

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
42nd Legislative Day
Monday, May 3, 1999

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

Prayer by Reverend Donald Miller, Emmanuel Reformed Presbyterian Church, Minot.

National Anthem by Joanne Pineau, Jay.

Pledge of Allegiance.

Doctor of the day, John A. James, M.D., Auburn.

The Journal of Thursday, April 29, 1999 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 709)

WHEREAS, the Legislature finds that there is a need for a study on the current E-911 system; now, therefore, be it

ORDERED, the House concurring, that the Task Force to study the E-911 System is established as follows.

1. Task force established. The Task Force to Study the E-911 System, referred to in this order as the "task force," is established.

2. Task force membership. The task force consists of 15 members appointed as follows:

A. The President of the Senate and the Speaker of the House shall jointly appoint 7 members who serve on the Joint Standing Committee on Utilities and Energy;

B. The Public Advocate or the advocate's designee;

C. The Commissioner of Public Safety or the commissioner's designee; and

D. The President of the Senate and the Speaker of the House shall jointly appoint 4 members who represent a state, county or municipal government entity that provides fire, emergency medical or police services and 2 members who represent personnel who directly dispatch emergency service calls.

3. Appointments; convening task force; chair. All appointments must be made no later than 30 days following the effective date of this order. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. Within 15 days after the appointment of all members, the Chair of the Legislative Council shall call and convene the first meeting of the task force no later than August 1, 1999. At its first meeting, the task force shall select a chair from among its legislative members.

4. Duties. The task force shall conduct a study of the State's E-911 system to assess the use of the E-911 system throughout the State. The study must include a complete analysis on the progress of implementation of the system, including the percentage of the state currently utilizing the system, and must address any difficulties encountered by municipalities in using the system. The task force may also address other issues that are relevant to the E-911 system.

5. Staffing. Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the task force.

6. Compensation. Members of the task force who are Legislators are entitled to receive the legislative per diem and expenses, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at meetings of the task

force. The members of the task force who are neither employees of the State nor Legislators are entitled to a per diem and expenses equal to the legislative per diem and expenses.

7. Report. The task force shall submit its findings, together with any recommendations, including legislation, to the Joint Standing Committee on Utilities and Energy by January 15, 2000.

Came from the Senate, **READ** and **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

READ and **REFERRED** to the Committee on **UTILITIES AND ENERGY**.
in concurrence.

Non-Concurrent Matter

JOINT ORDER - Relative to Giving the Natural Resources Committee Authority to Report Out a Bill Relating to Pollution Prevention

(H.P. 1564)

READ and **PASSED** in the House on April 27, 1999.

Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 151)

STATE OF MAINE

DEPARTMENT OF HUMAN SERVICES

11 STATE HOUSE STATION

AUGUSTA, MAINE 04333

March 30, 1999

Honorable G. Steven Rowe

Speaker of the House

2 State House Station

Augusta, Maine 04333

Re: Report Concerning License Revocation and Child Support Enforcement

Dear Speaker Rowe:

It is the responsibility of the Department of Human Services, Division of Support Enforcement and Recovery (DSEER) to report to the Legislature and the Governor regarding license revocation. The first report is due January 31, 1999 and biennially thereafter, in accordance with 19A MRSA §§ 2201 (15) and 2202 (12).

For Professional and Recreational Licenses

Requirement No. 1

The number of support obligors identified as licensees subject to this section.

Answer:

We have identified 2,284 professional licenses involving 2,635 cases. We have been unable to identify recreational licenses on a statewide basis because they are not contained in a centralized data base. Therefore we have tracked them on an individual basis. The Department is working with Inland Fisheries and Wildlife to develop an on-line procedure to automate receipt of this information.

Requirement No. 2

The number of support obligors identified by the Department under this section who are not in compliance with a court order of support.

Answer:

At this time, 1,306 non-custodial parents are presently matched with our child support caseload and an additional 1,333 cases have been closed which did have a professional license in our caseload.

Requirement No. 3

The number of actions taken by the Department under this section and the results of those actions.

Answer:

The Department has taken 309 business and professional licenses. The Department has requested the revocation of only a limited number of recreational licenses. Under present sales procedures for recreational licenses, obligors would be able to purchase a new license almost immediately at any number of locations around the state. Again, we are researching this issue to find ways to make this section more effective.

For Drivers Licenses

Requirement No. 1

The number of notices served upon support obligors by the Department under this section.

Answer:

The Department has served in excess of 24,000 notices upon support obligors. We also had to re-serve obligors after the law changed in 1997 in order to provide due process to all individuals. There has been a steady increase in the number of notices served since the process began in 1993.

Requirement No. 2

The number of obligors served notice under this section who request a hearing.

Answer:

Our records indicate that 267 hearings have been requested as a result of our license revocation initiative.

Requirement No. 3

The number of obligors held under this section, the results of the hearings and the number of cases settled without a hearing.

Answer:

Our records indicate 165 hearings were held, and 102 were settled without the need for a hearing. To date, the Department has prevailed in every hearing.

Requirement No. 4

The number of support obligors certified to the Secretary of State for noncompliance with a court order of support under this section.

Answer:

1,827 obligors have been certified as of January 21, 1999.

Requirement No. 5

The costs incurred in the implementation and enforcement of this section and the Department's actions under this section.

Answer:

DSER estimates that direct costs of approximately \$212,000 have been incurred in order to implement the enforcement of drivers license revocation since its inception in 1994 through 1998. These costs include service of process of the initial revocation notice(s); printing costs; photocopying; postage; and staff time for one clerical person. DSER acknowledges that additional indirect costs have been incurred, such as operation of computers; administrative hearings; cashier staff to process increased payments; expenditures billed to DSER from BMV, Secretary of State; and computer programming time. We are unable to break out this particular initiative from the total normal operating procedures.

The original four target groups totaling 23,456 cases were identified in a singular, concerted effort to bring an existing, non-paying caseload into compliance by utilizing the threat of license

revocation. Initially two warning letters were sent to non-custodial parents. Effort was then undertaken to serve each of the individuals who ignored the two warning letters with Notices of Intent to Revoke which actually began the revocation action against them.

The backlog of existing cases subject to license revocation in the target groups was diligently worked by professional staff for a considerable period of time, during which time new cases came into the DSER system needing license revocation enforcement action, and paying cases fell out of compliance and became subject to license revocation action. The new cases and cases formerly in compliance have been handled, and continue to be handled, on an exception basis as they are recognized by the DSER data warehouse which extracts information from the DSER New England Child Support Enforcement (Computer) System (NECSSES).

