

# 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  
6th Legislative Day  
Friday, February 18, 2000

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

Prayer by Pastor Scott Webb, Litchfield Community Christian Church.

National Anthem by Jan Berlin, South Freeport.

Pledge of Allegiance.

Doctor of the day, Jan Berlin, M.D., South Freeport.

The Journal of Tuesday, February 15, 2000 was read and approved.

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**SENATE PAPERS**

The following Joint Order: (S.P. 1003)

**ORDERED**, the House concurring, that the Joint Standing Committee on Taxation report out, to the Senate, a bill, "An Act to Exempt a Portion of Private Pensions from Income Taxation."

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

**READ.**

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

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

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

**ROLL CALL NO. 426**

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

**NAY** - NONE.

**ABSENT** - Baker, Brennan, Bryant, Cianchette, Frechette, Jabar, Labrecque, Mack, Matthews, McAlevey, McKee, Mitchell, Muse, O'Brien LL, O'Neil, Perry, Quint, Richardson J, Stevens.

Yes, 132; No, 0; Absent, 19; Excused, 0.

132 having voted in the affirmative and 0 voted in the negative, with 19 being absent, and accordingly the Joint Order was **PASSED** in concurrence.

Resolve, to Ensure Adequate District Court Facilities for Western York County

(S.P. 956) (L.D. 2497)

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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**COMMUNICATIONS**

The Following Communication: (H.C. 322)

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

February 14, 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. § 1453-A, I am pleased to appoint Representative Robert A. Daigle of Arundel to the Advisory Commission on Radioactive Waste and Decommissioning.

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. 323)

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

February 10, 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. 2347

An Act to Require Oversight of Strategic Planning Conducted by the Department of Mental Health, Mental Retardation and Substance Abuse Services, Including Long-term Care Needs of the Chronically Mentally Ill

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.**

The Following Communication: (H.C. 324)

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

February 11, 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. 2420      Resolve, to Enhance Opportunities in Math and Science for Maine Students

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.**

The Following Communication: (H.C. 325)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE  
COMMITTEE ON BANKING AND INSURANCE**

February 10, 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 Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1640      An Act Regarding Service Contracts  
L.D. 1787      An Act Regarding Dependent and Family Coverage in the State Employee Health Insurance Program

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

Sincerely,

S/Sen. Lloyd P. LaFountain III  
Senate Chair  
S/Rep. Jane W. Saxl  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 326)

**STATE OF MAINE  
ONE HUNDRED AND NINETEENTH LEGISLATURE**

**COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 11, 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 975      An Act to Establish a Mental Health, Human Services and Corrections Ombudsman
- L.D. 1290      An Act to Create the Position of Ombudsman in the Department of Human Services
- L.D. 1984      An Act to Establish Department of Human Services Review Panels
- L.D. 2273      An Act Regarding Asthma Management Education
- L.D. 2305      An Act to Amend the Child Care Licensing Laws
- L.D. 2358      An Act to Ban Smoking in Enclosed Areas of Places Licensed for the Sale of Food or Alcohol
- L.D. 2360      An Act to Provide Equitable Delivery of Mental Health Services
- L.D. 2463      An Act to Establish the Tobacco Smokers Medical Fund
- L.D. 2465      An Act to Enhance Day Care Opportunities for Latchkey Children
- L.D. 2475      An Act to Encourage Assisted Living Facilities Projects in the State

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

Sincerely,

S/Sen. Judy Paradis  
Senate Chair  
S/Rep. Thomas J. Kane  
House Chair

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 327)

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

February 10, 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 bill out "Ought Not to Pass":

L.D. 2349      An Act to Allow Video Lottery Terminals

We have also notified the sponsor and cosponsors 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. 328)

**STATE OF MAINE**

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

February 15, 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 bills out "Ought Not to Pass":

L.D. 1001 An Act to Repeal Term Limits

L.D. 1876 An Act to Reform County Governance

We have also notified the sponsors and cosponsors of each bill listed 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.**

---

The Following Communication: (H.C. 329)

**STATE OF MAINE**

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

February 10, 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 bill out "Ought Not to Pass":

L.D. 2413 An Act to Maintain Maine's Traditional Town  
Line Signs

We have also notified the sponsor and cosponsors 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. 330)

