

# 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  
SECOND REGULAR SESSION  
4th Legislative Day  
Tuesday, February 8, 2000

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

Prayer by the Reverend Jim Martin, United Methodist Church, Brunswick.

National Anthem by Wildcat Band, York High School.

Pledge of Allegiance.

Doctor of the day, Fred C. Holler, M.D., Auburn.

The Journal of Monday, January 24, 2000 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

JOINT ORDER - Relative to Establishing a Committee on Gasoline and Fuel Prices

(H.P. 1774)

**READ** and **REFERRED** to the Committee on **TRANSPORTATION** in the House on January 12, 2000.

Came from the Senate **READ** and **REFERRED** to the Committee on **TRANSPORTATION AS AMENDED BY SENATE AMENDMENT "A" (S-473)** in **NON-CONCURRENCE**.

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 294)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333**

January 21, 2000

Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Mayo:

Pursuant to my authority under Title 38 M.R.S.A. § 551-A, I am pleased to appoint Normand L. Laberge to the Oil Spill Advisory Committee.

If you have any questions regarding this appointment, please contact my office.

Sincerely,

S/G. Steven Rowe

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 295)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333**

January 21, 2000

Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Mayo:

Pursuant to my authority under Title 38 M.R.S.A. § 551-A, I am pleased to appoint Stephen E. Crawford to the Oil Spill Advisory Committee.

If you have any questions regarding this appointment, please contact my office.

Sincerely,

S/G. Steven Rowe

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 296)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

February 1, 2000

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 Appropriations and Financial Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1881

**RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Limit the Debt Issued by the Maine Governmental Facilities Authority

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

Sincerely,

S/Sen. Michael H. Michaud

Senate Chair

S/Rep. Elizabeth Townsend

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 297)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON BUSINESS AND ECONOMIC  
DEVELOPMENT**

January 20, 2000

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 Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 464

An Act Concerning Notification by Oil Burner Technicians of Inadequate Chimneys

L.D. 1176

An Act to Amend the Real Estate Brokerage Laws Regarding Property Disclosure

- L.D. 1253 An Act to Create the Board of Cemetery and Crematory Services  
L.D. 2057 An Act to Amend the Regulation of Dentists Regarding the Use of Anesthesia

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

Sincerely,  
S/Sen. Carol A. Kontos  
Senate Chair  
S/Rep. Gary O'Neal  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 298)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE**

January 18, 2000  
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 Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1858 An Act to Amend the Possession of Firearms by Felons  
L.D. 1899 Resolve, to Require the Department of Public Safety to Study the Security and Protection of State Government Employees  
L.D. 2069 An Act to Establish a Critical Incident Review Panel Regarding Physical Force Used by Officers Causing Serious Bodily Injury or Death to Another Person

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

Sincerely,  
S/Sen. Robert E. Murray, Jr.  
Senate Chair  
S/Rep. Edward J. Povich  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 299)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON CRIMINAL JUSTICE**

January 24, 2000  
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 Criminal Justice has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1280 An Act to Provide Funding for School Drug Awareness and Education Programs  
We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,  
S/Sen. Robert E. Murray, Jr.  
Senate Chair  
S/Rep. Edward J. Povich  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 300)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

January 18, 2000  
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 Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 1561 An Act to Require High School Students to Earn a Certificate of Mastery Before Graduating

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

Sincerely,  
S/Sen. Georgette B. Berube  
Senate Chair  
S/Rep. Michael F. Brennan  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 301)

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

January 20, 2000  
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 Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1717 An Act to Make Privileged Communication Between a Licensed Counseling Professional and a Patient  
L.D. 1971 An Act Regarding Property Tax Liens  
L.D. 2213 An Act to Create and Regulate the Profession of Legal Document Technician

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

Sincerely,  
S/Sen. Susan W. Longley  
Senate Chair  
S/Rep. Richard H. Thompson  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 302)

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

January 20, 2000  
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. 1166 An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals  
L.D. 1377 Resolve, Directing the Department of Labor to Establish Standards for Providing Heat in Buildings

We have also notified the sponsors 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.**

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The Following Communication: (H.C. 303)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

January 24, 2000  
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. 1149 An Act to Require the Municipal Clerk to Attend at Least One Training Session that is Approved by the Secretary of State Every 2 Years Regarding the Conduct of Elections  
L.D. 1439 An Act to Ensure the Preservation of Maine's Commercial Racetracks  
L.D. 1932 An Act to Create the Beano and Games of Chance Commission  
L.D. 2148 An Act to Improve Harness Racing in the State

We have also notified the sponsors 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.**

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The Following Communication: (H.C. 304)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

January 24, 2000  
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 Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":  
L.D. 129 An Act to Prohibit the Harvesting of Elvers  
L.D. 173 An Act to Outlaw the Use of Fyke Nets in the Taking of Elvers

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

Sincerely,  
S/Sen. Jill M. Goldthwait  
Senate Chair  
S/Rep. David Etnier  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 305)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

January 20, 2000  
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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 86 An Act to Establish a Children's Bureau within the Executive Department to Serve the Department of Human Services, the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Education and the Department of Corrections

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

Sincerely,

S/Sen. Peggy A. Pendleton  
Senate Chair  
S/Rep. Douglas J. Ahearn  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 306)

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

January 20, 2000

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. 1921 An Act to Promote Land Conservation at the Local Level

L.D. 1940 An Act to Create Standards of Eligibility Governing Certain Tax-exempt Organizations and to Phase in a Reduction of the Rate of Exemption to Reflect the Cost of Providing Essential Municipal Services

L.D. 2023 An Act to Authorize a Local Option Tax on Wages Earned in a Municipality

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.**

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The Following Communication: (H.C. 307)

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

January 20, 2000

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 Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 319 An Act to Require Commercial Vehicle Operators Involved in Fatal Motor Vehicle Accidents to Submit to Drug Testing

L.D. 1579 An Act to Evaluate the Compensation of Members of the Maine Turnpike Authority

L.D. 2149 An Act to Amend Motor Vehicle Title Laws

L.D. 2171 Resolve, to Require the Department of Transportation to Build a Truck Escape Ramp on Route 16 in Bingham

L.D. 2208 An Act to Remove Restrictions on Changeable Signs

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

Sincerely,

S/Sen. William B. O'Gara

Senate Chair

S/Rep. Joseph M. Jabar, Sr.

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 308)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

February 1, 2000

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 Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1964 An Act to Establish the Charter School Authority

L.D. 2299 An Act to Set Minimum Air Quality Standards for Schools

L.D. 2425 An Act to Amend a Formula to Allocate Child Development Funds

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

Sincerely,

S/Sen. Georgette B. Berube

Senate Chair

S/Rep. Michael F. Brennan

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 309)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES**

February 1, 2000

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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 871 An Act to Amend the Process for Granting Aquaculture Leases

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

Sincerely,  
S/Sen. Jill M. Goldthwait  
Senate Chair  
S/Rep. David Etnier  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 310)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON NATURAL RESOURCES**

February 1, 2000

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. 1311 An Act to Repeal the Emissions Testing Program in Cumberland County  
L.D. 1506 Resolve, to Require the Department of Environmental Protection to Reimburse Homeowners for Malfunctioning On-site Peat Sewage Disposal Systems

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.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

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

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act to Provide Funding for Mental Retardation Day Services and Residential Services for Nonclass Members"  
(H.P. 1810) (L.D. 2536)

Presented by Representative BERRY of Livermore.  
Cosponsored by President LAWRENCE of York and Representatives: MITCHELL of Vassalboro, Speaker ROWE of Portland, SAXL of Portland, SNOWE-MELLO of Poland, TOWNSEND of Portland, WILLIAMS of Orono, Senators: MITCHELL of Penobscot, PARADIS of Aroostook.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act to Allocate from the Fund for a Healthy Maine"  
(EMERGENCY)

(H.P. 1818) (L.D. 2552)

Presented by Speaker ROWE of Portland.

