

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume II

First Regular Session

May 13, 1999 – June 19, 1999

Second Regular Session

January 5, 2000 – March 22, 2000

ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
51st Legislative Day
Friday, May 14, 1999

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

Prayer by Reverend Terry Upcott, Bible Baptist Church, Lincoln.

National Anthem by Phippsburg Elementary School Band.
Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Report of the Committee on **NATURAL RESOURCES** on the following Joint Order: (S.P. 827)

WHEREAS, both service center communities that are the State's job centers and rural communities whose lands support natural resource-based enterprises are essential to the State's economy; and

WHEREAS, the health of these communities and their lands and the costs of delivering public services are affected by state policies on capital investments, taxation, regulation and the location of state office buildings; and

WHEREAS, a long-standing goal of the State, as expressed in the Maine Revised Statutes, Title 30-A, section 4312, is to encourage orderly growth and development in appropriate areas of each community, while protecting the State's rural character, making efficient use of public services and preventing development sprawl; now, therefore, be it

ORDERED, the House concurring, that the Legislative Task Force on Patterns of Development is established as follows.

1. Task force established. The Legislative Task Force on Patterns of Development, referred to in this order as the "task force," is established.

2. Membership. The task force consists of 14 members appointed as follows.

A. The President of the Senate shall appoint 6 members from the Senate, including at least one from each of the Joint Standing Committee on Natural Resources, the Joint Standing Committee on Business and Economic Development, the Joint Standing Committee on Transportation, the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry.

B. The Speaker of the House of Representatives shall appoint 8 members from the House of Representatives, including at least one from each of the Joint Standing Committee on Natural Resources, the Joint Standing Committee on Business and Economic Development, the Joint Standing Committee on Transportation, the Joint Standing Committee on Taxation, the Joint Standing Committee on Agriculture, Conservation and Forestry, the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Education.

3. Chairs. The first Senate member named is the Senate chair and the first House member named is the House chair.

4. Appointments; meetings. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive

Director of the Legislative Council upon making their appointments. The chairs of the task force shall call and convene the first meeting of the task force no later than 30 days after the adjournment of the First Regular Session of the 119th Legislature. The task force may hold up to 6 meetings and shall conduct at least one public hearing on its recommendations prior to submitting its final report to the Legislature.

5. Responsibilities. The responsibilities of the task force include the following:

A. Reviewing legislation relating to patterns of development carried over by the First Regular Session of the 119th Legislature and making findings on the following issues:

(1) Growth-related capital investments and location decisions by the State, drawing on the concepts contained in Legislative Document 1080, "An Act to Direct State Capital Investments to Locally Designated Growth Areas," and Legislative Document 1414, "Resolve, to Support Downtown Revitalization through the Location of State Facilities and Targeting Economic Development Funding";

(2) Fiscal policies that may have the effect of pushing rural lands out of productive use, including issues raised in Legislative Document 544, "An Act to Value Homestead Exemption Farm Land at Current Use," placing unintended burdens on service center communities or promoting development sprawl;

(3) Coordination of state and local urban transportation planning and streamlining of local and state land use rules and regulations, including highway access management, to permit and encourage efficient neighborhood and economic development in growth areas;

(4) The productive use of farms and woodlands and the preservation of open space around urbanizing areas, including issues raised in Legislative Document 449, "An Act Requiring Disclosures to be Made to Purchasers of Land Abutting Agricultural Land"; and

(5) Such other areas as the task force considers appropriate;

B. Drawing upon past work of the Legislature and state agencies, including the recommendations of the Task Force on Regional Service Center Communities contained in its September 1998 report, "Reviving Service Centers," and the findings of the State Planning Office in its May 1997 report, "The Cost of Sprawl"; and

C. Based on its findings, making recommendations to the Legislature concerning pending legislation and, as necessary to implement its findings, preparing legislation to promote orderly development, promote rural enterprise and preserve the open lands on which rural enterprise depends, strengthen service center communities and downtowns and discourage development sprawl. In preparing its recommendations, the task force shall rely to the greatest extent possible on nonregulatory means to achieve these objectives, including tax policies, financial incentives and disincentives, capital investment policies, streamlining of regulations for development proposed in locally

designated growth areas, downtown and historic preservation reinvestment policies, right-to-farm provisions and similar mechanisms. The task force shall make recommendations consistent with the goals and local planning mechanisms of the Maine Revised Statutes, Title 30-A, sections 4301 to 4349.

6. Working groups. The task force shall form advisory working groups from among affected agencies, trade organizations, organizations devoted to economic growth and environmental protection and the public to help carry out its responsibilities.

7. Compensation. Members of the task force are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the task force. Participants in the advisory working groups serve without compensation.

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

9. Reporting dates. The task force shall submit an interim report by December 15, 1999 and a final report by March 1, 2000, together with any implementing legislation to the joint standing committees of the Legislature represented on the task force. If the task force requires an extension of time to submit its reports or legislation, it may apply to the Legislative Council, which may grant the extension.

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

Reporting that it be **READ** and **PASSED** pursuant to Joint Rule 353.

Came from the Senate, **READ** and **PASSED** pursuant to Joint Rule 353.

Report was **READ** and **ACCEPTED**. The Joint Order **READ**.

On motion of Representative SAXL of Portland, placed an **SPECIAL STUDY TABLE** pending passage, pursuant to Joint Rule 353 .

The following Joint Order: (S.P. 828)
ORDERED, the House concurring, that Bill, "An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee," H.P. 806, L.D. 1129, and all its accompanying papers, be recalled from the Engrossing Division to the Senate.
Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 193)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

May 11, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2065 An Act to Amend the Posting Requirements of Harvested Wood Lots

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. John M. Nutting
Senate Chair
S/Rep. Wendy Pieh
House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 194)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 11, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1108 An Act to Create the Home Port Rule
L.D. 1328 An Act Regarding the Shooting of Domestic Animals

L.D. 1652 An Act to Repeal the Atlantic Salmon Authority
We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Marge L. Kilkelly
Senate Chair
S/Rep. Matthew Dunlap
House Chair

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 195)

**STATE OF MAINE
ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LABOR**

May 11, 1999
Honorable Mark W. Lawrence, President of the Senate
Honorable G. Steven Rowe, Speaker of the House
119th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1659 Resolve, to Investigate State Purchasing of Goods and Services Produced under Conditions that Violate International Standards of Human Rights

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Pamela H. Hatch

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 196)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

May 11, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 215 An Act to Amend the Laws Regarding Acceptance of Campaign Contributions during Legislative Sessions

We have also notified the sponsor and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Beverly C. Daggett

Senate Chair

S/Rep. John L. Tuttle, Jr.

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 197)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

May 11, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 2137 An Act to Prohibit Motor Vehicles on Certain Lakes

L.D. 2151 An Act to Revise the State's Water Quality Standards

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Sharon Anglin Treat

Senate Chair

S/Rep. John L. Martin

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 198)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON TAXATION**

May 11, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 176 An Act to Provide Certain Small Businesses a Tax Credit Against Health Care Costs

L.D. 1274 An Act to Extend the Machinery and Equipment Exemption to Sales and Leaseback Transactions

L.D. 1983 An Act to Assist Independent Contractors to Comply with State Tax Laws

L.D. 2114 An Act to Reduce Sales and Use Taxes and Address Volatility Within the State's Revenue System

L.D. 2165 An Act to Provide a Sales Tax Credit on the First \$2000 of the Purchase Price of Certain Automobiles

L.D. 2184 An Act to Exempt from the Sales Tax Feminine Hygiene Products

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard P. Ruhlin

Senate Chair

S/Rep. Kenneth T. Gagnon

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 199)

STATE OF MAINE

**ONE HUNDRED AND NINETEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

May 11, 1999

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House

119th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1915 An Act to Amend Assessment Provisions Within the Charter of the Kennebunk Sewer District
- L.D. 2161 An Act to Prohibit a Telephone Utility from Charging a Toll-call Rate for a Telephone Call Made from a Municipality to a Point in that same Municipality

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,
S/Sen. Richard J. Carey
Senate Chair
S/Rep. Thomas M. Davidson
House Chair

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 26)

ORDERED, that Representative Michael F. Brennan of Portland be excused February 23rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roger D. Frechette of Biddeford be excused May 3rd, May 5th, May 6th and May 7th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Sumner A. Jones, Jr. of Pittsfield be excused May 10th for health reasons.

AND BE IT FURTHER ORDERED, that Representative Earl E. Richardson of Greenville be excused May 11th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Laura J. Sanborn of Alton be excused April 26th for legislative business.

AND BE IT FURTHER ORDERED, that Representative Thomas F. Shields of Auburn be excused May 7th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kevin L. Shorey of Calais be excused May 7th and May 10th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gary J. Wheeler of Eliot be excused May 7th for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Brian Gerrity, a student at Maranacook Community School, who was selected as the Outstanding High School Basketball Player of the Year in Central Maine by the Kennebec Journal. He was also selected to the Lewiston Sun Journal All-State Class B first team. We extend our congratulations on his achievements and our best wishes on future endeavors;

(HLS 397)

Presented by Representative FULLER of Manchester.
Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative FULLER of Manchester, was **REMOVED** from the Special Sentiment Calendar.

READ

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Mr. Speaker, Ladies and Gentlemen of the House. I am really pleased to be able to present this special legislative sentiment in honor of Brian Gerrity, who is a junior in the honor's program at Maranacook High School and is also captain of the basketball team. I am pleased that he could be here with us today to be recognized and receive this special recognition.

Brian is also a three year starter on the varsity basketball team and has been all-conference for three years, the leading scorer for the last two years, averaging over 27 points per game this year. Brian is the third person in the history of his school to score over 1,000 points. This year the Kennebec Journal named Brian the outstanding player for all classes in Central Maine. The Lewiston Sun Journal named him first team all state class B. He has received numerous other awards as well.

Brian has attended the Five Star Basketball Camp in Pittsburgh for four years. This is an invitational camp open only to the most outstanding high school players in the country. Each year he has been there he has been named an all star for the camp. Brian is also a starter on the Maine Amateur Athletic Union 17 year old basketball team, which is made up of the most outstanding 17 year old players in Maine. This team will be traveling to Boston, Rhode Island, North Carolina, and Florida to compete against the most outstanding juniors in the country. We congratulate Brian on these accomplishments and wish him and his team great success in representing the State of Maine this summer. Thank you.

Was **PASSED** and sent for concurrence.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 823)
**JOINT RESOLUTION RECOGNIZING MAY 14, 1999 AS
UNIVERSITY OF MAINE COOPERATIVE EXTENSION
SERVICE DAY**

WHEREAS, May 14, 1999 marks the 85th anniversary of the University of Maine Cooperative Extension Service partnership with the Cooperative State Research, Education, and Extension Service of the United States Department of Agriculture; and

WHEREAS, the federal Smith-Lever Act, ch. 79, 38 Stat. 372 (1914) has fostered through the United States Department of Agriculture the development of a national system of state cooperative extension services, in conjunction with our nation's land-grant colleges and universities, encouraging the application of research-generated knowledge and leadership techniques with rural and urban adults and youth who value learning as one way to create the life they choose; and

WHEREAS, the University of Maine Cooperative Extension Service action plan reaffirms our mission to bring trustworthy information and education to improve the lives of individuals, families, communities, businesses and the natural landscape we call Maine; and

WHEREAS, the 3-way partnership of federal, state and county governments has provided for citizen involvement in the research and educational mission of cooperative extension, the land-grant university at Orono and the United States Department of Agriculture; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred Nineteenth Legislature now assembled in the First Regular Session proclaim May 14, 1999 University of Maine Cooperative Extension Service Day; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Angus S. King, Jr., the University of Maine Cooperative Extension Service and the Cooperative State Research, Education, and Extension Service of the United States Department of Agriculture.

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

READ

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. Today is indeed Cooperative Extension Service Day. I just want to share with you, and I'm sure you all know about the incredible work the Extension Service does for all of us. They run classes locally. They respond to local needs.

One quick story I'll tell you is that I had last year a conflict between my local worm diggers and my local clam diggers, now you wouldn't think Extension has anything to do with that. The local Extension person, Mr. Sherman Holt, worked with me, worked with the Legislature, worked with the Department of Marine Resources and worked with the clam diggers and worm diggers to sort out a conflict they were having and I was astonished, and impressed by the amount of time and energy he put into that conflict. The worms moved, so the conflict ended on its own, but he still put in a lot of work on it. They're a dedicated group. They're often unnoticed and they deserve your appreciation and support. They are set up today down on the second floor. Please go down there and let them know from your area, how much appreciation you have for the work they do. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative **STEVENS**.

Representative **STEVENS**: Mr. Speaker, Men and Women of the House. I, too, stand to congratulate the Cooperative Extension on this month the 85th anniversary of the UMaine Cooperative Extension Service partnership with the Cooperative State Research Education Extension Service of the United States Department of Agriculture. The Extension, as you know, is based in Orono, but prevalent throughout the State of Maine and in fact, puts into place the mission of the Land Grant, Sea Grant University of Maine and I know that we are all connected somehow to the Extension. I, too, hope that you will join me in congratulating them and go downstairs to the Hall of Flags to see them today. They really have a wonderful display for us. Thank you.

The Joint Resolution was **ADOPTED** in concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order (H.P. 1539)

Representative **KANE** from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Long-term Care"

(H.P. 1582) (L.D. 2231)

Reporting **Ought to Pass** pursuant to Joint Order (H.P. 1539).

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

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

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Require All Landowners in LURC's Jurisdiction to Be Notified of Regulatory Restrictions"

(H.P. 1009) (L.D. 1420)

Signed:

Senators:

NUTTING of Androscoggin

KILKELLY of Lincoln

KIEFFER of Aroostook

Representatives:

COWGER of Hallowell

CARR of Lincoln

GOOLEY of Farmington

VOLENIK of Brooklin

PIEH of Bremen

WATSON of Farmingdale

GAGNE of Buckfield

GILLIS of Danforth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-553)** on same Bill.

Signed:

Representatives:

FOSTER of Gray

CROSS of Dover-Foxcroft

READ.

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act to Preserve Public Access and Job Opportunities in the Maine Woods"

(H.P. 1309) (L.D. 1868)

Signed:

Senators:

NUTTING of Androscoggin

KILKELLY of Lincoln

KIEFFER of Aroostook

Representatives:

CARR of Lincoln

GOOLEY of Farmington

PIEH of Bremen

GAGNE of Buckfield

CROSS of Dover-Foxcroft

FOSTER of Gray

GILLIS of Danforth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-554)** on same Bill.