**STATE OF MAINE**

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

February 11, 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 bill out "Ought Not to Pass":

L.D. 2332 An Act Concerning Motor Vehicle Registration  
and Title Fees for Certain Veterans' License  
Plates

We have also notified the sponsor and cosponsors 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: (S.P. 1001)

**STATE OF MAINE**

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

February 1, 2000

Honorable Mark W. Lawrence  
President of the Senate  
Honorable G. Steven Rowe  
Speaker of the House of Representatives  
119th Maine Legislature  
Augusta, Maine 04333-0003

Dear President Lawrence and Speaker Rowe:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we submit the findings and recommendations of the Joint Standing Committee on Utilities and Energy with respect to the Public Utilities Commission.

The committee has concluded that the PUC is operating in accordance with its statutory authority. We are satisfied that the PUC is conducting its work in accordance with its duties under the law and believe the PUC is doing a good job fulfilling its statutory mandate.

We conclude that the PUC should, in the development and monitoring of competitive utility markets, continue to pay particular attention to issues related to the rural nature of the State. We believe the commission should also continue its efforts and assign adequate staff to promote Maine's interests before regional entities and federal agencies with jurisdiction over markets that extend beyond Maine's borders but which affect Maine consumers. We recommend that the commission submit annual reports to this committee on these matters. Pursuant to Title 3, section 954, we submit with our report legislation that would implement these recommendations.

Sincerely,

S/Sen. Richard J. Carey

Senate Chair

S/Rep. Thomas M. Davidson

House Chair

Came from the Senate, **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

**READ** and with accompanying papers **ORDERED PLACED ON FILE** in concurrence.

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (S.P. 1002)

**STATE OF MAINE**  
**ONE HUNDRED AND NINETEENTH LEGISLATURE**  
**COMMITTEE ON UTILITIES AND ENERGY**

February 1, 2000

Honorable Mark W. Lawrence

President of the Senate

Honorable G. Steven Rowe

Speaker of the House of Representatives

119th Maine Legislature

Augusta, Maine 04333-0003

Dear President Lawrence and Speaker Rowe:

Pursuant to the Government Evaluation Act, Maine Revised Statutes, Title 3, chapter 35, we submit the findings and recommendations of the Joint Standing Committee on Utilities and Energy with respect to the Maine Municipal And Rural Electrification Cooperative (MMRECA).

We have concluded that while the MMRECA has yet to exercise any of its substantive powers, it may have occasion to benefit from exercising them in the newly opening competitive electricity market. Consequently, we believe the MMRECA enabling law should remain in place. We are recommending no changes to the law.

Sincerely,

S/Sen. Richard J. Carey

Senate Chair

S/Rep. Thomas M. Davidson

House Chair

Came from the Senate, **READ** and with accompanying papers **ORDERED PLACED ON FILE**.

**READ** and with accompanying papers **ORDERED PLACED ON FILE** in concurrence.

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The Following Communication: (S.C. 490)

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

February 15, 2000

Honorable G. Steven Rowe

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Rowe:

In accordance with Joint Rule 506, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Joint Standing Committee on Inland Fisheries and Wildlife, the nomination of F. Paul Frinsko of Gorham, for appointment as the Public Member of the Atlantic Salmon Board.

Upon the recommendation of the Joint Standing Committee on Legal and Veterans Affairs, the nomination of Michael E. Carpenter of Houlton, for reappointment to the Commission on Governmental Ethics and Election Practices.

Thank you for your attention to this matter.

---

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolves 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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**BUSINESS AND ECONOMIC DEVELOPMENT**

Bill "An Act to Enhance Competition Among Elevator Inspectors"

(H.P. 1834) (L.D. 2570)

Presented by Representative SAXL of Portland.

Cosponsored by Senator KONTOS of Cumberland and Representatives: BOWLES of Sanford, O'NEAL of Limestone, Senator: MacKINNON of York.

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

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**CRIMINAL JUSTICE**

Bill "An Act to Restore the Chaplaincy in the Maine Correctional Center in South Windham" (EMERGENCY)

(H.P. 1837) (L.D. 2575)

Presented by Representative McKEE of Wayne.

Cosponsored by Senator KONTOS of Cumberland and Representatives: BAKER of Bangor, JOY of Crystal, MADORE of Augusta, MARTIN of Eagle Lake, POVICH of Ellsworth, TOBIN of Windham, Senators: President LAWRENCE of York, NUTTING of Androscoggin.

