

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
44th Legislative Day
Wednesday, May 5, 1999

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

Prayer by Honorable Birger T. Johnson, Pastor, United Church of Christ, South Portland.

National Anthem by Mt. Blue Voices, Mt. Blue High School, Farmington.

Pledge of Allegiance.

Doctor of the day, Behzad Fakhery, M.D., Auburn.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

JOINT ORDER - Relative to the Joint Standing Committee on Health and Human Services Reporting Out Legislation Regarding Mental Health Services

(H.P. 1569)

READ and **PASSED** in the House on April 29, 1999.

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

On motion of Representative KANE of Saco, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

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

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

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-168)** in the House on April 13, 1999.

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

The House voted to **ADHERE**.

Non-Concurrent Matter

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

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

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204)** in the House on May 3, 1999.

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

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

Non-Concurrent Matter

An Act to Allow Military Personnel Home on Leave to Purchase a Hunting or Fishing License for \$10

(S.P. 464) (L.D. 1403)

- In House, **PASSED TO BE ENACTED** on April 26, 1999.

- In Senate, **PASSED TO BE ENACTED** on April 26, 1999.

- **RECALLED** from the Governor's Desk pursuant to Joint Order (S.P. 808)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-157)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.C. 201)

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

May 4, 1999

Honorable G. Steven Rowe

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Rowe:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education and Cultural Affairs, the nominations of Katherine D. Wyman of Farmington and Kenneth W. Allen of Orono for appointment to the State Board of Education.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 219)

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

May 4, 1999

The Honorable Joseph W. Mayo

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Minority Ought Not to Pass Report from the Committee on Transportation on Bill "An Act to Include Marine Products on Roadside Signs," (H.P. 247) (L.D. 351), was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 220)

**SENATE OF MAINE
OFFICE OF THE SECRETARY
3 STATE HOUSE STATION**

AUGUSTA, MAINE 04333

May 4, 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 Judiciary on Bill "An Act to Ensure Compliance with Court Orders Relating to Child Visitation," (H.P. 1057) (L.D. 1488), was accepted.

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

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

TAXATION and EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Restore Majority State Funding of Public Education in Maine"

(H.P. 1573) (L.D. 2221)

Presented by Representative **BRENNAN** of Portland.
Cosponsored by President **LAWRENCE** of York and Representatives: **BAKER** of Bangor, Speaker **ROWE** of Portland, **SAXL** of Portland, **SHIAH** of Bowdoinham, Senators: **BERUBE** of Androscoggin, **MURRAY** of Penobscot, **PINGREE** of Knox, **RAND** of Cumberland.

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

**REPORTS OF COMMITTEE
Change of Committee**

Representative **POVICH** from the Committee on **CRIMINAL JUSTICE** on Bill "An Act to Reimburse Androscoggin County for Shortfalls in State Reimbursement for Jail Costs"

(H.P. 1511) (L.D. 2159)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-162)** on Bill "An Act Requiring Labeling of Unpasteurized Milk Products"

(S.P. 281) (L.D. 799)

Signed:
Senators:

NUTTING of Androscoggin
KILKELLY of Lincoln
KIEFFER of Aroostook
Representatives:
COWGER of Hallowell
CARR of Lincoln
GOOLEY of Farmington
VOLENIK of Brooklin
PIEH of Bremen
WATSON of Farmingdale
FOSTER of Gray
GILLIS of Danforth
Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Representative:
CROSS of Dover-Foxcroft

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-162)**.

READ.

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

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

Representative **PIEH**: Mr. Speaker, Men and Women of the House. This bill, "An Act Requiring Labeling of Unpasteurized Milk Products," is a result of making a mistake two years ago where we set it up so that people that treated cheeses could not sell it through restaurants. Heat treated cheese takes care of bacterial problems that one would have to worry about. Our committee went through and reworded the language so that that would be allowed. Thank you.

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

Representative **CROSS**: Mr. Speaker, Men and Women of the House. As you can see, I am the Ought Not to Pass and the only one that is on there. I would like to explain to you my position of why that is so. This has to do with cheese made from goat's milk and it was called farm cheese at one time. Nobody had a complaint. Two ladies were in the business. They were selling it to restaurants. They were clearly marking heat treated. They didn't have to put on non-pasteurized. The people were eating it. They were loving it. They had no problem with it. What happened? In our great wisdom we came forth and said you have to mark that non-pasteurized so that people will know it. People didn't have any problems with this before so we made a problem. We said you have to mark it. To me, this is ridiculous in what we did and that is why I voted as I did. Please follow my light.

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

The **SPEAKER**: The Chair recognizes the Representative from Durham, Representative **Schneider**.

Representative **SCHNEIDER**: Mr. Speaker, Ladies and Gentlemen of the House. Before we vote on this issue I would just like to tell you about my next door neighbor who produces natural milk. He is in his mid 70s. He milks about 30 or 40 head of milking short horned cattle. He produces natural milk which he sells from his milk room. He sells it in gallon glass jugs with a cap on the top that is labeled Bowie Farms and it says natural

milk. Everybody who comes to his farm knows that it is natural milk and that it is unpasteurized. They actually buy it for that reason. He sells it to a bunch of people because they really like unpasteurized milk better, as I do. This requirement would require him to label every one of his glass bottles and probably relabel them each time that he sterilizes them after use. I suspect that he is probably typical of a lot of small milk producers and that a lot of people will find milk producers like this in their district. I think that the requirement to label unpasteurized milk comes out of a time when farmers milked cows by hand and transported milk containers in the back of trucks uncovered. That just doesn't happen anymore today. This requirement is unnecessary. I urge you to vote against the pending motion and not to impose this requirement on farmers. Thank you very much.

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

Representative PIEH: Mr. Speaker, Men and Women of the House. The good Representative mentioned selling raw milk from the farmstead. Maine is one of the few states where you can actually still do that. You don't have to label it. With this bill you don't have to label it. People actually are to provide their own containers to buy raw milk from dairy farmers, goat farmers, sheep farmers, cow farmers or whatever kind of dairy product you want to buy. This simply talks about milk that is going to be sold in a state that is unpasteurized. The two women referred to agreed to that. We agreed to it on the basis of their agreement. I encourage you to support the Majority Ought to Pass as Amended Report and I request a roll call.

Representative PIEH of Bremen **REQUESTED** a roll call on her 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: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I apologize for getting up on this issue. It is a pretty lopsided committee report, but I have been known to do that in the past. The reason I am standing up is because this issue is one of the bills that I submitted. It had to do with farmstead cheese, goat farmstead cheese. The two ladies that were concerned in the previous term in the 118th, we had passed a law up here which would take a market away from those two ladies. They were allowed to sell their cheese to restaurants. These two ladies, one of them her husband is gone, passed away. She depends on this income to get her by in the winter. It is her livelihood. Like I said, she was selling to restaurants. That was taken away from her. This is not a perfect situation for her, but it allows her to go back into that market and she is already labeling her cheese. It just means a small change in the wording on her labels. I certainly would emphasize with the previous speaker and the farm that he was talking about. Without this legislation we take a market completely away from these two ladies. I hope that you will support the Majority Ought to Pass Report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. Can somebody from the committee please explain? I apologize. I couldn't hear much of what was said on the floor. Can somebody from the committee tell me what prevents an individual from doing this now if they choose to? Again, maybe I misunderstood what was being said. It sounded to me like it couldn't happen without this bill. I am confused by that.