Under suspension of the rules, cosponsored by President LAWRENCE of York and Representatives: BAKER of Bangor, BROOKS of Winterport, FULLER of Manchester, KANE of Saco, MAILHOT of Lewiston, MAYO of Bath, POWERS of Rockport, QUINT of Portland, SAVAGE of Buxton, SAXL of Bangor, SAXL of Portland, TESSIER of Fairfield, TOWNSEND of Portland, WILLIAMS of Orono, Senators: LONGLEY of Waldo, PARADIS of Aroostook, PINGREE of Knox.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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**BUSINESS AND ECONOMIC DEVELOPMENT**

Bill "An Act to Broaden Business Ownership in Maine"

(H.P. 1809) (L.D. 2535)

Presented by Speaker ROWE of Portland.

Under suspension of the rules, cosponsored by Senator PINGREE of Knox and Representatives: BERRY of Livermore, BOUFFARD of Lewiston, BRENNAN of Portland, BUMPS of China, COWGER of Hallowell, MAILHOT of Lewiston, MENDROS of Lewiston, MURPHY of Kennebunk, O'NEAL of Limestone, SIROIS of Caribou, TRIPP of Topsham, USHER of Westbrook, Senator: KONTOS of Cumberland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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**CRIMINAL JUSTICE**

Bill "An Act to Institute a System of Parole for Certain Maine Criminal Code Prisoners"

(H.P. 1804) (L.D. 2531)

Presented by Representative SKOGLUND of St. George.

Cosponsored by Senator DOUGLASS of Androscoggin and Representatives: BAKER of Bangor, DESMOND of Mapleton, TWOMEY of Biddeford.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act to Implement Recommendations Concerning Protection of Indian Archaeological Sites"

(H.P. 1816) (L.D. 2549)

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.

Cosponsored by Representatives: AHEARNE of Madawaska, GOODWIN of Pembroke, LORING of the Penobscot Nation, MARTIN of Eagle Lake, SCHNEIDER of Durham.

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

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**JUDICIARY**

Bill "An Act to Restore Federal Protections to Maine State Employees"

(H.P. 1803) (L.D. 2530)

Presented by Representative SAXL of Portland.

Cosponsored by Representative RICHARDSON of Brunswick and Representatives: BULL of Freeport, LaVERDIERE of Wilton, MITCHELL of Vassalboro, NORBERT of Portland, SAXL of Bangor, Senators: MICHAUD of Penobscot, TREAT of Kennebec.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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**LEGAL AND VETERANS AFFAIRS**

Bill "An Act to Create a New Category of Liquor License and to Exempt Pool Halls, Bowling Alleys and Off-track Betting Facilities from the Prohibition Against Smoking"

(H.P. 1807) (L.D. 2533)

Presented by Representative TUTTLE of Sanford.

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

Bill "An Act to Raise Production Limits for Microbreweries"

(H.P. 1815) (L.D. 2548)

Presented by Representative STANWOOD of Southwest Harbor. Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: DUGAY of Cherryfield, ETNIER of Harpswell, FISHER of Brewer, PINKHAM of Lamoine, Senators: MacKINNON of York, PARADIS of Aroostook.

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

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**NATURAL RESOURCES**

Bill "An Act to Establish Minimum Environmental Compliance Standards for Subsidized Employers"

(H.P. 1799) (L.D. 2526)

Presented by Representative NORBERT of Portland.

Cosponsored by Senator KONTOS of Cumberland and Representatives: COLWELL of Gardiner, DUPLESSIE of Westbrook, GAGNON of Waterville, MARTIN of Eagle Lake, Speaker ROWE of Portland, SAMSON of Jay, STANLEY of Medway, TOWNSEND of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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**TAXATION**

Resolve, Authorizing Reimbursement to John Calley for Expenses Incurred as a Result of an Overassessment of Sales Tax

(H.P. 1800) (L.D. 2527)

Presented by Representative TRUE of Fryeburg.

Cosponsored by Senator FERGUSON of Oxford and Representative: CROSS of Dover-Foxcroft, Senators: CASSIDY of Washington, KIEFFER of Aroostook.

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

Bill "An Act to Implement the Recommendations of the Committee on Sawmill Biomass"

(H.P. 1817) (L.D. 2551)

Presented by Representative LaVERDIERE of Wilton.

Cosponsored by Senator CAREY of Kennebec and Representatives: CROSS of Dover-Foxcroft, GOOLEY of Farmington, McGLOCKLIN of Embden, O'NEAL of Limestone,

SAVAGE of Buxton, Senators: MILLS of Somerset, NUTTING of Androscoggin.

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

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Bill "An Act to Make Supplemental Allocations for the Expenditures of State Government, Highway Fund, and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

(H.P. 1808) (L.D. 2534)

Presented by Representative JABAR of Waterville. (GOVERNOR'S BILL)

Cosponsored by Senator O'GARA of Cumberland and Representatives: CAMERON of Rumford, COLLINS of Wells, LINDAHL of Northport, SAVAGE of Union, WHEELER of Eliot, Senator: PARADIS of Aroostook.

Committee on **TRANSPORTATION** suggested.

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

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**UTILITIES AND ENERGY**

Bill "An Act to Amend the Charter of the Small Point Water Company" (EMERGENCY)

(H.P. 1798) (L.D. 2525)

Presented by Representative ETNIER of Harpswell.

Cosponsored by Senator SMALL of Sagadahoc.

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

Bill "An Act to Amend the Charter of the Moscow Water District"

(H.P. 1802) (L.D. 2529)

Presented by Representative McGLOCKLIN of Embden.

Cosponsored by Senator MILLS of Somerset and Representatives: BERRY of Belmont, LaVERDIERE of Wilton, SAVAGE of Buxton.

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

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**Pursuant to Resolve**

**Joint Standing Committee on Marine Resources**

Representative ETNIER for the **Joint Standing Committee on Marine Resources** pursuant to Resolve 1999, chapter 69, section 4 asks leave to report that the accompanying Bill "An Act Regarding Limited Entry Into the Maine Shrimp Fishery"

(H.P. 1811) (L.D. 2543)

Be **REFERRED** to the Committee on **MARINE RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Resolve**

**Joint Standing Committee on Natural Resources**

Representative MARTIN for the **Joint Standing Committee on Natural Resources** pursuant to Resolve 1999, chapter 85,



section 9 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force to Study the Operation of and Support for the Board of Environmental Protection"

(H.P. 1814) (L.D. 2547)

Be **REFERRED** to the Committee on **NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Resolve**

**Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps**

Representative DUPLESSIE for the **Committee to Establish a Memorial Dedicated to the Civilian Conservation Corps** pursuant to Resolve 1999, chapter 83 asks leave to report that the accompanying Bill "An Act to Establish a Memorial Dedicated to the Civilian Conservation Corps"

(H.P. 1797) (L.D. 2522)

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Department of Agriculture, Food and Rural Resources**

Representative PIEH for the **Department of Agriculture, Food and Rural Resources** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter (unassigned): Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1801) (L.D. 2528)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Department of Agriculture, Food and Rural Resources**

Representative PIEH for the **Department of Agriculture, Food and Rural Resources** pursuant to Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 267: License Fees to Sell Nursery Stock, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources (EMERGENCY)

(H.P. 1813) (L.D. 2544)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**Pursuant to Statute**

**Department of Transportation**

Representative JABAR for the **Department of Transportation** pursuant to Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a Major Substantive Rule of the Department of Transportation (EMERGENCY)

(H.P. 1819) (L.D. 2553)

Be **REFERRED** to the Committee on **TRANSPORTATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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**ORDERS**