The Department has found tracking certain aspects of the license revocation program to be useful. We track total number of license actions, total number of agreements, and payments received from targeted individuals.

The information requested in this report was formulated at the Legislative Session in 1993 prior to the actual implementation of our process. Information contained in this report does not mirror how the law is applied today. The attached LIRV sheet better reflects the actual process and gives a more accurate portrayal of how we use this law and the results to date. This information was developed as a result of a study done by the Office of the Inspector General for a national report studying the effectiveness of several states' license revocation laws. We have attached this report for your information.

Enclosed in a copy of the Inspector General's Report comparing Maine's administrative process with the processes in court states and quasi-administrative states.

Yours truly,
S/Stephen L. Hussey, Director
Division of Support Enforcement & Recovery

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 195)
**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 27, 1999
The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, ME 04333
Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Majority Ought Not to Pass Report from the Committee on Taxation on Bill "An Act to Exempt Pension and Retirement Benefits from the Maine Income Tax," (H.P. 115) (L.D. 146), was accepted.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 196)

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

April 27, 1999
The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, ME 04333
Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Majority Ought Not to Pass Report from the Committee on Taxation on Bill "An Act to Increase the Property Tax Exemptions for a Parsonage," (H.P. 150) (L.D. 212), was accepted.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 199)

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

April 29, 1999
The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, ME 04333
Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Majority Ought Not to Pass Report from the Committee on Agriculture, Conservation and Forestry on Bill "An Act to Reduce the Amount of Paperwork Required for Transactions Involving the Sale of Wood," (H.P. 709) (L.D. 976), was accepted.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 200)

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

April 29, 1999
The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, ME 04333
Dear Clerk Mayo:

Please be advised that the Senate has Insisted to its previous action and Joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on the Resolve, Regarding Legislative Review of Chapter 5: Standards for continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major

Substantive Rules of the Department of Professional and Financial Regulation (H.P. 20) (L.D. 30).

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

Senator Carol A. Kontos of Cumberland
Senator Susan W. Longley of Waldo
Senator Philip E. Harriman of Cumberland

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

READ and ORDERED PLACED ON FILE.

Reference was made to Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation (EMERGENCY) (H.P. 20) (L.D. 30)

In reference to the action of the House on Tuesday, April 27, 1999, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative HATCH of Skowhegan
Representative DUGAY of Cherryfield
Representative CIANCHETTE of South Portland

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Gardiner Regional Middle School, sole recipient of the Margaret Chase Smith Quality Award. The award was given to the school for its commitment to provide a "world class education" for its students. We extend our congratulations to the school upon receiving this prestigious award;

(SLS 96)

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

READ.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-120)** on Bill "An Act to Appropriate Funds for Marketing to Promote Economic Development"

(S.P. 664) (L.D. 1886)

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston

POWERS of Rockport
TESSIER of Fairfield
KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-121)** on same Bill.

Signed:
Senator:

HARRIMAN of Cumberland

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-120)**.

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" (S-120)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 4, 1999.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-72)** on Bill "An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission"

(S.P. 390) (L.D. 1169)

Signed:
Senators:

PARADIS of Aroostook
BERUBE of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-73)** on same Bill.

Signed:
Senator:

MITCHELL of Penobscot

Representatives:

BRAGDON of Bangor
SNOWE-MELLO of Poland
SHIELDS of Auburn

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-72)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-72)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 4, 1999.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Amend the Maine Tree Growth Tax Law"

(S.P. 100) (L.D. 239)

Signed:
Senators:

DAGGETT of Kennebec
MILLS of Somerset

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-57)** on same Bill.

Signed:
Senator:

RUHLIN of Penobscot

Representatives:

MURPHY of Berwick
BUCK of Yarmouth

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

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

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-297)** on Bill "An Act to Provide Funds for a New Historical Atlas of Maine"

(H.P. 901) (L.D. 1279)

Signed:
Senators:

MICHAUD of Penobscot
CATHCART of Penobscot

Representatives:

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

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

Signed:
Senator:

HARRIMAN of Cumberland

Representatives:

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

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-297)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 4, 1999.

Seven Members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-294)** on Bill "An Act to Implement Funding the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities in the November 1997 Task Force Report" (H.P. 1471) (L.D. 2111)

Signed:

Senator:

CATHCART of Penobscot

Representatives:

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

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-295)** on same Bill.

Signed:

Senators:

MICHAUD of Penobscot
HARRIMAN of Cumberland

Representatives:

KNEELAND of Easton
NASS of Acton

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-296)** on same Bill.

Signed:

Representative:

BRUNO of Raymond

One Member of the same Committee reports in Report "D" **Ought Not to Pass** on same Bill.

Signed:

Representative:

WINSOR of Norway

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-294)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 4, 1999.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Permit the Medical Use of Marijuana" (I.B. 2) (L.D. 2109)

Signed:

Senators:

PARADIS of Aroostook
BERUBE of Androscoggin
MITCHELL of Penobscot

Representatives:

KANE of Saco
BROOKS of Winterport
DUGAY of Cherryfield
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 "A" (H-303)** on same Bill.

Signed:

Representatives:

FULLER of Manchester
QUINT of Portland
WILLIAMS of Orono

READ.

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Repeal the Prevailing Wage" (H.P. 224) (L.D. 302)

Signed:

Senators:

DOUGLASS of Androscoggin
LaFOUNTAIN of York
MILLS of Somerset

Representatives:

HATCH of Skowhegan
SAMSON of Jay
GOODWIN of Pembroke
MATTHEWS of Winslow

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-304)** on same Bill.

Signed:

Representatives:

TREADWELL of Carmel
MACK of Standish
MacDOUGALL of North Berwick
DAVIS of Falmouth

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. This bill may have been worthwhile and may have been necessary. I should say the prevailing wage may have been necessary 60 years ago. This bill would eliminate the prevailing wage which is an antiquated system that all it does is increase the cost of public construction projects. The only industry and the only sector of our economy that is affected by the prevailing wage is the construction industry. The net affect of this is that it inflates the cost of all public projects including school projects. We all know the problems that we are having now with trying to upgrade and renovate the schools in the State of Maine. Our dollars would be allowed to go a lot further to accomplish that task if we didn't have this prevailing wage law, which requires all contractors when they bid a project

to pay the inflated wage that is part of the prevailing wage structure. I would urge you to vote against the pending motion. Mr. Speaker, I request a roll call when the vote is taken.