Signed:

Representatives:

COWGER of Hallowell
VOLENIK of Brooklin
WATSON of Farmingdale

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-568)** on Bill "An Act to Increase the Deer Hunting Day by 15 Minutes"

(H.P. 30) (L.D. 39)

Signed:

Senators:

KILKELLY of Lincoln
KIEFFER of Aroostook

Representatives:

PERKINS of Penobscot
CHICK of Lebanon
TRAHAN of Waldoboro
HONEY of Boothbay
TRUE of Fryeburg
CLARK of Millinocket
BRYANT of Dixfield
TRACY of Rome
COTE of Lewiston

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

Signed:

Senator:

RUHLIN of Penobscot

Representative:

DUNLAP of Old Town

READ.

Representative DUNLAP of Old Town moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. I rise this morning and hope that you will defeat the pending motion. We've had long and lengthy debates on this issue in committee over the last couple of months. As a lot of people go into the woods and come out of the woods when they are hunting, the 15 minutes in when a lot of the bucks come out into the rut and things of this nature. There's still daylight out there, in the last 15 minutes of the hunting day and there is an amendment on it to add another 15 minutes to make it a half hour. Now a lot of people are concerned about the safety and everything else, well there was a bill in to have camouflage orange and that bill was killed because of this bill here. With safety orange, people are more visible than anything else. You can see somebody in hunter orange, or florescent orange, whatever people want to use for terminology, a long distance away. A lot of people up in my area and throughout the state would like the extra 15 minutes of hunting, but there's going to be a lot of people on this floor today that's going to get up and speak against indefinite postponement. There's a lot of figures and facts that have been passed out. A lot of people say there's

a safety concern. Well, like I said before, the hunter orange is a big safety concern because of both pieces of clothing, the hat and to have the torso covered. With those two pieces of clothing, there's less likely to have any accidents mistaking for any game, or anything else.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Penobscot, Representative Perkins.

Representative **PERKINS**: Mr. Speaker, Members of the House. Please look at the graft that I had handed out. You've got other things with a whole bunch of numbers on it, but this really puts it into perspective that you can really understand, because a lot of the other things that have been passed out have got a lot of numbers. They include things like shooting oneself in the foot, which some of us do here occasionally, but that has nothing to do with mistaken for game and that's what the consideration here is. Please look at this graft. If you'll go through this with me, just a quick overview. A lot of times you'll hear that some of the things that we put into law in the last several years are still preventing 19 or 20 deaths a year. Well, if you look at the graft, and there certainly were, we had two atrocious years in the early 50's where there were 19 people killed. Look at the precipitous drop after that, before any state laws were passed it dropped down in the middle 50's and then through the 50's to 60's we cut that in half, virtually in half, with no state regulation. What had come into effect before that was the advent of orange clothing. People were wearing it voluntarily. The other thing, a big change was the use of scope sighted bolt action rifles that slowed people down a bit. Looking through the scope was another safety factor. Another huge factor was, a little bit later on, the buck's only. People had to look their deer over. Okay. So if you'll follow with me over to the first line down, the first state law came into effect in about 1971. The fatalities at that point had already dropped from a high of 19 down to 4. That's when we banned deer driving, which we're going to take up in a little bit and we took a half an hour, the state took a half an hour off the end of the hunting day in 1971. At that time fatalities had already come down about 75 percent, so please keep that in mind when you decide on whether or not this is a real safety issue or not. I put this bill in four years ago, two years ago and again this time. It got defeated the other two times, but this time the Commissioner came in and said, they have studied all the statistics, they find no difference in safety in that entire half hour, so we amended it to get back the half hour. The other good thing it does to get back the half hour, we got rid of this thing called twilight hunting. It used to be legal for night hunting, then they took that half hour off and they made that half hour slot called twilight hunting, really complicating things. It was illegal but not too bad, and then you had night hunting at the end of that. So this, taking off the whole half hour gets rid of that twilight hunting. You're either legal or not. All of you hunters know that's when the deer move, it triggers through the light period and the perineal gland that triggers the hormones, it gets them up and moving and so forth. That's when you hear most of the shots, a lot of the shots anyway, cause the deer are moving then. I'd appreciate if you would defeat this pending motion.

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. I spend a lot of time outside. I think the hunters have enough time as it is. I don't want to add my voice and my support to anything that may cause even one more injury or someone shooting something that doesn't happen to be actually a deer. I encourage you to support the indefinite postponement. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion. A few days ago I spoke of the heritage that we enjoy in this state, that we have always enjoyed, of hunting and this is just a way of bringing back the heritage the way it used to be years ago. Our neighboring state of New Hampshire allows the half an hour actually and we hear of hunters complaining about how easier it is to hunt in New Hampshire. How the laws are a lot more compatible with your hunting needs, so I just urge you to support defeating the pending motion and go on and support what the Department says is all right, is not a safety issue and they can support it too.

The **SPEAKER**: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative **TRACY**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote against the pending motion. We have discussed this at length down in the Fish and Wildlife Committee and it was quite a compromise. First of all the good Representative's bill, Representative Perkin's bill, asked for the 15 minutes and then with the more information we got in, we decided the majority of the committee decided there would be nothing wrong with going to the half hour after sunset. We did discuss as the good Representative Perkin's mentioned about the twilight hunting, which in current law says, after sunset to a certain time set that you would be twilight hunting which is not as great of an infraction as hunting after sunset, which constitutes night hunting. Somebody during the work session in the public hearings mentioned that extending the twilight hunting a time set after sunset, but we decided, the majority of us, that hunting would cease at sunset, precisely at sunset. Anything beyond that would constitute night hunting, which is up to a \$1,000 fine and the loss of your fire arms. I'd like to cast myself back into the stone ages, I usually say here, I have been hunting for approximately 37 years, starting with my grandfather and my father and hunting up in the Rome area, which at that time we did have hunting up until sunset, until they changed it. With the florescent orange suits on and different things now, it has subsequently changed. People aren't out shooting people with green clothes, or their black clothes or anything like that. So I urge you to give us back a little back of our tradition and as a matter of fact if you did check the statistics on some of these sheets passed out, more hunting accidents, fatalities actually happened in daylight hours. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative **ETNIER**: Mr. Speaker, Men and Women of the House. One of the items that you were handed out this morning is almost illegible, but it was distributed at my request and the Chair's request, Representative Dunlap. I'm sorry for it's illegibility, but it is a constituent of mine who sent me this letter months ago when the committee was originally taking up a number of these bills. Two or three of them show up on our

calendar today, Gary Anderson, of Harpswell, and as he mentions at the top of the letter, 26 year veteran of the Inland Fish and Wildlife Department, head of their Hunter Safety Course. One of the most responsible active hunters probably in the state and above and beyond that, he's probably single handedly led and gone along on more search and rescue missions than any other person in the state. He's been heading that up for quite awhile as well. I just want to make sure you have a chance to read through that. He is someone that you should pay attention to, he's got 26 years experience in this area and he knows what will happen if we do not indefinitely postpone this bill. He is no longer with the force, he's had the luxury of retiring, thanks to his long career with the state, but he knows that thousands of man hours will have to be wasted. Many, many grieving families will be created, if we do not indefinitely postpone this bill. People will spend a lot of time searching in the woods for people who have gotten shot at the edge of dark, if we do not indefinitely postpone this bill, and that will be the case. I view this piece of legislation, with all due respect to the clear majority on the committee and I also feel this way about one or two of the other ones we have today as some of the most irresponsible legislation we've seen in my tenure here and I'm very fearful of its passage and what it will do to as good Representative Wheeler mentioned the long tradition of hunting in this state, which is something I wholeheartedly support as do my constituents. Rolling back the clock on a number of these safety issues, ladies and gentlemen, will do nothing but harm that tradition. If you think a lot of land is posted today, and a lot of land was posted five years ago, think about how much more will be posted if we continue or if we roll back some of these very reasonable safety laws that have led to dramatic declines for hunter accidents and fatalities. Just think what will happen when the public, who in this state unfortunately are less and less sympathetic to hunting issues, and I do say unfortunately, they are less and less cognizant of them, it's less of a tradition for a lot of these people who have moved here in the last decade or so and they don't much care about it. If we continue to roll back some of these reasonable safety measures, you can be sure you'll see a lot more no trespassing signs going up, no hunting signs going up. Representative Wheeler referred to the good old days, well the good old days are laid out quite clearly on one of these almost indecipherable charts you got from Representative Dunlap. The good old days, dozens of people died in a year, if you can read the fine print, that's what it says. Those were the good old days, folks. I don't think we want to go back there. There's plenty of deer out there now, you hear that over and over again, there's plenty of deer in my towns. There's plenty of deer all over the state. That's led to a number of bills that came in this year to ease up on some of the restrictions. I don't know why we have to make it easier to hunt deer and to kill each other in the woods by rolling back some of these traditions. It is not like deer are scarce and they are hard to come by, if you're a good hunter. I urge you to support this indefinite postponement, help preserve the tradition of responsible hunting in the State of Maine. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I hope that you will not vote to indefinitely postpone this bill and I think the opposition is taking out an elephant gun and probably a number nine skit load might be more appropriate. This bill is a very, very modest extension of

the requirement to end hunting at sunset. Ladies and gentlemen, I enjoy hunting and have as another member of this body started with my father, back when it was a half an hour after sunset. The committee and I know SAM worked very, very hard on this bill. I believe probably the most important safety measure that was put in place by this Legislature and enforced by the Department was the blaze orange. We have made additional extensions of blaze orange, you have to wear a blaze orange hat. I think it's three pieces, or two pieces of blaze orange. I tend to wear a hat and a full blaze orange suit when I hunt and my boys that hunt with me do the same. I think when you look at hunters out there that are deer hunting, probably most of them are hunting until sunset, which is the law, unloading their gun and getting out of the woods. Many times that I have been in the woods deer hunting in the afternoon, as has been mentioned, you could probably safely hunt for 30 minutes after sunset, but that's not what the law says. I think that this is a modest extension. It will allow a little more hunting opportunity for deer and I don't believe it's going to open Pandora's box, with all due respect to those on the opposition. I think it's a modest increase, it will allow more hunting opportunity. We have a deer population out there at least in my area, Central Maine, could well afford more thinning out of that population. Thank you.

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

Representative PERKINS: Mr. Speaker, Members of the House. I just hope we will use reason instead of emotionalism here and once again I will refer you to the chart, which is decipherable, contrary to other handouts. As I said before, we're talking about still trying to prevent all tragedies that happened in the 50's that came down by 75 percent before the first law was passed in the name of safety. As far as Mr. Gary Anderson, he did 27 years of great service to the State of Maine, and we applaud him for that, but I believe even Mr. Anderson would say some of these laws are why hunting fatalities came down, but please look at this chart again. These laws were implemented way after people had already started reducing on their own. The one thing that has clearly from this graph made an impact was hunter education. As far as the orange clothing, it isn't in front of us today, but has been mentioned, please note the last, furthest to your right law change was in 1991 when the second article of orange clothing was required and the fatalities was down to zero. I came over as a citizen and testified against that one, but let's keep things in perspective. As far as Mr. Anderson saying and perhaps he didn't, but the good Representative, my friend from Harpswell, mentioned that this is an irresponsible piece of legislation. The Commissioner for the Department of Fisheries and Wildlife came in and told us that their research showed that there was no difference in safety, no difference in accidents, in that half hour. He went fully along with recommending the half hour instead of just 15 minutes. Someone just passed me a note and asked if SAM is behind this, to tell you truth, SAM asked me to put it in this time, they didn't the other two Legislatures. This time, I had kind of given up, and SAM asked me to put it in so they are fully behind it.

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

Representative USHER: Mr. Speaker, Men and Women of the House. I don't have any charts to pass out this morning, but I speak from my 16 years on the Fish and Wildlife Committee. We put many, many years in to develop a good safety program, which is one of the best there is in all the hunting states. This is

a piece of the pie. The blaze orange and the education and the safety part of the end of the day where fatigue moves in or where the guy goes hunting after he gets out of work at 4:00, or sneaks out a little bit early and hunts for that last half hour. Is it really safe? I think this is a strong piece of the pie. We should maintain it. As I go around to all the sportsman's clubs in Cumberland County, which is Spurwick Rod and Gun Club of South Portland, or Falmouth Rod and Gun Club, or Windham, Gorham Rod and Gun Club, they were all concerned about the safety issue. This is a very important part of it and I think we should maintain our safety program. I hope you will support the pending motion.