The SPEAKER: The Representative from Rumford, Representative Cameron has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Mr. Speaker, Men and Women of the House. In response to the good Representative's question, there was a sales restriction placed on any unpasteurized heat treated milk to be sold. It could not be sold in any retail establishments, which a restaurant is. We took the sales restrictions out of the new language. Thank you.

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. 116

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bryant, Buck, Bull, Carr, Chick, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Honey, Jabar, Jacobs, Jodrey, Jones, LaVerdiere, Lemoine, Lemont, Lindahl, MacDougall, Mack, Madore, Mailhot, Martin, McDonough, McGlocklin, McKee, McKenney, Mendros, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson J, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Shields, Snowe-Mello, Stedman, Stevens, Sullivan, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Williams, Mr. Speaker.

NAY - Andrews, Bruno, Bumps, Cameron, Campbell, Cianchette, Clough, Cross, Daigle, Dugay, Duncan, Goodwin, Heidrich, Joy, Kasprzak, Kneeland, Labrecque, Lovett, Marvin, Mayo, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Perkins, Richardson E, Rines, Rosen, Schneider, Shorey, Sirois, Skoglund, Stanley, Stanwood, Tobin J, Treadwell, True, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bolduc, Frechette, Kane, Matthews, McAlevy, Sherman, Tessier, Watson.

Yes, 100; No, 43; Absent, 8; Excused, 0.

100 having voted in the affirmative and 43 voted in the negative, with 8 being absent, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-162) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 6, 1999.

At this point, the House went at ease for the purpose of joining in "Welcome Back Day" ceremonies.

Majority Report of the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-147)** on Bill "An Act to Promote Maine's Family-friendly Business and Investment Strategies"

(S.P. 487) (L.D. 1447)

Signed:

Senators:

KONTOS of Cumberland
LONGLEY of Waldo
MacKINNON of York

Representatives:

O'NEAL of Limestone
SIROIS of Caribou
TRIPP of Topsham
USHER of Westbrook
BOLDUC of Auburn
BOWLES of Sanford
MENDROS of Lewiston

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

Signed:

Representatives:

MARVIN of Cape Elizabeth
CLOUGH of Scarborough

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-147)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-147)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 6, 1999.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Allow Local Control of Traffic on State Aid Roads Without Loss of State Highway Funds"

(S.P. 576) (L.D. 1656)

Signed:

Senators:

O'GARA of Cumberland
CASSIDY of Washington
PARADIS of Aroostook

Representatives:

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

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

Signed:

Representative:

BOUFFARD of Lewiston

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

READ.

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Allow Minors to Work Over the Labor Day Weekend"

(S.P. 608) (L.D. 1731)

Signed:

Senators:

DOUGLASS of Androscoggin
MILLS of Somerset
LaFOUNTAIN of York

Representatives:

MUSE of South Portland
GOODWIN of Pembroke
FRECHETTE of Biddeford
MATTHEWS of Winslow
SAMSON of Jay
HATCH of Skowhegan
DAVIS of Falmouth

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

Signed:

Representatives:

MacDOUGALL of North Berwick
MACK of Standish
TREADWELL of Carmel

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

READ.

Representative SAMSON of Jay moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Establish Parity in Property Taxation for Commercial Dairy Farmers"

(S.P. 131) (L.D. 328)

Signed:

Senator:

RUHLIN of Penobscot

Representatives:

GAGNON of Waterville
GREEN of Monmouth
DAVIDSON of Brunswick
COLWELL of Gardiner
STANLEY of Medway
LEMOINE of Old Orchard Beach
MURPHY of Berwick
BUCK of Yarmouth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-56)** on same Bill.

Signed:

Senators:

DAGGETT of Kennebec

MILLS of Somerset

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

READ.

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Ensure Compliance With Disability Access Laws by the Baxter State Park Authority"

(H.P. 1189) (L.D. 1699)

Signed:

Senators:

NUTTING of Androscoggin

KILKELLY of Lincoln

KIEFFER of Aroostook

Representatives:

COWGER of Hallowell

GOOLEY of Farmington

VOLENIK of Brooklin

PIEH of Bremen

WATSON of Farmingdale

GAGNE of Buckfield

CROSS of Dover-Foxcroft

GILLIS of Danforth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-381)** on same Bill.

Signed:

Representatives:

CARR of Lincoln

FOSTER of Gray

READ.

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

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

Representative PIEH: Mr. Speaker, Men and Women of the House. This is a bill about Baxter State Park Authority and wanting to put into statute that the Baxter State Park will comply with the American Disabilities Act. What we learned in the public hearing and in the testimony is that there is not clarity whether or not Baxter State Park falls under the American Disabilities Act or not. That is currently being decided in Washington through the department down there. We felt that right now was not the time for us to be implementing legislation that said they must comply with the ADA in adding new laws and restrictions on Baxter State Park. I am sure you know there is the Baxter State Park Authority that was created by Percival Baxter when he donated this land to the state. It is comprised of the Attorney General, the head of the Forest Service and the Commissioner of Inland Fisheries and Wildlife. The one thing that Governor Baxter did not want us to do as legislators was interfere with the running of Baxter State Park. This was clear in every piece of writing he did and every piece of legislation that over the years he felt was trying to erode what he was doing with the park. He was clear.

He has no legislators on the Baxter State Park Authority and he has consistently been clear in that kind of a definition. We felt that they can figure out if what he did at a Washington level needs to comply with the American Disabilities Act.

I will say that they have 115,000 guests coming every year. They have no complaints. They are handicapped friendly. They work with people who phone and say they are going to have problems. They are working to develop their facilities as time and money allows, to be more and more disability accessible. It is not a question of whether they are trying to circumvent the law. It is more a question of as they exist do they come under the American Disabilities Act. That is being decided by the courts in Washington. I encourage you to support the Majority Ought Not to Pass Report. Thank you.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. The reason why I forward this bill is just to make it compatible with everybody else in the entire state to have Baxter State Park Authority comply with the ADA. In the public hearing when I presented this bill to the attorney for the Baxter State Park Authority, there was an amount of discussion saying that the reason why I put this bill in was just to have four wheelers go throughout the park or other access throughout the park. The only thing that this bill would do is make the Baxter State Park Authority comply with the state and federal law. That is all it does. I wish that you would follow my light and vote against the pending motion. Thank you.

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

Representative FOSTER: Mr. Speaker, Ladies and Gentlemen of the House. I am on the other side of this issue not because I do not think the park is doing the best they can with disability laws, but we have had several bills come before our committee which dealt with Baxter State Park. There were people there that testified that they were unhappy to some degree with the way they were doing things. Perhaps not what they were doing, but the way they were doing things. The statement was made by the lawyer who represents Baxter Park that they would be willing to sit down with anybody at any time to resolve any problems. It became obvious to me that there are some problems and they have not been resolved. That is essentially why I am on the other side of this issue. I think that perhaps they have to work a little harder on solving some of these problems. Thank you.