Representative TREADWELL of Carmel **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 Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. The prevailing wage in the state ensures that bidders competing for state work do not cut wages or hire less experienced workers to the detriment of the state. The Congressional Budget Office estimates that federal prevailing wage law, which is only on federal contracts, which would be our road, adds about 1.5 percent to the contract cost. We have no idea what it costs here in the state, but I assume that it is either that or much lower. The State of Utah after the repeal of the prevailing wage law saw increases in costs, although initial bids were lower. There were more cost overruns. This does not interfere with general employer or employee relationship. It only sets conditions for employers who bid on state projects. This is not unusual. The prevailing wage law does not involve school construction. That is at the local level and they decide who the contractor is going to be. I thank you very much and I would be willing to answer any questions that you might have. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. When you look at the prevailing wage law and you look at it honestly, what it is is bid rigging in the marketplace. There is no getting around that. I appreciate the chair of the Labor Committee, somebody who I have great respect for, mentioning the fact for saying that school construction is not included in this. The interesting thing is the National School Board Association in their '98-'99 resolution appealed to the federal government and all state governments to repeal their prevailing wage law because it drives up the cost of school construction and maintenance projects. We say it doesn't affect us here in the State of Maine, but if it costs more on school construction projects and maintenance projects than certainly it costs more on any project. Would you like it if somebody came up to your house and you wanted a house built and they gave you a bid with their labor costs included and somebody came along and said you can't accept that bid, we want you to have this contractor who is going to pay a higher prevailing wage. This anti-free market dips into the pocket of the taxpayer and the argument that the state does this because of oversight and make sure they have quality work on school construction doesn't fair under the straight face test under the market. The state has oversight on all their contracts. I can assure you that if anybody didn't live up to those standards they would be quick to find out. Let's call this what it is. It is bid rigging in the marketplace. It is nothing more and nothing less. If you support that at the taxpayers expense, then you don't want to support my bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. I would like to throw a couple of ideas out to the full House concerning this bill. I work at a printing

company that employs almost 700 people. We are just finishing up our third expansion in the last several years. I talked to our project manager concerning this bill. I basically asked him that if he had to pay the prevailing wage, would you have gotten more quality work or a better job done? He chose to disagree. Again, he has had three projects at our company alone, as well as several others in his career. One of the features of our last expansion requires the pouring of a floor that requires tolerance of thousandths of an inch for a large area of square footage. Finding someone qualified to do that required us to find someone who is very, very rare and very knowledgeable. In that case that individual was able to charge a pretty good price because there was no one to compete with him. What was required was to have those tolerances built properly so that when this new press went on the floor there would be no vibration which would break the paper as it goes through the press. It was crucial. The decision was made that the quality in that instance was paramount. The individual company that took care of that for us is very skilled in that area and does not have a lot of competition and was able to draw a pretty good rate.

However, other areas of our expansion had several companies which bid on different features of the project. The project manager was able to utilize the past performance of a company, perhaps he has worked with them before over the years, as well as price. I think in terms of what the good Representative from Bridgton, Representative Waterhouse, presenting this bill to the Labor Committee is his attempt to say that when it comes to state projects what is good in the private sector would be good in the public sector. We have no problem finding qualified workers and companies to get the work done. At the end of the project if the quality isn't there, they don't get paid. That is the name of that game. I would ask you, ladies and gentlemen, to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. Another point I would like to make before we take the vote on this bill. If you have an electrician working on a prevailing wage job and associated with that job there may be some other duties cleaning up after the worker or something of that nature, that electrician has to maintain track of each component of the job that he is doing. I think we can all realize that this is going to add administrative cost or additional cost or whatever nature you want to call them. It is going to add cost to the job and, of course, that additional cost is going to be passed right on to the taxpayer. We are talking strictly jobs that are funded by public money, public funded jobs. That is all we are talking about with this bill. Thank you.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. I feel compelled to speak on this bill because I am in the construction business. Much has been said about how the prevailing wage increases the cost of our public construction projects, but not much has been said about how the prevailing wage increases the wages and income of our Maine workers. I think that is really the point. I said this in debate the last session when this bill came up. I am in no way interested in lowering the wages of Maine workers. Essentially, that is what this bill would do in a very limited section of our economy. The fact is, many of my colleagues on the other side the aisle make much of a study that ranks Maine fifth in state and local taxes as related to personal income. Although the true number when you consider all taxes, we are ranked 15th. We have a golden opportunity

here by supporting the Majority Ought Not to Pass Report to assure that Maine workers income increases rather than decreases. There is another point I would like to make in relation to these highway construction projects. The fact is the prevailing wage does level the playing field for Maine companies when they compete with out of state generally much larger construction companies on our highway projects. The simple fact is that since all contractors have to meet this prevailing wage law the competition for these projects is actually where it ought to be in competitiveness and doing the construction projects in a smart and efficient manner. This really does help our Maine contractors as well. I urge you to support the Majority Ought Not to Pass Report.

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

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. I must rise to speak on this bill. The good Representative from Gardiner said it very clearly. Are we trying to decrease the wages and race to the bottom in this state? We should be trying to increase the wage potential in this state. I am very concerned with what I have just heard about inflating the cost on construction projects.

As a prime example a few of the multi-million dollar projects done in this state the Portland/South Portland Bridge instate construction firms and the Bath Bridge over the Kennebec next to the Bath Iron Works Facility. Bid rigging as the good Representative from Bridgton said, I doubt it. The Bath Bridge over the Kennebec, two large Maine construction firms one located within 1,000 or 2,000 feet of this new bridge project on the Kennebec. Another one a large construction firm that had the general contractors bid for the Portland/South Portland Bridge. I wish people would call the Maine DOT today and see what they say on that new bridge project apparently under construction over the Kennebec. I was by an out of state firm, a firm that pays above the prevailing wage, they did it at less cost than the two large Maine construction firms that were competing for that project. If it is bid rigging, I would like to know where the additional money would have gone if the Maine firms wouldn't have bid. The large out of state firm pays a lot higher wages and benefits and they are able to do the project and make money on the project. I can't believe it inflates cost and as far as bid rigging, where has the extra been going then on some of these multi-million dollar projects when an out of state company from Chicago can come in here and do it cheaper and on time for the Maine DOT? Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I don't think anybody in here wants people to make less money. That is a ridiculous supposition. I wish everybody had more money than they needed. That is not the point. I believe in the free market. I believe in competitive bidding. I do not believe in government feints that set an arbitrary cost of doing construction. As I said before, if you had a carpenter building your house, I have been in the carpentry business for 20 years and they were going to charge you \$20 an hour and somebody came along and said they have to charge you \$30 an hour, I don't think you would appreciate this. I don't mind if somebody wants to pay more money to have something done, a project in their own house or whatever. We are talking about taxpayer's money. We are called upon to be fiscally

responsible when we use taxpayer's money. The argument that letting the free market work in a competitive environment is going to produce inefficient low quality work just doesn't cut it. We are not talking about quality work and efficient work. We are not talking about lowering the wages of workers. We are talking about free market. I have been in the free market all my life. I set my own wages and my own costs and the free market does that, not government. If you want government to do that, they are doing it arbitrarily and they are not doing it for any other reason than to give money to some workers, but take away from others.