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

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I hate to disagree with my good seat mate, I respect him a lot, but I think he's wrong in this issue. It's been my experience as a hunter that there's a number of different types of hunters. Some hunters I've known they refer to shooting at flags. I've stopped in the gas stations and talked with hunters in the area that I know and I said have you seen any deer, and they said no, they shot at a few flags. I make sure that I stay out of the woods when I hear that. I don't like hunters that shoot at flags, but they do it all times of the day, it has nothing to do with how dark it is. The other type of hunter is the hunter who won't shoot unless he absolutely, positively sure he sees a deer, an outline of a deer and will not shoot at a flag. The third kind of hunter, and I'm sure there are a lot more classifications, but the one I like to think I am, and I am, is the hunter that will not shoot at a deer unless he has a good shot. I've seen a lot of deer outlined and I know it's a deer, I see the rack and everything else, but if I don't think I can take that deer down with a good kill shot, I won't shoot at it. I don't think extending this a half hour is going to do anything as far as safety goes. No matter what time of day it is, you are going to have some hunters who take those risky shots, some hunters who may not get a good view and make sure positively that it is a deer, and I don't think this is a safety issue. I hope you will vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Mr. Speaker, Ladies and Gentlemen of the House. I had really hoped to not have an awful lot of discussion on this bill because I think it's such a no brainer to me. To me the issue is very, very simple. Hunter safety is sort of like a table and the elements of it are the legs and if you kick out one of the legs, that table is a little bit less steady. Something akin to the pie analogy that my good friend from Westbrook just gave us. One of the arguments that we have heard today is going back the way our grandfathers used to do things, the way we used to do things when we were younger and Representative Etnier, from Harpswell, really hit it on the head. I know this yellow document is very difficult to read, that I handed out earlier, but there are two pieces of it, off to the left, I'd like you to look at and that's the seven years between 1945 and 1952 and the other seven years between 1991 and 1998 and if you compare the two, you'll see that in the seven years in the 40's you had 100 deaths in the field and in these most recent seven years you've had four. Now that is not an accident. The Legislature worked for many, many years to establish hunter safety programs and if you go back to the Legislative Record, you'll see that they had a lot of debates just like this. Those

measures were fought tooth and nail. Maine went kicking and screaming into hunter safety, because it was a reduction in opportunity, it was taking away our traditions. Well, we had to do something in this state, ladies and gentlemen, because people were dying in the woods and I have not seen in my brief tenure in the Legislature any series of bills like these series of bills dealing with safety that are so clearly life and death issues. If we pass this bill, people will die. Who is prepared to take the phone call from a constituent that wants to know how you voted on the bill that got my son killed, or got my father killed because they were out there 25 minutes after sunset on the last day of the season and somebody heard a branch crack under their foot and they got shot. People get excited. Hunters are very responsible people. No question about it, but we have to make them responsible. You get the net affect and I'll talk a little bit more about the net affect in another bill, but I think that seriously the idea of extending that hunting day a half an hour is not at all the reasonable compromise that my friend from Rome, Representative Tracy, was describing. I was never a part of such a compromise, because I will tell you, you do not compromise on an issue of safety, where life and death is an issue. Nobody has advocated more for hunting opportunity in this state than I have, really pushed for it, we pushed for it on this floor, we pushed for it in Appropriations, we pushed for it out in the real world. We want our people to have more opportunity. We also want to protect our resources. We also want to make sure it is safe. Nobody wants to see those headlines in their hometown paper and they're out there. I have a whole stack of them on my desk and I've chosen not to distribute them at this time. There are faces to these statistics. Going to Hermon, right down the road from where my in-laws live on Treadwell Acres, you see land posted in memory of Karen Wood, 13 years later, a woman shot mistaken for game about a half hour before sunset. That early in the day now maybe a half hour after sunset is not a big deal, on a nice sunny day like today, but what if it's snowing, ladies and gentlemen, what if you're on the wrong side of the hill. It makes a very big difference.

My good friend from Penobscot has handed out this chart that he has referred to a couple of times and actually it does make my case for me. If you examine it, you see the spikes in the chart before 1971 then how this tapers off to almost nothing. Interesting how it tapers off to almost nothing beginning with a ban on deer driving and a ban on twilight hunting in 1971. It drops right off. 50 percent the first year. Hunter education did have a lot to do with it, mandatory blaze orange had a lot to do with it, but also target identification. The target identification law passed in this chamber a couple Legislatures ago has had a lot to do with it. People out in the woods don't realize what they have in their hands at times, because it's never going to happen to them. They're never going to be the ones to get shot, or to shoot someone else and that's why we have these safety laws in place. This particular law that we're talking about repealing today has been in place, ladies and gentlemen, for 28 years. Why repeal it. We had three hunting accidents last year, people shot themselves in the foot. In 1952 you had 19 people killed out of 100 accidents. This is entirely black and white, entirely black and white. With all due respect to my committee, I think I have one of the finest committees in the Legislature, we work very well together in a nonpartisan fashion and craft a lot of good statute for the people of the State of Maine. I think this exception does indeed mark that rule. I hope that you will support this pending motion and remember exactly what you're dealing with. You are

dealing with human life. It's not a matter of opportunity. The opportunity that we provide them now is to behave in a safe manner. An opportunity to obey that safety law because other states do it, means nothing. Other states have different demographics, other states have different wildlife populations. In Pennsylvania you might see a 100 deer in the course of a season, in Maine you might not see any. Entirely possible. Again, if it's that last day of the season and you haven't seen anything for three weeks and you hear that crunch, it's awfully tempting to put that rifle to your shoulder. People do it and people have gotten killed. That's not theory, it is absolute fact. It has happened time, and time, and time again and how anybody can question this as a matter of opportunity, versus a matter of life or death is insane, ladies and gentlemen, it is absolutely insane. I hope you support this pending motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. We are talking about a half hour after sunset, absolutely true, but if I am correct and if I am wrong, would somebody please correct me. We can go into the fields and forest of the State of Maine now and hunt one half hour before sunrise. In the daylight, and the twilight, I can't see the difference there and if anybody can explain that to me. Yes, Representative Dunlap, I may be insane, or whatever you said, but I fail to see the difference here between a half hour before and the half hour after and if anybody has any doubts that this isn't going on now, ladies and gentlemen, come up to my home in Rome in the hinterlands in the fall when white tail deer hunting is going on and when the sun sets and listen to the fire, the bullets in the distance. You'll know right up until dusk that this is going on now, ladies and gentlemen. Thank you.

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

Representative MARTIN: Mr. Speaker, Members of the House. I'd like to respond to the question posed by the Representative from Rome, Representative Tracy. The difference is the psychology of a human being that occurs in the morning when he or she knows they have all day to hunt and don't worry too much, because they hope that they are going to see what it is that they hope to kill, but when it gets close to night time and that's their last day, they get awfully antsy because they're going home with nothing. All of a sudden now they are a little less careful and a little less careful of what and how they are going to approach what it is they want to bring home. I am aware that this original bill was actually sponsored in part, indirectly or directly by SAM. I may also tell you what the committee has done is to compound it by adding another 15 minutes and I don't believe that the SAM Board has taken a position, nor I know as a member, that that has not occurred. I don't believe for those of you having some concern about perhaps the membership, you need to know that we have not been consulted on that and I think that everyone would agree on that. I also say, and approach this in maybe in another direction, because one of the things I've been involved in for the last seven years is the sporting camp business. Most of the people that come there for hunting purposes are from out of state or from Southern Maine. I know what happens, I've seen it happen, especially when it gets close to that Friday or Saturday when they know they're going home with nothing. My concern is that we are creating a problem, and so for the Representative from

Rome, Representative Tracy, I think I know the answer to why morning is okay and night is not.

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. Some of the points that the Representative from Eagle Lake, Representative Martin, has brought forth today, the SAM Board has their own Board. Yesterday, they took questionnaires from the membership. Not all the membership agrees with the SAM Board or vice versa. The reason that we went the extra 15 minutes is to get rid of twilight hunting. When that half hour is up, boom that's it. Nothing else can occur. The wardens can get you then and that's it, so all it is, is to get rid of twilight hunting within that 15 minutes after. If you don't want to stay out there the extra half hour nobody forces you to do that. You can come and go whenever the hunting season is. I hope that you will join me and overturn the pending motion. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I'd just like to put in perspective as a hunter, and I've hunted all my life, about when I am more likely to shoot a deer and less likely. I'm less likely to shoot a deer late at night being way back in the woods and knowing how long it takes to drag a deer out and the work involved then I am earlier in the day. I hunt harder earlier in the day than I do late at night. The fatalities that the good Representative from Old Town, Representative Dunlap, was talking about in the 40's, I don't believe we had the law in affect about blaze orange either. I just urge you to support the bill and defeat the pending motion. Thank you.

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

Representative **THOMPSON**: Mr. Speaker, Men and Women of the House. I rise to support the pending motion. There's a couple of ways to look at this issue. I'm a hunter and I've been out in the woods at sunset and been in the woods a ways and have a walk back and I see how quickly the light changes if you're in the thick woods a half hour after sunset it can be pretty dark when you're in the deep woods. The chance of an accident can increase with lessening of light. There's other factors involved, too, you know the way to preserve the sport of hunting is to make sure that you don't give ammunition to those who oppose hunting. If we pass this law and next fall someone is killed 25 minutes after sunset, is that going to be good for the sport of hunting? Is that going to make it easy for you to come back here next year and defend the sport of hunting when someone tries to take part of it away from you. In the local area, like where I live in Naples, where people hunt close to residential areas, people put up with hunting season that don't have anything to do with hunting. Don't like to hunt, nobody in their family hunts. They know enough to stay out of the woods. These people are going to have a reaction, too, they're going to say, okay, it's sunset I can let my kids out in the yard for a little while. Now you're saying, let's make it go longer and you're going to stir up more anti hunting sentiment with that issue. Sure it would be convenient to extend the hunting day an extra half hour, but if you'll excuse my language, are we shooting ourselves in the foot by doing so? So in addition to the factor of safety, which I really believe it is a safety issue, you also have the perception issue and we're dealing with perceptions all the

time. If you think that by extending the hunting day, you're not going to gear up the anti hunting people, I think you're sadly mistaken. I would ask that you join with the committee chair and indefinitely postpone this bill.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. First of all I want to make sure that everyone in this House knows that I do have a brain and so do a few others on this committee and we listened very intently relative to the information that was given to us. When we say that there may be someone killed next year, I certainly hope even without this that no one is killed, but I remind people and I haven't heard anyone get up to say, let's come to the Legislature in the horse and buggy, because more people are killed with our automobiles. Many, many people are killed skydiving, many, many people shoot themselves in the foot, as my good friend from Bridgton has said, but maybe they wouldn't have had they been taught properly. I have hunted, probably looking and noticing the people that have spoke, longer than anyone that has spoken. I have taught my children and I'm teaching my grandchildren and I guarantee that when they're in and when it's time that they will unload their guns coming out wherever they are. I want to lay the fact that SAM maybe did present this or what have you, but I can assure you that if you look at my voting record, even though I belong to SAM and have for some time that I don't always go along with what they say. We have improved. We have improved the rules and the regulations and I hunted when you could hunt with a green cap and we changed that and it was by necessity. Previous speaker who wants this postponed had said that we passed a law so that we don't drive deer. Now I'll tell you that's a no brainer. I sincerely hope, this is 11 and 2 vote, and we really worked hard on this bill and there are many, many other things that I could relate to that certainly we lose people at a greater magnitude than we do hunting. I'm sure that we have more people who drown fishing, people have spoken against this that live down on the shore. How many people have gone fishing to earn a living and never came back, so do we stop that? Read the Silent Storm and maybe you'll learn something about it. We here in this body everyday are voting on things that can cause many people many problems and we take the information which we have and we try to make a good decision and I urge you to defeat the indefinite postponement of this bill.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. I'm standing up here right now, I can't make up my mind rather I'm one of those responsible people that was suggested by Representative Dunlap or one of those that aren't. There again maybe I'm one of those that's insane according to his judgment. I don't believe I am. I've held a hunting license for 57 years. I still hunt every year with my good friend. There's two of us and we hunt the same territory and have for 37 years. Believe it or not, and I hate to admit it, I'm getting a little older. I can't cover quite as much territory as I did when I started, but right now that 15 minutes makes all the difference in my sighting or seeing deer. In the past five years the only deer that I've seen and haven't taken a shot at has been after sunset during this 15 minute period. Someday, and I refer this to my good friend, Mr. Dunlap, you will be an elderly hunter and I hope that you can have this 15 minutes to shoot a deer, but

as I look at it, if I'm insane, then there's about 380,000 more of us that buy tickets to go hunting. Thank you very much.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House. While I was growing up I handled firearms a lot. My grandfather and I still do. I've hit a lot of skit in my time, I'm a fairly good shot. During hunting season are potentially aware that the woods are a very different place when it's not hunting season. We keep an eye out for deer stands. We wear bright colors. We wear florescent orange. We put bandannas on the three dogs and little bells around their necks so they make a racket and they make a distraction when they are in the woods. We spend a lot of time in Penobscot, Washington and Hancock Counties. We don't post our property against hunters because we want to be good neighbors. Our neighbors hunt and we want them to like us, we want them to have free access across our property, we've good neighbors, but we behave differently. We wear the colors, we look out, we listen, but that's all during the light of day. At twilight all bets are off, the mosquitoes come out, the waves on the lake settle down, the loon is out to call and by definition at twilight you can barely distinguish the features of a human face across the picnic table on the back porch. You can kind of tell, oh, there's Jim, there's mom, Amy, and that's the black dog, not the brown dog, but you can't quite tell. How can we expect hunters to be able to distinguish the features of a figure in the distance. This we can not do, we can not expect hunters to assume the responsibility of being able to distinguish the features of a figure in the distance when at twilight you can't distinguish the features of a human face.

I know that my dear friend, Representative True, from Fryeburg made an analogy to sky diving, fishing, driving in an automobile, all having inherent risks and this is true. Hunting indeed has inherent risks itself, but one of the differences is between hunting in the morning and hunting in the evening during twilight, is that the woods are much more crowded in the evening and all there do not go there assuming inherent risks. All t are not carrying side arms, wearing blaze orange or bells. Anyone who has lived here for any time at all knows that in hunting season you need to respect the hunters. This is their time to be in the woods. This is their time. It's a short time. It gets dark early and that's their time. So you need to go to the surplus store, buy a blaze orange, you need to go to the market and buy a little bell for the dog. You need to take extra steps in deference to the hunters, but in the evening the burden would become to great for the hunters, because the steps that we take, those of us who shoot recreationally, those of us that are who are in the woods, those of us who are at the camp down by the water, those of us who do take the extra steps during the light of the day our measures don't compensate for civil twilight, because you can't see. You cannot see and it's not fair to assume inherent risks if you don't know what you are going into. Please vote to indefinitely postpone this bill. We all admire hunters. We respect their right to be in the woods. They do a good job at what they do, but this is too much, it's too much of a burden on all parties involved. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative MATTHEWS: Mr. Speaker, Men and Women of the House. For anyone on the committee who might answer. Does this amendment substantially change this bill? As I got up and argued this bill, I thought we were talking about 15 minutes and if we are talking about half an hour after sunset, ladies and gentlemen, in addition to my question, having hunted and been in the woods, there's a big difference between a half an hour after sunset and 10 or 15 minutes after sunset and I will probably not vote for this bill or I will vote for indefinite postponement.

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

Representative PERKINS: Mr. Speaker, Ladies and Gentlemen of the House. Thank you, Mr. Speaker, to answer the question, yes it does, the amendment changes from 15 to half an hour and if I could just say a couple of words on that please. The half hour was taken years ago. This restores the half hour. We asked for 15 minutes, but please with all the talking about the grass and all these other things, forget those. As far as safety, please listen to one thing. Late in the session, in the committee the Commissioner of Fish and Wildlife came in, the safety officer, Mr. Sawyer came in, Col. Tim Peabody, the Chief of the Maine Warden Service, came in and sat down with us and said after reviewing all the records over the last 80 years or as many as they have, they saw no difference in that half hour. They were in favor of the entire half hour by giving that extra 15 instead of just the 15 that took away that cloudy area of twilight hunting which has been a plague for the enforcement officers and the courts. Thank you.