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

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**LEGAL AND VETERANS AFFAIRS**

Bill "An Act to Promote Microbreweries and Wineries"

(H.P. 1835) (L.D. 2571)

Presented by Representative SAXL of Portland.

Cosponsored by Representatives: BULL of Freeport, POWERS of Rockport, SAXL of Bangor, TRIPP of Topsham, Senators: PINGREE of Knox, RAND of Cumberland.

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

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**STATE AND LOCAL GOVERNMENT**

Resolve, to Authorize the Waldo County Commissioners to Borrow not more than \$400,000 to Build a Waldo County Communications and 9-1-1 Center (EMERGENCY)

(H.P. 1833) (L.D. 2569)

Presented by Representative LINDAHL of Northport.

Cosponsored by Senator LONGLEY of Waldo and Representatives: BERRY of Belmont, BROOKS of Winterport, WESTON of Montville.

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

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**Pursuant to Public Law**

**Joint Standing Committee on Marine Resources**

Representative ETNIER for the **Joint Standing Committee on Marine Resources** pursuant to Public Law 1999, chapter 397, section 7 asks leave to report that the accompanying Bill "An Act to Alter Eligibility for Lobster and Crab Fishing Licenses for Persons Who are 65 Years of Age or Older"

(H.P. 1839) (L.D. 2577)

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.

---

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

---

**ORDERS**

On motion of Representative McGLOCKLIN of Embden, the following Joint Resolution: (H.P. 1838) (Cosponsored by Senator CAREY of Kennebec and Representatives: BERRY of Belmont, COLWELL of Gardiner, DAVIDSON of Brunswick, DUNCAN of Presque Isle, LaVERDIERE of Wilton, ROSEN of Bucksport, TRUE of Fryeburg, Senator: MITCHELL of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS OF THE UNITED STATES AND THE SECRETARY OF ENERGY TO RELEASE FUEL FROM THE STRATEGIC PETROLEUM RESERVE AND STABILIZE REGIONAL FUEL SUPPLIES**

WE, your Memorialists, the Members of the One Hundred and Nineteenth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States, the Congress and the Secretary of Energy, as follows:

WHEREAS, there are 325,000 households in the State of Maine dependent upon heating oil; and

WHEREAS, the retail price of heating oil has doubled in the last year; and

WHEREAS, the supply of heating oil is well below demand, creating a critical shortage; and

WHEREAS, 8 weeks of the heating season remain; now, therefore, be it

**RESOLVED:** That We, your Memorialists, request the President of the United States, the Congress of the United States and the Secretary of Energy to release fuel from the Strategic Petroleum Reserve for sale to critically affected regions; and be it further

**RESOLVED:** That policies necessary to help with the emergency delivery and distribution of this fuel to refineries be implemented, with priority of sale given to critically affected regions; and be it further

**RESOLVED:** That policies conducive to the establishment of a home heating oil reserve for the benefit of the Northeast Region be implemented; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, each Member of the Maine Congressional Delegation and the Honorable William Richardson, Secretary of Energy.

**READ.**

The same Representative **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. 427**

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

**NAY** - Perkins.

**ABSENT** - Baker, Belanger, Brennan, Cianchette, Frechette, Jabar, Labrecque, Matthews, McAlevey, McKee, Mitchell, Muse, O'Brien LL, O'Neil, Stevens.

Yes, 135; No, 1; Absent, 15; Excused, 0.

135 having voted in the affirmative and 1 voted in the negative, with 15 being absent, and accordingly the Joint Resolution was **ADOPTED**.

Sent for concurrence.

---

On motion of Representative DUNLAP of Old Town, the following Joint Order: (H.P. 1840)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the House, a bill implementing the recommendations from municipalities regarding surface water use on great ponds.

**READ and PASSED.**

Sent for concurrence.

---

On motion of Representative MARTIN of Eagle Lake, the following Joint Order: (H.P. 1841)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Natural Resources report out, to the House, a bill

concerning the recommendations of the Task Force to Study the Improvement of Public Water Supply Protection.

**READ and PASSED.**

Sent for concurrence.