Ladies and gentlemen, most of the people in this state are non-union workers. When you set an arbitrary cost of doing business, a lot of those businesses do not compete for those jobs. People who do not belong to unions will not get that work. I have seen many businesses turn away work and now you are hurting the other workers. Workers are workers no matter what they are or where they come from or what organization they belong to. There are a lot of workers out there that don't get jobs because of arbitrary setting of prices. I have seen it happen a hundred times and everybody that has been in construction or any other line of business sees a cost that is attached to doing something arbitrarily does not benefit anybody. I urge you to vote against the pending motion. Thank you.

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

ROLL CALL NO. 102

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

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

ABSENT - Frechette, Mack, Martin, Matthews, McAlevey, Mendros, Watson.

Yes, 83; No, 61; Absent, 7; Excused, 0.

83 having voted in the affirmative and 61 voted in the negative, with 7 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Ensure Equity in the

Competitive Bidding Process for Construction Projects Supported by Public Funds"

(H.P. 343) (L.D. 459)

Signed:
Senator:

DOUGLASS of Androscoggin

Representatives:

HATCH of Skowhegan
GOODWIN of Pembroke
MATTHEWS of Winslow
SAMSON of Jay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-302)** on same Bill.

Signed:

Representatives:

DAVIS of Falmouth
MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. I speak in opposition to this legislation and urge the adoption of the Majority Ought Not to Pass Report. The amendment, in fact, reveals the shallowness of the proposal. The original legislation did two things. It required a competitive bidding process for any contract awarded which was funded by state and municipal assistance. The requirement for competitive bidding process is removed by the Committee Amendment supported by the minority. They are not asking for a fair competitive bidding process. They took that out of their proposal because they recognized that there is no requirement for a fair and competitive bidding process.

What they want to do in this legislation is simply punish employers and employees who entered into agreements to provide for fair wages and fair benefits for Maine workers. This bill does nothing but that. It says to employers in awarding these contracts you cannot require that good wages and good benefits be paid. It prohibits employers from entering into agreements with unions to set standards for wages and benefits on projects which are funded with state or municipal assistance. It makes terrible public policy. It interferes with the rights of employers to enter into such agreements and it does so without even requiring a fair competitive bidding process.

This is a terrible bill. It was a bad bill when it was brought to the committee and it is an even worse bill now. What it really is is an attempt to punish employers who act responsibly and agree to wage and benefit standards for their employees and for the projects which they bring forth. There is also a very good prospect that this legislation is unconstitutional because it attempts to regulate an area governed by the federal government and where federal government has pre-empted the arena. This bill is blatantly against the interest of the Maine workers and blatantly anti-union. We strongly encourage your opposition to this legislation and encourage Ought Not to Pass. When the vote is taken, I request the yeas and nays.

Representative HATCH of Skowhegan **REQUESTED** a roll call on her 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 Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. I would respectfully disagree with the Representative from Skowhegan on several points that she just brought up. This bill in the summary says that the purpose is to exclude union or non-union status as a factor in the competitive bidding process. That is all it says. In the State of Maine about 15 percent of the workforce of the state is unionized. We are discriminating against the other 85 percent of the workforce of this state anytime we make the membership of a union mandatory for a worker to go on to a labor project that is funded by state dollars. I think that it is unfair. It is discriminatory and I think that we should bring it to an end. I would urge that you vote against the pending motion on this bill.

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

Representative **BUCK**: Mr. Speaker, Ladies and Gentlemen of the House. As the sponsor of this bill, there is a lot of misunderstanding about its intent. I would like to just take less than two minutes to clear this up. Some people are under the impression that this is a bill pitting the labor unions against the non-labor unions. The intent of this bill is far from that. All this bill says is that when a municipal government or a state government puts an item out to bid they cannot make as a bidding requirement that a PLA, project labor agreement, must be included. What it does say is that any private enterprise can bid on a government project and they can include a PLA if they desire or they do not have to include a PLA. All this bill does is ensure that those organizations that do not want to use a PLA in the initial bid are not required to do so. This is not an anti-labor bill at all. All this does is ensure that all of the contractors in this state have a level playing field when the initial bid is made. There is no requirement at all that state or local government has to choose a non-PLA over a PLA. It has nothing to do with it at all. It just means that the initial bills can be evaluated by either the state level or the local level regardless of whether a project labor agreement is involved in that bid.

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. 103

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Cameron, Carr, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Mayo, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Perkins, 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, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Campbell, Chick, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McKenney, McNeil, Murphy E, Murphy T, Nass,

Nutting, O'Brien JA, Peavey, 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 - Frechette, Martin, Matthews, McAlevey, Mendros, Watson.

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Require Reimbursement to Municipalities for the Cost of State Special Elections"

(H.P. 231) (L.D. 335)

Signed:
Senators:

DAGGETT of Kennebec
CAREY of Kennebec
FERGUSON of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-310)** on same Bill.

Signed:
Representative:

PERKINS of Penobscot

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Repeal Observation of Daylight Savings Time"

(H.P. 15) (L.D. 25)

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

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

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

Signed:
Representative:

RICHARDSON of Greenville

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-292)** on Resolve, to Establish the State Office Building Location Task Force

(H.P. 226) (L.D. 304)

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock

Representatives:

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

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

Signed:
Senator:

DAVIS of Piscataquis

Representatives:

RICHARDSON of Greenville
KASPRZAK of Newport
JODREY of Bethel

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-291)** on Bill "An Act to Increase Fees for Civil Process of Filing State Papers"

(H.P. 1212) (L.D. 1741)

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

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

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

Signed:
Representatives:

KASPRZAK of Newport
RICHARDSON of Greenville

READ.

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

Representative KASPRZAK of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 104

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Cross, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Mailhot, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Berry DP, Bowles, Buck, Campbell, Carr, Cianchette, Clough, Collins, Daigle, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jones, Joy, Kasprzak, Kneeland, Labrecque, MacDougall, Mack, Madore, Marvin, McKenney, McNeil, Murphy T, Nass, Peavey, Pinkham, Plowman, Richardson E, Rosen, Savage C, Shields, Shorey, Snowe-Mello, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Winsor.

