

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
41st Legislative Day
Thursday, April 29, 1999

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

Prayer by Honorable Joseph E. Brooks, Winterport.

National Anthem by Callista Young, Bath.

Pledge of Allegiance.

Doctor of the day, William Hall, M.D., Cumberland Foreside.

The Journal of Tuesday, April 27, 1999 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 803)

**JOINT RESOLUTION RECOGNIZING AND HONORING
MAINE'S WABANAKI PEOPLE**

WHEREAS, the Wabanaki people, the people of the Dawn, including the Passamaquoddy, the Penobscot, the Maliseet and the Micmac, have lived in Maine for thousands of years; and

WHEREAS, the Wabanaki people have contributed much to our State's heritage; and

WHEREAS, the State of Maine recognizes the contributions made to our State by the Wabanaki people; and

WHEREAS, the State of Maine respects and honors the Wabanaki people and their cultures; and

WHEREAS, we encourage educators in Maine to teach our children about the Wabanaki people and their contributions to the State of Maine; and

WHEREAS, we look to the new millennium as an opportunity to better understand and work side by side with the Wabanaki people; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the First Regular Session, on behalf of the people of the State of Maine, make history as we welcome our Wabanaki brothers and sisters to the State House today, April 27, 1999, on the occasion of Wabanaki Awareness Day; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Governors and Chiefs of each of Maine's 5 Wabanaki communities on behalf of the people of the State of Maine.

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

READ and **ADOPTED** in concurrence.

Non-Concurrent Matter

Bill "An Act to Provide Tax-exempt Status to Organizations That Teach Reading"

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

Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in the House on April 14, 1999.

Came from the Senate with the Majority (9) **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 Include Marine Products on Roadside Signs" (EMERGENCY)

(H.P. 247) (L.D. 351)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-200)** in the House on April 15, 1999.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative JABAR of Waterville, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Ensure Compliance with Court Orders Relating to Child Visitation"

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

Minority (5) **OUGHT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 15, 1999.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative STANWOOD of Southwest Harbor moved that the House **INSIST** and ask for a **COMMITTEE OF CONFERENCE**.

On motion of Representative SAXL of Portland, **TABLED** pending the motion to **INSIST** and ask for a **COMMITTEE OF CONFERENCE** and later today assigned.

Non-Concurrent Matter

Bill "An Act to Ensure Safety in the Sale of Shellfish"

(H.P. 792) (L.D. 1115)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** in the House on April 8, 1999.

Came from the Senate with the Majority (7) **OUGHT TO PASS** Report of the Committee on **MARINE RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

On motion of Representative PINKHAM of Lamoine, the House voted to **ADHERE**.

**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:

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Promote Economic Development in Androscoggin County"

(H.P. 1566) (L.D. 2217)

Presented by Representative MENDROS of Lewiston.

Cosponsored by Senator NUTTING of Androscoggin and Representatives: BOLDUC of Auburn, BOUFFARD of Lewiston, CHIZMAR of Lisbon, GERRY of Auburn, HEIDRICH of Oxford, SCHNEIDER of Durham, SHIELDS of Auburn, SNOWE-MELLO of Poland.

ORDERS

On motion of Representative MENDROS of Lewiston, the following Joint Order: (H.P. 1568) (Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BRENNAN of Portland, CAMPBELL of Holden, COLLINS of Wells, LEMONT of Kittery, NASS of Acton, SHIELDS of Auburn, WHEELER of Bridgewater, Senator: BENNETT of Oxford)

ORDERED, the Senate concurring, that the Commission to Study the Fairness of the Maine Turnpike is established as follows.

1. Commission established. The Commission to Study the Fairness of the Maine Turnpike, referred to in this order as the "commission," is established.

2. Membership. The commission consists of 15 members appointed as follows:

- A. One member of the House of Representatives each from York County, Cumberland County, Androscoggin County and Kennebec County, appointed by the Speaker of the House of Representatives;
- B. One member of the House of Representatives from Oxford County or Franklin County, appointed by the Speaker of the House of Representatives;
- C. One member appointed by the York County Board of Commissioners;
- D. One member appointed by the Cumberland County Board of Commissioners;
- E. One member appointed by the Androscoggin County Board of Commissioners;
- F. One member appointed by the Kennebec County Board of Commissioners;
- G. Two Senators, appointed by the President of the Senate;
- H. The Executive Director of the Maine Turnpike Authority or the executive director's designee;
- I. The Commissioner of Economic and Community Development or the commissioner's designee;
- J. The Commissioner of Transportation or the commissioner's designee; and
- K. One representative from the Maine Chamber and Business Alliance.

3. Chairs; quorum. The first Senate member named is the Senate chair and the first House member named is the House chair. A quorum consists of a majority of those appointed.

4. Appointments; convening committee. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chairs of the commission shall call and convene the first meeting of the commission no later than July 15, 1999.

5. Duties. The commission shall study whether the Maine Turnpike is operated in a manner that is fair to all users of the Maine Turnpike and to the communities and counties that are adjacent to the Maine Turnpike, including the issues of cost and

convenience to the users, accountability of the Maine Turnpike Authority to the Legislature and the public and accessibility from the most practical locations in the communities adjacent to the Maine Turnpike, including the Lincoln Street area of Lewiston.

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

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

8. Report. The commission shall submit a report along with any recommended legislation to the Joint Standing Committee on Transportation by December 1, 1999. Following receipt of the report, the Joint Standing Committee on Transportation may introduce legislation to the Second Regular Session of the 119th Legislature. If the commission requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

9. Commission budget. The chairs of the commission, with assistance from the commission staff, shall administer the commission's budget. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget.

READ.

Representative MENDROS of Lewiston moved that the Joint Order be **REFERRED** to the Committee on **TRANSPORTATION**.

On motion of Representative JABAR of Waterville, **TABLED** pending **REFERENCE** to the Committee on **TRANSPORTATION** and later today assigned.

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 24)

ORDERED, that Representative Roger D. Frechette of Biddeford be excused April 26th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Christopher T. Muse of South Portland be excused April 13th, April 14th and April 15th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the following members of the Gardiner Girls 5th Grade Travel Team: Lynsey Seymour, Becky Dixon, Allyce Pepin, Katie Frink, Katie McGee, Sarah Pelletier, Katie Pelletier, Liz Staples, Jessica Laffin, Lindsay Thornton, Jessica Fish and Danielle Pare; and Coaches Peter Seymour and Cliff Dixon, champions of the Central Maine League. The team's record for the season was 19-4. We extend our congratulations to them on this accomplishment;

(HLS 299)

Presented by Representative COLWELL of Gardiner.

Cosponsored by Representative COWGER of Hallowell, Representative WATSON of Farmingdale, Senator TREAT of Kennebec.

On **OBJECTION** of Representative COLWELL of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I appreciate the opportunity to bring a little good news into this chamber today. Too often in today's modern world we hear tragic stories of our youth. I am here to show what is right with our kids and with our communities. This group of young women and their coaches who I have known for a number of years have worked hard this year. They set a goal. They learned how to work together as a team and how to achieve their goal. They did it through developing both their individual talents and developing their working together in a group. They learned when to go it alone and drive to the hoop and make the basket themselves. They also learned more importantly when to make that pass to a team mate and forgo the glory themselves and let someone else share in the glory and win the game. I know that when I was in high school women and girls played a much different basketball game. A game that I must say I never understood. It was always said that girls can't play basketball so they have to play this other game where they could only dribble three times and couldn't go beyond half court. I think there was finally a dawning and a recognition that no one could play that game, frankly. Since the rule change and women have been allowed to play the same game as men, we have been treated with tremendous excellence in women and girls basketball. I know that I, along with you, look forward to seeing these young women developing into the next Cindy Blodgett and go to the University of Maine or wherever their careers take them and I wish them all luck. I thank the chamber for inviting these folks here today.

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

Representative **O'BRIEN**: Mr. Speaker, Men and Women of the House. I know we probably want to move on, but I can't let this opportunity pass. I am the mother of a player on the Augusta fifth grade travel team. I know the Augusta fifth grade travel team strikes fear in the heart of this team every time they play them. It is always a very close game. I want to commend them. This team is a wonderful team. We will be having many future matches. I want to thank them for the opportunity for some very exciting games. Congratulations.

PASSED and sent for concurrence.

In Memory of:

Muriel Elinor Chick, beloved wife of Representative Howard A. Chick, of Lebanon, a supporter of local 4-H activities and a member of the Lebanon-North Berwick Baptist Church where she sang in the choir for more than 40 years. She was a member of the Lebanon-North Berwick Baptist Society, the Riverside Grange and the York Pomona, state and national granges. Mrs. Chick was also a member of the Ladies Aid Society of Little River Falls Village and was active at the Senior Dining Center in East Lebanon. She will be greatly missed by her family and friends;

(SLS 130)

On **OBJECTION** of Representative MURPHY of Kennebunk, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. This memorial honors Muriel Chick. She represents the teams that serve in this Legislature, our partners, our spouses work with us together in this chamber. With Muriel's death, we have lost a team member in this chamber. I remember her service in Lebanon, Maine. I am extremely proud of the York and Cumberland County Representatives and Senators that attended that service. I am extremely proud of Howard's committee members who attended that service. I am proud of the members of leadership that attended that service. What was extremely remarkable about that service were the hundreds of people from Lebanon and surrounding communities that came to that service. They were part of the fabric that made up this very unique western York County community. Many of you possess treasures. There are Muriel's quilts, which annually were offered at the Legislative Scholarship Dinner and Auction. I know you treasure those. Those quilts represent the fabric and the coming together of the Chick family and the community in Lebanon. Today, we honor her memory, the contributions that she has made to this chamber and the contributions that she has made to her community of Lebanon. She will be missed.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I would just like to add my voice to those of the good floor leader from Kennebunk. I remember often going to an early morning breakfast meeting at the Senator and seeing Representative Chick on the same side of a booth with his wife or enjoying a moment with former Representative Paul and his wife. I know well what the good Representative from Kennebunk says. Truly in this instance, this was a very strong team that brought distinguished service and touched numerous lives in the community of Sanford. I know that we all stand with Howard and wish him the very best and let him know that we are thinking of him at this time.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. I put another perspective on this team because my husband along with Representative Chick are members of the Maine State Fair Association Board of Directors. I attend with my husband to those meetings and there again the team was always there, Howard and Muriel. Howard has been a member of the Fair Evaluation Team of which I am also. He depended on his wife Muriel to attend those fairs with him and do those evaluations. So all of our fair family in the State of Maine is going to miss seeing Muriel.

ADOPTED in concurrence.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Improve Accountability in the Budget Process"

(S.P. 555) (L.D. 1617)

Signed:
Senators:

MICHAUD of Penobscot
CATHCART of Penobscot
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-122)** on same Bill.

Signed:
Representatives:

POWERS of Rockport
TESSIER of Fairfield

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on JOINT ORDER - Relative to Establishing the Task Force on Transportation Access, Air Pollution Reduction and Family Self-sufficiency.

(S.P. 612)

Signed:
Senators:

PARADIS of Aroostook
BERUBE of Androscoggin

Representatives:

KANE of Saco
BROOKS of Winterport
FULLER of Manchester
QUINT of Portland
WILLIAMS of Orono

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

Signed:
Senator:

MITCHELL of Penobscot

Representatives:

DUGAY of Cherryfield
LOVETT of Scarborough
BRAGDON of Bangor
SNOWE-MELLO of Poland
SHIELDS of Auburn

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Joint Order **PASSED**.
READ.