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

Representative CARR: Mr. Speaker, Men and Women of the House. I, too, am on the Minority Report on this. I would like to tell you why I am on the Minority Report. We have had several bills this session dealing with Baxter State Park. Over that time, it seems to me that there is somewhat of an arrogance within the committee when someone asks them about certain things. For example, the Attorney General's Office has a seat on the committee. Their interpretation was that Baxter State Park was exempt from the ADA. They said that through the wild land law, which is a federal law, it exempts Baxter State Park. There has been a determination and it is my understanding that this determination was that they were not exempt because they are not a federal land. This bill only asks that Baxter State Park comply with the ADA. I don't think that that is unreasonable. We

have had a great deal of discussion this week about the ADA and access for people who are disabled.

Although this is much different than access to voting places, it still only seems reasonable that people with disabilities should be able to access bathroom facilities, the facilities going into Baxter State Park headquarters and any of the other buildings that are there. It is not a big disadvantage for Baxter State Park to do this. All this bill does is asks Baxter State Park to comply with the ADA. I really don't think that is unreasonable. I would ask that you follow my light on this. Thank you.

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

Representative GOOLEY: Mr. Speaker, Men and Women of the House. I am on the Ought Not to Pass side on this particular bill. I would like to just read to you a couple of excerpts from some of the testimony that was presented to us on this particular subject. This is a letter from the Attorney General to Chuck Gadzik who was then the director of the Maine Forest Service. In part it says, "Governor Baxter vigorously fought federal interference in the management of his park. It would truly be ironic that a federal law which on its face exhibits no intent to affect the park was somehow construed to accomplish exactly what Governor Baxter opposed and that is federal laws controlling the park."

In Buzz Caverly's testimony, he is the supervisor of Baxter State Park, he did show us that the park is user friendly as far as handicapped people go. He says, in part, "They are continually improving facilities, including handicapped friendly cabins at Daisy and Kidney Ponds, drive in tent sites available at roadside facilities, complete access to information centers at Millinocket and Togue Pond and handicap friendly toilets throughout the park at roadside facilities. It is also including a ramp access to the stream footbridge. It has been mentioned that about 150,000 people visit Baxter State Park each year and seldom do they get complaints on the handicap subject or request for assistance. Whenever we can assist we have and will continue to assist. We must comply with the trust provisions so there are times when they cannot say yes."

Having heard all the testimony, I thought that the Ought Not to Pass side was the correct one. That is why I am there. Thank you very much.

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

Representative COWGER: Mr. Speaker, Colleagues of the House. I urge you to also support the pending motion as I, too, am on the Majority Report. I have in my hands a copy of the Technical Assistance Manual for Part II of the Americans with Disabilities Act. I am familiar with the act because in my business I also have to comply. I also represent, believe it or not, a fairly conservative district. I hear over and over again from constituents that we don't need to pass more laws when something is already on the books. I would inform you that Title II of the Americans with Disabilities Act already requires that the Baxter State Park Authority come into compliance with that federal law. We don't need a state law to duplicate that law. I just want to cite from Title II. It says, "Any department, agency, special purpose district or other instrumentality of a state or local government," which in my mind includes the Baxter State Park Authority, "must come into compliance with Title II of the ADA. Title II is intended to apply to all programs, all activities and all services provided or operated by a state or local government, which includes any instrumentality of the state."

I would encourage you not to pass another law that we really don't need since it is already required under federal law. I urge you to support the pending motion. Thank you.

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

Representative CARR: Mr. Speaker, Men and Women of the House. I just wanted to clear up a couple of things that have been said. The previous speaker the Representative from Hallowell, stated that Baxter State Park already comes under the ADA. I agree with that. However, Baxter State Park does not agree with it. That seems to be what the problem is and precisely why this bill was brought forward. They do not think that they come under the ADA. I do agree with his statement. I believe that they do too. I just wanted to put that out for clarification.

Representative JOY of Crystal 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 Crystal, Representative Joy.

Representative JOY: Mr. Speaker, Ladies and Gentlemen of the House. I think that part of the problem that precipitated this bill is the fact that the Park Authority purchased another 2,400 acres of land. The first thing they did was go and dig out the culvert and prevent access in there by wheeled vehicles. I realize that the Legislature is not to be involved in the administration of the park, but when the Park Authority fails to recognize that they are excluding a large portion of the population of the State of Maine, then I think that they need to have their memories jogged just a little bit. The last time that I checked on the status of residency, people with disabilities were still considered residents of the State of Maine. I think that any facility that we have or any public instrumentality such as this should make provisions for those people. I don't know how many of you are aware that the Bureau of Parks and Lands is also considering creating a wilderness type area and that, under its present circumstances, does not allow for access for people with disabilities either. They are planning to allow only primitive hiking and access by non-motorized watercraft.

Ladies and gentlemen, I don't think that we have a right as a body here to exclude anybody. I don't think that the agencies that respond and come under the jurisdiction of the Legislature and the various committees. I don't think they have a right to exclude anybody either. I ask that you overturn the pending motion and accept the Ought to Pass as Amended report. Thank you.

Under suspension of the rules, members were allowed to remove their jackets.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Bull.

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

The SPEAKER: The Representative may pose his question.

Representative BULL: Mr. Speaker, Men and Women of the House. To anyone on the committee who my wish to answer, would anything in this bill require more wheeled access to the back country of Baxter State Park?

The **SPEAKER**: The Representative from Freeport, Representative Bull has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lincoln, Representative Carr.

Representative **CARR**: Mr. Speaker, Men and Women of the House. The answer to that is no.

The **SPEAKER**: The Chair recognizes the Representative from Durham, Representative Schneider.

Representative **SCHNEIDER**: Mr. Speaker, Ladies and Gentlemen of the House. This bill does not enact any new regulations. It only makes clear that access laws that are already on the books apply to the park. This is clearly a chance for us to take charge of our own destiny here in Maine and not wait for the federal government to decide our fate. As I understand it, one of the issues that inspired this bill was that when the Baxter Park recently acquired a large new piece of land one of the first things they did was take out a bridge that provided access to it by disabled people. This bill would make sure that this kind of thing could not go on. It is simply an issue of equal access and inclusion for the thousands of disabled citizens of Maine. I urge you to vote against the pending motion. Thank you very much.

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

Representative **CHICK**: Mr. Speaker, Ladies and Gentlemen of the House. I didn't intend to make any comments about this bill even though I have serious concerns. I found in my involvement with people that direct the operations of the park through the Fish and Wildlife Committee that I have served on, I have found them to be when you get the discussion about items and this, to me, is a top priority for our disabled community to be able to have access to that facility. Although I never talked with the person that made the gift to the State of Maine, I have no doubt that he would want to exclude anyone from the State of Maine. My comment here would be for all of you, I have listened closely when people from the park would be in front of our committee or testifying in other committees where I might be present, I would characterize it by saying they were very cold and arbitrary. Thank you.