On motion of Representative ETNIER of Harpswell, the following Joint Resolution: (H.P. 1806) (Cosponsored by Senator SMALL of Sagadahoc and Representatives: ANDREWS of York, BERRY of Livermore, DUPLESSIE of Westbrook, Speaker ROWE of Portland, TUTTLE of Sanford, Senators: BENNETT of Oxford, GOLDTHWAIT of Hancock, PINGREE of Knox)

**JOINT RESOLUTION HONORING THE MEMBERS OF THE WORCESTER FIRE DEPARTMENT WHO LOST THEIR LIVES IN THE LINE OF DUTY**

WHEREAS, fire-fighting service is one of the most dangerous professions in the world and is staffed by men and women whose dedication and commitment to their jobs are unrivaled in their quest to protect lives and property; and

WHEREAS, it was on December 3, 1999 when 6 firefighters lost their lives responding to a fire in the City of Worcester, Massachusetts, that destroyed a warehouse; and

WHEREAS, the firefighters, Paul Brotherton, Jeremiah Lucey, James Lyons, Timothy Jackson, Joseph McGuirk and Thomas Spencer, died on search-and-rescue missions inside the burning building, attempting to save anyone left inside; and

WHEREAS, these brave men gave the ultimate sacrifice of their lives in order that others might be saved and this sacrifice must be acknowledged not only by other firefighters but by the public they serve; and

WHEREAS, while all members of the fire-fighting service grieve for their fallen comrades in their own private way, all people in Massachusetts, New England and beyond are made more aware of this perilous profession by this unspeakable tragedy, and for this we do honor the memory of these men; and

WHEREAS, the brave and selfless actions of Paul Brotherton, Jeremiah Lucey, James Lyons, Timothy Jackson, Joseph McGuirk and Thomas Spencer have earned them the

permanent gratitude and honor of people everywhere; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the Second Regular Session, on behalf of the people of the State of Maine, extend our deepest sympathies to the families of the fallen firefighters and to the City of Worcester; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the City of Worcester, Massachusetts on behalf of the citizens of the State of Maine as a token of our condolences.

**READ and ADOPTED.**

Sent for concurrence.

On motion of Speaker ROWE of Portland, the following Joint Resolution: (H.P. 1812) (Under suspension of the rules, cosponsored by President LAWRENCE of York and Representatives: BERRY of Livermore, FULLER of Manchester, KANE of Saco, LEMOINE of Old Orchard Beach, MAILHOT of Lewiston, MARTIN of Eagle Lake, SAVAGE of Union, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, Senators: PARADIS of Aroostook, PINGREE of Knox, RAND of Cumberland)

**JOINT RESOLUTION EXPRESSING SUPPORT FOR A NEW ENGLAND COALITION ON PRESCRIPTION DRUG PRICES**

WHEREAS, prescription drugs provide essential treatment to all our citizens and are the most rapidly growing component of health care in the New England region and in the country; and

WHEREAS, retail expenditures on prescription drugs in most New England states have approximately doubled over the past 6 years, and national pharmaceutical expenditures during that time have grown at a rate approaching 15% each year, while inflation has ranged below 3% a year; and

WHEREAS, the pricing of most prescription drugs marketed and developed in the United States is clearly excessive, especially for those drugs still under patent protection and therefore not subject to government regulation as a monopoly or to price competition in an open market, allowing the pharmaceutical manufacturers to be among the most profitable industries in the world; and

WHEREAS, the response of the Federal Government has been to enact legislation only to ensure that federal programs, such as the Veterans Administration and Medicaid, enjoy lower prices for prescription drugs while continuing constitutional barriers to states that may similarly wish to protect their citizens and upholding federal policies that have exacerbated the excessive prescription drug prices imposed on most citizens of the states; and

WHEREAS, in the United States, in the absence of any form of national regulation of prices of patented drugs, pharmaceutical manufacturers can and do charge ordinary Americans monopoly-like prices that exceed those charged in any other country in the world; and

WHEREAS, on average, in the United States prescription drugs are priced 34% higher than the same products sold in Canada, and a congressional study of the 10 prescription drugs most purchased by senior citizens in the United States found that such drugs cost on average 80% more than the same drugs in Canada; and

WHEREAS, United States citizens pay the highest prices in the world for prescription drugs, and such excessive prescription drug prices are particularly harmful to the people of this State who can least afford them, the uninsured and senior citizens, working families and families confronting serious illnesses like cancer and AIDS and chronic health problems; and

WHEREAS, lowering the prices of prescription drugs and providing more affordable access to needed prescriptions will lower overall health care costs by helping to avoid the necessity of hospital and emergency care, surgery and other expensive medical treatments; and

WHEREAS, the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies, an interim study commission of the 119th Legislature, recommended that the State investigate the possibility of joining with other states in the region to lower prescription drug costs to consumers; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, in order to address this problem of excessive drug prices, seek and demand fair prescription drug prices for all our citizens; and be it further

RESOLVED: That, although the most effective solutions are national and the responsibility of Congress, we recognize we must seek to build a multi-state or regional coalition of New England states and beyond, perhaps including the neighboring Canadian province of Quebec and the Maritimes; and be it further

RESOLVED: That, as a coalition, we must explore strategies to lower prescription drug costs in the near term and target the excessive pricing by manufacturers of prescription drugs, which is the underlying cause of high prescription drug costs. These strategies include:

1. Coordinating the passage and adoption of model state legislation to reduce prescription drug prices and guarantee to our citizens access to prescription drugs at lower prices;
2. Working with other states in the New England region and elsewhere to establish joint prescription drug pricing and purchasing agreements;
3. Developing multi-state proposals, agreements or compacts for price regulation of prescription drugs for all citizens;
4. Coordinating with other states to exercise the states' economic power in a way that causes drug companies to set lower prices; and
5. Working with other states to coordinate education of health professionals on the subject of cost-effective prescribing of drugs; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Speaker of the House and the President of the Senate, or their equivalents, of each of the other New England states.

**READ.**

Representative SAXL of Portland **REQUESTED** a roll call on **ADOPTION.**

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

**ROLL CALL NO. 422**

**YEA** - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan,

Brooks, Bruno, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, LaVerdiere, Lemoine, Lindahl, Lovett, Mailhot, Mayo, McAlevey, McDonough, McGlocklin, McNeil, Mendros, Murphy E, Murphy T, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Bowles, Buck, Clough, Foster, Joy, Kasprzak, Labrecque, MacDougall, Mack, Marvin, McKenney, Nass, Plowman, Stedman, Treadwell.

ABSENT - Bumps, Campbell, Davidson, Lemont, Madore, Martin, Matthews, McKee, Mitchell, Muse, Richardson E, Richardson J, Rines, Stevens, Tessier, Winsor.

Yes, 120; No, 15; Absent, 16; Excused, 0.

120 having voted in the affirmative and 15 voted in the negative, with 16 being absent, and accordingly the Joint Resolution was **ADOPTED**.

Sent for concurrence.

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

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**REPORTS OF COMMITTEE**

**Change of Committee**

Representative DUGAY from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Promote Workplace Safety"

(H.P. 1532) (L.D. 2185)

Reporting that it be **REFERRED** to the Committee on **LABOR**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR**.

Sent for concurrence.

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**Divided Report**

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act Concerning the Political Use of Union Dues"

(H.P. 1303) (L.D. 1864)

Signed:

Senators:

DOUGLASS of Androscoggin

LaFOUNTAIN of York

Representatives:

HATCH of Skowhegan

GOODWIN of Pembroke

MATTHEWS of Winslow

SAMSON of Jay

DAVIS of Falmouth

MacDOUGALL of North Berwick

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

Signed:

Representatives:

MACK of Standish

TREADWELL of Carmel

**READ.**

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

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. This particular bill came to the Labor Committee and was sponsored by the good Representative from Cape Elizabeth, Representative Marvin, who asked the Labor Committee if she could withdraw the bill. The only recourse we had was to defeat the bill. No members of the public, no legislators and no business or organization testified in support of this bill. Only two members of the Labor Committee supported the bill, in spite of the sponsors desire to withdraw the bill.