Representative KANE of Saco moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. This bill, which is a special resolve, establishes a task force to explore a dual strategy to facilitate the successful transition of welfare recipients to work by exploring ways of assisting in the provision of reliable transportation. At the same time, it would examine options for retiring old polluting cars from the road. With respect to advancing welfare reform and the transition to work, a March study of former and current Maine recipients found that 45 percent of long-term recipients said that problems with transportation interfere with their ability to keep a job. With respect to pollution prevention, studies show that removing high polluting cars from the road can be a more cost effective method over time for reducing pollution than repairing the cars. We know that most of the auto related pollution comes from old cars. We also know who is driving these old cars. They are people with very low incomes and certainly this includes those folks moving from welfare to work.

This Joint Order would establish a legislative task force to develop recommendations and legislation for a vehicle exchange program. It would retire old polluting cars from the road, replacing them with newer less polluting models through lease or purchase. The program would compliment the current state temporary assistance for needy family programs and welfare to work programs by providing reliable transportation to working people who meet the program guidelines. At the same time it would reduce the state's contribution to the ozone pollution problem and could significantly achieve reduction in air pollution. The task force would identify market incentives including tax incentives and emission trading to encourage businesses, rental car companies and others to donate vehicles to such a program. The task force would also examine how a program could be included in the state's plan for complying with federal clean air standards. The task force would identify funding sources and management strategies and federal waivers that may be necessary to fully compliment such a program. In carrying out the responsibilities the task force would seek the input of state agencies, non-profit groups, auto dealers and other businesses and organizations.

This bill, men and women of the House, has the complete support of the Department of Environmental Protection, Bureau of Air Quality. Thank you Mr. Speaker.

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

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. You know I feel that a task force on this matter will be adding significant costs to the taxpayers. This order wants to study the idea of removing polluting vehicles from our Maine highways. They are saying older vehicles. Let me tell you something people, I have looked through the parking lot out here and there are a lot of you who are driving some of the cars that we are talking about doing away with. This committee once had agreed to incorporate this order into another bill that we carried over, so that we would be allowed to study the welfare recipients to purchase newer vehicles for them to get to work. I am just asking you people, I think there is a lot here that we need to think about before we cast a vote to study this matter. We are just adding more burdens to the taxpayers by even thinking about this matter. I would like a roll call on this, please.

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

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

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

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I rarely oppose a study. I think information is helpful. However, in deference to our good friends on the committee who voted in favor of this, this is a welfare issue thinly disguised with an environmental cloak. It is extremely complicated, expensive and smacks of a socialized type of situation. I would hope that you would vote against this measure. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. Make no mistake about it. This proposal promises to be the Guinness Book of World Records in boondoggles. This is a California proposal. It is currently being done in California in different ways and more proposals are coming. When they talk about removing vehicles from the road, they are talking about crushing these vehicles. They are not just removed from the road. They are removed completely, permanently. This removes a valuable source of used parts for the very people that you are trying to help. The people that might not qualify for TNAF that are just getting by and use these parts to keep their car running. It also removes a valuable source of parts for antique and classic car collectors and even the car itself. This is why it has met so much resistance in California, the capital of the automobile.

I have the most respect for the Representative from Saco, but I must correct him. It has never been proven that older cars pollute, unmaintained cars pollute whether they are old or whether they are new. Old cars in good condition can be as clean as new cars. This money for anything that is proposed here would be better spent on keeping these older cars running.

Finally, the thing that caught my eye the most here was the task force shall examine market incentives including tax incentives and emission trading. I wasn't a member of this body, but many of you were when we had IM240 and it seems to me that the subject of emission trading is what killed IM240 and it was killed by the environmental community. There argument was that it allows companies like paper companies and oil companies to pollute more by buying emission trading. I can't believe that this proposal is being brought back in the guise of an environmental issue. Thank you.

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

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. I am on the Majority Report. I think I would like to see us keep this in perspective. This is to establish a task force. This is not to go ahead and dole out the money. This is to establish a task force that will take a look at an opportunity that we have, perhaps next year, to take some of the more polluting vehicles off the road. These are people who cannot afford this without some kind of revolving loan account. If we are going to start making a dent in pollution that is presented by vehicles, then this is a good opportunity for us to start doing that. The previous speaker talked about pollution and whether or not old cars contribute to air emissions. I don't know if they do or not. I suspected that they did and I believe that we are talking about a population here that without assistance probably can't help to do the maintenance. To keep it in perspective, I don't think we are talking about thousands

and thousands of dollars to create a task force and to fund that task force will probably cost a few thousand bucks, maybe two. At least that is what my experience has been with task forces that I have served on. I think we ought to give this an opportunity to move ahead and give us an opportunity to study the impact of this and to find out whether or not it is appropriate to fund it next year. We can go through these arguments again next year as to whether we want to move ahead on the program. This only establishes the task force. Thank you Mr. Speaker.

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

Representative **BRAGDON**: Mr. Speaker, Ladies and Gentlemen of the House. Again, like my colleague, I don't oppose studies very often because I think on the Health and Human Services Committee, as well as on many of your committees, we deal with very complex and detailed matters. The whole issue of transportation for low income people is an issue that we on the committee have been dealing with for a long time. President Lawrence had a bill in dealing with providing transportation to low income people, TNAF participants, as well as there was this study presented by Senator Treat. The department recognizes that this is also a problem. The committee decided to take the approach that we are not really sure how to best deal with the transportation problem for TNAF recipients. The department is setting up a \$1 million pilot program to look at what would be the best way to deal with transportation. Would that be helping low-income people get loans to purchase their own cars, helping them find alternative means of transportation besides the traditional methods of public transportation or utilizing the cap agencies? This is something that the department has already begun. The RFP has already been advertised in the newspaper and this program is already being started. I really think this is duplicative and it is unnecessary to waste our time, as well as other interested parties, looking at an issue that we have already begun to deal with. I would urge you to vote against this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. I appreciate my colleagues comments with respect to this new demonstration project that DHS is implementing. That is exactly one of the reasons that makes this study timely because DHS is implementing a demonstration project for purchasing and leasing automobiles to assist TNAF recipients in securing reliable transportation. There is a whole range of other questions that this demonstration project does not deal with and that this study could complement. Thank you Mr. Speaker.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. As we look at the calendar, we are into the last 30 days of the session. Our short-term problem is that we need to set our priorities before we adjourn. We also begin to set our priorities in terms of the studies. What will happen before we return next January. I am amazed at this order. As we look at our priorities and we look at our needs and we are starting to hear the first beginnings of that within this session as legislation comes out of the committees. I see a study report looking to put the state into the car business. I am not quite sure how this would happen if we accept the Majority Report. Would we have published a list of outlawed vehicles and you have to lock them up in your garage. Sneak out at 2 or 3 in the morning to be able

to drive the outlawed vehicle. Are we going to have tailpipe police? We are going to sniff and crush. I am concerned about hearing that there is already \$1 million coming out of the tailpipe. I would like to hear a little bit more. I would like to hear this flushed out. Who is going to run the car business? Are the caps going to run it? Will the DEP run the program? Will we start setting up regional state automobile lots throughout the state? Will we start advertising on TV, come on down and get your free vehicle from the state or your low cost loan from the state? Is this really the priorities for the short-term and the long-term? Is this where we really want to spend our time and the money that goes with this study or have we got more important issues to deal with here? Thank you Mr. Speaker.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. My good friend from Kennebunk asked a lot of great questions. That is why we have studies here in this Maine Legislature is to answer those good questions. Mr. Speaker, just to continue briefly, the vote today is to make this an opportunity that this may be studied. This will not guarantee that this is a study that will be chosen. The tradition has it that the committee of jurisdiction chooses which three areas they find the most compelling and the most need to answer these great questions that the good Representative asked to answer. If this is one of the top three, then it will be studied. As the good Representative from Kennebunk says, there are a lot of unanswered questions here. So, it sounds like it is good reason to study.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. I would like to give a little different take than what we have heard on this particular bill. I wish to speak in opposition to the pending motion for a couple of reasons. On August 3rd of this year I had an opportunity to attend a meeting in Augusta where there was a meeting of the people studying global warming through the State Planning Office. After attending that meeting, I was kind of disturbed at some of the things I heard and some of the directions that we were going. I obtained a copy of the planning report. In that planning report there were several recommendations. One of those recommendations is exactly what we are seeing today. What was recommended was that in bits and pieces many of these recommendations would be funneled through the Legislature. This is one of the first ones that I have seen. I just want to make everyone aware of some of the other things that we will see coming, probably not this year and maybe not next year, but in the future very soon.

One of the recommendations was to lobby state governors for passage of a standard 40 mile per gallon fuel efficiency. They wanted to implement a gasoline carbon tax. A gas guzzle registration impact fee for vehicles with an average fuel economy of 25 miles per gallon or less and a gasoline carbon and impact fee. They recommended that revenues from these gas taxes be used exclusively to provide subsidies for ride share programs and rebates for the purchase of vehicles with fuel economies of 30 miles per gallon.

My favorite of all those was this particular one here called the clinker retirement lottery. They also recommended reducing the speed limits from 65 to 55 on the interstate system. They recommended a statewide DEP check of emissions. They also recommended raising the turnpike tolls by 25 percent. If you were traveling alone, you would pay 50 percent more. In

addition, they recommended that a toll booth be placed on Interstate 95 between Augusta and northern Maine. I am not sure exactly where northern Maine begins. They also recommended that the State Planning Office could develop models to provide to town developers, managers, planning boards and loan officers to prevent sprawl. It is a word I have heard a lot here lately. Another way they recommended to reverse sprawl is to implement a campaign aimed at keeping commuter trips to 15 minutes each way to work. This could be done by the State Planning Office, the Natural Resources Council of Maine and the Maine Audubon. I ask, should the people sell their houses to move 15 minutes to work? How many people here own a vehicle that gets 40 miles per gallon? Should the government tell you what you can and cannot drive? Should we subsidize the purchase of vehicles classified as clunkers? I only throw this out for information that I was able to obtain back on August 3rd. I just warn you that there are other things coming our way and we should be ready for those. Thank you.

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

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. I have been listening with some interest to the conversation we are having on crushing old cars. Just to pause a second. I am really pure here. My car gets 53 plus miles to the gallon. I am proud of it. I didn't do it for anything other than the reason it would make good economic sense to me. I drive 150 miles a day on average. It makes good economic sense. I suggest to you that any incentive other than that to crush old vehicles or get rid of them is simply goofy. It reminds me of the program that is going on in California right now. For example, in California for years they have been crushing old cars. It saddens me because I am a fan of old Volkswagens for being a child of the 60s. My fondest memories are of Volkswagens. I have been doing the best I can to gather them up and restore them and put them in good order. The very thought of taking this part of Americana and crushing them and destroying them nauseates me.

What they are doing in California now is the California Senate is considering a bill, S-228, which is to require that these roadside sniffers sniff all the exhaust pipes as cars go by. If your old car fails it, apparently they are going to confiscate your car and just crush it. That, to me, is not only goofy, but it is sinful. I don't know what we need to study here. If you want to recognize that old cars are inefficient to drive and expensive to repair, at some point that is true. I do think that we don't need to study that. A study is expensive. My goodness gracious, what are we talking about. Are we talking about a welfare program or are we talking about a natural resources program? I am hearing both here. If you are talking about pollution prevention by crushing old vehicles, that makes absolutely no sense. I don't think we need to study that to death. If we are talking about a welfare program, that is a different subject. Certainly, there are any number of bills we can look at and consider and wait, I guess, until we see the results of the departments program. I am going to vote to oppose the pending motion and I urge you to join me. Thank you.

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. 93

YEA - Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Colwell, Cote, Cowger, Davidson,

Desmond, Dudley, Dunlap, Duplessie, Etnier, Fuller, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Richard, Richardson J, Samson, Sanborn, Savage W, Saxl MV, Shiah, Sirois, Stevens, Sullivan, Tessier, Townsend, Twomey, Volenik, Watson, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Fisher, Foster, Frechette, Gerry, Gillis, Glynn, Goodwin, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Matthews, Mayo, McAlevy, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Perry, Pinkham, Richardson E, Rines, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Gooley, Madore, Martin, Plowman, Quint, Saxl JW, Thompson, Tracy, Tripp, Usher.