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

Representative **CROSS**: Mr. Speaker, Men and Women of the House. I want to take this time to try to put across to you that the Baxter State Park Authority which consists of the Attorney General, the Maine Forest Service and whoever is manager of Baxter State Park. That is the authority. Governor Baxter gave them the authority to issue the rules, if you will, to go by when it comes to Baxter State Park. I defy any of you to tell me that you don't think that the present administration has handled the park as Baxter wanted it to be. I don't care who you are or where you are, if you are in a position of any kind of authority, you are going to have your critics, whether you are right or whether you are wrong.

I am standing here today to tell you that the Baxter State Park Authority has done a superb job in handling the requests that Governor Baxter gave them. I urge you, don't saddle them with an unnecessary bill and I urge you to accept the Ought Not to Pass bill. Thank you very much.

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

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

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

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. Am I getting the assumption that the reason why we are not going to recommend to the authority that they do something about allowing handicapped. The basis entirely on what we assume the Governor would have wanted after he gave the park?

The **SPEAKER**: The Representative from Eagle Lake, Representative Martin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Men and Women of the House. What the suggested amendment says is the Baxter State Park Authority may not adopt rules or act in a way that interferes or conflicts in any way with any state or federal law concerning accessibility or prohibiting discrimination based on a physical condition or characteristic including, but not limited to, the Federal Vocational Rehabilitation Act of 1973, Section 504, Public 93-2, the Federal American Disabilities Act 42 United States Code, Section 12101 and the Maine Human Rights Act. That is what the amendment states. The concern we had was one, Baxter State Park is complying with disability expectations as fast, well and as capably as they can. Another concern that we had is the primary person that requested this bill be put in and wanted among other things, motorized access restored to the acquired west branch lands. I want all structures to be made handicapped accessible. These were some of the issues that this person raised that he wanted. It did not appear to us in any way that Baxter State Park is not doing everything they can to comply with any people that are disabled or have special needs. People call them up months in advance or weeks in advance and say they have this need. We will set aside this space for you. We will have someone there to help you. It seems to us that it is putting a burden on them. It is interfering, I believe, with the Baxter State Authority, I think if Governor Baxter were alive today, he would be opposed to this bill because it is one more place the Legislature is interfering with their authority. They have fought that and fought that and fought that over the years since he gave this. Let's remember, this was Governor Baxter's gift to Maine. It is one of the largest state parks in the country. We need to follow his will and his interest and not interfere with it in any way. Please support the Majority Ought Not to Pass Report. Thank you.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. When I presented this bill for a constituent of mine, it was not our intention to include motor vehicle access or anything else. All it was was to have ADA provided for the Baxter State Park Authority and that is it. It was plain and simple and just to abide by the federal and state laws. Thank you.

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

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. Even though I did not know Governor Baxter, but I knew some of the relatives and were involved with them a number of years ago. There is one thing I think we have to understand. In the day of Governor Baxter, the days in which mentally retarded were placed in facilities like Pine Land where the handicapped were kept in the dark and hidden in bedrooms, bathrooms and darkrooms in various homes across this country.

I cannot accept the premise today that if Governor Baxter were alive today if his view were related to what the attitude of people were in those days, that those attitudes would be true today. Having said that, I see nothing wrong with the state to say to the authority as an entity within this state that we, as a Legislature, have the right to tell them that they have to follow the laws and they have to follow the rules of the state and of the federal government and of the federal Congress and of the courts.

I have a real problem when we say to them that everyone else has to comply. Let me just tell you what the state has done on the Allagash Waterway. They are making opportunities now so that people with handicaps can go from the road to the side of the river with a wheelchair and then if they want to physically help themselves into the canoe or into the boat at various locations on the waterway. I must admit that some of that was done by a great deal of prodding by some citizens in this state. I believe that is the same kind of thing, frankly, that we have to do at Baxter. I am sorry one more time, but I will be voting against the Majority Report from the committee and I will vote for the Minority Report because I believe the time has changed and if it hasn't, it ought to.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative **BRUNO**: Mr. Speaker, Men and Women of the House. I hadn't planned on rising on this issue, but I am sitting here and once again the State of Maine is going to have a law on the books that it doesn't want to abide by itself. That is a major problem. If this was a private business that did not become handicapped accessible, we would jump all over it. Where it is the State of Maine, let's not inconvenience anyone. Governor Baxter gave this land to the State of Maine for all of its citizens. Let's not deny access to anyone. I will be voting against the pending motion also so that we can go on to pass the Minority Report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. The good House chair of the committee mentioned the phrase access to all structures. My question is, was there discussion in the committee and is there sentiment by the proponents of this bill that there will be some sort of access into, for example, Russell Pond? I am confused on this issue.

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. I wasn't expecting a prolonged debate. However, that was the intention in the testimony that all structures, there were several other things named and places I don't know because I actually haven't been to Baxter State Park, wanting motorized access to many, many places. My concern is we have a bill written and a complicated bill written. We already have the American Disabilities Act. Baxter State Park is working very hard. They have accessible bathrooms. Their main facilities are handicapped accessible. Again, they are working very, very hard to comply in every way.

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

Representative **CROSS**: Mr. Speaker, Men and Women of the House. There again, if you read the bill it says "An Act to Ensure Compliance with Disability Access Laws by the Baxter State Park Authority." To ensure, what I am trying to tell you is they are now abiding by the ADA laws, rules and regulations. Maybe not to every single individuals personal problem, but within the confines of the law and how they should consist of meeting those laws, they are doing it now. Again, I am saying to give them the freedom of the time to answer those critics. They said they would. I say give them that time because they are doing what they were asked to do and directed to do. Please vote to Ought Not to Pass. Thank you very much.

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

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. No disrespect for Governor Baxter, but this is 1999 and I would just like to support what Representative Martin has already said. Essentially, I believe that all the people of Maine should have access to any part of that park that they want within certain reasons of course. Right now that is not true. Thank you.

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. In lieu of what has been said by some of the previous speakers, I think it is important for me to say something out of Title 12, which is conservation. It is Chapter 211, State Parks, Subchapter 3, which is Baxter State Park. In Title 12 it says, "It is incumbent that the recipients to preserve the trust impressed upon them to ensure for themselves and future generations the fullest use of Baxter State Park consistent with the desires of the donor. Governor Baxter's expressed desires were that this park shall forever be retained and used for state forest, public park and public recreational purposes. It shall forever be kept and remain in the natural wild state. It shall forever be kept and remain as a sanctuary for beasts and birds. Let those that follow uncertain of Governor Baxter's wishes seek to define his desires harmonious with their original intent."

Lastly, under Rules and Regulations, "The Baxter State Park Authority may in a manner consistent with the Maine Administrative Procedure Act establish such rules and regulations as it deems necessary for the protection and safety of the public or for the proper observance of the conditions and restrictions expressed in the deeds of trust of the part to the state." I would urge you to vote Ought Not to Pass. Thank you very much.

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

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

The SPEAKER: The Representative may pose his question.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. To anybody who can answer, who now assures compliance with the ADA act in this situation?

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. To answer the question, the Baxter Park Authority has full authority to handle all matters regarding the park.