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

---

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 34)

**ORDERED**, that Representative Randall L. Bumps of China be excused Tuesday, February 8, 2000 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Kenneth F. Lemont of Kittery be excused Tuesday, February 8, 2000 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative David R. Madore of Augusta be excused Tuesday, February 8, 2000 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Earl E. Richardson of Greenville be excused Tuesday, February 15, 2000 for personal reasons.

**READ and PASSED.**

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#### REPORTS OF COMMITTEE

##### Divided Reports

Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Abolish Apportionment in Workers' Compensation Claims"

(S.P. 197) (L.D. 586)

Signed:

Senators:

DOUGLASS of Androscoggin  
LaFOUNTAIN of York  
MILLS of Somerset

Representatives:

HATCH of Skowhegan  
GOODWIN of Pembroke  
FRECHETTE of Biddeford  
MATTHEWS of Winslow  
SAMSON of Jay  
MacDOUGALL of North Berwick  
TREADWELL of Carmel

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-483)** on same Bill.

Signed:

Representatives:

DAVIS of Falmouth  
MACK of Standish

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

**READ.**

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

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

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Majority Report of the Committee on **LABOR** reporting **Ought Not to Pass** on Bill "An Act to Validate Voluntary Collective Bargaining Provisions that May Affect Educational Policies"

(S.P. 333) (L.D. 987)

Signed:

Senators:

DOUGLASS of Androscoggin  
LaFOUNTAIN of York  
MILLS of Somerset

Representatives:

GOODWIN of Pembroke  
MATTHEWS of Winslow  
DAVIS of Falmouth  
MacDOUGALL of North Berwick  
MACK of Standish  
TREADWELL of Carmel

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

Signed:

Representatives:

HATCH of Skowhegan  
MUSE of South Portland  
SAMSON of Jay

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

**READ.**

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

---

Majority Report of the Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-480)** on Bill "An Act to Increase Health Insurance Benefits for Retired Educators"

(S.P. 607) (L.D. 1730)

Signed:

Senators:

DOUGLASS of Androscoggin  
LaFOUNTAIN of York  
MILLS of Somerset

Representatives:

HATCH of Skowhegan  
MUSE of South Portland  
GOODWIN of Pembroke  
MATTHEWS of Winslow  
SAMSON of Jay  
MacDOUGALL of North Berwick  
TREADWELL of Carmel  
DAVIS of Falmouth

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

Signed:

Representative:

MACK of Standish

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-480).**

**READ.**

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



The Bill was **READ ONCE**. **Committee Amendment "B" (S-480)** was **READ** by the Clerk and **ADOPTED**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "B" (S-480)** was **ADOPTED**.

The same Representative **PRESENTED** **House Amendment "A" (H-794)** to **Committee Amendment "B" (S-480)**, which was **READ** by the Clerk.

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

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

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

Representative **KASPRZAK**: Mr. Speaker, Men and Women of the House. Could someone kindly explain this amendment?

The **SPEAKER**: The Representative from Newport, Representative Kasprzak 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. In answer to that question, we had passed this bill last year and it was sent back to committee at the end of the session. All this is is a fiscal note for this bill, because we didn't pass it last year the fiscal note is less for the 2000 biennium. I will read the note to you. This amendment includes a general fund appropriation of \$1,778,781 in fiscal year 2000 to 2001 for the retired teacher's health insurance account within the Department of Education to increase the state's contribution for health insurance premiums for retired educators from 30 percent to 35 percent on July 1, 2000 and from 35 percent to 40 percent on January 1, 2001. This amount is based on current enrollment figures as well as general fund appropriations that represent the state's 30 percent share of the cost of premiums, which are included in the Public Law 1999, Chapter 16. The 2000 to 2001 current services budget in the LD 2510 the Governor's proposed supplemental budget. Thank you.

**House Amendment "A" (H-794)** to **Committee Amendment "B" (S-480)** was **ADOPTED**.

**Committee Amendment "B" (S-480)** as Amended by **House Amendment "A" (H-794)** thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, February 22, 2000.

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Eleven Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-478)** on Bill "An Act to Prohibit the State from Competing with Private Industry"

(S.P. 179) (L.D. 533)

Signed:

Senators:

GOLDTHWAIT of Hancock  
DAVIS of Piscataquis  
PENDLETON of Cumberland

Representatives:

AHEARNE of Madawaska  
BAGLEY of Machias  
RINES of Wiscasset  
McDONOUGH of Portland  
BUMPS of China  
KASPRZAK of Newport

JODREY of Bethel

RICHARDSON of Greenville

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-479)** on same Bill.