Yes, 58; No, 83; Absent, 10; Excused, 0.

58 having voted in the affirmative and 83 voted in the negative, with 10 being absent, the Majority **Ought to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-83)** on Bill "An Act to Repeal the Sales Tax on Horses" (S.P. 22) (L.D. 6)

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec
MILLS of Somerset

Representatives:

GREEN of Monmouth
COLWELL of Gardiner
STANLEY of Medway
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:

Representatives:

GAGNON of Waterville
DAVIDSON of Brunswick
LEMOINE of Old Orchard Beach

Came from the Senate with the Majority **OUCHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-83)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-83)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 3, 1999.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Include Property in a Tax Increment Financing District Approved after October 1, 1999 in a Municipality's State Valuation for Purposes of Education Funding"

(S.P. 143) (L.D. 412)

Signed:

Senators:

RUHLIN of Penobscot
DAGGETT of Kennebec

Representatives:

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

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

Signed:

Senator:

MILLS of Somerset

Came from the Senate with the Majority **OUCHT 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 **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-117)** on Resolve, to Review Traffic Congestion Including Truck Traffic along the Route 1 York Corridor (EMERGENCY)

(S.P. 571) (L.D. 1638)

Signed:

Senators:

CASSIDY of Washington
PARADIS of Aroostook

Representatives:

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

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

Signed:

Senator:

O'GARA of Cumberland

Representatives:

LINDAHL of Northport
BOUFFARD of Lewiston
WHEELER of Bridgewater

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-117)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-117)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 3, 1999.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-271)** on Bill "An Act to Establish a Fund to Promote Acadian Cultural Tourism for St. Croix Island"

(H.P. 1029) (L.D. 1451)

Signed:

Senator:

HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield
BRUNO of Raymond
NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-272)** on same Bill.

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:

KNEELAND of Easton
WINSOR of Norway

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-271)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 3, 1999.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-280)** on Bill "An Act to Amend the Law Governing the Confidentiality of Health Care Information"

(H.P. 1156) (L.D. 1653)

Signed:

Senators:

PARADIS of Aroostook
MITCHELL of Penobscot
BERUBE of Androscoggin

Representatives:

FULLER of Manchester
KANE of Saco
DUGAY of Cherryfield
WILLIAMS of Orono
LOVETT of Scarborough
BRAGDON of Bangor
SNOWE-MELLO of Poland
SHIELDS of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-281)** on same Bill.

Signed:

Representatives:

QUINT of Portland
BROOKS of Winterport

READ.

On motion of Representative KANE of Saco, **TABLED** pending **ACCEPTANCE** of either Report and specially assigned for Monday, May 3, 1999.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Prohibit Rewards to Fish and Wildlife Informants"

(H.P. 134) (L.D. 196)

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
KIEFFER of Aroostook

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-282)** on same Bill.

Signed:

Representatives:

PERKINS of Penobscot
TRAHAN of Waldoboro
TRACY of Rome

READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought 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 **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-283)** on Bill "An Act Regarding Exhibition of Licenses from the Department of Inland Fisheries and Wildlife"

(H.P. 232) (L.D. 336)

Signed:

Senators:

Representatives: KILKELLY of Lincoln
RUHLIN of Penobscot
KIEFFER of Aroostook

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

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

Signed:

Representative:

CLARK of Millinocket

READ.

On motion of Representative DUNLAP of Old Town, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-283)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 3, 1999.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Allow Hunters to Carry and Use a Standard-size Flashlight" (H.P. 559) (L.D. 780)

Signed:

Senators:

KILKELLY of Lincoln
RUHLIN of Penobscot
KIEFFER of Aroostook

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-284)** on same Bill.

Signed:

Representatives:

TRACY of Rome
CLARK of Millinocket

READ.

Representative DUNLAP of Old Town 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.

**CONSENT CALENDAR
First Day**

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

(S.P. 349) (L.D. 1053) Bill "An Act to Clarify the Laws Relating to Nonstate-funded School Construction Projects Approved by the Commissioner of Education that Replace Existing School Buildings" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 367) (L.D. 1068) Bill "An Act to Clarify Municipal Obligations to an Unlicensed Mobile Home Park" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(S.P. 372) (L.D. 1073) Bill "An Act to Relate the State Liquor Tax to the Amount Transferred to the General Fund" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(S.P. 385) (L.D. 1164) Bill "An Act to Clarify Landlord Access to Premises in Residential Tenancies" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(S.P. 467) (L.D. 1406) Bill "An Act to Prevent Forgery, Alterations or Counterfeiting of Maine State Lottery Tickets" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass**

(S.P. 592) (L.D. 1716) Bill "An Act to Amend the Petroleum Market Share Act" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 729) (L.D. 2079) Bill "An Act to Improve the State Budgeting Process" Committees on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **TAXATION** reporting **Ought to Pass**

(S.P. 731) (L.D. 2081) Bill "An Act to Make Commercial Vehicle Weight Limits Consistent with Federal Law" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 297) (L.D. 869) Bill "An Act to Amend Maine's Payroll Processing Laws" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-105)**

(S.P. 317) (L.D. 951) Bill "An Act to Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-107)**

(S.P. 392) (L.D. 1171) Bill "An Act to Provide for Management of the Harvest of Seaweed" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-114)**

(S.P. 460) (L.D. 1335) Bill "An Act to Simplify the Collection of Fees for the Maine Dairy Promotion Board and Maine Dairy Nutrition Council" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-104)**

(S.P. 553) (L.D. 1615) Bill "An Act to Repeal Registration Requirements of Cable Television Franchise Agreements and the Filing of Wage Rates and Benefits" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-109)**

(S.P. 556) (L.D. 1618) Bill "An Act to Amend the Laws Regarding Professional Engineers" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-118)**

(S.P. 570) (L.D. 1637) Bill "An Act Regarding the Boundaries of State and State Aid Highways" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-108)**

(S.P. 584) (L.D. 1664) Bill "An Act to Clarify Basic Health Care Services to be Offered by Maine Health Maintenance

Organizations" (EMERGENCY) Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-112)**

(S.P. 600) (L.D. 1723) Bill "An Act to Amend the Charter of the East Pittston Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-110)**

(S.P. 639) (L.D. 1806) Bill "An Act to Clarify the Definition and Licensure of Insurance Consultants, Financial Planners and Investment Advisors" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-111)**

(S.P. 744) (L.D. 2103) Bill "An Act to Appropriate \$125,000 for the Fort Knox Visitor Center" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-115)**

(S.P. 759) (L.D. 2135) Bill "An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Fiscal Year Ending June 30, 1999" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-116)**

(H.P. 264) (L.D. 368) Resolve, Naming the Beach Next to the Lincolnville Ferry Terminal French Beach Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-293)**

(H.P. 296) (L.D. 404) Bill "An Act Regarding Shooting Across or From a Public Paved Way" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-287)**

(H.P. 300) (L.D. 408) Bill "An Act Regarding the Waiver Process Under the Lobster Apprenticeship Program" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-308)**

(H.P. 616) (L.D. 856) Bill "An Act to Create Minimum Education Requirements for Prisoners in the Department of Corrections System" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-299)**

(H.P. 635) (L.D. 885) Bill "An Act to Decrease the Time by Which Rent Is Considered Late" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-285)**

(H.P. 649) (L.D. 899) Bill "An Act to Establish a Part-time Liquor License" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-286)**

(H.P. 1051) (L.D. 1473) Bill "An Act to Amend the Maine Emergency Medical Services Act of 1982" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-301)**

(H.P. 1079) (L.D. 1526) Resolve, to Establish a Task Force to Study Limited Entry in the Shrimp Fishery Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-307)**

(H.P. 1275) (L.D. 1836) Bill "An Act Concerning the Sea Urchin Fishery" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-306)**

(H.P. 1394) (L.D. 1999) Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps Committee on **AGRICULTURE, CONSERVATION AND**

FORESTRY reporting **Ought to Pass as Amended by Committee Amendment "A" (H-305)**

(H.P. 1480) (L.D. 2120) Resolve, Establishing an Improved Capital Planning Process Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-298)**

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

(S.P. 452) (L.D. 1327) Bill "An Act to Strengthen Enforcement of Lobster Trap Limits" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-113)**

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

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-113)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-113)** and later today assigned.

(S.P. 705) (L.D. 1980) Bill "An Act to Provide Labeling for Cider" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-119)**

On motion of Representative SCHNEIDER of Durham, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-119)** was **READ** by the Clerk.

Representative Shiah of Bowdoinham, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (S-119)** and later today assigned.

(H.P. 190) (L.D. 268) Bill "An Act to Prohibit the Misuse of Laser Pointers" (EMERGENCY) Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-300)**

On motion of Representative MENDROS of Lewiston, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**. The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the Committee Report.

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

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

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

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

Representative **MACK**: Mr. Speaker, Men and Women of the House. Before we have a roll call on this item, would somebody please explain to me what it does.

The **SPEAKER**: The Representative from Standish, Representative Mack has posed a question through the Chair to

anyone who may care to respond. The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative **TOBIN**: Mr. Speaker, Men and Women of the House. This was a bill that came out of the Criminal Justice Committee with unanimous support. Basically it prohibits anyone from putting a red dot on a police officer in the State of Maine. As you know, the actual pointing of a laser pointer is not that dangerous. The end result is. Modern technology and new firearms come equipped with laser pointer sights and are considered very dangerous. Laser pointers if shown upon a person's eye for a period of time can cause permanent blindness. For a short period of time it can cause temporary blindness. The end result of that would be if someone was on a bridge and happened to shine a laser pointer at someone driving an automobile, even though they might not permanently blind that person, they would become temporarily blinded and could drive off the road. This was a unanimous decision of the Criminal Justice Committee. We gave it a great deal of thought. I urge you to vote Ought to Pass. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I clarify the amendment to this bill. This amendment replaces the bill. The amendment redefines the offense of a criminal use of a laser pointer. A person is guilty of the criminal use of a laser pointer if the person intentionally, knowingly or recklessly points a laser pointer at another person while the laser pointer is emitting a laser beam and causes bodily injury to that other person. That other person is a law enforcement officer in uniform or the person causes a reasonable person to suffer intimidation, annoyance or alarm. The amendment specifies that it is a defense to the prosecution under this section. At the time the laser pointer is used, the person who intentionally, knowingly or recklessly pointed a laser pointer at another person was justified in threatening or using physical force upon the other person. This amendment also allows the state to confiscate those laser pointers.

I urge you to support the unanimous committee report of the Criminal Justice Committee on LD 268 as amended. Thank you.

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

Representative **PEAVEY**: Mr. Speaker, Men and Women of the House. Just to clarify one further point, we were very careful to make sure that the laser tag beams and the centers that have laser tag games that people can play, are not covered by this. It is only if the laser pointer is used in a way that would cause bodily injury or bodily harm or suffer intimidation or annoyance. If someone shines it into your living room and you get pointed, that is not acceptable. It does take out the laser games that kids play and the laser tag games.

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

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. I truly wasn't going to speak. I just wanted to vote against this, but my issue with this is the part C. "Causes a reasonable person to suffer intimidation, annoyance or alarm." The annoyance part, I have a problem making it illegal and making somebody a criminal just because they annoyed somebody else. That is my problem with this bill. That is why I plan to vote against it.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. Is this happening now? Has it happened? Has anyone threatened to do it? The second one is, don't we have laws already that cover anything like if somebody throws a rock across a bridge. It seems to me we must have coverage already to protect people from willful acts to cause harm. That is two questions. Thank you.