I would also like to add, men and women of the House, that the appropriate vehicle for a party who feels that the park is not in compliance with either the Maine Human Rights Act or the Americans with Disabilities Act would go to the court. I don't believe an appropriate vehicle would be to try to override the Baxter Park Authority that was set up by Governor Baxter to oversee this private gift of land to the State of Maine. The appropriate vehicle would be to go to the court. I urge you to support the pending motion.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. The previous speaker said that the appropriate vehicle to accomplish this would be to go to court. I submit to you that going to court over this issue was done when the American with Disabilities Act was passed. I don't believe that Governor Baxter had any intention of excluding anyone. You have heard many of the previous speakers say that those that are handicapped are still citizens of the State of Maine and deserve access to those. I heard a speaker say that we have access to the bathrooms. That is not good enough ladies and gentlemen. That is not good enough. There are people in this state and people who visit this state that can't get up and walk into these remote areas of this park. I am not saying that we build roads everywhere through this park, but I submit to you that it is rather arrogant when we continue to talk about closing down facilities to preserve everything for the animals. I love the animals as much as everyone else, but I submit to you that humans are not subspecies. We have a right to enjoy these things as well as everybody else.

When this access to the park, the 2,400 acres and the access was closed off by removing the culverts. How can anybody seriously say that the Authority intends to provide access when they have done this. To say give them time, the ADA law has been on the books for five plus years. How much time do you need? If in fact they were trying to do, why did they come fight this? There is nothing in this bill that hurts them if they are saying they are going to do it. Nothing. What is it they are afraid of?

As far as Governor Baxter having set up some specific guidelines about this land, I submit to you that this is not the first time that we have chosen to ignore someone's wishes. By no means is this the first time. In the area that I live in the State of Maine there is a facility called Gould Academy. Many of you will have heard of it. The gentleman who built that facility specifically said in the bylaws of that facility that the students in the Town of Bethel shall be provided education for here and forever more. Lo and behold about 25 years ago somebody decided that wasn't a good idea and ran off all the local citizenry and the only people that can go to Gould Academy are those that can afford to pay. The Town of Bethel and the people in the area had to build another school. I know that is not what we are talking about, but I say that to make the point that this is not the first time someone's wishes have not been abided by. I really have a difficult time accepting that Governor Baxter, were he here today in the environment that we live today, would oppose what we are asking to be done.

I urge you to oppose the pending motion so we can pass the Minority Report. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative PERKINS: Mr. Speaker, Men and Women of the House. I am still confused. This isn't about access to bathrooms. We already have that. I hear about the culvert that was taken out and I know there are sportsmen's groups that would like to get in there. I am confused. Is it really about sportsmen getting in? Is it about truly access to the handicap? Are we talking about access to the remote ponds, mountains or wilderness trails? I wish somebody could tell me what this is about.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. In response to the good Representative from Penobscot, Representative Perkins, all this bill does is comply with the ADA from the federal and state laws. That is all it does.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Bull.

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

The SPEAKER: The Representative may pose his question.

Representative BULL: Mr. Speaker, Men and Women of the House. To anyone who could answer, I am reading the wording here and it says that the Baxter State Park Authority may not adopt rules or act in any way that interferes or conflicts in any way with any state or federal law to accessibility. If we pass this law and then somebody in a future time wants a tramway to the top of Mount Katahdin would the authority be required to do that under this statute?

The SPEAKER: The Representative from Freeport, Representative bull has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Mr. Speaker, Ladies and Gentlemen of the House. In response, I believe that the ADA provides that no qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of services, programs or facilities of a public entity or be subjected to discrimination by any public entity. I believe the ADA, which is the Baxter State Park Disability Rights Center. They applaud the efforts that Baxter State Park has made to date to increase the accessibility of the park. I believe the ADA in Washington will find that when they complete their investigation, Baxter State Park does fall under the ADA and that they are complying with it. My concern is that we are going to create an unnecessary law. A law that may complicate the issue and that may lead to more accessibility than anyone of us here in this body may have intended. I do, once again, encourage you to support the 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 have listened to this debate and it has me a little bit puzzled, but as I think back over the last couple of years, a little bit of history. It has come out in this debate this morning. As the good Representative from Dover-Foxcroft, Representative Cross said, to ensure compliance. The park

authority is currently in compliance. To my knowledge, no complaints have been filed with the Maine Human Rights Commission against Baxter State Park Authority. Out of respect to the good Representative Schneider, that is where the history came back. It has to do with a bridge. Yes, a bridge. When the Park Authority a couple of years ago acquired additional land to annex to the park and there was an old bridge and if I recall it might have been the Able Bridge. A certain citizen that fought for the park authority because the park authority decided that that bridge was unsafe, dilapidated and should be removed. Certain citizens did not want that bridge removed for that one area of the park. I think this is what we are down to. They could not get it through the park authority so we are now trying to run a law that is already on the books. Please think about this and what is being done here. It is an end run on the park authority. 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. 117

YEA - Bagley, Baker, Berry DP, Berry RL, Bolduc, Bragdon, Brennan, Bryant, Bull, Bumps, Chizmar, Colwell, Cote, Cowger, Cross, Desmond, Dudley, Duplessie, Etnier, Fuller, Gagne, Gagnon, Gillis, Gooley, Green, Hatch, Jabar, Jacobs, Kane, Kasprzak, LaVerdiere, Lemoine, Lindahl, Mailhot, Matthews, McDonough, McGlocklin, McKee, Mitchell, Norbert, Nutting, O'Brien JA, Perkins, Pieh, Povich, Powers, Richard, Richardson J, Samson, Sanborn, Savage W, Saxl MV, Shiah, Shields, Stanwood, Sullivan, Tessier, Townsend, Tripp, True, Tuttle, Twomey, Volenik, Watson, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Bouffard, Bowles, Brooks, Bruno, Buck, Cameron, Campbell, Carr, Chick, Cianchette, Clark, Clough, Collins, Daigle, Davidson, Davis, Dugay, Duncan, Dunlap, Fisher, Foster, Gerry, Glynn, Goodwin, Heidrich, Honey, Jodrey, Jones, Joy, Kneeland, Labrecque, Lemont, Lovett, Mack, Madore, Martin, Marvin, Mayo, McKenney, McNeil, Mendros, Murphy E, Murphy T, Muse, Nass, O'Neal, O'Neil, Peavey, Perry, Pinkham, Plowman, Quint, Richardson E, Rines, Rosen, Savage C, Saxl JW, Schneider, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stedman, Stevens, Thompson, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Frechette, MacDougall, McAlevey, O'Brien LL, Sherman, Usher.

Yes, 66; No, 79; Absent, 6; Excused, 0.

66 having voted in the affirmative and 79 voted in the negative, with 6 being absent, the Majority Ought Not to Pass Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-381)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 6, 1999.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have

preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

An Act Addressing an Allegation of Prior Conviction When the Sentence Is Enhanced

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

TABLED - May 3, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED**.

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-321)** - Minority (1) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Androscoggin County Budget Process"

(H.P. 758) (L.D. 1048)

TABLED - May 4, 1999 (Till Later Today) by Representative AHEARNE of Madawaska.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-321)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, May 6, 1999.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Require Schools to Begin After Labor Day"

(H.P. 943) (L.D. 1340)

Signed:

Senator:

BERUBE of Androscoggin

Representatives:

RICHARD of Madison

WESTON of Montville

WATSON of Farmingdale

STEDMAN of Hartland

BRENNAN of Portland

BELANGER of Caribou

DESMOND of Mapleton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-376)** on same Bill.