Signed:

Representative:

GERRY of Auburn

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

Signed:

Representative:

TWOMEY of Biddeford

Came from the Senate with Report "A"- **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-478)**.

**READ.**

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

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

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Six Members of the Committee on **LABOR** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-433)** on Bill "An Act to Promote Stability in Labor Management Relations in the Public Sector"

(H.P. 960) (L.D. 1358)

Signed:

Representatives:

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

Six Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senators:

DOUGLASS of Androscoggin  
LaFOUNTAIN of York  
MILLS of Somerset

Representatives:

MacDOUGALL of North Berwick  
MACK of Standish  
TREADWELL of Carmel

**READ.**

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

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

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-788)** on Bill "An Act Regarding Taxation of Clean Vehicle Fuels"

(H.P. 940) (L.D. 1337)

Signed:

Senators:

O'GARA of Cumberland  
CASSIDY of Washington  
PARADIS of Aroostook

Representatives:

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

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

Signed:

Representative:

CAMERON of Rumford

**READ.**

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

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

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-789)** on Bill "An Act to Create a Purple Heart Motorcycle License Plate"

(H.P. 1653) (L.D. 2322)

Signed:

Senator:

O'GARA of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-790)** on same Bill.

Signed:

Senator:

CASSIDY of Washington

Representatives:

COLLINS of Wells  
BOUFFARD of Lewiston  
WHEELER of Bridgewater

**READ.**

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

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 885) (L.D. 2300) Bill "An Act to Make Minor Changes to the Community Development Definitions to Maintain Compatibility with Federal Regulations" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 852) (L.D. 2251) Bill "An Act to Provide Health Insurance Benefits to Dwight Parsons" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-481)**

(S.P. 861) (L.D. 2259) Bill "An Act to Amend the Maine Banking Code Pertaining to Interlocking Directors" Committee on **BANKING AND INSURANCE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-477)**

(S.P. 862) (L.D. 2260) Bill "An Act to Provide Degree-granting Authority to the SALT Center for Documentary Field Studies" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-476)**

(H.P. 1072) (L.D. 1519) Bill "An Act to Encourage Environmental Management Systems" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-801)**

(H.P. 1514) (L.D. 2162) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Persons with Mental Illness to Vote Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-796)**

(H.P. 1661) (L.D. 2330) Bill "An Act to Require the Department of Defense, Veterans and Emergency Management to Report to the Legislature on Matters Related to State Veterans Laws" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-797)**

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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(S.P. 585) (L.D. 1665) Resolve, to Promote Natural Resource-based Industries Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

On motion of Representative O'NEAL of Limestone, was **REMOVED** from the First Day Consent Calendar.

On further motion of the same Representative, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** and sent for concurrence.

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(H.P. 1770) (L.D. 2483) Bill "An Act to Appropriate Funds for Acquisitions for the Maine State Library" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

On motion of Representative COLWELL of Gardiner, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the Unanimous **Ought to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from 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. Not having had time to look at the bill could somebody please explain what the bill does? 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 Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. As you can see LD 2483 is a unanimous Ought to Pass report from the Committee on Appropriations and Financial Affairs. You are probably very familiar with this issue. It is one that we discussed last year. As you may recall, the Maine State Library has in recent years had an acquisitions budget of \$45,000 per year. We passed legislation last year to increase that acquisitions budget to \$200,000 a year. That budget has remained the same for over a decade while the price of books and other materials has increased greatly. You may recall that one of the arguments regarding this issue was that there are three resource and referral centers in the state. One in Portland, the Portland Public Library. One in Bangor, the Bangor Public Library. The third being the Maine State Library. The Maine State Library serves not only as the state's library, but also as the backbone of the interlibrary loan system in the State of Maine. It serves as the library of default for the more than 400, I may be wrong on that number, but there are a substantial number of communities in the state, which have no library. The Maine State Library is their library by default.