ABSENT - Bouffard, Frechette, Martin, Matthews, McAlevey, Mendros, Watson.

Yes, 92; No, 52; Absent, 7; Excused, 0.

92 having voted in the affirmative and 52 voted in the negative, with 7 being absent, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-291)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 4, 1999.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Amend the Maine Administrative Procedure Act Pertaining to Major Substantive Rules Review"

(H.P. 1323) (L.D. 1906)

Signed:
Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-290)** on same Bill.

Signed:
Representative:

TWOMEY of Biddeford

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-288)** on Bill "An Act to Prevent Conflicts of Interest"

(H.P. 1337) (L.D. 1920)

Signed:
Senators:

PENDLETON of Cumberland
DAVIS of Piscataquis

Representatives:

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

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

Signed:
Senator:

GOLDTHWAIT of Hancock

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-288)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 4, 1999.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Allow the Direct Submission to Voters of Municipal Charter Revisions"

(H.P. 1489) (L.D. 2127)

Signed:
Senators:

Representatives: GOLDTHWAIT of Hancock
 DAVIS of Piscataquis

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

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.
 Signed:
 Senator: PENDLETON of Cumberland

Representatives: AHEARNE of Madawaska
 BAGLEY of Machias
 RINES of Wiscasset
 McDONOUGH of Portland
 GERRY of Auburn

READ.

Representative AHEARNE of Madawaska moved that the House **ACCEPT** the Minority **Ought to Pass** Report.
 On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought 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. 595) (L.D. 1719) Bill "An Act to Amend the Maine Banking Code Regarding Extensions of Credit" (EMERGENCY) Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

(S.P. 714) (L.D. 2036) Bill "An Act to Prohibit Deceptive Charitable Solicitations" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 715) (L.D. 2037) Bill "An Act to Revise the Lienholder Notification Law" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 243) (L.D. 665) Bill "An Act to Protect the Environment by Phasing Out the Use of Old Transformers that are Potential Sources of PCB Pollution" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-125)**

(S.P. 266) (L.D. 759) Bill "An Act to Expedite Disputes among Commercial Landlords and Tenants" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-129)**

(S.P. 442) (L.D. 1317) Bill "An Act to Appropriate Additional Funding for Court-appointed Counsel" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-123)**

(S.P. 443) (L.D. 1318) Bill "An Act to Amend the Treatment of Security Deposits Upon the Sale of a Building" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-128)**

(S.P. 623) (L.D. 1788) Bill "An Act to Clarify 7-day Evictions in Tenancies at Will" Committee on **LEGAL AND**

VETERANS AFFAIRS reporting **Ought to Pass as Amended by Committee Amendment "A" (S-127)**
 (S.P. 706) (L.D. 1981) Bill "An Act to Revise the Accountancy Laws" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-126)**
 (S.P. 762) (L.D. 2152) Bill "An Act to Amend the Laws Governing Financial Institutions" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-131)**
 (H.P. 1215) (L.D. 1744) Bill "An Act to Allow Child-placing Agencies to License Preadoptive Homes as Foster Care Homes for a Child Placed in that Home Awaiting Adoption" Committee on **JUDICIARY** reporting **Ought to Pass**
 (H.P. 40) (L.D. 54) Resolve, to Authorize the Knox County Commissioners to Borrow Not More Than \$600,000 to Build the Knox County Communications Center (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-324)**
 (H.P. 76) (L.D. 89) Resolve, to Study Standardized Periods of Military Service for Award of State of Maine Veterans' Benefits (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-312)**
 (H.P. 274) (L.D. 382) Bill "An Act to Require a Minor Who is the Underlying Cause of a Liquor Violation to Provide Identification to a Law Enforcement Officer" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-313)**
 (H.P. 460) (L.D. 623) Resolve, Regarding Legislative Review of Chapter 565: Nutrient Management Rules, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-334)**
 (H.P. 497) (L.D. 704) Bill "An Act to Allow for Cooperative Purchase of Electricity by Governmental Units" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-331)**
 (H.P. 547) (L.D. 768) Resolve, Regarding Legislative Review of Chapter 301: Standard Office Service, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-328)**
 (H.P. 548) (L.D. 769) Resolve, Regarding Legislative Review of Chapter 304: Standard of Conduct for Transmission and Distribution Utilities and Affiliated Competitive Electricity Providers, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-329)**
 (H.P. 743) (L.D. 1033) Bill "An Act to Allow Former Employees of Head Start Credit in the Maine State Retirement System" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-360)**
 (H.P. 857) (L.D. 1214) Bill "An Act Authorizing the Release of Information to a Competitive Electricity Provider" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-330)**

(H.P. 913) (L.D. 1291) Bill "An Act to Amend the Liquor Licensing Laws Regarding Bed and Breakfasts" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-314)**

(H.P. 985) (L.D. 1383) Bill "An Act Promoting Technology in Business Recordkeeping" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-362)**

(H.P. 1153) (L.D. 1650) Bill "An Act Confirming the Charter of the Addison Point Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-333)**

(H.P. 1172) (L.D. 1683) Resolve, Regarding Legislative Review of Chapter 307: Sale of Capacity and Energy of Undivested Generation Assets, Extension of Divestiture Deadline, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-332)**

(H.P. 1195) (L.D. 1705) Bill "An Act to Amend the Maine Administrative Procedure Act" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-364)**

(H.P. 1237) (L.D. 1766) Bill "An Act to Provide Equity for Eviction Notification" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-311)**

(H.P. 1315) (L.D. 1898) Resolve, That the Director of the Maine State Museum Shall Include the Portraits of Outstanding Indians in the State House Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-325)**

(H.P. 1384) (L.D. 1991) Bill "An Act to Protect Customers of Nonbank Cash-dispensing Machines" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-344)**

(H.P. 1460) (L.D. 2092) Bill "An Act to Require Legislative Approval to Lease Certain Land to the Federal Government" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-363)**

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

CONSENT CALENDAR
Second Day

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

(S.P. 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"

(S.P. 367) (L.D. 1068) Bill "An Act to Clarify Municipal Obligations to an Unlicensed Mobile Home Park"

(S.P. 372) (L.D. 1073) Bill "An Act to Relate the State Liquor Tax to the Amount Transferred to the General Fund"

(S.P. 385) (L.D. 1164) Bill "An Act to Clarify Landlord Access to Premises in Residential Tenancies"

(S.P. 467) (L.D. 1406) Bill "An Act to Prevent Forgery, Alterations or Counterfeiting of Maine State Lottery Tickets"