The SPEAKER: The Representative from Penobscot, Representative Perkins has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I respond to the good Representative from Penobscot, Representative Perkins question. Down East and Penobscot and Ellsworth, probably not yet, but we have received testimony that in Westbrook and in Portland it is becoming a problem. It is something that I took a leap of faith in and supported. I felt that part of the criminal code could have handled this, but in this case we wanted to name this device by putting it with gun powder in that part of the criminal code where it was appropriate. I urge your support of LD 268.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. I was contacted by officers from the Bangor Police Department, as well as the Hampden Police Department, that this was a problem, specifically in downtown Bangor. Some police officers were patrolling the area and they were coming upon these being shown in their face or shown on their chest where a shot would be considered lethal. Finding their forehead illuminated and they found it to be just a teeny bit threatening as any one of you would if that was your job and you found that you might be in the scope of some infrared laser. So, there also is the added damage to the retina and it can be momentary blindness. It has turned out to be kind of a nuisance for some, but a real troubling problem in this day and age as our law enforcement try to do the best they can. I would urge you to support the Committee Amendment.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. This is a problem. It is a problem within the school system in the classrooms. We have had to ban them from our school. Kids are bringing them in their backpacks and in their lockers. It is also a problem for the pitchers of the Portland Sea Dogs. They had a major problem there. I ask you to really consider this. It does cause blindness. Our kids are being affected by that. I would urge you to go along with the unanimous report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Sherman.

Representative **SHERMAN**: Mr. Speaker, Ladies and Gentlemen of the House. In regard to section c on the annoyance, intimidation and alarm. We had testimony on domestic abuse cases where husbands were spotting wives through houses. Part of that relates to domestic abuse and the misuse of husbands or wives. I urge you to vote for this.

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

Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 94

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

NAY - Duplessie, Gerry, Labrecque, LaVerdiere, Mendros, Savage W, Twomey.

ABSENT - Tracy, Tripp.

Yes, 142; No, 7; Absent, 2; Excused, 0.

142 having voted in the affirmative and 7 voted in the negative, with 2 being absent, the Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-300)** was **READ** by the Clerk and **ADOPTED**.

Representative GERRY of Auburn **OBJECTED** to suspending the rules in order to give the Bill its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

The Chair ordered a division on suspension of the rules.

A vote of the House was taken. 114 voted in favor of the same and 10 against, the rules were suspended and the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-300)** and sent for concurrence.

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

**CONSENT CALENDAR
Second Day**

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

(S.P. 271) (L.D. 764) Bill "An Act to Amend Certain Aviation Laws" (C. "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" (C. "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" (C. "A" S-101)

(S.P. 632) (L.D. 1797) Bill "An Act to Amend the Charter of the Waterville Sewerage District" (C. "A" S-103)

(H.P. 1399) (L.D. 2004) Bill "An Act to Clarify the Duties of the State Auditor"

(H.P. 1467) (L.D. 2099) Bill "An Act to Provide Increased Access to Dental Care in Maine"

(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) (C. "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" (C. "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 (C. "A" H-259)

(H.P. 518) (L.D. 725) Bill "An Act to Clarify Confidentiality of Mental Health Information" (C. "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" (C. "A" H-260)

(H.P. 605) (L.D. 845) Bill "An Act to Increase Access to Health Care for Low-income Maine People" (C. "A" H-265)

(H.P. 682) (L.D. 938) Bill "An Act to Make It Illegal to Pass on Solid Center Lines" (C. "A" H-256)

(H.P. 726) (L.D. 1016) Bill "An Act to Require That a Translator Be Available to Employees In the Workers' Compensation Process" (C. "A" H-262)

(H.P. 738) (L.D. 1028) Bill "An Act to Prevent Tampering With Indian Archeological Sites" (C. "A" H-257)

(H.P. 794) (L.D. 1117) Bill "An Act to Repeal Bedding, Upholstered Furniture and Stuffed Toys Laws" (C. "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" (C. "A" H-278)

(H.P. 851) (L.D. 1185) Resolve, to Establish the Renewable Energy Policy Commission (C. "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" (C. "A" H-277)

(H.P. 954) (L.D. 1352) Bill "An Act to Ensure That All Employees Receive Full Workers' Compensation Benefits" (C. "A" H-263)

(H.P. 1026) (L.D. 1437) Bill "An Act to Reorganize the Real Estate Appraisers Law" (C. "A" H-251)

(H.P. 1185) (L.D. 1695) Bill "An Act to Provide Immunity to Enhanced 9-1-1 Developers and Providers" (C. "A" H-253)

(H.P. 1200) (L.D. 1710) Bill "An Act to Amend the Membership of the Information Services Policy Board" (C. "A" H-269)

(H.P. 1211) (L.D. 1740) Bill "An Act to Amend the Habitual Truancy Law" (C. "A" H-276)

(H.P. 1226) (L.D. 1755) Bill "An Act to Improve Access to Dental Care for Children" (C. "A" H-274)

(H.P. 1405) (L.D. 2010) Bill "An Act to Amend the Maine Lemon Laws" (C. "A" H-279)

(H.P. 1470) (L.D. 2110) Bill "An Act to Ensure Adequate Nutrition for Low-income Legal Aliens" (EMERGENCY) (C. "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 (C. "A" H-275)

(H.P. 1476) (L.D. 2116) Bill "An Act to Provide Funds for a National World War II Memorial in Washington" (C. "A" H-270)

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

(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" (C. "A" H-261)

On motion of Representative CAMERON of Rumford, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-261)** was **READ** by the Clerk.

The same Representative presented **House Amendment "A" (H-327)** to **Committee Amendment "A" (H-261)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-261) as Amended by House Amendment "A" (H-327) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Monday, May 3, 1999.

(H.P. 1322) (L.D. 1905) Bill "An Act to Establish the Birth Defects Program" (C. "A" H-268)

On motion of Representative KASPRZAK of Newport, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-268)** was **READ** by the Clerk.

On motion of Representative SAXL of Portland, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-268)** and later today assigned.

BILLS IN THE SECOND READING
Senate As Amended

Bill "An Act to Allow Counties to Retain a Larger Share of the Real Estate Transfer Tax"

(S.P. 121) (L.D. 318)
(C. "A" S-82)

Bill "An Act to Enhance Equity Under the Maine Milk Pool Laws"

(S.P. 489) (L.D. 1474)
(S. "A" S-94)

House

Bill "An Act to Require the Commission on Governmental Ethics and Election Practices to Report Delinquent Filers"

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

Bill "An Act to Provide Partial Funding for Construction of the Edmund S. Muskie School of Public Service"

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

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** and sent for concurrence.

Bill "An Act to Clarify the Laws Regarding Fund Raising During the Legislative Session" (EMERGENCY)

(S.P. 575) (L.D. 1655)
(S. "A" S-68)

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

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

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

Resolve, to Increase Access to Maine's Technical College System

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

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

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

The same Representative **PRESENTED House Amendment "A" (H-316)**, which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-316)** and sent for concurrence.

ENACTORS
Emergency Measure

An Act to Correct Errors and Inconsistencies in the Laws of Maine

(S.P. 18) (L.D. 3)
(C. "A" S-53; H. "A" H-220)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Charter of the Kennebunk Sewer District

(H.P. 1065) (L.D. 1496)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Ensure Proper Funding of the Public Utilities Commission

(S.P. 192) (L.D. 581)
(C. "A" S-90)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a

two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Study the Changes in Lobster Morbidity and Mortality

(S.P. 501) (L.D. 1502)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Study Children in Need of Services

(S.P. 643) (L.D. 1825)

(C. "A" S-87)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 14 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Mandate

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1999

(H.P. 1543) (L.D. 2197)

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

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

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

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

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 95

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

Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Gerry.

ABSENT - Goodwin, Mayo, Tracy, Tripp.

Yes, 146; No, 1; Absent, 4; Excused, 0.

146 having voted in the affirmative and 1 voted in the negative, with 4 being absent, and accordingly the Mandate was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act to Eliminate Sales Tax on Electricity Used in Agriculture and Aquaculture

(S.P. 23) (L.D. 4)

(C. "A" S-85)

An Act to Increase Penalties for Standing or Walking on Railroad Tracks

(H.P. 56) (L.D. 70)

(C. "A" H-199)

An Act to Establish a Tax Credit for Day Care Facilities for Expenditures Required to Comply with the Lead Poisoning Control Act

(H.P. 130) (L.D. 161)

(C. "A" H-202)

An Act to Encourage Contributions to Family Development Account Reserve Funds

(S.P. 186) (L.D. 579)

(C. "A" S-84)

An Act Regarding Juvenile Hunters

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

An Act to Adjust the Alternative Funding Mechanism for the Maine Public Drinking Water Commission

(S.P. 234) (L.D. 656)

(C. "A" S-74)

An Act Regarding the Unbundling of Natural Gas Services

(S.P. 239) (L.D. 661)

(C. "A" S-92)

An Act to Amend the Licensing Provisions Under the Propane and Natural Gas Act

(H.P. 538) (L.D. 745)

(C. "A" H-201)

An Act to Simplify the Process of Claiming Abandoned Vehicles

(S.P. 375) (L.D. 1076)

(C. "A" S-76)

An Act to Amend the Real Estate Brokerage Law

(S.P. 382) (L.D. 1083)

(C. "A" S-77)

An Act to Clarify the Governance of Soil and Water Conservation Districts

(H.P. 882) (L.D. 1239)

(H. "A" H-230)

An Act to Increase Long-term Health Care Options

(S.P. 446) (L.D. 1321)
(C. "A" S-75)

An Act to Broaden Victim Notification of Release of Defendant Placed in Institutional Confinement Following a Verdict of Not Criminally Responsible by Reason of Insanity
(H.P. 1160) (L.D. 1671)

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

Resolves

Resolve, Requiring the Commissioner of Transportation to Report to the Joint Standing Committee on Transportation on Recreational Access to Water Bodies and Snowmobile Access Across Bridges

(H.P. 195) (L.D. 273)
(C. "A" H-198)

Resolve, to Amend the Requirements for Alcohol and Drug Treatment Programs

(S.P. 295) (L.D. 867)
(C. "A" S-88)

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

An Act to Give Citizens 70 Years of Age and Older Free Bear and Duck Hunters Stamps

(H.P. 171) (L.D. 249)
(C. "A" H-191)

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

On motion of Representative MENDROS of Lewiston, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 96

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

Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Goodwin, Hatch, Kneeland, Mayo, Tracy, Tripp.
Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, April 27, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

An Act to Protect Consumers in Real Estate Mortgage Transactions

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

TABLED - April 26, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED**.

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

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

The same Representative **PRESENTED** House Amendment "A" (H-235) which was **READ** by the Clerk and **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (S-59) and House Amendment "A" (H-235) in **NON-CONCURRENCE** and sent for concurrence.

An Act to Prohibit the Misuse of Identification

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

TABLED - April 26, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative POVICH of Ellsworth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-183)** was **ADOPTED**.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-183)** and later today assigned.

(H.P. 762) (L.D. 1085)
(C. "A" H-86)

TABLED - April 26, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.
PENDING - PASSAGE TO BE ENACTED.

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

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

(H.P. 321) (L.D. 437)
(C. "A" H-104)

TABLED - April 26, 1999 (Till Later Today) by Representative THOMPSON of Naples.

PENDING - PASSAGE TO BE ENACTED.

Subsequently, the Bill was **PASSED TO BE ENACTED.**

On motion of Representative GLYNN of South Portland, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED.**

The same Representative moved that the Bill be **TABLED** pending **PASSAGE TO BE ENACTED** and specially assigned for Monday, May 3, 1999.

Representative SAXL of Portland **REQUESTED** a roll call on the motion to **TABLE** pending **PASSAGE TO BE ENACTED.**

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

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

ROLL CALL NO. 97

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

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

ABSENT - Plowman, Tracy, Tripp.

Yes, 71; No, 77; Absent, 3; Excused, 0.