Representative BRYANT of Dixfield moved that the Bill be **TABLED** until later in today's session pending the motion of Representative DUNLAP of Old Town to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

Representative DUNLAP of Old Town **REQUESTED** a division on the motion to **TABLE**.

The Chair ordered a division on the motion to **TABLE**.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **TABLE**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Table this bill until later in today's session. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 188

YEA - Ahearne, Berry RL, Bolduc, Bryant, Clark, Gagne, Honey, Jacobs, Matthews, Mendros, O'Neal, Perkins, Samson, Tracy, Wheeler EM.

NAY - Andrews, Bagley, Baker, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mitchell, Murphy T, Muse, Nass,

Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

ABSENT - Buck, Gagnon, Jabar, Murphy E.

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

15 having voted in the affirmative and 132 voted in the negative, with 4 being absent, the motion to **TABLE FAILED**.

The SPEAKER: A roll call has been previously ordered. The pending question before the House is to Indefinitely Postpone this Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 189

YEA - Ahearne, Bagley, Berry RL, Bouffard, Brennan, Bull, Cameron, Colwell, Cowger, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Etnier, Fisher, Frechette, Fuller, Gerry, Glynn, Green, Hatch, Jodrey, Jones, Joy, Kane, Lemoine, Lemont, Lindahl, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Savage C, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Williams, Mr. Speaker.

NAY - Andrews, Baker, Belanger, Berry DP, Bolduc, Bowles, Bragdon, Brooks, Bruno, Bryant, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Cote, Cross, Daigle, Dugay, Duplessie, Foster, Gagne, Gillis, Goodwin, Gooley, Heidrich, Honey, Jacobs, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lovett, MacDougall, Mack, Marvin, McAlevey, McKee, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, O'Neil, Peavey, Perkins, Pinkham, Plowman, Povich, Richardson E, Rosen, Samson, Sanborn, Savage W, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Buck, Gagnon, Jabar.

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

71 having voted in the affirmative and 77 voted in the negative, with 3 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative CLARK of Millinocket **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, May I pose a question to the Chair of the Committee?

The SPEAKER: The Representative may pose his question.

Representative MITCHELL: Mr. Speaker, Men and Women of the House. I just want a final clarification. Are we voting on an extra 15 minutes or an extra half hour? Thank you.

The SPEAKER: The Representative from Vassalboro, Representative Mitchell has posed a question through the Chair to the Representative from Old Town, Representative Dunlap. The Chair recognizes that Representative.

Representative DUNLAP: Mr. Speaker, Men and Women of the House. The pending motion is to leave it as it is at sunset. The Majority Report, which is the Committee Amendment "A" extends it to a half an hour after sunset. The original bill was 15 minutes, so that's where we are.

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

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

The SPEAKER: The Representative may pose his question.

Representative GOOLEY: Mr. Speaker, Men and Women of the House. To anyone who might answer and that is that H-568 says increasing the deer hunting day by 15 minutes. It makes no reference to 30 minutes, so can someone answer that question.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

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

The SPEAKER: The Representative may pose his question.

Representative MCKEE: Mr. Speaker, Ladies and Gentlemen of the House. This may have been answered but I don't think it was. Could someone on the Committee refresh for me the safety record in New Hampshire. I do know that there is no mandatory orange, camel orange is allowed and they may hunt one half hour after sunset. I would like to know what the statistics on safety are there, if anyone can answer.

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

Representative PERKINS: Mr. Speaker, Men and Women of the House. To answer the question to the best of my knowledge and we have looked at several of the surrounding states. New Hampshire has virtually identical safety record to ours. A real good safety record.

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

Representative COTE: Mr. Speaker, Members of the House. I stand up before you to urge you to vote against the Ought Not to Pass. I am one of the members of the 11 to 2 in favor of Ought to Pass as Amended. We've studied this for the last two months and we've debated and we've discussed and everything else. My personal experience as far as hunting goes, I have friends and relatives that are hunters and I also have constituents that are hunters. They would rather stay here and hunt here in the State of Maine instead of going to other states, the State of New Hampshire, or Vermont for hunting. They would rather see the extra 15 minutes to go out and hunt. As Representative Perkins has said, our safety record is just as good as New Hampshire's. We ought to vote against this Ought Not to Pass and vote Ought to Pass as Amended. By doing this we keep our hunters here and we draw in more revenue from other hunters from other states. I urge you to vote against this Ought Not to Pass.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Mr. Speaker, Men and Women of the House. I really do apologize for getting up on a bill that came out of a committee that I don't serve on. I'm not a member of that committee. I'm not a hunter either. We've probably heard 30 speeches on this bill and I'm trying to figure out why I should vote for it or why I shouldn't. The Majority Report seems to want to give people more time in the woods and nobody of those 30 folks who have talked, or however many it is, have given me a compelling reason why we should do this. It's my way of thinking if we need more time in the woods, maybe we should add a day or two to the hunting season. With that in mind, and in the absence of a compelling argument, I've got to vote for the Minority Report.

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

Representative THOMPSON: Mr. Speaker, Men and Women of the House. I'd like to clarify something. House 568, repeals a section of current law which prohibits hunting between sunset and one half hour after sunset, so the amendment that will be before you is a half hour amendment. Okay. I ask you to support the Ought Not to Pass Report.

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

ROLL CALL NO. 190

YEA - Ahearne, Bagley, Berry RL, Bouffard, Brennan, Bull, Cowger, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Etnier, Fisher, Fuller, Gagnon, Gerry, Glynn, Green, Hatch, Jones, Joy, Kane, Lemoine, Lemont, Madore, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, Mitchell, Murphy E, Norbert, O'Brien LL, O'Neil, Perry, Pieh, Powers, Quint, Richard, Richardson J, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stevens, Sullivan, Tessier, Thompson, Townsend, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Andrews, Baker, Belanger, Berry DP, Bolduc, Bowles, Bragdon, Brooks, Bruno, Bryant, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cross, Daigle, Dugay, Duplessie, Foster, Frechette, Gagne, Gillis, Goodwin, Gooley, Heidrich, Honey, Jacobs, Jodrey, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lindahl, Lovett, MacDougall, Mack, Marvin, McAlevey, McKee, McKenney, McNeil, Mendros, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Neal, Peavey, Perkins, Pinkham, Plowman, Povich, Richardson E, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Buck, Jabar.

Yes, 62; No, 87; Absent, 2; Excused, 0.

62 having voted in the affirmative and 87 voted in the negative, with 2 being absent, the Minority Ought Not to Pass Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-568) was **READ** by the Clerk.

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. I just happened to be looking at the law book and that's probably a mistake, but what this amendment does is to repeal the definition of twilight hunting. The definition basically said that a person is guilty of twilight hunting if he hunts wild animals, except raccoons, between sunset and one half hour after sunset during the open fire arm season on deer. Then there is no other prohibition beyond that except that after a half hour you can't use flashlights, so I need to pose a question. It appears that what we are now doing is allowing hunting all night as long as we don't use a flashlight and if that is what we are doing, we'd better go back and consider this, so based on that unless someone can answer my question, I would move indefinite postponement to Committee Amendment "A" and go with the 15 minutes, but we've basically got a real problem here. Unless someone can find me a definition in the law book that tells me what night hunting is, because when it talks about night hunting it basically says that you can't use artificial light a half hour before and a half hour after to basically jack, etc., etc. It doesn't say anything about whether or not you can hunt a half hour and continue to hunt after that half hour.

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 Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Men and Women of the House. The Representative from Eagle Lake is absolutely correct. If this amendment goes through it would from a half hour after sunset to a half hour before daylight that constitutes night hunting. It's in the statutes under Chapter 12.

Representative DUNLAP of Old Town asked the Chair to **RULE if Committee Amendment "A" (H-568)** was germane to the Bill.

Subsequently, the Bill was **TABLED** by the Speaker pending a ruling of the Chair.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Repeal Certain Laws Relating to Personal Watercraft"

(H.P. 93) (L.D. 106)

Signed:

Senators:

KILKELLY of Lincoln
KIEFFER of Aroostook
RUHLIN of Penobscot

Representatives:

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

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

Signed:
Representative:
CLARK of Millinocket
READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Remove the Prohibition against Carrying a Loaded Hunting Weapon in a Motor Vehicle"

(H.P. 230) (L.D. 334)

Signed:
Senators:
KILKELLY of Lincoln
RUHLIN of Penobscot
KIEFFER of Aroostook
Representatives:
DUNLAP of Old Town
CHICK of Lebanon
TRAHAN of Waldoboro
HONEY of Boothbay
TRUE of Fryeburg
CLARK of Millinocket
TRACY of Rome
BRYANT of Dixfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-571)** on same Bill.

Signed:
Representative:
PERKINS of Penobscot
READ.

Representative DUNLAP of Old Town moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass** on Bill "An Act to Allow Three Hunters to Hunt Deer Together"

(H.P. 704) (L.D. 971)

Signed:
Senator:
KILKELLY of Lincoln
Representatives:
PERKINS of Penobscot
CHICK of Lebanon
TRAHAN of Waldoboro
HONEY of Boothbay
TRUE of Fryeburg
CLARK of Millinocket
BRYANT of Dixfield
TRACY of Rome
COTE of Lewiston

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

Signed:
Senators:
RUHLIN of Penobscot
KIEFFER of Aroostook
Representative:
DUNLAP of Old Town
READ.

Representative DUNLAP of Old Town 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 **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-565)** on Bill "An Act to Amend the Liability Limit under the Maine Tort Claims Act"

(H.P. 1118) (L.D. 1577)

Signed:
Senators:
LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin
Representatives:
THOMPSON of Naples
BULL of Freeport
LaVERDIERE of Wilton
JACOBS of Turner
MITCHELL of Vassalboro
NORBERT of Portland
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.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-565)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 17, 1999.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Encourage Joint Custody Practices"

(H.P. 1133) (L.D. 1592)

Signed:
Senators:
LONGLEY of Waldo
TREAT of Kennebec
BENOIT of Franklin
Representatives:
THOMPSON of Naples
LaVERDIERE of Wilton
BULL of Freeport

MITCHELL of Vassalboro
NORBERT of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-564)** on same Bill.

Signed:

Representatives:

JACOBS of Turner
PLOWMAN of Hampden
MADORE of Augusta
WATERHOUSE of Bridgton
SCHNEIDER of Durham

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 to Implement Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation"

(H.P. 1423) (L.D. 2030)

Signed:

Senator:

BENOIT of Franklin

Representatives:

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

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

Signed:

Senators:

LONGLEY of Waldo
TREAT of Kennebec

Representative:

NORBERT of Portland

READ.

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

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-548)** on Bill "An Act to Increase the Maximum Benefit Levels Provided for Injured Workers"

(H.P. 1314) (L.D. 1897)

Signed:

Senators:

LaFOUNTAIN of York
MILLS of Somerset

Representatives:

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

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

Signed:

Representatives:

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

READ.

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

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. This bill, let me back up first and tell you what the current law is, the maximum benefit for an injured worker under the current law is 90 percent of his state's average weekly wage. What this bill will do is increase that to 100 percent or to the state average weekly wage, which will be about an 11 percent increase in benefits. Back in 1992, when the workers' comp reform was enacted, it was enacted in 1992 and became effective 1993, the State of Maine inflated the maximum benefit amount to that benefit that was effective in Michigan at the time \$441 per week. At that time, the benefit level for Maine would have been \$394 per week if they hadn't inflated it artificially. Since 1993 the workers have been frozen at the \$441 per week level. The state average weekly wage will increase probably by next year to trigger automatic increases in the maximum disability income amount for injured workers. So we already have in place an automatic increase mechanism for workers' comp benefits. Just as a comparison, the State of California, has a fixed, there's no inflation trigger for California. They have a fixed benefit of \$490 per week and I think we all agree that the cost of living and all other factors in California are far higher than they are in Maine. I would urge you not to accept the pending motion.

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

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

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. Yes, this is an effort to increase the maximum benefit levels, but actually the benefit levels are set at 80 percent. While we are talking about California, we ought to talk about neighboring states. Maine's maximum benefit rate is now among the lowest in the country and it is adjusted based upon a lower percentage of the state average weekly wage than the majority of states. Maine is significantly the lowest maximum compensation rate in New England. Our only neighboring state, New Hampshire, has a maximum compensation rate of \$714 per week and also provides annual inflation adjustments beginning on the third anniversary of the injury and provides double

compensation in cases where the employer violated safety standards previously. New Hampshire is \$714 per week, now this is assuming that you're in the high wage category there, the average injured worker in state is probably getting around \$200. Vermont is \$648 per week. Connecticut is \$660 per week. Massachusetts is \$585 per week. Rhode Island is \$474 per week, plus \$15 for each dependent. So we are in essence the lowest in New England, we're among the lowest in the country and virtually every state which is lower than Maine has an annual adjustment mechanism, which is based on the full state average weekly wage, as opposed to Maine which is based on the average weekly wage.

In Committee we discussed this and the Department of Bureau of Insurance, the Deputy Superintendent, said that they were against it. So according to their testimony, now you have to realize they haven't had an adjustment since 1993, that according to their projections, that effective January 1, 2000, which is the amended version of this bill, that the wages will be between \$485 and \$490 and that would be on after tax wages of \$800. All this does is make sure that the trigger comes in, currently in this state we are booming and it probably would go in anyway, but when we're trading good manufacturing jobs for \$7.00 an hour jobs, we wanted to make sure. I ask for your support on the Majority Ought to Pass and I thank you for your time.

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. The good Representative from Skowhegan and I may be looking at some different set of numbers. The numbers I have say that we are the sixth highest in the country for wage replacements. We are 43 percent above the national average. That comes from the 1998 edition on Economic Conditions for the State of Maine, from the National Council of Compensation Insurers. Our average wage replacement for benefits is the sixth highest in the nation, 43 percent above the national average and like the good Representative said it is set to go up automatically sometime in the year 2000. Our wage replacement is based on the average weekly wage, it will be 90 percent of that. The trigger will hit sometime in the year 2000, that will go up. These wage replacements are going to be going up automatically. What this bill would do with the Committee Amendment is to add another 11 percent increase on top of that. Eleven percent on top of what will automatically happen because of the trigger. Our workers' comp system is working. It is getting a lot better since the reforms and now is not the time to add another 11 percent to the benefits when we are already the sixth highest in the nation. Thank you.