Just a brief explanation, all contributions to Union Political Action Committees or PACs are voluntary. No one is ever told that they have to contribute to a political candidate in any way, shape or form. Unlike many businesses and other organizations, union budgets and expenditures are determined through a democratic process of local and national unions. Any union member who wishes not to have dues or money contributed to causes which he or she does not support, whether it is the Boy Scouts, the Democratic Party, the Republican Party or the United Way may have his or her dues reduced on a prorated basis.

The rights of individuals and unions have been upheld by the US Supreme Court in the Beck Decision. Interestingly, the restricted provisions in LD 1864 would apply to unions only. Similar restrictions would not be applied to business organization like the Chamber of Commerce, National Federation of Independent Businesses, nor would they apply to other politically active groups like the Christian Coalition, the National Rifle Association or the Sportsmen's Alliance of Maine. Similar legislation has been defeated by voters at referendum or by Legislatures in every state in which it has been introduced, more than two dozen times. LD 1864 is simply a partisan attempt to silence workers and their unions in the democratic process.

Please support the majority Ought Not to Pass. Thank you.

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

Representative TREADWELL: Mr. Speaker, Ladies and Gentlemen of the House. I just have a few quick comments to respond to the good Representative from Skowhegan. First of all, the organizations that she mentioned that are not going to be covered under this LD are all voluntary. People can join or not join at their own will. They are not anything that people are required to join. The Supreme Court has held that the First Amendment requires unions and employers to provide procedural protections for those who object to the amount of agency fee that is collected from the employee's wages. LD 1864 covers both private and public sector employees in Maine. There are five different elements set out in the bill that will provide those protections. The employers may not withhold from paychecks and bargaining agents may not expend money from union employees for political contributions without the express written authorization by each union employee. Number two, it directs the commissioner of Labor to prepare a form advising

union employees of their rights to refrain from organizing payroll deductions of sums to be paid to their bargaining agents for use as political contributions. Item three, it requires employers and unions to keep records of all of these disbursements. Number four, sets forth a mechanism for determining the maximum amount that a bargaining agent can collect from union employees who do not authorize payroll deductions. Five, sets forth the provisions of the bill that the requirements of the bill may not be waived by individual employees. I think that we need to discuss the use of employee wages for purposes that they don't agree with. The reason that I voted Ought to Pass on this bill is for that very reason. Thank you.

Representative **SAMSON** of Jay **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 Jay, Representative Samson.

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. Mr. Speaker, Men and Women of the House. When you talk about this issue you are talking about two sectors, you are talking about the private sector and the public sector. Under the private sector, the Beck Decision that came down some years ago, states that an individual's dues does not have to be used for political purposes. If they wish that that deduction be made from their dues, it must be made. It also states that each union member must know of this Beck Decision. In the public sector all public employees have a First Amendment Right not to have any of their dues or agency fees go towards political purposes. They can have that deducted out of their dues the way it is now. I urge you to defeat this bill. Thank you.

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

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

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

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. To anyone who may answer, the first question is looking at this bill it seems like an entirely reasonable thing to do so, if this is a voluntary action on the part of the employees to contribute to union or political activities, what is wrong with getting that employees written permission to do so? I am sure that if they are going to agree to do that that would be a simple process. Second question, if I remember properly, there was an Executive Order back in the previous presidency requiring the displaying of the information that an employee was not required or could withdraw from the use of the money from the dues for political activity, but since then a President that is in office now through Executive Order removed that requirement. Is it now state law or federal law that that has to be displayed so that the employee is cognizant of that fact that he does not have to give his money for political reasons?

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. To answer the question from the good Representative from Bridgton, for the first part there is nothing right now that would make the members of a union or the members of a business to have to affirmatively sign that they

would like their dues money to be used for political purposes. I think there would be nothing wrong with having the members of a union or business sign affirmatively that they would like their money used for a political purpose. It would take all the doubt away from the question of whether or not they wanted their money used for these purposes. Also, the Representative had another excellent question about the Beck Decision. The last President did require that this information about the Beck Decision be posted in workplaces. What that said and what the Supreme Court decision said was that no worker should have to contribute their money to political causes to which they do not believe in. Now, there has been another Executive Order and the Justice Department has not enforced the Beck Decision, which means that right now most workers do not know of their Beck Decision Rights and do not know that they could use this money for other purposes or contribute it to the union at their choice. Currently in the country there are only two organizations that can take money out of your paycheck without your permission. Those organizations are the IRS and labor unions. I think we need to make sure that workers know their rights and should be able to affirmatively sign, yes, I want money to go to political purposes or no, I do not. Any other organization, whether it be the National Rifle Association, Sportsmen's Alliance of Maine or the Audubon Society, you must agree to pay them. When you send a check in people have to agree and sign that check.

With the union, if you don't pay the part of the money that goes to political dues, you could lose your job in the State of Maine. Maine is not a right to work state, which means if you are not a member of the union in certain union shops, you can lose your job and included in your union dues are money for political purposes, which you may not agree. You either have to pay your dues, including those for political purposes you may disagree with or you lose your job. I think that is blatantly unfair. We need to make sure that the Beck Decision is enforced and that all members of unions and of private businesses that may try to garnish their worker's salaries for political purposes need to get their workers affirmative permission to do that. I urge you to vote against the pending motion. I would close with a quote from Thomas Jefferson. "To compel a man to furnish contributions of money for the propagation of opinions, which he disbelieves is sinful and tyrannical." I would agree with President Jefferson. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Dixfield, Representative Bryant.

Representative **BRYANT**: Mr. Speaker, Ladies and Gentlemen of the House. I have to disagree with the Representative. He just made a couple of misleading statements. Has he ever been president of a local? Has he ever initiated members? Has he ever communicated with members of a union on what their rights are? I have. They know their rights and I tell you that they have the ability to deduct out of their dues that money and some do. They have that right. To label this as taking money that is not warranted is just a miscarriage of justice. I urge you to defeat this bill.

The **SPEAKER**: The Chair recognizes the Representative from Jay, Representative Samson.

Representative **SAMSON**: Mr. Speaker, Men and Women of the House. There is another thing that I want to correct that was stated by the good Representative Mack. If you have a security clause in your contract and you choose to deduct the political part of dues from your fees every month, you do not lose your

job. That is under the Beck Decision. You are guaranteed your job. Everyone that belongs to a union is notified and told about the Beck Decision. It is an obligation unions have to their members. As was just stated a few moments ago, a few members take that option and have those political part of their dues deducted. It is not true that you lose your job because you take the political part of your dues out of your monthly fees. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Mr. Speaker, Men and Women of the House. I still didn't get the answer I wanted on one of my previous questions. I did from the good Representative from Standish, but I would like an answer from those who oppose this bill. What is wrong with having employees sign off on the use of the portion of their due money for political purposes, up front? Instead of having it the other way around saying you have to sign or request that your money not be used, what is wrong with the person who comes in and joins the union or goes to work for an organization that is union saying that this is what we have to offer, the protections and the worker's rights we fight for, would you agree to use a portion of your union dues for political reasons? If you do, sign right here. If I agreed with that, I would have no problem signing that up front. I don't see for the life of me, and maybe somebody can explain to me from the side that opposes this bill, how that would be so traumatic and unjust to the employee? Thank you.

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

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I will try to respond that question. First of all, it is another barrier. You have to sign a card. I do want you to know I have never paid a union due in my life. My husband has for the last 35 years. He has also been an officer for 25 of those years to his local union. It is a democratic process. You can have as much input into the whole process as you do here. We are not asked to sign any kind of a card for any kind of a reason. I think that holds true for a union. I don't think they should have to sign any card saying they don't want their union dues used for this or that. If we are going to do that or if we are going to think about that even for one minute, then we ought to think of all the organizations out there who have political PACs, not just one. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House. I will ask the previous speaker when she mentioned that to do this, to sign something, is some kind of a block or a hindrance. Do the people who do not want to have their money now who are in unions used for political purpose, do they have to sign anything? Do they have to write anybody? If they have to do that, certainly doing it the other way would not be anymore of a hindrance than they have to do now.