71 having voted in the affirmative and 77 voted in the negative, with 3 being absent, the motion to **TABLE** and be specially assigned for Monday, May 3, 1999 **FAILED.**

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

An Act to Amend the Qualifications for Participation in the High School Aspirations Incentives Program

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

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

TABLED - April 26, 1999 (Till Later Today) by Representative MUSE of South Portland

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

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Monday, May 3, 1999.

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

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

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

TABLED - April 26, 1999 (Till Later Today) by Representative GAGNON of Waterville.

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

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

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

TABLED - April 26, 1999 (Till Later Today) by Representative GAGNON of Waterville.

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

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

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

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

TABLED - April 26, 1999 (Till Later Today) by Representative GAGNON of Waterville.

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

The **SPEAKER**: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. This bill before you, LD 345, is not one of those dreaded sales tax exemption bills that we have all come to loath and despise. Its purpose is to correct a misapplication of the sales tax. An automotive core is the used part that one turns in when purchasing a remanufactured part, like an alternator or a starter. It could be an engine for a bulldozer that costs thousands of dollars and has a couple thousand dollar core charge. The manufacturer of these parts needed the old one back as part of his remanufacturing process. That is why the deposit is placed on it. It is exactly the same kind of a transaction as when you buy a bottle of soda. The deposit is put on the bottle so that the bottle comes back and doesn't end up in the street. When the new part is sold, naturally, there is a sales tax on it, but the revenue people also want to apply a sales tax to the deposit. When the customer comes back to reclaim the core deposit, there is no refund on the tax. You would think that tax would be refunded right along with the core deposit, but it is not. I gets worse.

If the customer walks into the store with the old part tucked under his arm and exchanges it at the same time the new one is bought, there is, of course, no deposit. There is no need for a deposit. The manufacturer has his part back. The state still says that a sales tax needs to be levied on this non-existent deposit and non-sale. Are we this desperate for sales tax revenue that we have to start taxing non-sales. Perhaps like Alice discovered un-birthdays and mock turtles, we have discovered a new way to tax and it is called a non-sales tax. I urge you to defeat this motion. Thank you very much.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. I admire the sponsor for bringing this bill to us. I do have to disagree with him however that this is one of those dreaded new sales tax exemptions that we do try to avoid. While soda bottle deposits are not taxed, that is a requirement of the state that there be deposits on soda bottles. This is a choice that the industry has chosen to make concerning how they would like to have these used parts returned. These used parts are returned. They are remanufactured and they are being sold again. In the Taxation Committee, we try to reserve exemptions for the large items. As you know, when you purchase a new automobile, it might cost \$30,000 and you have a trade in automobile worth \$10,000 there is an exemption for the trade in value of your used automobile. We tried to maintain that exemption for large ticket items because that is a big purchase at the time. When it comes down to the total purchase price of an item, the purchase price is what is taxed regardless of how you pay for that. Regardless of whether you are paying with cash or credit cards or in chickens or whether you pay in used auto parts. It doesn't matter how you pay for that item. The majority of the committee felt that we should maintain the exemptions for large ticket items. Therefore, we oppose this bill. Thank you Mr. Speaker.

Representative **CIANCHETTE** of South Portland **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 Scarborough, Representative Clough.

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. I spent most of my working career in the auto parts business. I know how this situation works on a day to day basis firsthand. Every customer that you have to deal with, that you charge them the tax on something they did not purchase, requires a full explanation with every purchase. There is absolutely no basis for charging a tax on a purchase that has not been made. Sometimes, as Representative McKenney has pointed out, it can be a sizable amount of money when that core is a \$500 engine core or a \$2,000 engine core in the case of diesel. I urge you to vote against this Ought Not to Pass and allow this exemption to go forth.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. I think there is some misunderstanding on this issue when the good Representative from Waterville, Representative Gagnon, spoke in terms of the total purchase price. The fact that they are trading something in makes no difference at all. If I go into the auto parts store and buy an alternator and do not have one to take in with me, I still buy that alternator, for example, for \$100 and I will pay my \$5.50 sales tax. What we are doing here is if you have a used alternator, which the industry wants back for environmental reasons and other reasons, they want to be able to remanufacture that item once again. We are actually penalizing the customer that does that by saying that if you bring your trade in item in, we are also going to charge you a sales tax on the core value of that product, even though you don't receive any actual trade in for the product itself. It is double taxation at least. It is totally absurd that we would be taxing for a non-existent sale. It goes against all principles of good taxation. The whole thing is absolutely silly. I urge you to not accept the pending motion.

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**: Mr. Speaker, Men and Women of the House. Is there a fiscal note on this bill for anybody who might answer? If this legislation does pass, what is the projected lost revenue to the State of Maine?

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

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. The fiscal note is approximately \$7 million. It is a sizable chunk of money, but it is sales tax relief for small business if for no other reason. The businesses in your district that serve as heavy equipment operators and people who service large vehicles would love to have this legislation passed. It would save them a lot of money and allow

them to spend it in some other area of the economy. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Men and Women of the House. I would also like to pose a question to anybody who would like to answer it. If we are taxing something that we are not selling, how can we lose revenue on something that doesn't exist? If we are taking money from somebody on a sale that doesn't exist, could somebody please answer that question?

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. The fact is there is a \$7 million fiscal note on this bill. The reason for that is in spite of the logic on the other side of the aisle is, this is another sales tax exemption. You dress a pig up in fancy clothes and put lipstick on it and no one still wants to kiss it. I think that is the bottom line. No one is getting short changed on the deposit. Representative Buck is absolutely right. You go in to buy a new alternator, you pay the sales tax on that. Just like any other transaction. You go in and buy a book, you pay the sales tax on it. This particular industry chooses to want to use those used alternators. If you bring the other one back, they give you a deposit. You don't get stiffed on the deposit. I still go back to that same point. This is another sales tax exemption. Soon we won't need a tax code. We will just need a list of exemptions in the State of Maine. This would add to that problem. Thank you.

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

Representative **FLOWMAN**: Mr. Speaker, Men and Women of the House. I have lipstick on and no bow. Please don't think about kissing me. I actually found that offensive. Can I get a straight answer to this question. You bought the part. You pay the sales tax. You pay the deposit. You pay the tax on the deposit. You return the piece and you are credited your deposit. The tax on the deposit is not credited. You are taxed again for the new deposit. Is that correct?

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative **MCKENNEY**: Mr. Speaker, Men and Women of the House. The Representative is correct up to the point of taxing the new deposit. You pay for the part. You have a tax on the new part. You pay the deposit, you pay the tax on the deposit. You bring the old part back and you get the deposit back. You do not get the tax on the deposit. That could be thousands of dollars on this deposit for an engine for a bulldozer. That is a considerable sum of money in some cases.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. Once again, I will reiterate what I had said before. It doesn't really matter how you pay for the product. If you trade something in, that is considered the same as cash. You are paying for cash or credit card, the Bureau of Taxation doesn't really care how you pay for the item. The deposit is how you are paying for the item. The used item is how you are paying for the new item. That is fine, but the transaction is taxed.

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

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

The SPEAKER: The Representative may pose his question.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. If I buy this sports coat for \$100, I return it tomorrow and buy one for \$200 dollars, they will credit me \$100 and I will pay tax on the new one even though it costs \$200 of \$100. With this particular law, using those same numbers of \$100 and \$200, would I be paying tax on the difference of \$100 or on the total of the \$200 or would I be paying tax on the \$300, the \$100 I originally paid when I returned it plus the \$200 more? Hopefully someone from the Taxation Committee followed that. I almost lost it in asking it.

The SPEAKER: The Representative from Lewiston, Representative Mendros has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. It was very confusing question, but I think I followed your transaction. The difference is when you return the sport coat, you don't get to keep the sport coat. That is the difference. When you go in to buy a new alternator, you take the new alternator home and you put it in your car, but you bring the old one back. That is the difference, I think, in this transaction. Thank you.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. When you bring that sport coat back, you leave it at the store and you take the new one home. When you bring the old alternator in, you leave it at the store and you take the new one home. There is no difference.

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. 98

YEA - Ahearn, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etner, Fisher, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tuttle, Twomey, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Tracy, Tripp.

Yes, 71; No, 78; Absent, 2; Excused, 0.

71 having voted in the affirmative and 78 voted in the negative, with 2 being absent, the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-204)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 3, 1999.

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

(S.P. 383) (L.D. 1162)
(C. "A" S-44)

TABLED - April 26, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative TUTTLE of Sanford, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-44)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-241)** to **Committee Amendment "A" (S-44)** which was **READ** by the Clerk.

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. Very briefly, what this amendment is is a technical amendment. It clarifies the legislative oversight of rules established under the campaign report filing forms. Thank you Mr. Speaker.

House Amendment "A" (H-241) to **Committee Amendment "A" (S-44)** was **ADOPTED**.

Committee Amendment "A" (S-44) as Amended by **House Amendment "A" (H-241)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-44)** as Amended by **House Amendment "A" (H-241)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Resolve, Relating to Telemarketing Fraud

(H.P. 1004) (L.D. 1402)
(C. "A" H-113)

TABLED - April 26, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **FINAL PASSAGE**.

On motion of Representative DAVIDSON of Brunswick, the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**

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

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. We have another vehicle for this that passed this chamber unanimously yesterday. It is a Joint Order.

it passed the Senate today. All the issues within this bill are covered in that. Everyone including the sponsor and all those concerned are okay with this. Thank you.

Subsequently, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 804)

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Monday, May 3, 1999, at 9 o'clock in the morning.

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

READ and **PASSED** in concurrence.

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

(S.P. 805) (L.D. 2218)

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

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

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

UNFINISHED BUSINESS

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

An Act to Change the Way Nursery License Fees Are Established

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

TABLED - April 26, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED**.

On motion of Representative PIEH of Bremen, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-75)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-309)** to **Committee Amendment "A" (H-75)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-75) as Amended by **House Amendment "A" (H-309)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-75)** as Amended by

House Amendment "A" (H-309) thereto in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-172)** - Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Vote of 2/3 of Each House of the Legislature to Enact or Include a Tax or License Fee

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

TABLED - April 26, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

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

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

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. A couple of weeks ago I had the opportunity like many of you, I suspect, have attended town meetings in your own districts. Anyone who is familiar with town meeting processes that sometimes the largest ticket items in terms of price are the ones that pass most easily. The ones that have the smallest price tag sometimes cause the most debate. I was surprised a few weeks ago when I attended the town meeting in China because exactly the opposite was true. Every single issue regardless of the price tag caused the same amount of debate. It seemed to me that the debate had a common theme running throughout it. That common theme was the over taxation of both property and excise and otherwise.

What I am asking for this afternoon is that you carefully consider your position on LD 359. This bill, if passed, would add Maine to the list of at least 14 other states in the country that have enacted either constitutional or statutory requirements that increases the level of taxation and receives support from at least two-thirds vote of the Legislature before they are enacted. I would simply remind you that the folks back home in each of our districts are concerned about the level of taxation. If a tax ought to be increased here at the state level, I think that they would only expect that that tax be increased by at least a two-thirds vote of this Legislature. I would ask that you defeat the pending motion so that you can accept the Minority Ought Not to Pass Report.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. A person I respected very much I served in the 117th with and the 118th. In fact, I saw him the other day and made a quote that was in the newspapers back then. He said we have an insatiable appetite to spend up here, referring to the Legislature. That comment was made by the past chairman of the Appropriations Committee, George Kerr. He was a previous member of this body. The problem with that insatiable to spend is we have to pay for it. As we keep adding new programs to the list of the ones we already have, we scramble around and find ways to tax people to pay for those programs. The tax burden keeps climbing and climbing. Thirty states in this country have some kind of tax limitation or spending limitation. Fourteen of those states have constitutional amendments requiring a super majority to raise taxes. A super majority requirement is associated with fast economic growth, the combination of smaller government and faster growth in

super majority states means there is more money available for the private sector of the economy. This means more jobs.