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

Representative **MACDOUGALL**: Mr. Speaker, Men and Women of the House. I would like to remind this body this morning that workers' comp is designed to be temporary wage replacement. In the increasing benefits under this proposed bill as amended, it could act as a disincentive to returning to work in a timely fashion. Studies have shown that the longer a person is out of work the less likely they are to return to work at all. According to John Kasnier, who is the director of the Government and Consumer Industry Affairs of the National Council of Compensation Insurance, cited numerous studies that have shown a correlation between increased benefit levels and

greater benefit utilization. As the good Representative from Standish, Representative Mack, just eluded to we're the sixth highest for benefits in the nation, but what he didn't mention is that that puts it 43 percent above the national average, 43 percent above. If this bill passes as amended, along with some of the others that we are considering this session, it will financially impact our system greatly and the balance, just like a seesaw, equilibrium. That will be impacted greatly, it will be thrown out of kilter. I would submit to you that the injured workers will lose. For example, aggressive safety programs that have been very successful in reducing accidents in the first place, they cost money to implement, and they cost money to maintain. They take the companies resources to do and every company has to prioritize how they are going to spend what they spend and everything that impacts the bottom line sometimes impacts things even though they may be very good in and of themselves. I think those safety programs are preventative type action, that's a very good thing that has come out of the reforms. If an accident does occur, the focus now is on restoration, instilling self-confidence and again that's a result of the current balance. Previous studies by the Workers' Compensation Institute found that a high maximum benefits created a significant disincentive to return to work and was a major cost factor to the system. My concern would be this balance be jettison and impacting in a negative way the good things that have come about for the injured worker. Currently it's restoration and return to work, R and R. Restoration and return to work that is the focus making the person whole. It's a very good winning combination for the workers of the State of Maine. Thank you.

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. Just to refute a couple of points, this is probably one of the most unfair parts of the workers' compensation reforms and lets be quite frank here. We've heard in our history before individuals, politicians telling people to wait, prosperity is around the corner, good times are ahead. What about injured workers, are they going to be told, wait for the next millennium, you'll get an increase some time in your benefit. This is one of the most unfair provisions of 1992, ladies and gentlemen and we are very much in the back of the pack when it comes to fairness on this issue, compared to the other states in New England and the country. I wouldn't call the maximum that we have today \$441 a week maximum benefit level wage replacement. Since 1992 it's called wage displacement. Displaced workers, injured workers get displacement with this kind of maximum. Let's be fair, ladies and gentlemen, and the committee, the majority members of the committee, recognized this unfairness and I hope you will vote with the good chair, the Representative from Skowhegan. Thank you.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. There's another point I would like to make that we haven't discussed on any of these comp bills, is that a truly disabled worker is eligible for social security disability benefits as a result of being covered under social security for those who are. So bear in mind that this is not the only income that that individual has while he or she is disabled.

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

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

ROLL CALL NO. 191

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

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

ABSENT - Buck, Dugay.

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

78 having voted in the affirmative and 71 voted in the negative, with 2 being absent, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-548)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Monday, May 17, 1999.

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

The **SPEAKER**: The Chair recognizes the Representative from Old Town, Representative Dunlap, who wishes to address the House on the record.

Representative **DUNLAP**: Mr. Speaker, Ladies and Gentlemen of the House. I wanted to clarify something about this morning's debate. It has come to my attention I offended some of my committee members by some of my remarks. I certainly did not mean to imply that they were insane. I certainly was referring mostly to the bill. I think they are crazy, but I love them and they are great people and I really hope I didn't offend anyone by trying to imply something that is not true. I do apologize to my fellow committee members, I have the deepest respect for them. I do disagree with them on an issue, but I want to make that plain. Thank you very much.

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

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Resolve, to Require the Workers'

Compensation Board to Reverse Its Decision and Find in Favor of Richard N. Pushard, Sr.

(H.P. 1342) (L.D. 1942)

Signed:

Senators:

LaFOUNTAIN of York
DOUGLASS of Androscoggin
MILLS of Somerset

Representatives:

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

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

Signed:

Representatives:

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

READ.

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

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

Representative **HATCH**: Mr. Speaker, Ladies and Gentlemen of the House. It is infrequent that I stand and move a report that I am not on, but I just wanted to speak to you today about the face of workers' comp and to put a human face on the people who deal with the system. I have known Mr. Pushard for the five years that I have been on Labor and throughout that time have received enough correspondence from him to fill several clothes baskets. It seemed like every day I would receive a mailing from a man who was desperate, was caught in the system and who felt that he didn't matter. It would be real easy if I was a doctor and processing patients to overlook the human factor behind each life. When you are making decisions that effect the workers' comp system, that's not quite so easy. The good Representative from Augusta, Representative O'Brien, put in this legislation and believe me, the first time that I saw the bill, I cried, simply because this worker felt that the system had denied him the access that he needed. Not only did the system not work for him, but he tried every avenue that he possibly could to get some justice. If he had been a rapist or a murderer, he'd been caught up in the judicial system that would have made sure that he had legal counsel without having to pay. But caught up in the workers' comp system, where he was there with no advocates, they were denied legal counsel unless they could afford to pay for it and he went through the system and his only sin was that he got sick because he was a welder and he was exposed to many chemicals. To be perfectly honest with you, we still don't have a handle on chemical illnesses in this state. Another gentleman who suffered from this had to go out of state, find a doctor who could actually diagnose what his illness was. Yes, we have occupational therapists who claim to know what chemical injuries are, but I'm not sure they do. He finally, after he had gone through the hearing process, which took a long time, several years, got a decision that he did not like, was not in his favor, decided to file with the court system to seek some

justice. His only problem was he filed with the wrong court system and by the time the system had finally seen his case, it was too late for him to go to the right system. When he showed up in court with an attorney there were four different attorneys from insurance companies there against him. There's something wrong with the system and for today I'm going to vote against the Ought Not to Pass, but I wanted this to go on record for all the working people of the state, that this system is broke. That this system does not work for the employee. That many of them are out of work for long periods of time with no money. That 18 months is too long to wait for your first check from the system, when the insurance companies are contesting payments and then found in default. I thank you for your time and I want you to know it's taken every bit of the fiber in my body to stand here without going into tears. This is how much that this system has failed. Thank you.

Representative RINES of Wiscasset **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 Standish, Representative Mack.

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. I urge you to support the pending motion. This was a very touching case. We had the ability to speak with Mr. Pushard and hear his case. He is a very good man and the case almost brought all of us to tears, but this would be the first time where the Legislature has reversed a decision of the Workers' Comp Board. The man had a fair hearing. He went through the appeals process of the Workers' Comp Board and the legal system and the law was followed on the decision. They made a correct decision based on the law as it stands now. What we need to do is we need to change the law in the future to affect similar people with occupational diseases and in this case chemical exposure. The way the law is written now, it does not cover him. Next year the Labor Committee will be looking at a bill to change the law so in future cases men like Mr. Pushard may be able to collect workers' comp. Currently, the law was followed in his case. It's a very bad precedent to start micro managing Workers' Comp Board decisions. Imagine how many bills would come in on appeal if this passes. The Workers' Comp Board made 3,600 decisions last year, both employers and employees would be appealing just about every decision they didn't like, if you thought we had a lot of bills this year, just imagine when the Workers' Comp Board appeals start coming in. We will look at the law in the future. We will make some changes to affect other people in similar circumstances, but it should not be the job of this Legislature to micro manage the Workers' Comp Board when they followed the law correctly. Thank you and I urge you to support the pending motion, the Majority Ought Not to Pass.

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

Representative **COWGER**: Mr. Speaker, Men and Women of the House. Until this last year, Mr. Pushard was a constituent of mine. Over this last year he moved from Chelsea, just up river to Augusta and I, too, have the plethora of correspondence at home from Mr. Pushard as the good Representative from Skowhegan has. I was pleased to work with the good Representative from Augusta in introducing this legislation and I did go on and introduce the legislation to the Labor Committee

who will consider it next year and I appreciate the good Representative from Standish saying that the committee will take a good hard look at that legislation and potentially reforming part of the occupational health standards, but I will be voting against the pending motion. I have heard the same long sad story of Mr. Pushard and believe he deserves the support of this Legislature so I will be voting against this motion.

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. 192

YEA - Andrews, Baker, Belanger, Berry DP, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Cross, Daigle, Davidson, Davis, Duncan, Etnier, Fisher, Foster, Gagnon, Gillis, Glynn, Gooley, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Mailhot, Martin, Marvin, Mayo, McDonough, McKee, McKenney, McNeil, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Neal, O'Neil, Peavey, Perkins, Perry, Pinkham, Plowman, Povich, Powers, Richard, Richardson E, Richardson J, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, Tuttle, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Ahearn, Bagley, Berry RL, Bolduc, Bryant, Clark, Colwell, Cote, Cowger, Desmond, Dudley, Dugay, Dunlap, Duplessie, Frechette, Fuller, Gagne, Gerry, Goodwin, Green, Hatch, Matthews, McAlevey, McGlocklin, Mendros, Mitchell, Muse, O'Brien JA, O'Brien LL, Pieh, Quint, Rines, Samson, Shiah, Sirois, Skoglund, Stanley, Stevens, Tracy, Twomey, Usher, Volenik, Watson.

ABSENT - Buck, Jabar, Madore, Shorey, True.

Yes, 103; No, 43; Absent, 5; Excused, 0.

103 having voted in the affirmative and 43 voted in the negative, with 5 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR** reporting **Ought to Pass** on Bill "An Act to Amend the Workers' Compensation Laws Pertaining to Attorney's Fees"

(H.P. 1452) (L.D. 2073)

Signed:

Senator:

LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan

MUSE of South Portland

GOODWIN of Pembroke

FRECHETTE of Biddeford

MATTHEWS of Winslow

SAMSON of Jay

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

Signed:

Senator:

MILLS of Somerset

Representatives:

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

READ.

Representative HATCH of Skowhegan moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Set Minimum Standards for Motor Vehicle Safety Inspection Stations"

(H.P. 815) (L.D. 1138)

Signed:

Senators:

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
BOUFFARD of Lewiston
SAVAGE of Union
WHEELER of Bridgewater

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

Signed:

Senator:

O'GARA of Cumberland

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 667) (L.D. 1889) Bill "An Act to Amend the Maine Milk Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-272)**

(S.P. 780) (L.D. 2190) Bill "An Act to Reestablish the Maine Meat Inspection Act" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-274)**

(S.P. 805) (L.D. 2218) Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-273)**

(S.P. 598) Joint Order - Relative to Establishing the Task Force to Study Implementation of Alternative Programs and Interventions for Violent and Chronically Disruptive Students

Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-276)**

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

(S.P. 741) (L.D. 2100) Bill "An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-268)**

On motion of Representative HATCH of Skowhegan, was **REMOVED** from the First Day Consent Calendar.

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

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative HATCH of Skowhegan **PRESENTED House Amendment "A" (H-572)** and moved it's **ADOPTION**.

Subsequently, the same Representative **WITHDREW** her motion.

The same Representative **PRESENTED House Amendment "B" (H-584)**, which was **READ** by the Clerk.

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

Representative **TREADWELL**: Mr. Speaker, Men and Women of the House. I would like a ruling from the Chair pertaining to the germaneness of this amendment to the original bill.

Representative **TREADWELL** of Carmel asked the Chair to **RULE** if **House Amendment "B" (H-584)** was germane to the Bill.

Subsequently, the Bill was **TABLED** by the Speaker pending a ruling of the Chair.

CONSENT CALENDAR

Second Day

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

(H.P. 1174) (L.D. 1685) Bill "An Act Governing Privileged Communications between Victims of Crimes and Governmental Victim Witness Advocates"

(H.P. 1411) (L.D. 2018) Bill "An Act to Simplify the Rule of Reasonable Belief in the Maine Criminal Code"

(H.P. 1424) (L.D. 2031) Bill "An Act to Amend the Laws Relating to Issuance of a Warrant in the Name of the District Court"

(H.P. 1491) (L.D. 2129) Bill "An Act to Bring Certain Criminal Code Provisions Addressing Fines Into Conformity with Recently Amended Criminal Code Provisions Addressing Restitution"

(H.P. 139) (L.D. 201) Bill "An Act to Repeal the Maine Criminal Justice Academy Certification Requirements for Sheriffs" (C. "C" H-560)

(H.P. 299) (L.D. 407) Bill "An Act to Reconcile Minor Technical Differences between Forest Practices Laws and Rules" (C. "A" H-551)

(H.P. 625) (L.D. 875) Bill "An Act to Minimize the Harmful Effects of Lead" (C. "A" H-566)

(H.P. 883) (L.D. 1240) Resolve, Regarding Legislative Review of Chapter 20: Forest Regeneration and Clearcutting Standards, a Major Substantive Rule of the Department of Conservation (EMERGENCY) (C. "A" H-552)

(H.P. 1326) (L.D. 1909) Bill "An Act to Provide Continuing Financial Support for the Maine Community Policing Institute at the University of Maine at Augusta" (C. "A" H-559)

(H.P. 1340) (L.D. 1923) Bill "An Act to Facilitate the Establishment of Trail Easements" (C. "A" H-563)

(H.P. 1407) (L.D. 2012) Bill "An Act to More Accurately Describe the Criminal Conduct Committed When a Person Grows or Cultivates Marijuana" (C. "A" H-561)

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

(H.P. 970) (L.D. 1368) Bill "An Act to Ensure a Fair Distribution of Hunting Permits" (C. "A" H-567)

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

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-567)** was **READ** by the Clerk.

The same Representative **PRESENTED** House Amendment "A" (H-585) to Committee Amendment "A" (H-567), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-567) as Amended by House Amendment "A" (H-585) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Monday, May 17, 1999.

(H.P. 1017) (L.D. 1428) Resolve, to Enhance Fire Protection Services throughout the State (C. "A" H-557)

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

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-557)** was **READ** by the Clerk.

The same Representative **PRESENTED** House Amendment "A" (H-586) to Committee Amendment "A" (H-557), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-557) as Amended by House Amendment "A" (H-586) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Monday, May 17, 1999.

(H.P. 1478) (L.D. 2118) Resolve, to Establish the Study Commission to Create and Submit a Master Plan for the Future Use of the Existing Land and Buildings at the Maine Youth Center (C. "A" H-558)

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

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-558)** was **READ** by the Clerk.