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

Representative SHIELDS: Mr. Speaker, Men and Women of the House. I rise to represent my district, who on a recent questionnaire posed by me and well over 300 replies supported the principles of this bill in a ratio of 13 to 1. We have a number of union employees in our area. They seem to want to know what is happening to their money. Thank you.

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

#### ROLL CALL NO. 423

YEA - Ahearne, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gillis, Goodwin, Gooley, Green, Hatch, Jabar, Jacobs, Jodrey, Jones, Kane, LaVerdiere, Lemoine, Lindahl, MacDougall, Mailhot, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McNeil, Mendros, Murphy E, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson E, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Sherman, Shiah, Shorey, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Belanger, Bowles, Buck, Clough, Collins, Cross, Duncan, Foster, Gerry, Glynn, Heidrich, Honey, Joy, Kasprzak, Kneeland, Labrecque, Lovett, Mack, Marvin, McKenney, Murphy T, Nass, Pinkham, Plowman, Savage C, Schneider, Shields, Snowe-Mello, Stanwood, Stedman, Tobin J, Treadwell, True, Waterhouse, Wheeler EM, Winsor.

ABSENT - Bumps, Campbell, Cianchette, Lemont, Madore, Martin, McKee, Mitchell, Muse, Richardson J, Stevens.

Yes, 103; No, 37; Absent, 11; Excused, 0.

103 having voted in the affirmative and 37 voted in the negative, with 11 being absent, the **Majority Ought Not to Pass Report** was **ACCEPTED** and sent for concurrence.

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

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#### CONSENT CALENDAR

##### First Day

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

(H.P. 1624) (L.D. 2271) Bill "An Act to Clarify the Laws Governing Service of Protection from Harassment Orders in Court" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1636) (L.D. 2287) Bill "An Act to Expand the Maine Technology Institute Board" Committee on **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1654) (L.D. 2323) Bill "An Act to Clarify the Requirements for Certifying Driving Time Prior to Obtaining a License" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 123) (L.D. 154) Bill "An Act to Provide Funding to the Maine Center for the Blind and Visually Impaired" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-772)

(H.P. 221) (L.D. 299) Bill "An Act to Create a Governance System for Unorganized Towns" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-782)

(H.P. 894) (L.D. 1251) Bill "An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "B"** (H-783)

(H.P. 1042) (L.D. 1464) Bill "An Act to Amend the No Trespassing Zone Around the Water Intake Pipes of the Portland Water District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-773)

(H.P. 1613) (L.D. 2256) Bill "An Act to Conform the Tax Laws of this State for 1998 With the United States Internal Revenue Code" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-779)

(H.P. 1667) (L.D. 2336) Resolve, to Provide Funds to the Bureau of Veterans' Services to Enhance the Efficiency of Regional Field Offices in Delivering Services to Veterans Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-780)

(H.P. 1668) (L.D. 2337) Resolve, to Provide Funds to Assist in the Expansion of the Maine Veterans' Memorial Cemetery System Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-775)

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

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(H.P. 1688) (L.D. 2394) Bill "An Act to Allow Limited Access to Information Relating to Investigation of Abuse at the Governor Baxter School for the Deaf" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A"** (H-784)

On motion of Representative THOMPSON of Naples, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (H-784) 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**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-784) and sent for concurrence.

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

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## CONSENT CALENDAR

### Second Day

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

(H.P. 1623) (L.D. 2270) Bill "An Act to Amend the Law Regarding Disability License Plates"

(H.P. 1628) (L.D. 2275) Bill "An Act to Amend the Laws Governing the Work Center Product and Services Set Aside"

(H.P. 175) (L.D. 253) Resolve, to Cable Televisize the Proceedings of the Legislature (C. "A" H-771)

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.

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## UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Monday, January 24, 2000, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Establish the Applied Technology Center System"

(H.P. 1785) (L.D. 2506)

(Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** suggested)

**TABLED** - January 24, 2000 (Till Later Today) by Representative SIROIS of Caribou.

**PENDING - REFERENCE.**

Subsequently, the Bill was **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

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

## REPORTS OF COMMITTEE

### Ought to Pass Pursuant to Statute

Representative DAVIDSON from the Committee on **UTILITIES AND ENERGY** on Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Utilities and Energy Arising from its State Government Evaluation Act Review of the Public Utilities Commission"

(H.P. 1820) (L.D. 2554)

Reporting **Ought to Pass** pursuant to Maine Revised Statutes, Title 3, section 955, subsection 4.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE** and **ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION**.

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## ORDERS

On motion of Representative BRENNAN of Portland, the following Joint Order: (H.P. 1821) (Cosponsored by Representatives: BERRY of Livermore, DUDLEY of Portland)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Utilities and Energy hold public hearings on the rising cost of home heating fuel. In the course of its review, the committee shall examine:

1. The causes for the rise in price of home heating fuel;
2. The entities that are benefiting from the rise in price; and
3. The impact of these price increases on the people of the State.

After concluding its review, the committee may report out a bill containing its recommendations to the Second Regular Session of the 119th Legislature.

**READ.**

On motion of Representative GOODWIN of Pembroke, **TABLED** pending **PASSAGE** and later today assigned.

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**ORDERS**

On motion of Representative MATTHEWS of Winslow, the following Joint Resolution: (H.P. 1805) (Cosponsored by Senator LONGLEY of Waldo and Representatives: JABAR of Waterville, MADORE of Augusta, QUINT of Portland, RICHARD of Madison, SAXL of Portland, SHIAH of Bowdoinham, Senators: AMERO of Cumberland, RAND of Cumberland)

**JOINT RESOLUTION HONORING NELSON MANDELA**

WHEREAS, Nelson Rolihlahla Mandela, former State President of South Africa, is 81 years old and retired from the grueling task of leading a nation that has undergone remarkable change in the last decade; and

WHEREAS, Nelson Mandela was born at Qunu, near Umtata, on July 18, 1918 and has struggled his whole life to help bring equality to all the people of his nation; and

WHEREAS, for decades he courageously fought the South African system of apartheid, which oppressed the black majority, and, risking his life, was forced to live apart from his family as he led the outlawed African National Congress; and

WHEREAS, Nelson Mandela was imprisoned for 27 years because he fought for the ideal that he cherished "of a democratic and free society in which all persons live together in harmony and with equal opportunities"; and

WHEREAS, in 1990, as the brutal and oppressive apartheid system in South Africa was crumbling, Nelson Mandela was released from prison to worldwide acclaim and he set out to attain his lifelong goals of freedom and equality for all the people of South Africa; and

WHEREAS, in 1991 he was elected President of the African National Congress, which had been banned for decades, in 1993 he was awarded the Nobel Peace Prize and in 1994 he was inaugurated as State President of South Africa; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature of the State of Maine, now assembled in the Second Regular Session, take this opportunity to thank Nelson Mandela for his perseverance in fighting apartheid, for inspiring oppressed people everywhere, for reaching out to blacks and whites alike in his quest to bring true democracy to South Africa and for the personal sacrifices and suffering he endured; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to President Nelson Mandela and to each Member of the Maine Congressional Delegation.

**READ.**

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

Representative **MATTHEWS**: Mr. Speaker, Men and Women of the House. I am honored today to sponsor this Resolution

with my colleagues listed. I know every member of this House and every member of the other body. There are a few times that we stop and take special recognition as a Legislature and as a people. Maine was at the forefront, as I recall, of the abolitionist movement in our own country in our fight against slavery. Maine has had a large tremendous tradition of fighting against racism and civil upheaval in our country. Many great leaders have come from the state in that regard. We are very fortunate today to recognize Nelson Mandela as a light among the darkness. He is someone who persevered personally though the kind of repression that he withstood and his people withstood to rise up and become the leader of South Africa and take that nation to the forefront today fighting for the kinds of thing, which we, as Americans, believe very strongly in. I was thinking that we have a Martin Luther King Holiday and African American History Month and there have been member of African Americans who have served proudly in this House. I think of Representative Jerry Talbot. I didn't serve with him, but I knew of him. I came here after he had finished.