The testimony that we heard was that the \$45,000 amount, which the library's budget would revert to if we do not pass this legislation. It is largely eaten up by the acquisition of periodicals and these sorts of technical materials, which are now available on disk. They are terribly expensive, leaving a sum of \$22,000 to buy books. Those of us who voted for this last time anticipated that it would be contained within the biennial budget or ongoing appropriations and for some reason or another it was left off. We felt as a committee it was a high priority for the state. If we are going to continue to have a Maine State Library, we ought to give it the budget with which to buy materials. If we are not going to do that, we ought to seriously reconsider whether we want to have a State Library and whether we want to be a state without one. I would be happy to answer any questions. Thank you.

The SPEAKER: The Chair recognizes the Representative from Acton, Representative Nass.

Representative **NASS**: Mr. Speaker, Men and Women of the House. I just would like to add one more point. It is my understanding that this bill, if it is successful in both houses, will go to the Appropriations Table and compete with all other items that end up there toward the end. Therefore, there is one more step with this item. This is a unanimous committee report. Thank you.

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

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

**ROLL CALL NO. 428**

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

NAY - NONE.

ABSENT - Baker, Brennan, Cianchette, Frechette, Goodwin, Jabar, Matthews, McAlevey, Muse, O'Brien LL, O'Neil, Stevens.

Yes, 139; No, 0; Absent, 12; Excused, 0.

139 having voted in the affirmative and 0 voted in the negative, with 12 being absent, and accordingly the Unanimous Ought to Pass Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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** and sent for concurrence.

(H.P. 1701) (L.D. 2407) Bill "An Act to Amend the Laws Regulating Farm Wineries" (EMERGENCY) Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-795)**

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

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. This is a bill that was presented by Representative Bruno of Raymond and it must be initiated today to keep a local business in his district and in compliance with state law. The bill allows the holder of a farm winery license to fortify wine and import spirits. A gentleman by the name of Steve Lenay of South Casco who owns Black Smith Wineries is in the process of over the next four or five months to have an opening in May of 2000 and it is very imperative that we do initiate this bill today. I would ask that we would send it to its first and second reading Mr. Speaker.

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-795)** 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-795)** and sent for concurrence.

(H.P. 1413) (L.D. 2020)  
(C. "A" H-777)

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

(H.P. 1795) (L.D. 2518) Bill "An Act to Amend the Elderly Low-cost Drug Program" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-802)**

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

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-802)** 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-802)** and sent for concurrence.

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

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (S-483)** - Committee on **LABOR** on Bill "An Act to Abolish Apportionment in Workers' Compensation Claims" (S.P. 197) (L.D. 586)

Which was **TABLED** by Representative HATCH of Skowhegan pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

HOUSE DIVIDED REPORT - Report "A" (11) **Ought to Pass as Amended by Committee Amendment "A" (S-478)** - Report "B" (1) **Ought to Pass as Amended by Committee Amendment "B" (S-479)** - Report "C" (1) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prohibit the State from Competing with Private Industry" (S.P. 179) (L.D. 533)

Which was **TABLED** by Representative AHEARNE of Madawaska pending his motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative TWOMEY of Biddeford **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

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

**ROLL CALL NO. 429**

YEA - Ahearne, Andrews, Bagley, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dugay, Dunlap, Etnier, Fisher, Foster, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW,

**CONSENT CALENDAR**  
**Second Day**

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

(H.P. 1632) (L.D. 2284) Bill "An Act to Maintain the Eel and Elver Management Fund and Regulate Permits for Eel Weirs"

(H.P. 1651) (L.D. 2320) Bill "An Act to Increase the Bonding Limit of the Trustees of the City of Brewer High School District from \$2,500,000 to \$5,000,000" (EMERGENCY)

(H.P. 1666) (L.D. 2335) Bill "An Act to Revise the Charter of the Madawaska Water District" (EMERGENCY)

(H.P. 1713) (L.D. 2419) Bill "An Act to Correct Inconsistencies of the Taxable Wage Amount in the Unemployment Compensation Law"

(H.P. 1128) (L.D. 1587) Bill "An Act to Allow the Surviving Veteran Spouse of a Veteran to Continue to Receive the Property Tax Exemption" (C. "B" H-787)

(H.P. 1578) (L.D. 2225) Bill "An Act to Permit Certain Referrals by Health Care Practitioners" (EMERGENCY) (C. "A" H-786)

(H.P. 1656) (L.D. 2325) Bill "An Act to Address Financial Inequities in Special Waste Fees" (C. "A" H-791)

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.