Washington State requires super majority voter approval for a tax increase and observers say that it has worked well. Tax hikes require a two-thirds vote in each house of the State Legislature with voter approval needed if a tax increase results in spending over the limit. In Colorado, the Legislature may pass an emergency tax increase with a vote of two-thirds of both houses. However, the tax increase will automatically sunset 30 days after the next general election unless voters decide to make it permanent. The next example is my favorite one because it goes to show you that when public officials recognize the problem with over taxation on their citizens, they join together and it doesn't become a partisan issue, which I don't think it should be in the first place. We all represent people who have to pay taxes. The example that I am going to give is Delaware. Delaware in the late 1970s, Democrats and Republicans agreed it was time for a constitutional amendment limiting the ability of the Legislature to increase taxes without a super majority vote. The amendment has been strongly supported by the general public and has operated successfully for over 16 years through three administrations of two political parties, along with a restraint in spending, the amendment has resulted in the adoption of fiscal policies that have benefited the individual taxpayer and produced surplus budgets for 16 consecutive years.

I don't know if the rest of you still have that little yellow card that I don't have in front of me right now that was passed around a couple of weeks ago showing how many things we require to have a two-thirds vote up there. If you still have it, I suggest you take a look at it. It is very instructive. Obviously in those list of things and there is 18 of them, we considered that important enough to require a larger consensus to deal with them. One state once said in the past that the power to tax is the power to destroy. It may be a bit of rhetorical hyperbole there, but I think it fits. All this requirement is saying to your constituents is, we consider this such an important issue, important public policy to dip into your pocket further to pay for programs that we are going to require a larger consensus of people who represent you regardless of what party happens to be in power.

I have to remind you that this is a constitutional amendment. It will go out to the people if we pass it. The people will look at it and we will have public debate and the people will decide whether they want to make it easier or harder to take more of their hard earned tax dollars. I urge you in a bipartisan fashion, considering this as one of the most important public policies that we do, to support your citizens and make it harder for us to take their money and vote against the pending motion. Thank you.

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. I firmly believe that we pride ourselves on being a fiscally responsible body. It is through the legislative process that we decide and ultimately debate on the need to increase taxes. In my opinion, it would not be fiscally responsible to deliberately tie our hands with an arbitrary two-thirds requirement that we must meet in order to deal with taxes. It may be uncomfortable to some, but this legislative body should have the flexibility. If the need should ever arise, such as an unforeseen emergency like the ice storm, we can act or increase taxes for the purpose of addressing that emergency. I also foresee a potential misuse if this proposed two-thirds

requirement were to pass. A minority of members, by minority, of course, I do not refer to my good friends on the other side of the aisle, but a minority of the members in this body or that other body for whatever reason could potentially force either this body or the other to address a completely unrelated issue before providing their support to increase taxes to fund an emergency issue. This is a great concern to me especially.

I take issue with the argument that because x amounts of states have enacted this so somehow that obligates Maine to enact it as well. That raises, to me, a fundamental question. If this is such a great idea, then why haven't the other states enacted such legislation. I ask you to vote for the pending motion. Thank you.

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

Representative **CIANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, urge you to vote against the pending motion. I rise not only as a cosponsor, but as someone who is extremely concerned about the continually growing tax burden on the people of the State of Maine. This bill simply increases the support that is needed in the Legislature from a simple majority to 66 percent. Requiring 66 percent or two-thirds of both bodies to vote affirmatively to raise taxes is not drastic. I believe it is in fact reasonable and practical. In most everything we do here, we strive to gain a level on consensus and agreement that is as high as possible. In our recent budget process, we hailed it a great success when we got a two-thirds vote. That was the spending side of the equation. Why on the revenue raising side does that not hold true? I submit to you that when it comes to the area of taxation, how much money we are going to take from the taxpayers of Maine that a high level of agreement is not detrimental to our system of government? It is, in fact, desirable as we contemplate providing and paying for state services. We set the tax rates for the entire public. One hundred percent of the people of Maine have some element of taxation imposed upon them. Getting agreement from 66 percent of us, a micro-group of the entire population certainly doesn't seem unreasonable to me. It is their hard earned money.

Thomas Jefferson said that taxation is in fact the most difficult function of government and that which against the citizens are most apt to be refractory. A number of surveys that I have seen suggests that the overwhelming majority of people agree that we should have a higher majority vote required to raise their taxes. As I have discussed it with my constituents, they have been so clear in telling me that they think it is too easy for government to raise their taxes. As we have heard from the previous speaker, to date, 12 states have some sort of super majority requirement. These states have seen lower overall taxation and faster economic job growth than before the requirement than certainly we have been experiencing here in Maine. Citizens in some states have gained the right to vote directly at statewide referendum on proposed tax increases. In all 30 states now have some requirement for higher level of agreement than we do.

We are all aware of the statistics of our total tax burden in the State of Maine. We are the nations fourth highest state for combined state and local tax burden. We are 42nd in the country to achieve or to reach the tax foundations tax freedom day. Only seven states reached that date in the calendar after the State of Maine. Per capita income remains in the lowest third of the states nationally. Per capita income remains in the lower third of the state nationally. In one Maine study, per capita disposal income is dead last in the nation. Last year Maine

collected 17 percent more taxes than it did in the previous year. Ranking the state nationally in increasing tax collections. You have to wonder if this trend of higher taxation continues when is the public's reaction going to impose something far more stringent than this.

Recent times should remind us that when we have a downturn in the economy the budget squeeze that follows most often leads to higher taxes. This is a tool to help us say no to a request to increased spending that are no doubt very worth programs, but they raise the level of taxation beyond what Maine citizens can afford to bear or should have to bear.

In a final note, please remember that this doesn't mean that spending, that our general fund, can't grow faster than inflation or total personal income. It simply means a higher majority of us would have to make a conscience decision to do so. This also isn't a throttle to cut current spending. It is only a prospective. The current tax levels are not affected. Only future increases we consider would require a two-thirds vote. In my opinion, this is a reasonable measure and it is sound public policy and I urge you not to support the pending motion. Thank you very much.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. Just one brief comment. I would like to respond to my good friend, the Representative from Madawaska, Representative Ahearne, when he suggested that there was a potential for misuse if this proposal were enacted. I would suggest to you that the potential for misuse in terms of public policy and taxation is much greater today without that. I think the budget that we are dealing with today is a good example of that. As you all know, revenues coming into the state are flowing in here are unprecedented rates. We have more cash available on hand than in any other time that I am aware of in the state's history. Yet, if you look at the proposals before us today, in the Part I and Part II budget, there is nothing there that offers a substantial tax decrease to our overtaxed citizens. Instead, what we are doing is we are expanding existing programs and proposing all sorts of new programs to fund with the over collections of tax revenues we have. It seems to me that this is a potential misuse of the trust that the people have put in us in terms of trying to keep government operating as efficiently as possible. My concern is if we don't have the ability to return some of those tax dollars today where our economy is in such good condition, whenever is it going to happen. Are we going to continue finding new programs to fund and continue this spending cycle that has been proposed for the last two years? To me, this is the most compelling reason for us not to accept the Ought Not to Pass and go on and accept the Ought to Pass proposal. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Orchard, Representative Lemoine.

Representative **LEMOINE**: Mr. Speaker, Men and Women of the House. I rise in support of the Ought Not to Pass motion. Having listened to my good friends with whom I have spent many hours this spring, I reluctantly disagree with their position on this. I would point out two things. First, if this body should desire to restructure the tax code in a way in which some taxes would be lowered and others raised. I don't think we would be able to do it with this prohibition. Secondly, I think this strikes at the very heart of the majority rule form of government, which we in this nation and this state enjoy. It is the majority rule which protects minorities by dividing up legislative responsibility into a bicameral Legislature. We share power with the Chief

Executive. The Judicial Branch gets to oversee constitutional questions. I believe that be striking at the heart of majority rule, which is the principle on which this body is based, would be going down the wrong road on a constitutional question, not a tax question. I thank the body.

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

Representative **VOLENIK**: Mr. Speaker, Men and Women of the House. Why should it take a two-thirds vote to enact or increase a tax, but only a simple majority to reduce or eliminate a tax? Why don't we require a two-thirds vote for a tax decrease or the elimination of a tax? The fiscal responsibility of either action is a matter of interpretation. We have a voracious appetite to reduce or eliminate our taxes as in our action on LD 345 this morning. This voracious appetite may one day in an economic downturn bankrupt this state's ability to pay for essential services and not unduly burden the municipalities with the costs that the state government can no longer afford to pay. The ability to raise taxes or to lower taxes to enact taxes or to eliminate taxes should be the same, up or down. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I have heard that argument of requiring two-thirds to lower taxes before. It is a fascinating argument. I dare say that anybody who feels strongly about that is welcome to submit a bill to do that. I certainly don't think we have a problem cutting taxes. I think we have a problem with raising them.

With all due respect to my good friend from Madawaska, he said that if this is such a good measure, why don't all the other states have it? Fourteen of them do. I have to remind the good Representative and the rest of the members of the House that Maine has a number of good laws. I am sure that everybody would agree with some of them that other states do not have. Somebody can correct me if I am wrong. I am sure there are a whole list of them, but some of them that come to mind is severance pay for people who lose their job with mills closing and so on. I think we are one of the only states in the nation that does that. I dare say that we wouldn't want to wait for the rest of the country to do that. We also have a Uniform Health Care Decisions Act. I think we are one of two states that have adopted that. I don't think that argument is really a legitimate one to hold up to try to defeat this measure.

Let me address this real briefly. Then I will sit down and promise not to speak again on this issue. On the majority rule, as I said before, if you look at that yellow card that was passed around with 18 measures that require two-thirds, obviously we felt that those were public policy issues that should go beyond the majority.

I am a history buff and there are a number of us in here. I have a quote from on the floor of the United States Senates in February 1842, John C. Calhoun spoke against Henry Clay's proposed constitutional amendment to limit the presidential veto power, not to be confused with the line item veto. Clay characterized the presidential veto as setting up the will of the minority against the majority. Calhoun's arguments in his speech concerning checks upon the will of the majority fair reading. I will do so briefly. "The veto of itself, as important as it is, sinks into nothing compared to the principle involved. It is but one and that is by no means the most considerable of those many wise devices which I have attempted to explain and which were intended to strengthen the popular basis of our government

and resist the tendency to fall under the control of the dominant interests acting through the mere numerical majority."

This, ladies and gentlemen, is one of those public policy issues. Thank you.

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

Representative **CLOUGH**: Mr. Speaker, Men and Women of the House. The yellow card that Representative Waterhouse referred to, I have been just looking at. I noticed that a mandate is one of the items that requires a vote of 101 in the House. I would ask you, what is more of a mandate than an increase in taxes or a new license fee? I would ask you to reject the motion that is before us and I would call for a roll call vote.

Representative **CLOUGH** of Scarborough **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 Newport, Representative Kasprzak.