(S.P. 592) (L.D. 1716) Bill "An Act to Amend the Petroleum Market Share Act"

(S.P. 729) (L.D. 2079) Bill "An Act to Improve the State Budgeting Process"

(S.P. 731) (L.D. 2081) Bill "An Act to Make Commercial Vehicle Weight Limits Consistent with Federal Law"

(S.P. 297) (L.D. 869) Bill "An Act to Amend Maine's Payroll Processing Laws" (C. "A" S-105)

(S.P. 317) (L.D. 951) Bill "An Act to Amend the Motor Vehicle Laws" (C. "A" S-107)

(S.P. 392) (L.D. 1171) Bill "An Act to Provide for Management of the Harvest of Seaweed" (C. "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) (C. "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" (C. "A" S-109)

(S.P. 556) (L.D. 1618) Bill "An Act to Amend the Laws Regarding Professional Engineers" (C. "A" S-118)

(S.P. 570) (L.D. 1637) Bill "An Act Regarding the Boundaries of State and State Aid Highways" (C. "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) (C. "A" S-112)

(S.P. 600) (L.D. 1723) Bill "An Act to Amend the Charter of the East Pittston Water District" (C. "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" (C. "A" S-111)

(S.P. 744) (L.D. 2103) Bill "An Act to Appropriate \$125,000 for the Fort Knox Visitor Center" (EMERGENCY) (C. "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) (C. "A" S-116)

(H.P. 264) (L.D. 368) Resolve, Naming the Beach Next to the Lincolnville Ferry Terminal French Beach (C. "A" H-293)

(H.P. 296) (L.D. 404) Bill "An Act Regarding Shooting Across or From a Public Paved Way" (C. "A" H-287)

(H.P. 300) (L.D. 408) Bill "An Act Regarding the Waiver Process Under the Lobster Apprenticeship Program" (C. "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" (C. "A" H-299)

(H.P. 649) (L.D. 899) Bill "An Act to Establish a Part-time Liquor License" (C. "A" H-286)

(H.P. 1051) (L.D. 1473) Bill "An Act to Amend the Maine Emergency Medical Services Act of 1982" (C. "A" H-301)

(H.P. 1079) (L.D. 1526) Resolve, to Establish a Task Force to Study Limited Entry in the Shrimp Fishery (C. "A" H-307)

(H.P. 1275) (L.D. 1836) Bill "An Act Concerning the Sea Urchin Fishery" (C. "A" H-306)

(H.P. 1394) (L.D. 1999) Resolve, to Create a Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps (C. "A" H-305)

(H.P. 1480) (L.D. 2120) Resolve, Establishing an Improved Capital Planning Process (C. "A" H-298)

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

PASSED TO BE ENGROSSED AS AMENDED and sent for concurrence.

(H.P. 635) (L.D. 885) Bill "An Act to Decrease the Time by Which Rent Is Considered Late" (C. "A" H-285)

On motion of Representative TUTTLE of Sanford, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending to **ACCEPTANCE** of the Committee Report and later today assigned.

BILLS IN THE SECOND READING

Senate

Bill "An Act to Continue Restorative Justice" (EMERGENCY)

(S.P. 374) (L.D. 1075)

Senate As Amended

Bill "An Act to Repeal the Sales Tax on Horses"

(S.P. 22) (L.D. 6)

(C. "A" S-83)

Resolve, to Review Traffic Congestion Including Truck Traffic along the Route 1 York Corridor (EMERGENCY)

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

(C. "A" S-117)

House As Amended

Bill "An Act Regarding Exhibition of Licenses from the Department of Inland Fisheries and Wildlife"

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

(C. "A" H-283)

Bill "An Act to Amend the Laws Regarding the Taxation of Certain Automotive Parts"

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

(C. "A" H-204)

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)

(C. "A" H-236)

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)

(C. "A" H-237)

Bill "An Act to Allow the Bureau of Labor Standards to Assess Administrative Civil Money Penalties for Labor Law Violations"

(H.P. 693) (L.D. 960)

(H. "A" H-327 to C. "A" H-261)

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

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

(C. "A" H-233)

Bill "An Act to Establish a Fund to Promote Acadian Cultural Tourism for St. Croix Island"

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

(C. "A" H-271)

Bill "An Act Regulating the Transportation of People and Dogs in Pickup Trucks"

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

(H. "A" H-289 to C. "A" H-239)

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

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

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Promote Historic and Scenic Preservation

(S.P. 429) (L.D. 1266)

(C. "A" S-96)

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

On motion of Representative GAGNON of Waterville, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

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

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

(S. "A" S-124)

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

Emergency Measure

Resolve, Regarding Assessment for Long-term Care

(H.P. 735) (L.D. 1025)

(C. "A" H-207)

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

On motion of Representative KANE of Saco, 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-207)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-338)** to **Committee Amendment "A" (H-207)** which was **READ** by the Clerk.

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

Representative KANE: Mr. Speaker, Men and Women of the House. This is a technical amendment that changes the

date of the report to be submitted to the Committee on Health and Human Services from January 1, 2000 to December 31, 1999. Thank you.

House Amendment "A" (H-338) to Committee Amendment "A" (H-207) was ADOPTED.

Committee Amendment "A" (H-207) as Amended by House Amendment "A" (H-338) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-207) as Amended by House Amendment "A" (H-338)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Acts

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

An Act to Increase the Amount Retained by Agents Who Sell Hunting and Fishing Licenses (H.P. 237) (L.D. 341)

An Act to Redefine Hunting (H.P. 285) (L.D. 393) (C. "A" H-206)

An Act to Allow Noncommercial Whitewater Rafting Clubs to Submit Names of Dues-paying Members Only (H.P. 435) (L.D. 577) (H. "A" H-224 to C. "A" H-192)

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

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

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

An Act to Improve the Collection of Restitution (S.P. 268) (L.D. 761) (S. "A" S-86 to C. "A" S-67)

An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed for Less than 6 Months (H.P. 630) (L.D. 880)

An Act to Recodify the Auctioneers Licensing Law (S.P. 321) (L.D. 955) (C. "A" S-95)

An Act to Provide for Citizen Participation in the Hancock County Budget (H.P. 716) (L.D. 1006) (C. "A" H-171)

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

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

An Act to Conform State Law to Federal Nuclear Power Plant Requirements for Off-site Emergency Planning (H.P. 924) (L.D. 1301) (C. "A" H-209)

An Act to Allow Authorized Removal of a Beaver Dam Without a Permit

(H.P. 958) (L.D. 1356) (C. "A" H-212)

An Act to Provide for the Collection of Storm Water in the City of Hallowell

(H.P. 966) (L.D. 1364) (C. "A" H-211)

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

An Act Concerning Liens Held by the Freeport Sewer District

(H.P. 1085) (L.D. 1532) (C. "A" H-210)

An Act to Amend the Maine Criminal Code Regarding Improper Gifts

(S.P. 617) (L.D. 1782)

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, to Name the State Office Building the Burton M. Cross Building

(H.P. 172) (L.D. 250) (C. "A" H-117)

Resolve, to Increase Access to Medicaid for People who Need Psychological Services

(H.P. 447) (L.D. 610) (C. "A" H-208)

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 Addressing an Allegation of Prior Conviction When the Sentence Is Enhanced

(H.P. 950) (L.D. 1347)

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

On motion of Representative SHIAH of Bowdoinham, was **SET ASIDE**.