Signed:

Senators:

MURRAY of Penobscot

SMALL of Sagadahoc

Representatives:

ANDREWS of York

BAKER of Bangor

SKOGLUND of St. George

READ.

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-370)** on Bill "An Act to Control the Sale and Display of Tobacco Products"

(H.P. 1123) (L.D. 1582)

Signed:

Senators:

PARADIS of Aroostook
BERUBE of Androscoggin
MITCHELL of Penobscot

Representatives:

KANE of Saco
FULLER of Manchester
QUINT of Portland
DUGAY of Cherryfield
WILLIAMS of Orono
LOVETT of Scarborough
BRAGDON of Bangor
SHIELDS of Auburn

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

Signed:

Representatives:

BROOKS of Winterport
SNOWE-MELLO of Poland

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Change Reporting Requirements of Certain HIV Test Results"

(H.P. 43) (L.D. 57)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

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

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

Signed:

Representatives:

PLOWMAN of Hampden
WATERHOUSE of Bridgton

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Regarding the Composition of the Maine HIV Advisory Committee"

(H.P. 44) (L.D. 58)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

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

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

Signed:

Representatives:

PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-371)** on Bill "An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee"

(H.P. 806) (L.D. 1129)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

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

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

Signed:

Representative:

WATERHOUSE of Bridgton

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Amend the Laws Concerning HIV Testing"

(H.P. 1132) (L.D. 1591)

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin

Representatives:

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

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

Signed:

Representative:

WATERHOUSE of Bridgton

READ.

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

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

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought Not to Pass** on Resolve, to Develop a Disaster Relief Food Assistance Program (EMERGENCY)

(H.P. 1246) (L.D. 1775)

Signed:

Senators:

DAGGETT of Kennebec
FERGUSON of Oxford
CAREY of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-368)** on same Resolve.

Signed:

Representative:

PERKINS of Penobscot

READ.

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-374)** on Bill "An Act to Establish Procedures for the Awarding of Loans and Grants to Municipalities and Other Entities"

(H.P. 885) (L.D. 1242)

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

RINES of Wiscasset
TWOMEY of Biddeford
BUMPS of China
KASPRZAK of Newport
JODREY of Bethel
GERRY of Auburn

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

Signed:

Senators:

PENDLETON of Cumberland
GOLDTHWAIT of Hancock

Representatives:

AHEARNE of Madawaska
BAGLEY of Machias
McDONOUGH of Portland
RICHARDSON of Greenville

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Require Pollution Prevention as a Criterion for Awarding State Contracts"

(H.P. 968) (L.D. 1366)

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-375)** 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.

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

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

Signed:
Representative:
GERRY of Auburn

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 Not to Pass** on Joint Study Order to Establish the Joint Standing Committee to Study the Maine Governmental Facilities Authority

(H.P. 1142)

Signed:
Senators:
PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

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

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

Signed:
Representative:
GERRY of Auburn

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 Not to Pass** on Joint Study Order Establishing the Joint Select Committee to Ensure Accountability in the Legislature

(H.P. 1457)

Signed:
Senators:
PENDLETON of Cumberland
GOLDTHWAIT of Hancock
DAVIS of Piscataquis

Representatives:
AHEARNE of Madawaska

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-378)** on Bill "An Act to Create the Bicycle Safety Act"

(H.P. 1096) (L.D. 1543)

Signed:
Senators:
O'GARA of Cumberland
PARADIS of Aroostook

Representatives:
FISHER of Brewer
SANBORN of Alton
CAMERON of Rumford
WHEELER of Eliot
JABAR of Waterville
BOUFFARD of Lewiston
SAVAGE of Union

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

Signed:
Senator:
CASSIDY of Washington
Representatives:
COLLINS of Wells
LINDAHL of Northport
WHEELER of Bridgewater

READ.

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

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Repeal the Mandatory Seat Belt Law if Approved at Referendum"

(H.P. 1397) (L.D. 2002)

Signed:
Senators:
O'GARA of Cumberland
PARADIS of Aroostook
Representatives:

FISHER of Brewer
SANBORN of Alton
CAMERON of Rumford
WHEELER of Eliot
LINDAHL of Northport
JABAR of Waterville
BOUFFARD of Lewiston
SAVAGE of Union

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-377)** on same Bill.

Signed:

Senator:

CASSIDY of Washington

Representatives:

COLLINS of Wells

WHEELER of Bridgewater

READ.

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

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-379)** on Bill "An Act to Amend Motor Vehicle Title Laws"

(H.P. 1506) (L.D. 2149)

Signed:

Senators:

O'GARA of Cumberland

CASSIDY of Washington

PARADIS of Aroostook

Representatives:

FISHER of Brewer

COLLINS of Wells

SANBORN of Alton

LINDAHL of Northport

JABAR of Waterville

BOUFFARD of Lewiston

SAVAGE of Union

WHEELER of Bridgewater

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

Signed:

Representatives:

CAMERON of Rumford

WHEELER of Eliot

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 530) (L.D. 1563) Bill "An Act to Implement the Recommendations of the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 351) (L.D. 1055) Bill "An Act to Bring Certain Maine Drug Test Levels into Conformity With Federal Standards" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-156)**

(S.P. 527) (L.D. 1560) Bill "An Act to Amend the Qualifications for Appointment of the Adjutant General and Assistant Adjutant General" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-151)**

(S.P. 620) (L.D. 1785) Resolve, Regarding the Conveyance of a Right-of-way Across the Elizabeth Levinson Center in Bangor Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-160)**

(S.P. 628) (L.D. 1793) Bill "An Act Regarding Funding for Vocational Technical Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-159)**

(S.P. 635) (L.D. 1802) Bill "An Act to Restore the Distribution Formula Between Private and Public Colleges within the Maine Student Incentive Scholarship Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-158)**

(S.P. 649) (L.D. 1829) Bill "An Act to Establish a Permit for the Marine Shrimp Fishery" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-153)**

(S.P. 672) (L.D. 1894) Bill "An Act to Amend the Statutes Regarding Maine Veterans" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-150)**

(S.P. 702) (L.D. 1977) Bill "An Act to Create the Farmington Falls Standard Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-148)**

(S.P. 703) (L.D. 1978) Bill "An Act to Support the Graduate Education of Speech Pathologists for Maine Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-161)**

(S.P. 724) (L.D. 2044) Bill "An Act to Amend the Charter of the Pleasant River Standard Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-149)**

(H.P. 1538) (L.D. 2193) Bill "An Act to Allow the Fort Kent Utility District to be Dissolved and Combined With the Town of Fort Kent" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 75) (L.D. 88) Bill "An Act to Add to the List of Mandatory Reporters of Suspected Child Abuse Children's Summer Camp Employees" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-441)**

(H.P. 297) (L.D. 405) Bill "An Act to Require That the State of Maine Comply with Federal Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-440)**