Representative **KASPRZAK**: Madam Speaker, Men and Women of the House. To raise any tax is a serious matter. As I have stood before the appropriate committee with a proposal for tax relief in this Legislature time and time again, my proposals have been met with, shall we say, a less than enthusiastic response. It appears that it is infinitely easier to raise a tax than it is to remove or reduce a tax. You have seen the press. You have read the papers and you have heard the speeches. There are members of this Legislature that are looking for any possible escape or excuse to avoid, yes avoid, reducing a temporary tax. How easily this body finds it to raise a tax on the people of Maine. How vigorously this body fights, resists or avoids any tax relief. I have been greatly educated on the subject of taxes since my arrival to this body two and a half years ago. Who knew that almost everything except the air we breath is taxable. Taxes are a serious matter. They diminish the power that citizens have to spend their own money on their own families in a way they choose. A serious matter such as the raising of taxes should be given the seal of approval by more than a simple majority. Thank you and I hope that you would vote against this motion. Thank you very much.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. Clearly some of the most significant pieces of legislation that have come before this body in the last two years have included tax relief. Some of these are in a form of programs and there have been programs that have had vivacious appetites. Clearly the better program is one of those programs that started out relatively small and is now gobbling up millions of dollars like a Pac Man going after those million dollar cubes of money that would be an equivalent to a half a penny on the sales tax what we are spending on the BETR Program, as an example. Another huge tax relief program included the homestead exemption, which if that had required a two-thirds vote, which was the alternative proposed by one member, that tax relief would not have passed. Clearly this body also has interest in increasing a number of exemptions we have in the tax code. While there has been this implication somehow that we are easily raising taxes across the board, the reality is that most of the major action that has come from the Taxation Committee from the last year, at least since I have been there, have been tax relief. The BETR Program and

homestead, significant income tax cut last session and others that are being proposed everyday. There are no shortages of ideas and certainly none from the Representative from Newport on how we should continue to cut taxes. We do continue to look at those things and where we can afford it, we do do it. Sometimes we don't recommend them and they happen anyway. I would encourage you to vote with the majority on this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

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

The SPEAKER: The Representative may pose his question.

Representative COLWELL: Mr. Speaker, Men and Women of the House. To anyone who might want to respond. If we pass this bill, would this affect the most overburdened of all our taxpayers, the property taxpayers in the State of Maine?

The SPEAKER: The Representative from Gardiner, Representative Colwell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Yarmouth, Representative Buck.

Representative BUCK: Mr. Speaker, Men and Women of the House. In response to the question, absolutely not.

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. 99

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

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

ABSENT - Baker, Tracy.

Yes, 77; No, 72; Absent, 2; Excused, 0.

77 having voted in the affirmative and 72 voted in the negative, with 2 being absent, 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**.

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

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

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

TABLED - April 26, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - Motion of Representative TUTTLE of Sanford to **ACCEPT** Report "B" **OUGHT NOT TO PASS**.

On motion of Representative TUTTLE of Sanford, **TABLED** pending his motion to **ACCEPT** Report "B" **Ought Not to Pass** and later today assigned.

An Act to Amend Law Enforcement Powers of Maine Forest Rangers

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

TABLED - April 26, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED**.

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

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

(H.O. 22)

TABLED - April 26, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE**.

On motion of Representative PIEH of Bremen, **TABLED** pending **PASSAGE** and later today assigned.

HOUSE REPORT - **Ought to Pass** - Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Require Disclosures in Connection with Transfers of Residential Property"

(H.P. 1368) (L.D. 1966)

TABLED - April 26, 1999 by Representative O'NEAL of Limestone.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

On motion of Representative O'NEAL of Limestone, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

Bill "An Act to Increase Internal Plumbing Fees and Remedy Inconsistencies in Plumbing Laws"

(H.P. 803) (L.D. 1126)

TABLED - April 26, 1999 by Representative O'NEAL of Limestone.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-233).**

Subsequently, **Committee Amendment "A" (H-233)** was **ADOPTED.** The Bill was assigned for **SECOND READING** Monday, May 3, 1999.

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

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

TABLED - April 26, 1999 by Representative ETNIER of Harpswell.

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

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

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

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

TABLED - April 26, 1999 by Representative BOUFFARD of Lewiston.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

SENATE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (S-98)** - Committee on **TRANSPORTATION** on Bill "An Act to Allow a Person to Erect One Advertising Sign"

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

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

TABLED - April 27, 1999 (Till Later Today) by Representative BOUFFARD of Lewiston.

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

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

Representative **RICHARDSON:** Mr. Speaker, Men and Women of the House. I rise to ask for your support to accept the Ought Not to Pass motion. This bill is about a small sign 4 x 4 for a business that is located off from the main traveled way and it would be located on private property and it would only be one sign per property. It is a matter of fairness.

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

Representative **JABAR:** Mr. Speaker, Ladies and Gentlemen of the House. I urge you to support the Majority Ought Not to Pass Report because over the years there continues to be bills to cut back on Maine's anti-billboard law, which has been in existence for many years and has been supported by most of the people in the state. A 4 x 4 sign without any restriction on any piece of property this opens the

door to think of the numerous companies that you know and businesses that you know that decide that the roadside would be inundated with signs. It goes against the spirit of the billboard law and it is a continuous erosion of what we had in this state and what we are trying to keep. We keep getting exceptions presented to us. Let us do it for this reason or that reason. We have to take a firm stand and say no. What we had presently is good law and there are positions now where you can get signs from the DOT. We believe that those should be sufficient for anybody who wants to advertise a company. Everybody is on an even playing field and nobody has an advantage. For this reason, I ask you to support the Majority Ought Not to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Collins.

Representative **COLLINS:** Mr. Speaker, Ladies and Gentlemen of the House. This is strictly for a small business person. The person who is struggling to make a living. All they require is a small 4 x 4 sign to be located on private property. That private property owner would only be allowed to put up one sign per business. There wouldn't be a situation where there would be a whole lot of signs on one given piece of property. Furthermore, they would have to be within one mile of the business. I urge a no on Ought Not to Pass and that we go on with this. Thank you.

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

Representative **CAMERON:** Mr. Speaker, Ladies and Gentlemen of the House. You heard one of the previous speakers say that this was about fairness. It is about fairness, but is about fairness in the other direction from what the Speaker indicated. We had a business come before us and asked that they be given permission to erect this sign on somebody else's private property. It is not their private property. They established a business a mile off the main route within the last four or five years knowing full well that Maine had a billboard law. Everybody in Maine knows there is a billboard law and they couldn't go erect that sign. If we pass this law, all the businesses that are located off the main route should be able to go out on the main route as long as they are within a mile and erect a sign. The problem is not everybody can find a piece of private property on the main route to erect that sign. This is like a private and special law for this one business in Greenville. They made a choice to locate their business where they did because it is on the snowmobile trail. The snowmobile trail happens to be a mile of Route 201 or whatever the route number is. They made a choice, ladies and gentlemen, and that choice was to locate their business potentially a mile away from 201 because that is where the snowmobile trail was. These are the consequences. I want to see businesses be successful, but I think the billboard law has worked well around the State of Maine. I think all of us are proud that this isn't Las Vegas and we don't want it to turn into Las Vegas. If we pass this, again, I want to emphasize that every business that is within a mile, I don't know what determines this special road, but if they are within a mile of that road and they can find somebody on that road that they can rent some land from, they can build a sign. If they can't find anybody, they can't. It isn't fair even the way it is. This was a compromise position, but I still don't think it is appropriate to pass it. Thank you.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. Again, where this restaurant is is not in my district. It is in Representative Richardson's district, but I have been going by that particular place for I don't know how long. The road that this is on, the sign that he puts up is probably from here to the podium in regards to the distance away from the Maine highway going through Abbott to Greenville. There is no other signs that I know of on the road because there aren't any other businesses on the road. This is a 4 x 4 advertisement sign for this restaurant that is on somebody's private property there with my permission and the whole works. Are you trying to tell me that we can tell these people you can't put something on somebody's property after they have given you permission. How come? This is, again, that sign is away from the main road. It isn't sitting right on the road like your transportation signs right now are right there beside the road. I ask you to be fair to this lady who sunk her life savings and everything else in this restaurant. It is a good place to eat, by the way, if any of you are going that way and vote against the Ought Not to Pass.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I urge you to vote against the pending motion. I would like to contradict the former Representative that says this is a fairness issue in the opposite direction. It isn't. Anybody in her situation would have to build a business in a remote area of the town that she was in because it is catering to snowmobilers and ATVs in their season and in the off season she wanted to entice people to go in there so she could keep this business going year round and not have to worry about income in other areas and maybe go on unemployment or whatever the reason. She has to live year round. You go through the city and the roads in town and you see all kinds of billboards. You talk about Las Vegas, all you have to do is go out Route 202 and you can see signs everywhere. There are no restrictions on them. If you go down the Interstate you look off the Interstate and you see these great big signs stuck up 30 or 40 feet in the air. Is that not a billboard? I ask you to defeat this pending motion and allow this lady to have her sign to survive. Thank you.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. I would just like to remind my colleagues again that I am an owner of a struggling small business in a very rural location. The good Representative from Union once said she has never seen any of my signs. I indeed have eight totally legal official business directional signs. The are called OBDS signs and I would strongly encourage the owner of this business that is in question here to go and apply for one of these signs. The state has a policy to support small businesses that are not located on primary highways for a very small fee, \$25 or \$30 a year is the annual fee. These are signs that are consistent in design and quality and they do not detract from the quality of scenery that we have within our state. I would encourage you to vote for the pending motion. I would encourage this business owner to apply for a legal sign which are readily available. No one is denied a permit unless there is a local ordinance to the contrary. I would encourage you to come seek out my small business when you get a chance.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Mr. Speaker, Men and Women of the House. I stand today about this lady over on the Greenville Road. There is one thing that we forget around here. There is only one way in and one way out of a lot of these little communities. You might have a side road where somebody lives on. These people that live on these side roads might decide they want to start a little business up. This lady has one of them signs from the state. With the little blue or green DOT sign the people can't read them. She put up this other sign before she was told to take it down and her business was \$1,000 more because of the sign. Here you go with a little small place up in Abbott, Maine that is a little small town. It has three or four little jobs that are paying people to work. Here we are trying to say that we can't have signs. It is little small things like this that will help bring the economy around in the rural part of this state because anything we can do for the rural part of Maine is a big plus. We are losing all our big industries in the rural part and I think it is about time that we look at the small businessman and say, let's give them a break. Thank you.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative **SAVAGE**: Mr. Speaker, Men and Women of the House. You are going to think I am kind of two-faced because I supported a bill a week or two ago for temporary signs, but this is a little bit different and to clarify this not for just one person. If we pass this law, it will be for anyone in the State of Maine. The original bill calls for a sign not to exceed four feet by eight feet. It is for a business that employs fewer than 20 persons. It must be erected on private property within a mile from that business. It would open it up to the whole State of Maine, not just rural Maine. If it was for just this one person with this one business, I think I could probably accept that. We are going to have them all over the state. It doesn't make me like to ODBF signs any better, but I can't vote for this bill so I am going to support the Ought Not to Pass.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. In the 117th Legislature I was on the Transportation Committee and I can recall that there was something like 8 or 10 of these sign bills that came before our committee. At the time all of us thought we were doing small business a favor. Why not? The next thing we know they were all sitting on the Governor's desk and he wasn't moving. Why? The Governor was instrumental in supporting the billboard law. We got together and that is when we decided that the billboard law that we have is sufficient. It works. They have permission from the Department of Transportation to erect signs that are legal and everything. The question was asked in the hearing on this particular bill, did the person apply to the Department of Transportation to have one of their signs put up? The answer was no. When asked why, they didn't feel that people pay attention to those signs because they are uniform in one way. They are not creative. Nobody looks at them. Exactly why the Governor withheld all of those sign bills is what is going to happen here if we start eroding the billboard law. This is exactly what is going to happen. You let one sign go up and every business is going to want to do the same thing. It was also said that with the permission of one owner, then I said that if that one owner puts a sign up for that one business, what is to stop another business to come over and see him and say if you put it up for this business, why not put it up for mine? The next thing you know, his whole lawn is going to be cluttered with signs.

Again, the billboard law protects for that simple reason. When you make an exception for one, you have to make an exception of everyone. I urge you to support the Ought Not to Pass report and let's stop eroding the billboard law like we have done with other bills that we have. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I would suggest that there is an alternative to a yes and no vote on this. If you would look at the amendment on (S-98), that has seriously changed the original bill that was put in and does let the municipalities have some authority in deciding whether these signs are authorized. The amendment, which is on the Minority Report, is very much different from the original bill that has been mentioned here today. I would call your attention to that. Thank you.