The same Representative **PRESENTED** House Amendment "A" (H-587) to Committee Amendment "A" (H-558), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-558) as Amended by House Amendment "A" (H-587) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Monday, May 17, 1999.

BILLS IN THE SECOND READING

Senate As Amended

Bill "An Act to Clarify the Powers of Game Wardens When Stopping Motor Vehicles"

(S.P. 241) (L.D. 663)
(C. "A" S-251)

House As Amended

Bill "An Act to Clarify Referendum Wording"

(H.P. 41) (L.D. 55)
(C. "A" H-532)

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

ENACTORS

Emergency Measure

An Act to Amend the Maine Health Data Organization Statutes

(H.P. 1003) (L.D. 1401)
(C. "A" H-483)

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

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

Emergency Measure

An Act Requiring Maine to Adopt the Federal Rules Regarding Universal Waste

(H.P. 1073) (L.D. 1520)
(C. "A" H-482)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Laws Governing the Maine State Pilotage Commission

(S.P. 572) (L.D. 1639)
(C. "A" S-168)

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. 104 voted in favor of the same and 20 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend Motor Vehicle Laws

(S.P. 587) (L.D. 1667)
(C. "A" S-219; S. "A" S-230)

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 Establish an Appeals Process for Lobster Fishing License Denial

(H.P. 1387) (L.D. 1993)
(C. "A" H-396)

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

Representative PINKHAM of Lamoine **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 193

YEA - Ahearne, Andrews, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Campbell, Chick, Chizmar, Clark, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dunlap, Duplessie, Etnier, Fisher, Fuller, Gagne, Gagnon, Glynn, Gooley, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neal, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Watson, Weston, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Bagley, Bragdon, Carr, Dugay, Duncan, Foster, Frechette, Gerry, Gillis, Goodwin, Joy, Kasprzak, MacDougall, Mack, McKee, McKenney, Mendros, O'Brien JA, Pinkham, Rines, Sanborn, Sherman, Snowe-Mello, Stedman, Trahan, Treadwell, Volenik, Waterhouse, Wheeler EM.

ABSENT - Buck, Cianchette, Collins, Green, Jabar, Lemont, O'Neil, Shorey, Tessier, True.

Yes, 112; No, 29; Absent, 10; Excused, 0.

112 having voted in the affirmative and 29 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies

(H.P. 144) (L.D. 206)
(C. "A" H-493)

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

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. I stand before you today and I'm going to try to save you \$33,000. We have formed a study committee here for \$33,000 that will not be able to tell us anything. I looked at the membership on this committee, we have one pharmacist. Now the pharmaceutical business in the State of Maine is over a one billion dollar a year business, yet we have one pharmacist out of 16 members. That one pharmacist is going to be the only person who really understands pharmaceutical buying, yet we have a wholesaler in Portland that does half a billion dollars worth of business in the State of Maine and they are not included in this study committee. What are we trying to accomplish? To have a study committee come back and tell us the state can't afford to buy over a billion dollars, yea I guess we'll just keep the current system. This bill, I understand the original bill was not a study commission. I don't think you even need a study commission. I submit to you that the price of pharmaceuticals is very expensive, yes. Is a study commission going to do anything to stop that? No. We have problems far greater than the State of Maine being in the purchasing business and why are we only going to do it in these commodities? Why don't we look at cars, airplanes, whatever you want to do, but it's not going to solve anything, so I'm going to ask you to vote against the pending motion.

Representative BRUNO of Raymond **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative KANE: Mr. Speaker, Men and Women of the House. This is the product of a good deal of negotiations.

On motion of Representative KANE of Saco, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

Emergency Measure

Resolve, to Direct the Maine State Museum and the Maine Historic Preservation Commission to Include, Consult and Involve Local Historical Societies and Affected Municipalities in the Recovery and Local Display of Certain Revolutionary War Artifacts

(H.P. 1184) (L.D. 1694)
(C. "A" H-409)

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. 135 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims

(H.P. 1414) (L.D. 2021)
(S. "A" S-232 to C. "A" H-455)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Implement the Recommendations of the Commission to Study Providing Educators with More Authority to Remove Violent Students from Educational Settings

(H.P. 1250) (L.D. 1798)
(C. "A" H-453)

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

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

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

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

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

ROLL CALL NO. 194

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

NAY - NONE.

ABSENT - Buck, Cameron, Collins, Jabar, Lemont, McAlevey, Shorey, True, Winsor.

Yes, 142; No, 0; Absent, 9; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, with 9 being absent, and accordingly the Mandate was

PASSED TO BE ENACTED, signed by the Speaker and sent to the Senate.

Mandate

An Act to Authorize York County to Hold Bond Referenda for New County Facilities

(H.P. 1533) (L.D. 2186)
(C. "A" H-447)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 2 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Make It a Crime to Solicit a Child by Means of Computer to Commit a Prohibited Act

(H.P. 71) (L.D. 84)
(C. "A" H-449)

An Act to Amend the Uniform Unclaimed Property Act concerning Tangible Property Held by Landlords or by State Institutions

(H.P. 211) (L.D. 289)
(C. "A" H-463)

An Act to Establish Victims' Rights for the Victims of Juvenile Crimes

(H.P. 276) (L.D. 384)
(C. "A" H-457)

An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act

(H.P. 316) (L.D. 432)
(C. "A" H-464)

An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence

(H.P. 381) (L.D. 512)
(C. "A" H-451)

An Act to Create a Tax Credit for Licensing Fees Paid for the Use of University Patents on Wood Fiber Reinforced Products

(S.P. 282) (L.D. 800)
(C. "A" S-238)

An Act to Amend the Laws Relating to Notaries Public

(H.P. 643) (L.D. 893)
(C. "A" H-411)

An Act to Strengthen the State's Drug Laws

(H.P. 694) (L.D. 961)
(C. "A" H-454)

An Act to Enact the Uniform Foreign Money-judgments Recognition Act

(S.P. 380) (L.D. 1081)
(C. "A" S-226)

An Act to Reduce the Limitations on Nonprofit Organizations Holding Games of Chance

(H.P. 779) (L.D. 1102)
(C. "A" H-468)

An Act Regarding the Calculation of Child Support When the Child Receives Disability Benefits

(H.P. 787) (L.D. 1110)
(C. "A" H-462)
An Act to Amend the Laws Regarding Abandoned Property
(H.P. 832) (L.D. 1155)
(C. "A" H-461)
An Act to Implement the Recommendations of the Wage
Fairness Task Force
(S.P. 438) (L.D. 1275)
(C. "A" S-229)
An Act to Base Sales Tax for Net Energy Billing Customers
on Net Energy Deliveries
(H.P. 900) (L.D. 1278)
An Act to Increase the Requirement that Drugs be
Confiscated from 48 Hours to 6 Months
(H.P. 963) (L.D. 1361)
(C. "A" H-458)
An Act to Propose Changes to the Maine Election Laws
(H.P. 1061) (L.D. 1492)
(C. "A" H-469)
An Act Concerning the Regulation of Certain Commercial
Contracts of Insurance
(H.P. 1068) (L.D. 1499)
(H. "A" H-486 to C. "A" H-401)
An Act to Grant Immunity to Medical Professionals
Conducting Body Cavity Searches for Drugs
(H.P. 1091) (L.D. 1538)
(C. "A" H-460)
An Act to Create a Historic Preservation Tax Credit
(H.P. 1093) (L.D. 1540)
(C. "A" H-492)
An Act Concerning Damage to Lands and Natural
Resources Caused by Natural Gas Pipelines
(S.P. 679) (L.D. 1929)
(C. "A" S-224)
An Act to Amend the Laws Regarding Unlawful Cutting of
Trees
(H.P. 1389) (L.D. 1994)
(C. "A" H-459)
An Act to Redefine Trafficking and Furnishing of Heroin in
Terms of the Amount of the Drug Possessed
(H.P. 1404) (L.D. 2009)
(C. "A" H-456)
An Act to Increase Load Weight on Farm Vehicles
(H.P. 1443) (L.D. 2064)
(H. "A" H-506 and S. "A" S-257 to C. "A" H-380)
An Act to Require that Employees in 24-Hour Convenience
Stores Have Access to Telephones or Alarms
(H.P. 1458) (L.D. 2090)
(C. "A" H-485)
An Act Requiring That the Costs of Transporting Highway
Construction and Maintenance Materials to Isle au Haut by
Barge or Ferry be Paid from the Highway Fund
(H.P. 1522) (L.D. 2172)
(C. "A" H-432)

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 Require the Development of a Basic Needs
Budget

(H.P. 1258) (L.D. 1812)
(C. "A" H-450)
Reported by the Committee on **Engrossed Bills** as truly
and strictly engrossed, **FINALLY PASSED**, signed by the
Speaker and sent to the Senate.

An Act to Prohibit the Transportation of Open Containers
that Contain Liquor
(H.P. 154) (L.D. 216)
(H. "A" H-345 to C. "A" H-134)
Was reported by the Committee on **Engrossed Bills** as
truly and strictly engrossed.

On motion of Representative TRACY of Rome, was **SET
ASIDE**.

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

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

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

ROLL CALL NO. 195

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

NAY - Bryant, Clark, Duplessie, Joy, Kasprzak, Labrecque,
McDonough, Mendros, O'Neal, Perkins, Plowman, Schneider,
Skoglund, Snowe-Mello, Stedman, Tobin J, Tracy, Trahan.

ABSENT - Bouffard, Buck, Collins, Duncan, Jabar, Lemont,
McAlevey, O'Neil, Shorey, True.

Yes, 123; No, 18; Absent, 10; Excused, 0.

123 having voted in the affirmative and 18 voted in the
negative, with 10 being absent, the Bill was **PASSED TO BE
ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Provide for Increased Penalties and Enforcement
Regarding Dangerous Dogs

(H.P. 433) (L.D. 575)

(C. "A" H-488)

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

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

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

An Act to Improve Alcohol Server Education Courses
(S.P. 320) (L.D. 954)
(C. "A" S-228)

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

On motion of Representative CAMPBELL of Holden, was **SET ASIDE**.

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

An Act to Create Quality Child Care Investment Incentives
(S.P. 359) (L.D. 1063)
(C. "A" S-237)

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

On motion of Representative GAGNON of Waterville, was **SET ASIDE**.

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

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-237)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-583)** to **Committee Amendment "A" (S-237)** which was **READ** by the Clerk.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. This is a technical amendment to this bill. Originally the bill required that the individual taxpayer would have to have spent \$10,000 as opposed to at least \$10,000, in other words the taxpayer would have had to hit \$10,000 right on the button if we had left it the way it was. This just corrects that and moves it to what the committee was which was at least \$10,000. Thank you, Mr. Speaker.

House Amendment "A" was ADOPTED.

Committee Amendment "A" (S-237) as Amended by House Amendment "A" (H-583) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-237) as Amended by House Amendment "A" (H-583)** thereto in **NON-CONCURRENCE** and sent for concurrence.

An Act to Provide Equity in Prescription Insurance for Contraceptive Coverage

(S.P. 389) (L.D. 1168)
(C. "A" S-200)

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

On motion of Representative GLYNN of South Portland, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 196

YEA - Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jacobs, Kane, Labrecque, LaVerdiere, Lemoine, Lindahl, Mailhot, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy T, Muse, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Treadwell, Tripp, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearne, Andrews, Belanger, Berry DP, Bragdon, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Cross, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Matthews, McKenney, McNeil, Mendros, Murphy E, Nass, O'Neal, Pinkham, Richard, Richardson E, Rosen, Savage C, Sherman, Shields, Sirois, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Tuttle, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Buck, Collins, Jabar, Lemont, McAlevey, Shorey, True.

Yes, 86; No, 58; Absent, 7; Excused, 0.

86 having voted in the affirmative and 58 voted in the negative, with 7 being absent, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Provide Long-term Funding for the Land for Maine's Future Program

(H.P. 947) (L.D. 1344)
(C. "A" H-390)

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

On motion of Representative PLOWMAN of Hampden, was **SET ASIDE**.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on her motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

Representative GAGNON of Waterville moved that the Bill be **TABLED** until later in today's session pending the motion of Representative PLOWMAN of Hampden to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

Subsequently, the same Representative **WITHDREW** his motion.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. This bill is not regarding the bond issue. This is a bill regarding withdrawing money from the general revenue fund. Funds that will most likely, if not used on this program, end up in your general revenue sharing in your towns and be used to support projects that your towns are using. To divert these taxes away to this program with other plans for Land for Maine's Future still in the works, is not appropriate at this time and I would ask you to please support the motion to indefinitely postpone.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. This was a unanimous committee report that the Committee on Taxation felt was an appropriate way to fund the Land for Maine's Future. It's a portion of the real estate transfer tax. Obviously, this would be going to the Appropriations Table and giving the Appropriations all options for looking at this issue. Thank you, Mr. Speaker.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. I would point out to you that this withdraws \$10 million from the general revenue fund from the real estate tax. \$10 million out of the moneys that will be going to your towns and I would urge you to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative McNeil.

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

The SPEAKER: The Representative may pose her question.

Representative **MCNEIL**: Mr. Speaker, Men and Women of the House. Would this be in addition to the bond issues for Land for Maine's Future?

The SPEAKER: The Representative from Rockland, Representative McNeil has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. In answer to your question, the bond issue package has not been decided yet. We will be making all decisions when the session comes to an end, but passing this bill gives us a tool with which to provide an alternative to the bond package. I want to correct a statement that was made. There is no guarantee that should these funds remain in the general fund they will make it to your communities. They may go to other state expenditures. These are not specifically earmarked for municipal revenue sharing. Thank you.

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. I can clarify that this does not change the percentage that stays within the county. It does not change the percentage that is dedicated to the home front either.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman. Having spoken twice now requests unanimous consent to address the House a third

time. Is there objection? Chair hears no objection, the Representative may proceed.

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. This bill will give two shots at funding the Land for Maine's Future. Another two, maybe one or another two, but I see it as two shots and I think that either it will go up and down with the people of the State of Maine in a bond issue or it won't, but we shouldn't be taking \$10 million out of the real estate transfer tax, which is already has purposes. \$10 million dollars, that's not chunk change. Let's let the bond issue go on its own merit and I ask you to please defeat this.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Indefinitely Postpone the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 197

YEA - Ahearne, Belanger, Berry DP, Bruno, Campbell, Carr, Clark, Clough, Cross, Daigle, Duncan, Foster, Gerry, Gillis, Goodwin, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lovett, Mack, McNeil, Mendros, Murphy T, Nutting, Pinkham, Plowman, Richardson E, Rosen, Schneider, Sherman, Shields, Snowe-Mello, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bryant, Bull, Bumps, Cameron, Chick, Chizmar, Cianchette, Colwell, Cote, Cowger, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Glynn, Gooley, Green, Hatch, Honey, Jacobs, Kane, LaVerdiere, Lemoine, Lindahl, MacDougall, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Muse, Nass, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Buck, Collins, Jabar, Lemont, Shorey, True.
Yes, 45; No, 100; Absent, 6; Excused, 0.