Ladies and gentlemen, it is important to remember the kinds of efforts of go on each and every day, because as the battles loom here, one might say they are quite small in comparison to efforts that have been done, such as the effort by Nelson Mandela to break the bonds of segregation and apartheid in South Africa. I am proud to offer this Resolution today. My only hope would be that as a nation we can recognize the effort of civil rights in our country and throughout the world and that some Legislatures around this nation, I won't name any names, have to realize that we are all Americans and we take an oath and an allegiance to our flag, the flag that we all aspire to as Americans. Anything that stands before that that represents segregation, racism and oppression is something that should not be tolerated or supported by Americans. We only have to look at Nelson Mandela's effort in South Africa as that beacon. Thank you Mr. Speaker.

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

Representative **PIEH**: Mr. Speaker, Men and Women of the House. Many of you don't know, but before I came to Maine in 1990, I had the privilege of running an Outward Bound School in Southern Africa that works specifically with South Africans trying to get ready for the end of apartheid. I always wondered, I thought Nelson Mandela, what a great man. I wonder if he is for real. I have to tell you that he really is for real. He is everything that it seems like he is when you watch and hear him. They tried to get him to come out of prison for several years, but he, by himself, sat in that prison and said I am not leaving until my people have freedom. You go down the streets in Johannesburg and go up to some little back places and get tee shirts that supported Mandela and supported the African National Congress. Finally, you were able to wear those tee shirts when banning was ending. When he came out of prison in 1990 it was almost like a renaissance moment, a rebirth of a people who had been since 1948 for over 50 years a small tribe that happened to be white, 15 percent of the population, had ruled that country and it was ravished. When he came out, he didn't talk about revenge, he didn't talk about oppression of another tribe or a group of people. He talked about embracing, healing the wounds and rebuilding the social and cultural structure of that country. I have to stand and accolade him and thank Representative Matthews so much for bringing forward this



Resolution to someone who really and truly can stand as an ideal for all of us. Thank you.

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

Representative LORING: Mr. Speaker, Men and Women of the House. The Penobscot Nation would also like to speak in favor of this Resolution. Last year I had the privilege and honor of meeting Nelson Mandela in New York. We were doing some work with South Africa education wise and I also had the privilege of meeting the Ambassador to the United States. Believe it or not there is a lot of similarities between the colonization of South Africa and Africa and the colonization of native people in this country. We could learn a lot from looking at that situation. I just wanted to thank Representative Matthews for bringing this Resolution forward and for recognizing Nelson Mandela.

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

Representative KASPRZAK: Mr. Speaker, Men and Women of the House. I would request that when we pass this Joint Resolution that we might take a Roll Call. I hate when I have to stand up and say things that I have to say. We can't always believe what has been given to us through the press with Spin Doctor's spin. I intend to vote against this Resolution for a personal reason. That is that several years ago a missionary friend of mine was brutally murdered by the Mandela regime in South Africa. You don't hear those stories until you are talking face to face with people who live there and spent their lives serving others there. Somehow these things don't get picked up by the media. For that reason alone, I would be voting against this Joint Resolution, which honors a man who is responsible for the brutal murder of a friend of mine. She was gagged, tied, strangled and left to die in her home to be discovered by husband when he returned from a trip. I would ask that others would follow me in this. Thank you.

Representative KASPRZAK of Newport REQUESTED a roll call on ADOPTION.

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

**ROLL CALL NO. 424**

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Glynn, Goodwin, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Kane, LaVerdiere, Lemoine, Lindahl, Lovett, Mailhot, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, McNeil, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Shields, Shorey, Sirois, Skoglund, Stanley, Stanwood, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

NAY - Berry DP, Bowles, Clough, Collins, Cross, Foster, Gillis, Gooley, Jones, Joy, Kasprzak, Kneeland, Labrecque, MacDougall, Mack, McKenney, Mendros, Richardson E,

Savage C, Schneider, Sherman, Snowe-Mello, Stedman, Tobin J.

ABSENT - Buck, Bumps, Campbell, Cianchette, Duncan, Lemont, Madore, Martin, McAlevey, Mitchell, Muse, Pinkham, Plowman, Richardson J, Stevens, Waterhouse, Wheeler EM, Winsor.

Yes, 109; No, 24; Absent, 18; Excused, 0.

109 having voted in the affirmative and 24 voted in the negative, with 18 being absent, and accordingly the Joint Resolution was ADOPTED.

Sent for concurrence.

The Chair laid before the House the following item which was TABLED earlier in today's session:

Joint Order requiring the Committee on Utilities and Energy to hold public hearings on the cost of heating fuel.

(H.P. 1821)

Which was tabled by Representative GOODWIN of Pembroke pending PASSAGE.

Subsequently, the Joint Order was PASSED and sent for concurrence.

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

**SENATE PAPERS**

The following Joint Resolution: (S.P. 971)

**JOINT RESOLUTION IN MEMORY OF ALTON E. CIANCHETTE**

WHEREAS, Alton E. Cianchette, of Pittsfield, who died on January 18, 2000, was a prominent businessman and State Senator from the State of Maine; and

WHEREAS, Alton E. Cianchette, known as "Chuck," was born in Pittsfield, the youngest child of Ralph and Edna Steen Cianchette in 1930; and

WHEREAS, Alton E. Cianchette immediately joined his older brothers in the family construction business, later to become the Cianbro Corporation, one of the State's largest employers, after serving in the United States Army during the Korean Conflict; and

WHEREAS, Alton E. Cianchette rose to the position of company president of the Cianbro Corporation in 1979 and chair of the board of the Cianbro Corporation in 1991; and

WHEREAS, Alton E. Cianchette served 2 terms in the State Senate in the mid-1970's and returned 20 years later to serve 2 more terms in the State Senate in the One Hundred and Sixteenth Legislature and One Hundred and Seventeenth Legislature, where he was widely credited for straight talking and consensus building; and

WHEREAS, Alton E. Cianchette was active in current affairs, serving as President of the Maine Good Roads Association, former director of Key Bankshares of Maine, Inc. and Bangor Hydro-Electric Company and chair of the Environmental and Economic Council of Maine; and

WHEREAS, Alton E. Cianchette was also involved with his community, being a founding member of the Susan L. Curtis Foundation, giving and raising substantial sums of money for his alma mater, Maine Central Institute, and serving leadership roles



in the state and regional councils of the Boy Scouts of America; and

WHEREAS, it is the desire of the Members of the Senate and the Members of the House of Representatives and the citizens they represent to formally recognize the accomplishments of Alton E. Cianchette and to express the high esteem and affection we have for this outstanding native of Pittsfield, Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, take this opportunity to honor Alton E. Cianchette and to recognize his distinguished service to the people of the State of Maine over many years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to his relatives as a tangible token of our high esteem.

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

**READ.**

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

Representative **CIANCHETTE**: Mr. Speaker, Ladies and Gentlemen of the House. Three short weeks ago the State of Maine lost one of its precious friends and my family lost someone we all loved so dear. In this very public setting there are no words that I could speak to accurately express the depths of my feelings for the sudden and tragic death of my uncle, Chuck Cianchette. In fact, I dare not even try. I can, however, take a slightly different tact. As we pause today to honor this wonderful man, with your indulgence, I do have personal gratitude to offer. I am grateful to his many friends, colleagues, employees, business associates and others whose lives he touched for their tremendous outpouring of affection in the recent weeks. Their and your kind words and gestures have meant more to his family than you may ever know. Thank you all.