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

Representative **WINSOR**: Mr. Speaker, Men and Women of the House. I was going to mention that. It seems to me that the issue before us really is one of local control and fairness. The Minority Report that if we go on to defeat the current motion that we would consider is clearly one that gives local municipalities, rural municipalities, by the way, the right to authorize, if they choose, off premise signs. Signs that cannot be any larger than 16 square feet. They cannot be illuminated. It may be placed only on private land in the town granting the permit and only with the permission of the landowner and only one sign per parcel of land. I don't know how you are going to have a flowering of signs throughout the State of Maine with that. In my gracious goodness, if you are in the rural area and you only have one business per square mile, how is that going to be an objection to the billboard law? One of the earlier speakers talking about riding up through Augusta and every 50 feet there is a sign. I think the current on premise thing in rural areas allows you to put one sign per 100 feet. If I have a mile of road frontage, I can put up, I think, 500 signs. I think this is a very reasonable compromise. I think it is a fair compromise. I really, really hope that we defeat the pending motion and go on to support the Minority Report. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TRUE**: Mr. Speaker, Men and Women of the House. To anybody who could answer it. When we first conceived the turnpike, as I remember, there were no signs allowed other than those that were put by the turnpike, such as speed limits and so forth. My question is, I believe that there have been made exceptions to the rule as far as the turnpike is concerned.

The SPEAKER: The Representative from Fryeburg, Representative True has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Jabar.

Representative **JABAR**: Mr. Speaker, Men and Women of the House. The signs which are on the turnpike and the signs which are on the highway are all uniformed signs. I think some of the speakers before have already made that point. It is the uniformity. I wish you could have seen the new signs that DOT is putting together, not just the simple blue signs, but with a

logo. We are not talking about these small businesses in these small towns not having access to signs and that they cannot advertise. Now what we have are uniformed signs with logos on them. It is not just simply a blue or a green sign that you have in front of you. The whole purpose of whether the signs are on the turnpike or DOT approved is that they are uniformed.

The State of Maine is a vacationland. We take great pride in our natural resources and one of the thing that I have been proud of over the years is that we don't have billboards. All of these other bills are attempts to continue to bring back something, maybe not as big as a billboard, but additional signs. There is no way we can regulate your own property, but we can regulate other signs on other pieces of property and that is what this bill does. I ask you to keep in mind that the DOT has attractive signs that can be used and are available and they have almost the same square footage as a four by four sign. Thank you.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. From what I hear, there have been no exceptions to the turnpike. I certainly haven't measured them so I can tell whether they are uniform or not. We have them advertising schools and we have them advertising ski slopes and other such things. As the previous speaker has said, I think I heard him right, signs that are on private property are within the law. If you get permission from that property owner to put a sign on your property, they do not have the same privilege it seems to me. I do believe there have been exceptions made. There seems to be a small one up in the rural area and I have passed it many times. I don't believe that we will have an inordinate amount of people asking.

Secondly, in answer to the uniformity, I would suggest that perhaps the committee would consider larger signs for the speeds. Nobody can see the ones that are presently there.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. I rise this afternoon to say that I do run a business in Farmington that is off Route 27. It is up a dirt road eight-tenths of a mile. It is Christmas tree business. In December, I do place a sign down on Route 27. I do have one of those DOT signs that costs me \$15 a year to put up. I will tell you that the traffic on Route 27 goes 60 miles an hour and not any slower and you can't read that sign. I will tell you. I do put up a Christmas tree sign that has a lovely picture of a Christmas tree on it. It does tell people how they can come up to my farm and get a Christmas tree. I do get a lot of business from that sign. I can see the benefit of this bill. In fact, I like the Senate Amendment that would put it in the municipalities hands. I would urge everyone to vote against the pending motion and go on to the amendment. Thank you very much.

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

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. The good Representative from Farmington is correct. He can put a sign up for Christmas trees. He forgot to tell you that Christmas trees are considered an agricultural product. The billboard law that we have does make the exception for agricultural products, especially on a seasonal basis. This is not an agricultural product that she has, it is a restaurant, retail business. She wants that one sign to be able to advertise her business. To me, what it is doing is eroding the

billboard law as it is. Those are temporary signs for agricultural products that they put out on a seasonal basis. The only time they can see their Christmas trees is at Christmas time. That is why they are considered that. By reading the law of signs that we have, you would notice that all agricultural products are exempt from this law. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. My intent on standing to talk about this subject was not specifically my Christmas trees, but to those small businesses that are up dirt roads or rural roads that would like to have signs on the main traveled roads. That was specifically my intent. Thank you.

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

Representative **WHEELER** of Bridgewater **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. 100

YEA - Ahearne, Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Chizmar, Cianchette, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, McNeil, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Chick, Clark, Clough, Collins, Cross, Daigle, Davis, Dugay, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Richardson E, Rosen, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Mendros, Tracy.

Yes, 85; No, 64; Absent, 2; Excused, 0.

85 having voted in the affirmative and 64 voted in the negative, with 2 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

(H.P. 396) (L.D. 527)

TABLED - April 27, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. Back in January, which seems a couple of years ago, when the Turnpike Authority proposed toll increases they had made substantial reductions in the proposed commuter increase and only a slight reduction on the commercial side. We know that that has become, now, part of the cost of doing business in Maine. It is reflected in the transportation of raw materials, the transportation of finished products and the transportation of agriculture and forestry products. We see the cost on the shelves. The Turnpike Authority, in a letter to the two chairmen, has responded that if the revenues exceed the projections what will be done with those revenues? If I could have permission to read that letter into the record.

"April 27, 1999, House and Senate Chairs of the Transportation Committee. At the Transportation Committee's recent work session on the Maine Turnpike Authority's year 2000 budget, Representative Ron Collins asked what the MTA would do if revenues from the February 2, 1999 toll increase exceeded revenue forecast? I am writing to inform you of the Authority's position on this issue. If, in fact, collections exceed revenue projections over a prudent and reasonable period of time, the authority would engage its independent revenue forecasting consultant, Wilber Smith Associates, in a re-evaluation of the projected traffic and revenue collections. If the consultants re-evaluation indicates with some certainty that the trend of higher than anticipated revenue collections is likely to continue, the Authority would consider a downward adjustment of toll rates currently charged to commercial vehicles. This action would be taken with the knowledge that the Authority has already made one such downward adjustment and that the overwhelming share of that adjustment was targeted to reduce rates paid by turnpike commuter customers. If you have any further questions or if I may be of assistance, please call me at your convenience. Paul E. Violette, Executive Director."

Thank you Mr. Speaker.

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-237)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 3, 1999.

TABLED AND TODAY ASSIGNED

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-236)** - Committee on **TRANSPORTATION** on Bill "An Act to Allow Municipalities to Set Speed Limits and Determine Whether Passing Is Advisable on State Roads"

(H.P. 258) (L.D. 362)

TABLED - April 27, 1999 by Representative MARTIN of Eagle Lake.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-236)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 3, 1999.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-239)** - Committee on **TRANSPORTATION** on Bill "An Act Regulating the Transportation of People and Dogs in Pickup Trucks"

(H.P. 1179) (L.D. 1690)

TABLED - April 27, 1999 by Representative MARTIN of Eagle Lake.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Committee Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-239)** was **READ** by the Clerk.

Representative WHEELER of Eliot presented **House Amendment "A" (H-289)** to **Committee Amendment "A" (H-239)** which was **READ** by the Clerk.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. What this amendment does is allows licensed hunters being transported to or from a hunting location as long as those persons are in compliance with all laws pertaining to possession or transportation of fire arms in a motor vehicle in the back of a pickup. During the public hearing we discussed this. There were concerns about this and the committee agreed that we would allow hunters to ride in the back of pickup trucks. Somehow during the process this got left out of the bill. I am just offering an amendment to be in compliance with the public hearing.

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-289)** to **Committee Amendment "A" (H-239)**.

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

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I happen to still live on a farm and seasonal work usually includes some pickup trucks. There is no end to these amendments that we might make to this document. I wish you would seriously consider the implications. I believe in the bill that is 19 years old. We have people going off to defend our country at a lesser age. I am sure they ride in the back of pickups. I would like to make a point that there are other situations besides hunting and I don't take issue with the Representative from Eliot on that. I think it should be allowed. Please, when you vote, I believe this is too restrictive. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. To answer the good Representative from Lebanon, Representative Chick's question, there are exemptions in there that deal with farm workers. They are allowed to ride in the back of a truck. We did answer all the concerns that there was from the public and the public hearing. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-289) to Committee Amendment "A" (H-239). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 101

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron,

Campbell, Carr, Chizmar, Cianchette, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Hatch, Heidrich, Honey, Jabar, Jones, Kane, Kasprzak, Kneeland, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tessier, Thompson, Tobin D, Townsend, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Chick, Clough, Gerry, Glynn, Green, Jodrey, Joy, Labrecque, Muse, Pinkham, Quint, Stedman, Stevens, Tobin J, Volenik.

ABSENT - Jacobs, Mendros, Mitchell, Tracy.

Yes, 132; No, 15; Absent, 4; Excused, 0.

132 having voted in the affirmative and 15 voted in the negative, with 4 being absent, **House Amendment "A" (H-289)** to **Committee Amendment "A" (H-239)** was **ADOPTED**.

Committee Amendment "A" (H-239) as Amended by **House Amendment "A" (H-289)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Monday, May 3, 1999.

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

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

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

TABLED - April 27, 1999 by Representative MURPHY of Kennebunk.

PENDING - **REFERENCE** to the Committee on **BANKING AND INSURANCE**.

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. We had concerns on this bill the other day. I think at first the sponsor was kind of nervous because he thought we were questioning the merits or demerits of the bill. The concerns dealt with a bill being heard before one committee and then being referenced to another committee and that committee voting on it without hearing from the public or having that information from the public hearing. Our concern is, will there be public comment before that committee? Will the opponents and supporters of that bill have an opportunity before that referenced committee to make their concerns or their support available to the committee that will eventually vote on that issue?

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

Representative **MAYO**: Mr. Speaker, Ladies and Gentlemen of the House. I rise this afternoon as a member of the Banking and Insurance Committee to assure the members of this body that there will be an ample opportunity for people to

testify on this particular bill. It is our understanding that there will be a workshop on this bill, LD 1947, on next Wednesday afternoon. The chairs of that committee, the Senate Chair and the House Chair, assured the committee yesterday that anyone who wishes to may offer testimony at that workshop. All of the people who testified at the public hearing in the previous committee have been notified that we will be hearing and working the bill next Wednesday afternoon. I would urge that you allow this bill to be referred to the Banking and Insurance Committee. As an aside, I would inform you that in the previous session of this body a similar bill was heard by the same committee. Thank you.

Subsequently, the Bill was **REFERRED** to the Committee on **BANKING AND INSURANCE**, ordered printed and sent for concurrence.

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

BILL HELD

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)

- In House, 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)** on April 8, 1999.
 - In Senate, Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.
 - In House, House **ADHERED**.
- HELD at the Request of Representative WILLIAMS of Orono.

On motion of Representative WILLIAMS of Orono, the House **RECONSIDERED** its action whereby it voted to **ADHERE**.

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

ORDERS

On motion of Representative KANE of Saco, the following Joint Order: (H.P. 1569)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out to the House legislation regarding mental health services.

READ and **PASSED**.

Sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 806)

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

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

READ and **PASSED** in concurrence.

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

On motion of Representative MURPHY of Kennebunk, the House adjourned at 3:01 p.m., until 9:00 a.m., Monday, May 3, 1999 pursuant to the Joint Order (S.P. 804) and in honor and lasting tribute to Muriel Elinor Chick, of Lebanon.