45 having voted in the affirmative and 100 voted in the negative, with 6 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

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

An Act to Amend the Laws Governing Secession
(H.P. 1433) (L.D. 2056)
(C. "A" H-410)

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

On motion of Representative **AHEARNE** of Madawaska, was **SET ASIDE**.

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

An Act to Change the Fine for Speeding in a School Zone
(H.P. 1462) (L.D. 2094)

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

On motion of Representative PLOWMAN of Hampden, was **SET ASIDE**.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on her motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 198

YEA - Campbell, Clough, Cross, Gagne, Glynn, Heidrich, Jodrey, Jones, Joy, Kasprzak, Labrecque, Lindahl, Mack, Marvin, McKenney, Nutting, Peavey, Perkins, Pinkham, Plowman, Sherman, Snowe-Mello, Stanwood, Stedman, Tobin J, Treadwell, Wheeler EM, Winsor.

NAY - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagnon, Gerry, Gillis, Goodwin, Gooley, Green, Hatch, Honey, Jacobs, Kane, Kneeland, LaVerdiere, Lemoine, Lovett, MacDougall, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Buck, Collins, Jabar, Lemont, Shorey, True.
Yes, 28; No, 117; Absent, 6; Excused, 0.

28 having voted in the affirmative and 117 voted in the negative, with 6 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**:

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

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

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

ENACTORS

Emergency Measure

An Act to Allow the Use of All-terrain Vehicles on the Extreme Right of a Public Way

(H.P. 97) (L.D. 110)
(C. "A" H-511)

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. 123 voted in favor of the same and 12 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify the Voting Rights of Persons Residing in Certain Sanitary Districts

(S.P. 187) (L.D. 580)
(C. "A" S-260)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Moose Hunting Laws

(S.P. 256) (L.D. 751)

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. 119 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Laws Governing Commercial Shooting Area Hunting Licenses

(H.P. 561) (L.D. 782)
(C. "A" H-514)

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. 121 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to Tree Growth Reimbursement

(H.P. 867) (L.D. 1224)
(S. "A" S-256 to C. "A" H-389)

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. 114 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Amend the Charter of the Dover-Foxcroft Water District

(H.P. 993) (L.D. 1391)
(C. "A" H-242; H. "A" H-521)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize Matinicus Isle Plantation to Implement a Disposal Fee for Motorized Vehicles
(S.P. 768) (L.D. 2158)
(C. "A" S-259)

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. 115 voted in favor of the same and 12 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 311: Renewable Resource Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission
(H.P. 546) (L.D. 767)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Require All Voting Places to be Accessible
(H.P. 74) (L.D. 87)
(C. "A" H-250; H. "A" H-445; S. "A" S-258)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 14 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Improve the Marketability of Real Estate Titles
(H.P. 1415) (L.D. 2022)
(C. "A" H-507)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 1 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act to Clarify the Responsibility of a Municipality in Enforcing Personal Watercraft Regulations
(H.P. 16) (L.D. 26)
(C. "A" H-510)

An Act to Secure Wounded Deer
(H.P. 181) (L.D. 259)
(C. "A" H-512)

An Act to Clarify the Laws Pertaining to the Importation of Fish
(S.P. 153) (L.D. 473)
(C. "A" S-249)

An Act to Improve Wild Game Transportation Laws
(S.P. 182) (L.D. 536)
(C. "A" S-248)

An Act to Extend the Open Water Fishing Season
(H.P. 530) (L.D. 737)
(C. "A" H-513)

An Act to Revise Hunting and Fishing License Revocation Laws
(H.P. 554) (L.D. 775)

An Act to Amend the Illegal Transportation of Liquor Law
(H.P. 706) (L.D. 973)
(C. "A" H-383)

An Act to Create Accountability in the Management of Trout and Salmon in Maine
(S.P. 406) (L.D. 1195)
(C. "A" S-252)

An Act to Amend the Fishing Laws
(S.P. 415) (L.D. 1204)
(C. "A" S-253)

An Act to Secure Environmental and Economic Benefits from Electric Utility Restructuring
(H.P. 1000) (L.D. 1398)
(C. "A" H-522)

An Act to Preserve the Medicaid Home Health Benefit
(H.P. 1086) (L.D. 1533)

An Act to Control the Sale and Display of Tobacco Products
(H.P. 1123) (L.D. 1582)
(C. "A" H-370)

An Act to Clarify Certain Laws Administered by the Department of Environmental Protection, Bureau of Remediation and Waste Management
(H.P. 1140) (L.D. 1625)
(C. "A" H-519)

An Act to Strengthen Maine's Research and Development Capacity in Renewable Energy Resources
(H.P. 1152) (L.D. 1649)
(C. "A" H-523)

An Act to Improve Access to Dental Care for Children
(H.P. 1226) (L.D. 1755)
(C. "A" H-274; H. "A" H-529)

An Act to Allow the Taking of Endangered or Threatened Species Under the Authority of the Department of Inland Fisheries and Wildlife
(S.P. 708) (L.D. 2017)

An Act to Amend the Laws Relating to Slash Disposal along Highways and Railroad and Utility Corridors
(H.P. 1445) (L.D. 2066)
(C. "A" H-524)

An Act to Implement Funding the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities in the November 1997 Task Force Report

(H.P. 1471) (L.D. 2111)
(C. "A" H-294)

An Act to Ensure that Agency Use of Collaborative Decision-making and Stakeholder Processes is Fair and Consistent with the Goals of the Maine Administrative Procedure Act

(S.P. 755) (L.D. 2131)
(C. "A" S-181)

An Act to Fund the Costs Associated with Determining Eligibility for Certain Marine Resources Licenses

(H.P. 1544) (L.D. 2198)
(C. "A" H-517)

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.

An Act to Make Failure to Provide Proper Identification a Violation of the Liquor Laws

(H.P. 274) (L.D. 382)
(C. "A" H-313)

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

On motion of Representative TRACY of Rome, was **SET ASIDE**.

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

BILL HELD

JOINT ORDER - Relative to establishing the Stakeholders Group to Explore Options and Alternatives to MTBE and RFG

(H.P. 1581)

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

HELD at the Request of Representative MARTIN of Eagle Lake.

On motion of Representative MARTIN of Eagle Lake, the House **RECONSIDERED** its action whereby the Joint Order was **PASSED**.

The same Representative **PRESENTED** House Amendment "A" (H-582), which was **READ** by the Clerk.

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

Representative **MARTIN**: Mr. Speaker, Members of the House. This is the Order we passed yesterday and there were a couple of words that should have been removed from it and that's all that the amendment does. It does nothing to change the intent or the membership of the order.

House Amendment "A" was ADOPTED.

The Joint Order was **PASSED as Amended by House Amendment "A" (H-582)** and sent for concurrence.

The following item was 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.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass** - Minority (5) **Ought Not to Pass** - Committee on **LEGAL AND VETERANS AFFAIRS** on Bill "An Act to Improve the Maine Clean Election Act"

(S.P. 300) (L.D. 872)

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

TABLED - May 12, 1999 (Till Later Today) by Representative TUTTLE of Sanford.

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

On motion of Representative SAXL of Portland, **TABLED** pending the motion of Representative TUTTLE of Sanford to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned.

An Act to Improve Access to Residential Care in Rural Maine (EMERGENCY)

(S.P. 717) (L.D. 2039)
(C. "A" S-222)

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative KANE of Saco, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-222)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-562)** to **Committee Amendment "A" (S-222)** which was **READ** by the Clerk.

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

Representative **KANE**: Mr. Speaker, Men and Women of the House. This is a technical amendment that merely changes the date to the last business day of March in the year 2000, from April 1st to March 31st.

House Amendment "A" was ADOPTED.

Committee Amendment "A" (S-222) as Amended by House Amendment "A" (H-562) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-222) as Amended by House Amendment "A" (H-562)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Resolve, to Establish a Commission to Encourage Incorporations in Maine (EMERGENCY)

(S.P. 697) (L.D. 1972)
(C. "A" S-215)

PENDING - FINAL PASSAGE.

On motion of Representative O'NEAL of Limestone, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED** House Amendment "A" (H-549) which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative O'NEAL: Mr. Speaker, Ladies and Gentlemen of the House. This is a technical amendment that simply strikes out August 1st and inserts in its place July 30th.

House Amendment "A" was ADOPTED.

The Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-215) and House Amendment "A" (H-549) in NON-CONCURRENCE** and sent for concurrence.

An Act to Establish the Early Care and Education Revolving Loan Program

(S.P. 362) (L.D. 1066)
(C. "A" S-223)

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative O'NEAL of Limestone, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-223) was ADOPTED.**

The same Representative presented **House Amendment "A" (H-588) to Committee Amendment "A" (S-223)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative O'NEAL: Mr. Speaker, Ladies and Gentlemen of the House. This is a technical amendment that strikes out January 1st and inserts in its place the last business day.

House Amendment "A" was ADOPTED.

Committee Amendment "A" (S-223) as Amended by House Amendment "A" (H-588) thereto was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-223) as Amended by House Amendment "A" (H-588) thereto in NON-CONCURRENCE** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass** - Report "B" (5) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "A" (H-500)** - Committee on LABOR on Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Compensation for Amputation of a Body Part"

(H.P. 163) (L.D. 225)

TABLED - May 12, 1999 (Till Later Today) by Representative HATCH of Skowhegan.

PENDING - Motion of same Representative to **ACCEPT** Report "A" **OUGHT TO PASS.**

Representative MACK of Standish **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass.**

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

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. When I stood up on one of the other comp bills, yesterday I guess it was, I made the comment that individually these bills are not going to break the system, but if you put all of them together it's a significant increase in the cost to the workers' comp system. The total of all the bills that were presented to our committee this year amount to about \$80 million. This bill would provide a lump sum benefit as well as a weekly income for the remainder of an individual's life that suffers an amputation. I think that we should also realize that this individual if he's disabled under the definition of social security would be able to draw benefits under the Social Security Act. I think that it's a very expensive bill. I don't think that it's necessary. There is no way you can compensate for the lose of a part of your body, however, I think that this is a bill that is going to increase the cost to the system and start us moving in the direction of where we were back in the early 90's and I don't think that it's a good idea.

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

Representative GOODWIN: Mr. Speaker, Men and Women of the House. This act amends the Compensation Act of 92 as it relates to compensation for amputation of a body part. This bill is a repeat of a bill that we put in in the 118th Legislature. This bill is not expected to have any significant impact on the rates paid by state departments and agencies for workers' compensation benefits. Minor additional costs to handle minimal number of new cases within their dispute resolution process, these costs can be absorbed within the Board's additional budgeted resources. That's a fiscal note on the bill.

Amputation is a lifelong sustained injury. There are many things you can't do. Your pay scale goes down. Medical costs are high. Health insurance is lost. Future earnings capability is lost. The pendulum swung too far in 1992. Only we, the Legislature, can correct it. This is an injury that cannot be faked. Injuries, where an arm is removed by amputation at the work site is not a faked injury. Persons who suffer amputations have lost more than wages and this is a onetime payment for other loses. We in the state have established a bargain with our work force. We pay compensation for work place injuries, those workers giving up their right to sue their employer. The law change in 1992 removed from statute the schedule of payments for amputations. The concern of members then in the 118th was the cost of retroactively going back to January of 93 and paying injured workers for lose of limb from industrial accidents. Back then even the chief executive threatened to veto the issue. The opponents pushed the dollar figure of \$40 million to bring all amputations up to date, to make our workers whole. We the supporters of no data from the Workers' Comp Commission nor the Department of Labor on injuries from 93 to 97, we were continually hammered on the floor with the \$40 million cost and had no data to back up our statements. What a difference two years makes.

We now have that information and you have on your desks, distributed this afternoon, a handout. The data which was used was supplied by the Department, Workers' Comp Commission

and I thank the Commission on its staff for the data they supplied. I put the information together on the calculations for you and if you take the time to read the handout you will see that I used the highest numbers possible. I used the \$441 as the average highest rate that workers' comp pays and in the case of all the limbs that were lost, I used the highest value. In the schedule of payments, the little finger is not worth as much as your index finger or your thumb, but in cases where the Workers' Comp Board supplied me with figures on injuries I used the highest value to come up with these numbers. From 1993 to the present time, 15 total cases of amputations occurred from mechanical means, that means they were caught in between machinery which removed fingers, toes, arms. One of the 15 cases resulted in immediate death. In 1993 to the present time there were 10 total cases and that was from electrical injuries, 6 of the 10 died immediately, one died 8 months after the accident. Four of the 10 had amputations, so the total amputations from 1993 to the present is 18, a far cry from the \$40 million figure that was pushed at us two years ago. All totals from 1993 to 1998, using the highest number equals \$5,135,445. By reducing the death benefits that I included in there that drops down to \$3,018,645. I also added in those numbers for the fingers that were not compensatable because it was the tip of fingers that were amputations, they call a removal of a fingernail as an amputation, but there was no compensation paid for that. I listed all the fingers with all of the totals and when I tallied it all up, I used the highest value for the fingers and you can see that in 93 it's \$134,000, 94 \$284,000, \$234,000 in 95, in 96 \$201,000, 97 \$201,000, in 98 \$201,000.

