "An Act to Allow Foster Parents to Be Present When the Department of Human Services Meets with a Foster Child" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-273)**

(H.P. 183) (L.D. 261) Resolve, to Direct the Department of Labor to Set Up and Operate Employment Offices in the 16 Counties of the State Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-259)**

(H.P. 518) (L.D. 725) Bill "An Act to Clarify Confidentiality of Mental Health Information" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-266)**

(H.P. 566) (L.D. 787) Bill "An Act to Amend the Membership of the Commission on Safety and Health in the Maine Workplace" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-260)**

(H.P. 605) (L.D. 845) Bill "An Act to Increase Access to Health Care for Low-income Maine People" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-265)**

(H.P. 682) (L.D. 938) Bill "An Act to Make It Illegal to Pass on Solid Center Lines" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-256)**

(H.P. 693) (L.D. 960) Bill "An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-261)**

CONSENT CALENDAR
First Day

(H.P. 726) (L.D. 1016) Bill "An Act to Require That a Translator Be Available to Employees In the Workers' Compensation Process" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-262)**

(H.P. 738) (L.D. 1028) Bill "An Act to Prevent Tampering With Indian Archeological Sites" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-257)**

(H.P. 794) (L.D. 1117) Bill "An Act to Repeal Bedding, Upholstered Furniture and Stuffed Toys Laws" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-252)**

(H.P. 837) (L.D. 1160) Bill "An Act to Amend Certain Laws Administered by the Department of Environmental Protection, Bureau of Land and Water Quality" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-278)**

(H.P. 851) (L.D. 1185) Resolve, to Establish the Renewable Energy Policy Commission Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-254)**

(H.P. 894) (L.D. 1251) Bill "An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-277)**

(H.P. 954) (L.D. 1352) Bill "An Act to Ensure That All Employees Receive Full Workers' Compensation Benefits" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-263)**

(H.P. 1026) (L.D. 1437) Bill "An Act to Reorganize the Real Estate Appraisers Law" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-251)**

(H.P. 1185) (L.D. 1695) Bill "An Act to Provide Immunity to Enhanced 9-1-1 Developers and Providers" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-253)**

(H.P. 1200) (L.D. 1710) Bill "An Act to Amend the Membership of the Information Services Policy Board" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-269)**

(H.P. 1211) (L.D. 1740) Bill "An Act to Amend the Habitual Truancy Law" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-276)**

(H.P. 1226) (L.D. 1755) Bill "An Act to Improve Access to Dental Care for Children" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-274)**

(H.P. 1322) (L.D. 1905) Bill "An Act to Establish the Birth Defects Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-268)**

(H.P. 1405) (L.D. 2010) Bill "An Act to Amend the Maine Lemon Laws" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-279)**

(H.P. 1470) (L.D. 2110) Bill "An Act to Ensure Adequate Nutrition for Low-income Legal Aliens" (EMERGENCY)

Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-267)**

(H.P. 1473) (L.D. 2113) Resolve, Directing the Department of Human Services to Conduct a Review of the Reimbursement Rates under the Medicaid Program for Speech, Language Pathology and Audiology Services Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-275)**

(H.P. 1476) (L.D. 2116) Bill "An Act to Provide Funds for a National World War II Memorial in Washington" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-270)**

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. 127) (L.D. 324) Bill "An Act to Allow Assistants to Physicians to Perform Certain Tasks outside the Direct Supervision of the Physicians"

(S.P. 255) (L.D. 689) Bill "An Act Concerning Municipal Public Library Trust Funds" (C. "A" S-93)

(S.P. 429) (L.D. 1266) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Promote Historic and Scenic Preservation (C. "A" S-96)

(H.P. 529) (L.D. 736) Bill "An Act to Further Discourage the Field Theft of Wild Blueberries"

(H.P. 1058) (L.D. 1489) Bill "An Act Regarding the Operation of a Motorized or Electric Bicycle on a Public Way"

(H.P. 1161) (L.D. 1672) Bill "An Act Concerning Service Relating to the Disclosure of Financial Records"

(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"

(H.P. 192) (L.D. 270) Bill "An Act to Create the Washington County Electricity Agency" (C. "A" H-226)

(H.P. 328) (L.D. 444) Bill "An Act to Permit Senior Citizens to Remain in Their Homes by Providing Funds for Necessary Modifications" (C. "A" H-244)