As a citizen of this state, which we all love so dearly as did Chuck. I am grateful to him for having given so unselfishly to public service and countless worthy civic causes. In my opinion, Chuck was benevolent beyond belief and he asked for so little in return. I wish I had only had the foresight to tell him that personally. I would have thanked him for his ravenous appetite to help others and his tireless efforts to make the good things he touched even better.

Finally, I am grateful for having had this special person in my life and the lasting impact he had upon me. He gave me so much, unconditional love, friendship, lessons in generosity, teachings in the value of devotion to family and the courage to dream and have lofty aspirations and that is only to mention a few.

Chuck was a role model for me. I will be well served by having my wonderful and vivid memories of his life to continue to guide me personally and professionally. Mr. Speaker, it is with a very heavy heart that I offer these few words and simple thoughts. I request that when we adjourn, we do so in tribute and lasting memory to Alton "Chuck" Cianchette. Thank you.

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

Representative **STEDMAN**: Mr. Speaker, Ladies and Gentlemen of the House. I am honored to have known Alton Cianchette as one of my constituents. If you did not know it, he lived in a house on a hill with a magnificent panorama overlooking the country that he loved and worked for unendingly. The greatest tribute, I think, would be the outpouring of support

that was shown at his memorial service. This was the best testimony as to the life and character of the man everyone knew as Chuck. Again, I would support the motion to adjourn in his memory. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Jones.

Representative **JONES**: Mr. Speaker, Men and Women of the House. Chuck Cianchette was a very special person. His smile was his trademark. His ability to make others feel at ease is an attribute that made him a natural leader. He and his brothers were raised to be civic minded as well as with strong work ethics. Over the years they built a construction company that has an excellent reputation from Maine to Florida. Chuck was their PR man and his valuable contribution to the company and also to his community and every organization he was a part of will be sorely missed. Most of all, we will miss him as a friend.

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

Representative **DAVIDSON**: Mr. Speaker, Men and Women of the House. I really appreciate this opportunity today to stand up and talk for just a minute about my good friend Chuck Cianchette, the Senator. When I first got elected in 1994, I was a little scared, not to mention a little bit clueless about the process up here. A number of my friends that had been around this institution for a long time took me aside with one piece of advice that was interesting, three of them in particular who I trust so much. They said if there was anything that you could do to help yourself, you would go sit at the feet of Chuck Cianchette and shut up and just listen. When I got up here I was lucky enough to have Chuck as my seatmate on the Business and Economic Development Committee. Over the last couple of weeks it was interesting and I know a number of us went up to his service in Pittsfield. When I walked in the other day, to his service, to this gymnasium where a bus shuttled us up and there were about 300 people in this gymnasium and I walked in and I said with my incredible ability to figure things about 15 minutes later than everyone else does, I walked and said that this is amazing, I thought that there would be a lot more people here. I noticed that this was the third overflow gymnasium and church that people were using for this service. It was amazing. There were thousands and thousands of people from all across the State of Maine. What really struck me was I didn't have the opportunity to spend a whole lot of time with Chuck outside of the Legislature.

One thing that has really become clear over the last few weeks since his death has been that Chuck was really exactly what this place should be all about. He liked to have fun here. He took his job very seriously, but he liked to have a lot of fun. He saw the things that needed to be a part of the process and he saw the things that also didn't need to be an inherent part of this process. He liked to have fun. He liked people to feel comfortable. He liked the public to feel comfortable when they came before our committee and before the Legislature. He also decided that things could get done without the ranker. Things could also get done pretty quickly without a lot of the games that tend to get played around here. Those were great lessons for me. What has been fun for me is to now serve on a committee with his nephew and see that there is a lot of that stuff that you just can't teach. There is a lot of that stuff that just runs thick in the blood. Mr. Speaker, I thank you. I am very thankful for the opportunity to serve with you and with Chuck on that committee.

I will treasure those memories and take them with me as long as I live.

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

Representative **POVICH**: Mr. Speaker, Men and Women of the House. I would also like to join and express a few words about Chuck Cianchette. My condolences go out to Helen and to her family. My sympathies go out to Representative Cianchette. I benefited from Chuck's guidance as a freshman legislator serving on the Business and Economic Development Committee in the 117<sup>th</sup> with Mr. Speaker and Representative Davidson as well. I want to thank you Chuck. You were a kind and gracious mentor to me and to the other members of the committee, even to the clueless ones. We are with you today and we know you will experience our sympathies. Thank you very much.

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

Representative **TRUE**: Mr. Speaker, Ladies and Gentlemen of the House. I am very pleased to have this opportunity to say a few words on behalf of Chuck Cianchette. I knew him in perhaps a different circumstance than many of you have. In 1976, I accepted the head mastership of Maine Central Institute. The first day when my family and I came to Pittsfield with a very long trailer full of furniture and at that time four children, I was met at the head master's home by many people from Pittsfield, one of whom was Chuck Cianchette.

Chuck would offer a helping hand to anyone. He was a great person with a great family that he loved dearly. He loved Maine, particularly the Pittsfield area. He proved his love by never hesitating to commit time, effort and some form of economic development to the betterment of our state. Many years later after I had left MCI, I got a call from Chuck. I couldn't understand exactly what was happening because he asked me to come to his office in Pittsfield. During that time, he said that I have your name in my little black book. Well, you know that could mean many things to many people. He said that he wanted me to run for the Legislature. I told him that we were on opposite sides of the aisles. He knew that. I want someone to work in Augusta that would think about the issues and shared his love of the state working together to make Maine a better place. I sincerely hope that he knows that I have always tried to do that.

Those who knew the man as well as those who only knew of him felt his sincerity and warmth. His smile brought a feeling of security and peace. His demeanor instilled confidence. I can't tell you how many times in the three years as head master at MCI, at that time, that I needed those particular things. Those of you that know and those of you that may not know, being a head master of a school sometimes is a lonely job. Sometimes you have to make certain decisions you are not sure of and you don't have a lot of people to speak to. I always knew that I could speak to Chuck Cianchette. He never told me what I should do. He would listen and make suggestions, but he knew in the final analysis that that final so-called vote was mine. I would have to live with it.

To his lovely family, and I bring good tidings from my wife Sandy to Helen, by the way, Sandy and I celebrated our 46<sup>th</sup> wedding anniversary yesterday. I told her that I was hopeful that I would have a chance to speak on behalf of Chuck. She wanted to certainly send her best wishes. I am reminded of something my mother said many, many years ago when my grandfather passed away and I couldn't understand it. She said that when

one goes to God, he goes to a netherland. A netherland is a place whereby you can't see them, but they can see you. If you ever need them and want to speak to them, close your eyes and say their name and they will be there. I can tell you that that is true.

For the entire Cianchette family, yes, you have lost someone who is blessed, but he will always be with you. I thank you.

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

Representative **USHER**: Mr. Speaker, Men and Women of the House. I had the privilege of serving with Chuck Cianchette in the '70s. He was a soft-spoken man and being a freshman coming from the workforce, it was hard to adjust to. I couldn't believe this man was so polite and soft spoken. He used to bring people together and get things done. That was his nature. One of his favorite hobbies was flying planes. On our multi-million dollar project that we had where I was employed at SD Warren, which was the Bio-Mass Project, which took a long time to build, Chuck would fly in once a week on his famous helicopter, the Ranger. I would drive over in the pickup truck and pick him up and take him down to his trailers. He would mingle with the workers and you would never know that he was in charge of the whole construction. He was an everyday guy, good-natured, good spirits and somebody we will never forget.