This is a fairness issue. This is a return to doing the right thing for our injured workers. The fiscal note for the state is zero. The fiscal note for the insurance carriers of this state from 1993 to the present probably is going to be negligible to the people who use the system. The carriers generally reserve immediately upon an accident, they will make a determination of what the total costs are and they make reserves. The reserves are all set aside. I think in fairness to the workers, we need to accept this report, Ought to Pass, and I thank the Speaker.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. Some of you were here two years ago when we debated this issue and you probably recall that it was a rather emotional issue for me. I've had a little experience about amputations. Thirty years experience and all of the things Representative Goodwin said were probably true, but the thing that he missed is that this has nothing to do with money. I don't care how much money you give me, it doesn't change what's happened, rather it is \$50,000 or \$500,000 or a million dollars does not change what happened. I got \$1,000 from my insurance company when this happened, because I was self employed. Why is it more important to get money if you work for somebody than it is if you're self employed? This is not about money, ladies and gentlemen. This is about meeting somebody for the first time and being introduced and them not being uncomfortable because you put out your left hand and the look on their face of they're startled, what do I do now. This is about going to my children's recitals and my children's games and my children's graduation and not being able to applaud. This isn't about money. I don't care how much money you give me, this will not change how I feel or give anybody else. Quite frankly, I'm insulted by this bill, because this bill says that I am no longer

capable of caring for myself. It says that I am now a ward of the state or a ward of the company that I work for. I refuse to accept that. For 30 years now since I lost my hand, I have cared for myself. My wife and I have made it on our own. Don't tell me that I can't make it. I cut my own firewood. I work in the woods in the winter. I have a farm in the summer. I hold down a job in the mill. Don't tell me that I can't survive. I am thoroughly insulted by this bill. I was insulted by it two years ago and I'm just as insulted now. Am I not empathic to other people who face this. Of course I'm empathic, but there are many people, many, many people in this world that are injured other ways that are much more debilitated than I am and folks like me. I'm not standing up here to be on display, but that's what this is about. I ask you please don't vote for this bill. It's not about money. You can't change it. I don't care how much money you give me or anybody else. I feel the same way today that I felt 30 year ago. I'm just as uncomfortable when I meet someone else and see the look on their face. They don't mean anything by it, I'm just as uncomfortable when I go to a restaurant and every child I go by says, mommy look at that guy. He's Captain Hook. What's that thing on his hand? I don't care how much money you give me, that doesn't change that. Please don't insult us by voting for this bill. Thank you very much.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. This bill was not introduced to insult any member of this body. It was not introduced two years ago to insult any member of this body. It was to rectify a problem that a legislator found in his area and believe me, it was very emotional to sit through testimony two years in a row and see these young men who are maimed asking for some recourse who came from the northern part of the state to address us. I understand the good Representative from Rumford and believe me, there was never any intention to insult him and if I thought that I was insulting him, I would apologize. Matter of fact, I will, if he's taking offense by this bill. I've known him for a long time and it hurts when he says something like this, because that was never the intention of this bill, to insult anyone. It was to address a problem.

Every time that a bill is brought up, money comes up. I wish it didn't. I honestly wish it didn't, but the effects that people have of what it's going to cost, suddenly everyone starts turning around and marching in the other direction. This is about human life folks. It's about people just like us. This is about people who have been maimed and will never be made whole, much like the good Representative from Rumford, but they ask for their day in court. They ask for their time. They pleaded with us to approve this bill. I ask that you support this bill. Everything down here shouldn't be about money, it should be about the thing that we do that is right. If we really believe in something, we can do it. If we want to pave 600 miles of road, we can do it. If we want to have our kids well educated, we can do it. We also can make sure that those people that are injured on the job have their day in court. I thank you.

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

ROLL CALL NO. 199

YEA - Ahearne, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap,

Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gerry, Goodwin, Green, Hatch, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, McDonough, McGlocklin, McKee, Mitchell, Muse, Norbert, O'Brien LL, O'Neal, O'Neil, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Twomey, Usher, Volenik, Watson, Williams, Mr. Speaker.

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

ABSENT - Bragdon, Buck, Collins, Lemont, Perry, True, Tuttle, Wheeler GJ.

Yes, 75; No, 68; Absent, 8; Excused, 0.

75 having voted in the affirmative and 68 voted in the negative, with 8 being absent, Report "A" **Ought to Pass** was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Monday, May 17, 1999.

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-261) - Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act to Improve the Efficiency of Environmental Regulation in the Unorganized and Deorganized Areas of the State"

(S.P. 574) (L.D. 1654)

TABLED - May 12, 1999 (Till Later Today) by Representative PIEH of Bremen.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

Under suspension of the rules the Bill was given its **SECOND READING** without **REFERENCE** to the Committee on **Bills in the Second Reading**.

Representative PIEH of Bremen **PRESENTED House Amendment "A" (H-591)** which was **READ** by the Clerk.

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

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. This is a technical change and it's in section 1112, MRSA, section 685A, subsection 8A and 8B. 8A is under criteria for adoption or amendment of land use district boundaries. The change is, the proposed land use district is consistent with, and this sentence is added, the standards for district boundaries in effect at that time, then the comprehensive land use plan and the purpose intent and provisions of this chapter. So it's simply an addition of a sentence that was omitted and we needed that clarity. Thank you.

House Amendment "A" was ADOPTED.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment**

"A" (S-261) and House Amendment "A" (H-591) in NON-CONCURRENCE and sent for concurrence.

An Act to Establish the Maine Dental Education Loan Program

(H.P. 1367) (L.D. 1965)

(C. "A" H-406)

TABLED - May 12, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative BRENNAN of Portland, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED House Amendment "A" (H-581)** which was **READ** by the Clerk.

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

Representative **BRENNAN**: Mr. Speaker, Men and Women of the House. This is a technical amendment and it has to do with the appointment of people to the advisory committee for the Dental Loan Program and it does have the support of the sponsor of the bill. Thank you.

House Amendment "A" was ADOPTED.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-406) and House Amendment "A" (H-581) in NON-CONCURRENCE** and sent for concurrence.

An Act Regarding Continuing Education for Professional Land Surveyors (EMERGENCY)

(H.P. 917) (L.D. 1295)

(C. "A" H-232)

TABLED - May 12, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - PASSAGE TO BE ENACTED.

On motion of Representative O'NEAL of Limestone, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

The same Representative **PRESENTED House Amendment "A" (H-547)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative **O'NEAL**: Mr. Speaker, Ladies and Gentlemen of the House. This simply removes the emergency off the bill.

House Amendment "A" was ADOPTED.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I wish to remind you about this bill. Just to make three quick points. The surveyors do not want this, they have spoken to me, many of them, more since the last vote. If you've heard from any, they don't want it. The Board sent them a letter asking if they minded, they said they didn't mind,

that was interpreted as they want it. They don't want it. I talked with educators from the University of Maine who teach these courses and have come and testified, it is not needed. These are the people that make the money teaching these courses. They have testified, it is not needed, it is not necessary. They have sent me mail. Statistical data has shown that in the three years this has been in affect, it hasn't made any difference, hasn't lowered the incidences. It's not doing any good by having this in there. It's not effective, it's not needed and it's not wanted. I urge you to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative O'Neal.

Representative **O'NEAL**: Mr. Speaker, Ladies and Gentlemen of the House. I disagree with my good friend from Lewiston, Representative Mendros. The Board has asked for this. The Department has asked for this. I will not go into the testimony that I shared with you the other day. The gentleman who does the actual complaints, states that the continuing education does help. The survey that was sent out, and it was used over two years of using the continuing education, I shared the figures with you. 64 percent of the people that responded do agree, 98 percent of the people who responded said it was not burdensome, it does work and we did have a vote on it the other day, we didn't get the 101 votes, the vote was over 80 in favor of it and we're just asking to have the emergency removed.

Representative MENDROS of Lewiston **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-232) and House Amendment "A" (H-547)**.

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 Lewiston, Representative Mendros.

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I wish to remind you that 64 percent said it was acceptable and 98 percent said that whether we have the mandate or not, they would still continue to do education, but they would do the education in the areas they felt was best for their profession, not the areas that the Board felt was best for their profession. These are professionals. Being a professional, going to someone's home and being expected to act professionally, you have to assume as a professional they're going to know what's best to make them most qualified to do their work and not some board mandating it down to them. I also want to remind you that the sponsor spoke against this last time, the sponsor of this legislation is not in favor of it and I urge you to vote no.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. I don't know where my good friend, the Representative from Lewiston, got his figures, but I would like to remind you that surveyors came voluntarily before the state to request licensure and to receive the benefits the licensure bestows. In order to be licensed as a professional, they acknowledge that theirs' was a profession that required education, training and confidence. Therefore, it is perfectly reasonable that we as consumers have a right to expect licensed professionals have a responsibility to maintain those standards of education and confidence. I would remind you that this was a unanimous committee report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Daigle.

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I continue to speak in opposition to this motion, based upon my experience as a surveyor, I question the need for continuing education, because of the essential facts that trigonometry does not change, but I'm also concerned about precedent, especially in light of what we last heard. There are other licensed professionals in the State of Maine which are not required to do continuing education. I mentioned earlier that I am a licensed professional engineer, as is at least one of the members of this body. We are not required to continue our education in engineering to maintain that licensing. We're required to just pay a registration cost every couple of years. Obviously, we do not go out and pursue engineering in a field that we are not qualified in, because there are significant financial liabilities to do so. Just because you have a license doesn't mean you are qualified, just as a medical doctor is not qualified to practice all forms of medicine. I'm very concerned about this. I do not see the need for it. I think ultimately it will result in fewer surveyors maintaining professional registration, adding costs to those who continue in the field and very little public good will benefit.

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

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

The SPEAKER: The Representative may pose his question.

Representative **BROOKS**: Mr. Speaker, Ladies and Gentlemen of the House. Why is it last night I received a phone call from a constituent of mine who said that he was a representative of the Maine Land Surveyors Association and that their group had met and were opposed to this legislation and asked me to vote against it.

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

Representative **MACDOUGALL**: Mr. Speaker, Ladies and Gentlemen of the House. Just before we go to vote, I'd like to share some thoughts on the issue and ask you to consider freedom of choice in the marketplace. A professional will choose courses, seminars, or whatever tool of continuing education that is tailored to their needs in the marketplace that they serve, for their customers and for their future customers. If they do not stay up to date and exceed their customer's expectations, they will not be able to compete, not for very long anyway. Mandatory education will keep those who cannot compete in the marketplace and give them creditability that they may not deserve. It can be a mirage, actually. A voluntary approach, I would suggest, will weed out those who cannot compete and those who are not up to the standards that I think the purpose of the legislation is intended to uphold. I believe that's a far safer approach for the public. In non-regulated professions, for example, like the one I'm in, this works very well. Job security and career stability and advancement demand a person to continue to learn and achieve and to be on the cutting edge of changes in technology and in the marketplace. One of the great beauties of our technical college system that is working very well, is their ability to collaborate with our employers and to craft continuing education components that fit that particular and individual business. The key to that, the big key to me is the voluntary nature of that relationship. The most innovative and

best results come from a relationship that is based on freedom of association and the best continuing education, I would suggest for surveyors, in education is to allow that to continue on a voluntary basis. Thank you for listening.

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

Representative **BOWLES**: Mr. Speaker, Ladies and Gentlemen of the House. The consequences of an inadequate, incomplete or erroneous survey result in personal hardship and expense for the unfortunate client. Please ask yourself this question. If it was your property that was being surveyed, wouldn't you prefer to rely on a report issued by a professional who was adequately trained and adequately educated in the most recent changes in law and the use of modern survey equipment. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. I wish to remind you of a couple of points, as I said last time I don't know how this came out as a unanimous committee report, I'm on that committee and I was opposed to it then and I'm still opposed to it. I want to read to you a very short paragraph. My name is Knude E. Hermanson, I'm a professor in the College of Engineering at the University of Maine, I'm a licensed professional land surveyor in several states. I hold a B.S., M.S., and P.H.D. in Engineering with a surveying emphasis. I am asking you to oppose LD 1295, An Act to Require Mandatory Continuing Education in Professional Land Surveyors. All the licensed surveyors in the surveying program at the University of Maine strongly favor education, however, based on our personal experience in all the research that we examined we are left with the firm and definite opinion that mandating continuing education fails in its goals, and it goes on. This isn't from me, this is a professional who teaches it and is opposed to it. Saying that we are going to force continuing education makes everyone think they are nice and safe, but it isn't, it doesn't make it safe, it doesn't make them do a better job. What makes them do a better job is the fact that they are professionals and they care. I urge you to vote against the pending motion.

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

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. Being one of those people who have to get licensed and have to do continuing education every year in my profession. Part of this business is some protection for the public, because there are foresters and there are foresters, just as there are surveyors and there are surveyors. Some are good and some are not so good. We have a board there to make sure that everybody out there who has a license is good and that's the reason this Board of Professional Surveyors would like to have the licensure. Please pass this motion. Thank you.

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

ROLL CALL NO. 200

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Brennan, Bull, Chizmar, Clough, Colwell, Cote, Cross, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Gagnon, Green, Hatch, Jabar, Jacobs, Kane, Labrecque, Lemoine, Mailhot, Marvin, Matthews, Mayo, McGlocklin, McKee, McNeil, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien LL, O'Neal, O'Neil, Peavey, Pieh, Powers, Quint, Richard, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Shields, Shorey, Sirois, Stanwood, Stevens, Sullivan, Tessier, Thompson, Tobin J, Townsend, Treadwell, Tripp, Usher, Volenik, Watson, Williams, Mr. Speaker.

NAY - Brooks, Bruno, Bumps, Campbell, Carr, Chick, Cowger, Daigle, Davis, Dugay, Fuller, Gagne, Gerry, Gillis, Glynn, Goodwin, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, LaVerdiere, Lindahl, MacDougall, Mack, Madore, McDonough, McKenney, Mendros, Nutting, O'Brien JA, Pinkham, Plowman, Povich, Richardson E, Richardson J, Rines, Rosen, Schneider, Skoglund, Snowe-Mello, Stanley, Stedman, Tobin D, Tracy, Trahan, Twomey, Waterhouse, Weston, Winsor.

ABSENT - Bragdon, Bryant, Buck, Cameron, Cianchette, Clark, Collins, Lemont, Lovett, Martin, McAlevey, Perkins, Perry, True, Tuttle, Wheeler EM, Wheeler GJ.

Yes, 81; No, 53; Absent, 17; Excused, 0.

81 having voted in the affirmative and 53 voted in the negative, with 17 being absent, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-232) and House Amendment "A" (H-547) in NON-CONCURRENCE** and sent for concurrence.

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

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

(S.P. 429) (L.D. 1266)
(C. "A" S-96)

TABLED - May 12, 1999 (Till Later Today) by Representative GAGNON of Waterville.

PENDING - **FINAL PASSAGE**.

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 109 voted in favor of the same and 11 against, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

On motion of Representative CROSS of Dover-Foxcroft, the House adjourned at 4:32 p.m., until 9:00 a.m., Monday, May 17, 1999.