(H.P. 501) (L.D. 708) Bill "An Act to Provide Educational Opportunities for Persons Who Resided in Foster Care as Children" (C. "A" H-231)

(H.P. 636) (L.D. 886) Bill "An Act to Establish Lobster Hatcheries" (C. "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" (C. "A" H-234)

(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) (C. "A" H-255)

(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" (C. "A" H-229)

(H.P. 917) (L.D. 1295) Bill "An Act Regarding Continuing Education for Professional Land Surveyors" (EMERGENCY) (C. "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" (C. "A" H-249)

(H.P. 993) (L.D. 1391) Bill "An Act to Amend the Charter of the Dover-Foxcroft Water District" (C. "A" H-242)

(H.P. 1007) (L.D. 1418) Bill "An Act Concerning Blueberry Growing Practices" (C. "A" H-228)

(H.P. 1018) (L.D. 1429) Bill "An Act to Add Members to the Maine Turnpike Authority" (C. "A" H-238)

(H.P. 1023) (L.D. 1434) Bill "An Act to Make Minor Corrections to the Laws Governing Consumer Credit and Collection" (C. "A" H-245)

(H.P. 1110) (L.D. 1569) Bill "An Act to Amend the Charter of the Veazie Sewer District" (C. "A" H-227)

(H.P. 1139) (L.D. 1624) Bill "An Act to Amend the Lobster Trap Escape Vent Laws" (EMERGENCY) (C. "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) (C. "A" H-243)

(H.P. 1210) (L.D. 1739) Bill "An Act Relating to New and Used Car Document Fees" (C. "A" H-240)

(H.P. 1233) (L.D. 1762) Bill "An Act to Clarify the Law Concerning Representations Made in Insurance Contracts" (C. "A" H-246)

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

(H.P. 258) (L.D. 362) Bill "An Act to Allow Municipalities to Set Speed Limits and Determine Whether Passing Is Advisable on State Roads" (C. "A" H-236)

On motion of Representative MARTIN of Eagle Lake, was **REMOVED** from the Second 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 Thursday, April 29, 1999.

(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" (C. "A" H-237)

On motion of Representative MURPHY of Kennebunk, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. It was my understanding that as this budget moved through that the commission was to make a statement that if revenues exceeded the revenue forecast that they have over the life of the bonds that those additional revenues would be dedicated to toll reductions specifically commercial toll reduction. We do not have that letter yet to read into the record

and I would hope someone would give me the courtesy of a tabling motion.

On motion of Representative SAXL of Portland, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

(H.P. 1179) (L.D. 1690) Bill "An Act Regulating the Transportation of People and Dogs in Pickup Trucks" (C. "A" H-239)

On motion of Representative MARTIN of Eagle Lake, was **REMOVED** from the Second Day Consent Calendar.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and specially assigned for Thursday, April 29, 1999.

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Improve the Collection of Restitution"

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

(S. "A" S-86 to C. "A" S-67)

Bill "An Act to Recodify the Auctioneers Licensing Law"

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

(C. "A" S-95)

House

Bill "An Act to Implement the Recommendations of the Commission on Eating Disorders"

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

House As Amended

Bill "An Act to Restore Municipal Revenue Sharing"

(H.P. 701) (L.D. 968)

(C. "A" H-218)

Bill "An Act Regarding Notification to Parties Affected by Marine Construction"

(H.P. 969) (L.D. 1367)

(C. "A" H-222)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Papers were **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.

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

The SPEAKER: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. In terms of item (6-10), if I were present, I would like to be recorded as voting nay.

BILL HELD

Bill "An Act to Ensure Access to Prescription Drugs for the Elderly"

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

- In House, **REFERRED** to the Committee on **BANKING AND INSURANCE**.

HELD at the Request of Representative MURPHY of Kennebunk.

On motion of Representative MURPHY of Kennebunk, the House **RECONSIDERED** its action whereby the Bill was **REFERRED** to the Committee on **BANKING AND INSURANCE**.

On further motion of the same Representative, **TABLED** pending **REFERENCE** to the Committee on **BANKING AND INSURANCE** and specially assigned for Thursday, April 29, 1999.

On motion of Representative MARTIN of Eagle Lake, the House adjourned at 12:25 p.m., until 9:00 a.m., Thursday, April 29, 1999 in honor and lasting tribute to former Speaker of the House Dana Childs, of Westbrook.