(H.P. 525) (L.D. 732) Bill "An Act to Require Certain Disclosures by Providers of Funeral Services" Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-398)**

(H.P. 535) (L.D. 742) Bill "An Act to Amend the Animal Welfare Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-444)**

(H.P. 569) (L.D. 790) Resolve, Regarding Legislative Review of Chapter 380: Energy Conservation Programs by Electric Transmission and Distribution Utilities, 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-400)**

(H.P. 628) (L.D. 878) Bill "An Act to Require the State to Be Responsible for the Costs of School Employee Criminal History Records Checks and Fingerprinting" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-405)**

(H.P. 703) (L.D. 970) Resolve, Authorizing the Knox County Commissioners to Borrow Not More than \$2,500,000 for Construction or Renovation of a District Court and Office Areas in Knox County (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-407)**

(H.P. 856) (L.D. 1213) Bill "An Act Regarding the Effective Date of Guardian Ad Litem Training" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-439)**

(H.P. 867) (L.D. 1224) Bill "An Act to Allow the Town of Cornville to Receive its 1997 Tree Growth Tax Reimbursement" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-389)**

(H.P. 903) (L.D. 1281) Bill "An Act to Raise Penalties for Cases of Cruelty to Animals or Birds" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-419)**

(H.P. 947) (L.D. 1344) Bill "An Act to Provide Long-term Funding for the Land for Maine's Future Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-390)**

(H.P. 960) (L.D. 1358) Bill "An Act to Promote Stability in Labor Management Relations in the Public Sector" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-433)**

(H.P. 1002) (L.D. 1400) Bill "An Act to Amend Juvenile Corrections Laws and to Establish a Juvenile Records Repository" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-428)**

(H.P. 1038) (L.D. 1460) Bill "An Act to Allow Sharing of Information for Child Protective Investigations" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-438)**

(H.P. 1053) (L.D. 1484) Bill "An Act to Conform the Maine Tax Laws for 1998 With the United States Internal Revenue Code" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-387)**

(H.P. 1068) (L.D. 1499) Bill "An Act Concerning the Regulation of Certain Commercial Contracts of Insurance"

Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-401)**

(H.P. 1103) (L.D. 1550) Resolve, to Establish a Task Force to Study the Improvement of Public Water Supply Protection Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-425)**

(H.P. 1107) (L.D. 1566) Bill "An Act to Clarify the Definition of Terms Relating to Scheduled Drugs" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-420)**

(H.P. 1116) (L.D. 1575) Bill "An Act to Criminalize Internet Dissemination of Child Pornography" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-418)**

(H.P. 1127) (L.D. 1586) Bill "An Act to Require a Mortgagee to Record the Discharge of a Mortgage Within 30 Days" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-382)**

(H.P. 1128) (L.D. 1587) Bill "An Act to Allow the Surviving Veteran Spouse of a Veteran to Continue to Receive the Property Tax Exemption" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-388)**

(H.P. 1162) (L.D. 1673) Bill "An Act to Amend the Abandoned Property Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-436)**

(H.P. 1182) (L.D. 1693) Bill "An Act to Clarify the Regulation of Viatical Settlement Contracts When Sold as Investments" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-402)**

(H.P. 1184) (L.D. 1694) Resolve, to Grant Salvage Rights for Revolutionary War Vessels Submerged in the Penobscot River to the Brewer Historical Society and the Bangor Historical Society (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-409)**

(H.P. 1198) (L.D. 1708) Bill "An Act to Amend the Home-release Monitoring Program" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-417)**

(H.P. 1201) (L.D. 1711) Bill "An Act to Clarify the Law Governing Disbursements from the Groundwater Oil Clean-up Fund" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-426)**

(H.P. 1254) (L.D. 1808) Bill "An Act to Amend the Definition of Lender Under the Uncontrolled Hazardous Substance Sites Law" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-423)**

(H.P. 1284) (L.D. 1845) Bill "An Act to Limit the Imposition of Excise Taxes on Watercraft" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-385)**

(H.P. 1299) (L.D. 1860) Bill "An Act Allowing the Appointment of Temporary Guardians of Minors" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-437)**

(H.P. 1310) (L.D. 1871) Bill "An Act to Revise Procedures for Probation Revocation" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-427)** (Representative McALEVEY of Waterboro - of the House - Abstaining)

(H.P. 1311) (L.D. 1872) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1999-00" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-386)**

(H.P. 1367) (L.D. 1965) Bill "An Act to Establish the Maine Dental Education Loan Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-406)**

(H.P. 1442) (L.D. 2063) Bill "An Act to Maintain Protection of Sand Dunes Under Existing Law" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-424)**

(H.P. 1449) (L.D. 2070) Bill "An Act to Protect Library Materials in Circulation and to Designate Secure Archival Repositories" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-416)**

(H.P. 1459) (L.D. 2091) Bill "An Act to Amend the Charter of the Richmond Utilities District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-399)**

(H.P. 1546) (L.D. 2202) Bill "An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-403)**

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

(H.P. 807) (L.D. 1130) Bill "An Act to Implement the Recommendations of the Task Force to Study Telecommunications Taxation" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-391)**

On motion of Representative GAGNON of Waterville, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-391)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-391)** and later today assigned.

(H.P. 1229) (L.D. 1758) Bill "An Act to Amend the Victims' Compensation Fund Law" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-421)**

On motion of Representative SAXL of Portland, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-421)** was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of **Committee Amendment "A" (H-421)** and later today assigned.

CONSENT CALENDAR

Second Day

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

(S.P. 69) (L.D. 172) Bill "An Act to Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange" (C. "A" S-144)

(S.P. 247) (L.D. 669) Bill "An Act to Change Certified Public Accountant Experience Requirements for Employees of the Department of Audit" (C. "A" S-136)

(S.P. 259) (L.D. 754) Bill "An Act to Amend the Laws Establishing a State Poet Laureate" (C. "A" S-132)

(S.P. 330) (L.D. 984) Bill "An Act to Allow the Town of Madrid to Deorganize" (C. "A" S-133)

(S.P. 441) (L.D. 1316) Bill "An Act to Encourage Municipal and State Partnerships Concerning the Issuance of Aquaculture Leases" (C. "A" S-145)

(S.P. 562) (L.D. 1629) Bill "An Act to Ensure That Sales Free and Clear of Liens Through Bankruptcy Do Not Result in the Acquisition of a Predecessor Employer's Experience for the Purpose of Contribution Rate Determination" (C. "A" S-139)

(S.P. 601) (L.D. 1724) Resolve, to Establish Reimbursement Funding for Transportation Costs to and From Dialysis Treatment Facilities (C. "A" S-138)

(S.P. 727) (L.D. 2047) Bill "An Act to Amend the Lead Poisoning Control Act" (C. "A" S-137)

(H.P. 1535) (L.D. 2188) Resolve, Regarding Legislative Review of Certain Sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 1536) (L.D. 2189) Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services (EMERGENCY)

(H.P. 573) (L.D. 813) Bill "An Act to Amend the Requirements of Full-time Students for State-funding Purposes" (C. "A" H-372)

(H.P. 860) (L.D. 1217) Bill "An Act to Make Courses that Teach English as a 2nd Language Reimbursable by the State" (C. "A" H-373)