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

An Act to Expressly Treat Involuntary Conduct as a Defense in the Maine Criminal Code

(H.P. 1267) (L.D. 1821)

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

On motion of Representative POVICH of Ellsworth, was **SET ASIDE**.

On further motion of the same Representative, 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-339)** which was **READ** by the Clerk.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. This is a technical amendment which corrects an indiscretion in the title of the bill which was "An Act to Treat Voluntary Conduct as a Defense in the Maine Criminal Code." We really don't want to do that. We want to expressly treat involuntary conduct as a defense in the Maine Criminal Code.

House Amendment "A" (H-339) was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-339) in NON-CONCURRENCE** and sent for concurrence.

Resolve, Relating to Basic Service Calling Areas
(S.P. 405) (L.D. 1194)
(C. "A" S-91)

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

On motion of Representative **DAVIDSON** of Brunswick, was **SET ASIDE**.

On further motion of the same Representative, 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-91) was ADOPTED**.

The same Representative presented **House Amendment "A" (H-337) to Committee Amendment "A" (S-91)** which was **READ** by the Clerk.

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

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. This amendment is simply a technical amendment and changes the reporting date in the bill from January 1, 2000 to December 31, 1999. Thank you.

House Amendment "A" (H-337) to Committee Amendment "A" (S-91) was ADOPTED.

Committee Amendment "A" (S-91) as Amended by House Amendment "A" (H-337) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-91) as Amended by House Amendment "A" (H-337) thereto in NON-CONCURRENCE** and sent for concurrence.

The **SPEAKER**: The Chair recognizes the Representative from Rome, Representative Tracy who wishes to address the House on the record.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I sincerely appreciate your cards, your phone calls and your sympathy towards me and my family. It was a tragic loss of my niece of last Thursday. Patricia was only 17 and aspiring to greatness in law enforcement and wanted to truly be a State Police Officer in the State Police. When the House adjourns today, Mr. Speaker, I wish that the House adjourn in memory of Patricia Ann Bailey of Winsor, the daughter of Terry Ann Bailey and Barry Allen Bailey. Again, I sincerely thank you very much.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, April 29, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Include Marine Products on Roadside Signs" (EMERGENCY)

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

- In House, 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)** on April 15, 1999.

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

TABLED - April 29, 1999 (Till Later Today) by Representative **JABAR** of Waterville.

PENDING - FURTHER CONSIDERATION.

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

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

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

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

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

TABLED - April 29, 1999 (Till Later Today) by Representative **SAXL** of Portland.

PENDING - Motion of Representative **STANWOOD** of Southwest Harbor to **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**.

Subsequently, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

Joint Order - Relative to establishing the Commission to Study the Fairness of the Maine Turnpike

(H.P. 1568)

TABLED - April 29, 1999 (Till Later Today) by Representative **SAXL** of Portland.

PENDING - Motion of Representative **MENDROS** of Lewiston to **REFER** to the Committee on **TRANSPORTATION**.

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-282)** - Committee on **INLAND FISHERIES**

AND WILDLIFE on Bill "An Act to Prohibit Rewards to Fish and Wildlife Informants"

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

TABLED - April 29, 1999 (Till Later Today) by Representative DUNLAP of Old Town.

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

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

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-284)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Allow Hunters to Carry and Use a Standard-size Flashlight"

(H.P. 559) (L.D. 780)

TABLED - April 29, 1999 (Till Later Today) by Representative DUNLAP of Old Town.

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

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

Bill "An Act to Strengthen Enforcement of Lobster Trap Limits"

(S.P. 452) (L.D. 1327)

TABLED - April 29, 1999 (Till Later Today) by Representative ETNIER of Harpswell.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-113)**.

Subsequently, **Committee Amendment "A" (S-113)** was **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 4, 1999.

Bill "An Act to Provide Labeling for Cider"

(S.P. 705) (L.D. 1980)

TABLED - April 29, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-119)**.

Subsequently, **Committee Amendment "A" (S-119)** was **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, May 4, 1999.

Bill "An Act to Establish the Birth Defects Program"

(H.P. 1322) (L.D. 1905)

TABLED - April 29, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-268)**.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. When I saw this bill on the calendar I had

some questions about it. What I received didn't make me feel any more at ease. Some of the questions I have are, why we are establishing a Birth Defects Program within the state when these things are already done in other research facilities around the country? Why are we growing the Department of Human Services yet again? What will we do with this information once collected? Why is there a prenatal intrusion into the woman carrying the child in that relationship? What if the parents object to having this information collected? Where will it go? What will they do with the end result? There is an amendment I understand that allows parents to object to the collection of this information and have it passed out to who knows who. If they have sincere, which I wonder how that would be defined, religious beliefs that would cause them to object to this. Who are these non-profit groups the information will be given to that federal grants will be given to? Are they Planned Parenthood? Are they Family Planning? Who are they? Another question I have is concerning the long-term follow-up. What does that mean? Will the state be coming into people's homes and looking at their children and trying to determine what possible birth defects they have? Who will they be referring them to? How long will they continue in this? Will there be any sort of pressure put on the parent to collect this information and to pass it on?

It seems to me a little bit ironic that we have been talking about confidentiality when it comes to adults in hospitals, but when it comes to an unborn child and then a child after birth having some kind of defect, there doesn't seem to be any interest in confidentiality. I have some questions and I hope that someone could answer them. Mr. Speaker, I ask for a roll call on this vote and would ask that you vote against the pending motion. Thank you.

Representative **KASPRZAK** of Newport **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-268)**.