The **SPEAKER**: The Chair would also like to add his voice to those giving tribute to Chuck Cianchette and also condolences to the family and friends. I, like Representative Davidson, served on the Business and Economic Development Committee in the 117<sup>th</sup> and co-chaired along with Senator Phil Harriman and Chuck was on the committee. I learned a great deal from him personally. One thing I remember especially about Chuck Cianchette was he was a very, very intelligent man, but he never made anyone feel that they were not intelligent. He never spoke down to anyone. He just spoke with them. I know he lifted the hearts and minds of the people that he touched. He touched thousands and thousands of people across the state. I know I attended the service and I know he truly loved his family and I know his family truly loved him. I think the thing I remember about Chuck Cianchette is what a leader is about. A leader is foremost about character and character is about integrity and honesty. It is about inspiring others to achieve. That is what Chuck did. I think his inspiration stays with us and hopefully we will grow with that. Representative True talked about instilling confidence. Certainly he instilled confidence and I think we are all better for having known Chuck Cianchette. Again to the family, my condolences.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. Chuck Cianchette and I were elected the same year and he was my State Senator. We developed a very good working relationship. We represented the towns of Hampden, Newburgh and Dixmont together for four years. I have never enjoyed working with someone as much as I enjoyed working with Senator Cianchette. He was a gentleman. He was kind of like a grandfather. I always went to him for advice. I was always flattered when he asked me for mine. It didn't seem like that was the way the avenues would go for someone as sophisticated and knowledgeable as Chuck Cianchette to ask me what I thought, but he did. I had the utmost respect for him. I am not going to say we agreed all the time, but when we disagreed, it was in the most professional and courteous way that I could ever describe

to you. The people of Hampden overwhelmingly turned out to support Senator Cianchette and I have to say that as I campaigned it was the oddest thing I have ever seen, but on the lawns where there were signs, it was Chuck Cianchette for Senate and Debra Plowman for the Legislature. When we were both elected, that is how we worked. I miss him. I can't tell you the feelings in my heart, I can't describe it, when I realized that the person that they were talking about that was gone was Chuck Cianchette. The state lost a great leader, whether he was here in his own community or out nationally or in his family. The man had integrity and I respected him. I am going to miss him. My condolences to his family.

**ADOPTED** in concurrence.

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The following Joint Order: (S.P. 985)

**ORDERED**, the House concurring, that when the House and Senate Adjourn the House does so until Tuesday, February 15, 2000 at 9 o'clock in the morning and the Senate does so until Tuesday, February 15, 2000 at 10 o'clock in the morning.

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

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The **SPEAKER**: The Chair recognizes the Representative from Wayne, Representative McKee who wishes to address the House on the Record.

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Having been absent at the time of the vote for LD 1864, I wish to be recorded as nay. Thank you.

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

Representative **MCKEE**: Mr. Speaker, Men and Women of the House. Having misunderstood the motion before the House on LD 1864, I wish to clarify my vote having been absent from the chamber. I wish to be recorded as yea.

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Resolve, to Make Community College Partnership Programs More Accessible and Affordable

(S.P. 986) (L.D. 2539)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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Bill "An Act Requiring Professional Development for Administrators, Teachers and Educational Technicians"

(S.P. 984) (L.D. 2538)

Bill "An Act Concerning Fingerprinting and Background Checks for School Employees"

(S.P. 987) (L.D. 2540)

Resolve, to Ensure Equity to High School Athletes Participating in Skiing (EMERGENCY)

(S.P. 991) (L.D. 2546)

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

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

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Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY)

(S.P. 981) (L.D. 2524)

Bill "An Act to Promote Historic and Scenic Preservation"

(S.P. 983) (L.D. 2537)

Bill "An Act to Provide Revenue Sharing to Relieve the Municipal Service Component of the Property Tax"

(S.P. 988) (L.D. 2541)

Bill "An Act to Reduce the State Tax Valuation for the Town of Standish" (EMERGENCY)

(S.P. 990) (L.D. 2545)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

**REFERRED** to the Committee on **TAXATION** in concurrence.

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Bill "An Act to Ensure Cost Effective and Safe Highways in the State"

(S.P. 992) (L.D. 2550)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

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Bill "An Act to Establish Fair Pricing for Prescription Drugs"

(S.P. 980) (L.D. 2523)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

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**Pursuant to Resolve**

**Joint Standing Committee on Agriculture, Conservation and Forestry**

Report of the **Joint Standing Committee on Agriculture, Conservation and Forestry** pursuant to Resolve 1999, chapter 81, section 8 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force to Study the Need for an Agricultural Vitality Zone Program"

(S.P. 982) (L.D. 2532)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

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**ENACTORS**  
**Emergency Measure**

An Act to Allow Limited Access to Information Relating to Investigation of Abuse at the Governor Baxter School for the Deaf

(H.P. 1688) (L.D. 2394)  
(C. "A" H-784)

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

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

The SPEAKER: The Representative may pose his question.

Representative MURPHY: Mr. Speaker, Men and Women of the House. Could we have an explanation with the Enactment of this bill what will be accomplished?

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

Representative BULL: Mr. Speaker, Men and Women of the House. What this bill is last year we had a bill brought to the Judiciary Committee by the good Representative from Portland, Representative Townsend dealing with compensation for victims of abuse at the Baxter School for the Death. It was a carryover bill. In the process of the investigation it became very clear there have been instances of abuse, but we needed more information about the extent of it and how many people we were looking at. One of the proposals in front of the Judiciary right now is a direct compensation bill to the victims of the abuse. To be able to properly ascertain the number and the amount of money that this bill would entitle, we need to open the records and the files of how this investigation was taken on by the Attorney General back in the early '80s to look at the allegation of abuse, so we know what numbers we are looking at. This is a bill to allow us to do that in the Judiciary Committee. Thank you.

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

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

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#### ORDERS

On motion of Representative AHEARNE of Madawaska, the following Joint Order: (H.P. 1822)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on State and Local Government report out to the House such legislation as is necessary to revise the salaries of county officers and lay the county taxes for the calendar year 2000.

**READ and PASSED.**  
Sent for concurrence.

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#### CONSENT CALENDAR First Day

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

(S.P. 875) (L.D. 2283) Bill "An Act to Realign Capital Requirements for Specialty Bank Charters" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass**

(S.P. 866) (L.D. 2264) Bill "An Act Relating to Certain Commercial Insurance Contracts" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-472)**

(H.P. 768) (L.D. 1091) Bill "An Act to Amend Maine State Retirement System Rules to Allow Monthly Partial Direct Service Payments to Purchase Service Credit" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-785)**

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

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#### SENATE PAPERS

The following Joint Order: (S.P. 993)

**ORDERED**, the House concurring, that the Joint Standing Committee on Business and Economic Development report out a bill to the Senate implementing the recommendations of the Business Advisory Commission on Quality Child Care Financing, established pursuant to Resolve 1999, chapter 66, regarding economic development incentives to encourage the development of quality child care facilities and services.

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

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The following Joint Order: (S.P. 994)

**ORDERED**, the House concurring, that the Joint Standing Committee on Health and Human Services report out a bill to the Senate implementing the recommendations of the Business Advisory Commission on Quality Child Care Financing, established pursuant to Resolve 1999, chapter 66, regarding the development of quality child care facilities and services.

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

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The Chair laid before the House the following item, which was **TABLED** earlier in today's session:

Bill "An Act to Make Supplemental Allocations for the Expenditures of State Government, Highway Fund, and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001" (EMERGENCY)

(H.P. 1808) (L.D. 2534)

Which was **TABLED** by Representative JABAR of Waterville pending **REFERENCE**.

On motion of Representative JABAR of Waterville, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and the Committee on **TRANSPORTATION**, ordered printed and sent for concurrence.

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

On motion of Representative CIANCHETTE of South Portland, the House adjourned at 12:02 p.m., until 9:00 a.m., Tuesday, February 15, 2000 pursuant to the Joint Order (S.P. 985) in honor and lasting tribute to Alton E. Cianchette, of Pittsfield and the members of the Worchester Fire Department who lost their lives in the line of duty.