(H.P. 1196) (L.D. 1706) Resolve, to Conduct and Report on a Comprehensive Needs Assessment for Coordinated School Health Programs (C. "A" H-365)

(H.P. 1197) (L.D. 1707) Bill "An Act to Extend Certain Survivor Benefits to the Spouses of Emergency Medical Services Providers" (C. "A" H-366)

(H.P. 1287) (L.D. 1848) Bill "An Act to Require the Display of the Prisoner of War - Missing in Action Flag" (C. "A" H-369)

(H.P. 1443) (L.D. 2064) Bill "An Act to Increase Load Weight on Farm Vehicles" (C. "A" H-380)

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

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Amend the Laws Pertaining to Excise Tax Collection"

(S.P. 411) (L.D. 1200)
(C. "A" S-134)

Resolve, to Direct the Governor to Establish a Commission to Recommend to the Governor Candidate Designs for the Maine State Quarter to be Submitted to the United States Mint

(S.P. 444) (L.D. 1319)
(C. "A" S-135)

Bill "An Act to Ensure Adequate Nutrition Services for Maine's Elderly and to Create the Senior One-stop Program"

(S.P. 518) (L.D. 1552)
(C. "A" S-141)

House As Amended

Bill "An Act Relating to Automobile Rental Supplemental Liability Insurance"

(H.P. 861) (L.D. 1218)
(C. "A" H-341)

Bill "An Act to Establish and Fund Conflict Resolution Programs in the Public Schools"

(H.P. 928) (L.D. 1305)
(C. "A" H-317)

Resolve, Creating a Commission to Study the Multicultural Education Needs of Maine Teachers to Ensure Multicultural Awareness and Understanding for All Maine Students

(H.P. 1230) (L.D. 1759)
(C. "A" H-319)

Bill "An Act to Update the Laws Concerning Prearranged Funerals"

(H.P. 1248) (L.D. 1777)
(C. "A" H-342)

Bill "An Act to Prohibit the Use of Juveniles in a Tobacco Enforcement Action"

(H.P. 1429) (L.D. 2052)
(C. "A" H-361)

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

ENACTORS

Emergency Measure

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2000

(H.P. 32) (L.D. 41)
(C. "A" H-258)

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

Emergency Measure

An Act to Prohibit the Misuse of Laser Pointers

(H.P. 190) (L.D. 268)
(C. "A" H-300)

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

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

Acts

An Act Related to Application of the Sales Tax to Agricultural Animals

(S.P. 22) (L.D. 6)
(C. "A" S-83)

An Act Regarding Foster Parents

(H.P. 67) (L.D. 80)
(C. "A" H-273)

An Act to Protect Consumers in Real Estate Mortgage Transactions

(S.P. 45) (L.D. 116)
(C. "A" S-59; H. "A" H-235)

An Act to Enable Counties to Establish Electricity Agencies

(H.P. 192) (L.D. 270)
(C. "A" H-226)

An Act to Permit Senior Citizens to Remain in Their Homes by Providing Funds for Necessary Modifications

(H.P. 328) (L.D. 444)
(C. "A" H-244)

An Act to Provide Educational Opportunities for Persons Who Resided in Foster Care as Children

(H.P. 501) (L.D. 708)
(C. "A" H-231)

An Act to Further Discourage the Field Theft of Wild Blueberries

(H.P. 529) (L.D. 736)

An Act to Change the Way Nursery License Fees Are Established

(H.P. 537) (L.D. 744)
(H. "A" H-309 to C. "A" H-75)

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 Direct the Department of Labor to Determine the Cost of Providing Toll-free Telephone Access to All Mainers to Apply for Unemployment Compensation Benefits

(H.P. 183) (L.D. 261)
(C. "A" H-259)

Resolve, to Study the Confidentiality of Information Regarding Persons Receiving Services Funded in Whole or in Part by the Department of Mental Health, Mental Retardation and Substance Abuse Services

(H.P. 518) (L.D. 725)
(C. "A" H-266)

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

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 812)

JOINT RESOLUTION RECOGNIZING BENNETT D. KATZ FOR HIS ROLE AT THE UNIVERSITY OF MAINE AT AUGUSTA

WHEREAS, Bennett D. Katz of Augusta served his country as a major and senior pilot in the United States Army Air Corps during World War II; and

WHEREAS, Bennett D. Katz has been a business leader in the Augusta community for over 50 years; and

WHEREAS, Bennett D. Katz served the people of the State of Maine as a member of Maine's House of Representatives during the 101st and 102nd Legislatures; and

WHEREAS, Bennett D. Katz served the people of the State of Maine as a member of Maine's Senate during the 103rd to 109th Legislatures, where he served as Senate Majority Leader; and

WHEREAS, Bennett D. Katz served in an advisory capacity for numerous community agencies regarding such issues as health, education, business and transportation; and

WHEREAS, Bennett D. Katz served 10 years as a member of the Board of Trustees of the University of Maine System and his lifelong goal has been to improve the educational resources for the people of Maine; and

WHEREAS, in the 1960s, Bennett D. Katz organized and led a citizens' committee to help create the University of Maine at Augusta and was instrumental in securing the state funding necessary for the creation of the University of Maine at Augusta; and

WHEREAS, the University of Maine at Augusta is dedicating its library and establishing a scholarship fund to be named The Bennett D. Katz Scholarship and Library Fund in his honor; now, therefore, be it

RESOLVED: That We, the members of the One Hundred Nineteenth Legislature, now assembled in the First Regular Session, honor Bennett D. Katz by designating May 5, 1999 as Bennett D. Katz Day; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Bennett D. Katz.

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

READ.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Madore.

Representative **MADORE**: Mr. Speaker, Ladies and Gentlemen of the House. Just a few moments ago the members of the other body honored the former Senator from Kennebec, Bennett Katz, for his long standing commitment to education.

Bennett is considered the founder and the father of the University of Maine at Augusta. It is for this reason that on Saturday he will be honored with the distinction of having the library on the UMA campus renamed in his honor, as well as a scholarship in his honor. I just wanted to rise this morning and extend to him my congratulations and express to him the best wishes of the residents of Augusta and the people of the great State of Maine. Thank you.

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

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. I, too, can't pass up this occasion without standing and giving my word of total respect to Bennett Katz. I have known him for many, many years. I have two things to say. If you ask anyone who has been around the City of Augusta for any number of years, you ask them who is the most respected person in this area? Inevitably you are going to get Senator Bennett Katz. Just the name of Bennett Katz commands so much respect. I also want to say that when I first became elected to this body he called me and said that I have one thing I want you to remember. Don't let partisan politics get in the way. I have tried to do that and I think of him often when times get tough. I want to thank him for those words of encouragement. I, too, am very honored to recognize Bennett Katz today. Thank you.

ADOPTED in concurrence.

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

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

Representative **DAVIS**: Mr. Speaker, Men and Women of the House. On LD 849 I inadvertently yesterday pushed the wrong button. I wish to at least express the fact that I had desired to vote yes.

On motion of Representative **MADORE** of Augusta, the House adjourned at 12:51 p.m., until 9:00 a.m., Thursday, May 6, 1999.