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 Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. This was a unanimous Ought to Pass report out of the Health and Human Services Committee. The bill establishes a program within the Bureau of Health in the Department of Human Services to identify and collect information on birth defects. The program will undertake research and is authorized to collect information. It has access to health care records and information and may provide information to families on available services. The bill requires a report to the Joint Standing Committee on Health and Human Services in January. The Bureau of Health has been the beneficiary of a federal grant. This is the collection of data on birth defects and has been one of the major gaps in the overall responsibility of the Bureau of Health to collect a great deal of information on the incidence of a variety of illnesses among our population in Maine in order to provide some direction in health care policy. It is the historically appropriate area of state government to be collecting information and the bill does nothing more than to authorize and reinforce that particularly at a time of opportunity to utilize federal funds to conduct this research and information gathering. Thank you Mr. Speaker.

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

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

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

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

Representative **STEDMAN**: Mr. Speaker, Men and Women of the House. Does this program in any way duplicate the activities of the Child Development Services in locating students that need assistance to get them ready for school?

The **SPEAKER**: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative **FULLER**: Mr. Speaker, Ladies and Gentlemen of the House. In response to the question from the gentleman concerning whether or not this duplicates Child Development Services. It does not. Child Development Services is a program that actually provides services to preschool children, some of whom were born with some birth defects. This is not that kind of service. It is to be able to do research and to follow up. Not all birth defects are noted on the birth certificates because they are identified later. This would make that information a part of the data base for research purposes. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is adoption of Committee Amendment "A" (H-268). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 105

YEA - Ahearne, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Chick, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Gooley, Green, Hatch, Honey, Jacobs, Jodrey, Kane, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, Mendros, Mitchell, Murphy E, Murphy T, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Berry DP, Bowles, Buck, Campbell, Carr, Clough, Collins, Cross, Glynn, Heidrich, Jones, Joy, Kasprzak, Kneeland, Labrecque, MacDougall, Mack, McKenney, McNeil, Nass, Pinkham, Plowman, Richardson E, Rosen, Sherman, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, True, Waterhouse, Weston, Winsor.

ABSENT - Duncan, Frechette, Goodwin, Jabar, Martin, Muse, Tracy.

Yes, 107; No, 37; Absent, 7; Excused, 0.

107 having voted in the affirmative and 37 voted in the negative, with 7 being absent, **Committee Amendment "A" (H-268)** was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, May 4, 1999.

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

TABLED - April 29, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENGROSSED**.

Representative GLYNN of South Portland **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED**.

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 Passage to be Engrossed. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 106

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, Fuller, Gagne, Gagnon, Gillis, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, 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, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Foster, Gerry, Glynn, MacDougall, Mack, Mendros, Sherman, Snowe-Mello.

ABSENT - Frechette, Goodwin, Mailhot, Martin, Powers, Tracy, True.

Yes, 136; No, 8; Absent, 7; Excused, 0.

136 having voted in the affirmative and 8 voted in the negative, with 7 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Senate Amendment "A" (S-68)** in concurrence.

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

Bill "An Act to Prohibit the Taking of Another Person's Legal Identification"

(H.P. 162) (L.D. 224)

TABLED - April 29, 1999 (Till Later Today) by Representative POVICH of Ellsworth.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-183)**.

Representative POVICH of Ellsworth presented **House Amendment "A" (H-315)** to **Committee Amendment "A" (H-183)** which was **READ** by the Clerk.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. House Amendment (H-315) is of a technical

nature. This amendment clarifies that the defense to a civil action for damages arising from the misuse of identification may be raised only by the persons whose identification was misused. Thank you.

House Amendment "A" (H-315) to Committee Amendment "A" (H-183) was ADOPTED.

Committee Amendment "A" (H-183) as Amended by House Amendment "A" (H-315) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-183) as Amended by House Amendment "A" (H-315) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

TABLED - April 29, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

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

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

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

TABLED - April 29, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, 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.**

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 29, 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.

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 29, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

PENDING - Motion of same Representative 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 29, 1999 (Till Later Today) by Representative PIEH of Bremen.

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 29, 1999 (Till Later Today) by Representative PIEH of Bremen.

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 29, 1999 (Till Later Today) 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.

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 29, 1999 (Till Later Today) by Representative ETNIER of Harpswell.

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

On motion of Representative ETNIER of Harpswell, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and 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 29, 1999 (Till Later Today) by Representative JABAR of Waterville.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was **TABLED** and today assigned:

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-280)** - Minority (2) **Ought to Pass as Amended by Committee Amendment "B" (H-281)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Law Governing the Confidentiality of Health Care Information"

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

TABLED - April 29, 1999 by Representative KANE of Saco.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

BILL HELD

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

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

(C. "A" H-199)

- In House, **PASSED TO BE ENACTED.**

HELD at the Request of Representative MENDROS of Lewiston.

On motion of Representative MENDROS of Lewiston, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED.**

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

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Powers who wishes to address the House on the record.

Representative **POWERS**: Mr. Speaker, Men and Women of the House. Having been absent from the chamber at the time of roll call 106, I would like to be recorded as yea.

ORDERS

On motion of Representative TOWNSEND of Portland, the following Joint Order: (H.P. 1570)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services jointly report out to the House legislation establishing a fund to receive and use money received by the State in settlement of or in

relation to the lawsuit, State of Maine v. Philip Morris, et al., Kennebec County Superior Court, Docket No. CV-97-134.

READ and PASSED.

Sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 808)

ORDERED, the House concurring, that Bill, "An Act to Allow Military Personnel Home on Leave to Purchase a Hunting or Fishing License for \$10," S.P. 464, L.D. 1403, and all its accompanying papers, to be recalled from the Governor's desk to the Senate.

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

READ and PASSED in concurrence.

Bill "An Act Relating to the Kennebec Regional Development Authority" (EMERGENCY)

(S.P. 807) (L.D. 2219)

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

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

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

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. If I had been present this morning I would like to be recorded on item (6-7) on our calendar and (6-8) as voting in favor of the Majority Report on both items. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Bouffard who wishes to address the House on the record.

Representative **BOUFFARD**: Mr. Speaker, Men and Women of the House. Having been absent for roll call 104, LD 1741, which was item (6-12), I would like to have my vote recorded as yea.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Mendros who wishes to address the House on the record.

Representative **MENDROS**: Mr. Speaker, Men and Women of the House. I wish my vote to be recorded for item (6-7) and (6-8). If I had been present, I would have voted nay.

On motion of Representative TRACY of Rome, the House adjourned at 11:56 a.m., until 9:00 a.m., Tuesday, May 4, 1999 in honor and lasting tribute to Patricia Ann Bailey, of Winsor.