**BILLS IN THE SECOND READING**  
**House As Amended**

Resolve, Directing the Bureau of Liquor Enforcement to License an Agency Liquor Store in the City of Caribou

Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, Tuttle, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Bryant, Dudley, Duncan, Duplessie, Fuller, Jacobs, Mitchell, Skoglund, Twomey, Volenik.

ABSENT - Baker, Brennan, Chick, Frechette, Jabar, Muse, Pinkham, Stevens, True, Usher.

Yes, 131; No, 10; Absent, 10; Excused, 0.

131 having voted in the affirmative and 10 voted in the negative, with 10 being absent, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-478)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 22, 2000.

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

HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass as Amended by Committee Amendment "A" (H-433)** - Report "B" (1) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act to Promote Stability in Labor Management Relations in the Public Sector"

(H.P. 960) (L.D. 1358)

Which was **TABLED** by Representative HATCH of Skowhegan pending her motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

Subsequently, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-433)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 22, 2000.

---

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

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "B" (H-788)** - Minority (1) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act Regarding Taxation of Clean Vehicle Fuels"

(H.P. 940) (L.D. 1337)

Which was **TABLED** by Representative BOUFFARD of Lewiston pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "B" (H-788)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 22, 2000.

---

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-789)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-790)** - Committee on **TRANSPORTATION** on Bill "An Act to Create a Purple Heart Motorcycle License Plate"

(H.P. 1653) (L.D. 2322)

Which was **TABLED** by Representative WHEELER of Eliot pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **COLLINS**: Mr. Speaker, Men and Women of the House. This is purely just an oversight from the original legislation to enable Purple Heart recipients who qualify to obtain a Purple Heart Plate for their motor vehicles. This legislation will enable motorcyclists to have the same privilege for having a Purple Heart Plate. Clearly this is just an oversight of this legislation. I would like to request a roll call on this.

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

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

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. I would just like to add a few comments to what Representative Collins had to say about the Purple Heart Plate. The amendment for the Minority Report would allow for the original plate to be placed on the motorcycle that is already onto the vehicle for the Purple Heart Plate and the opposition to this will come in and say they are going to provide a Purple Heart Decal for the plate. I contend this was an oversight on the original bill when it was passed. I would recommend that we have a little consistency in our law and allow for the motorcycle plate to be placed on the motorcycle as it was originally intended. Also, they are going to cite cost. The individual that buys a motorcycle plate will be paying the cost of the manufacturing of this plate. I would ask that you support the Minority Report. Thank you.

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

Representative **WHEELER**: Mr. Speaker, Men and Women of the House. Basically either way that you vote today is a win, win situation for the Purple Heart recipients. The Majority Report is just trying to keep our plate system in uniform by a new idea that has come before the committee of using decals instead of having hundreds and hundreds of requests for new plates. It is getting harder for the State Police to identify vehicles. This is basically why we have license plates. It is to identify the motor vehicle and the person in it hopefully. The Majority Report will satisfy the request by the sponsor of the bill as far as a Purple Heart Plate with a decal. The Secretary of State's Office has just received a copy of what the decal will look like. It is very nice and it will be very accommodating for all. I urge you to support the Majority Report so we can keep our plate system in uniform. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Holden, Representative Campbell.

Representative **CAMPBELL**: Mr. Speaker, Men and Women of the House. There could be a slight confusion on this bill. As it was proposed, let me go back to a couple sessions ago, in the 117<sup>th</sup> Legislature, I think we had a process of unlimited sponsors. I am the sponsor for the Purple Heart License Plate as it was originally proposed. We had about two-thirds of both bodies. When we presented that legislation, we forgot to request at the same time a motorcycle plate. With that oversight, the members of the Combat Wounded Purple Heart asked me to

submit a piece of legislation that would give them the same plate on their motorcycle as they have on their car. The same plate meaning the plate would be run, punched in the colors of combat wounded between the bolts on the bottom and that is what we are requesting here. What we have before us in the motion moved, Ought to Pass, the Majority Report, is not what the Purple Hearts asked me to submit. What they asked me to submit was the Minority Report. As this point we are voting on something that the Purple Heart recipients didn't want, a generic plate with a sticker. On behalf of the members of the Purple Heart, I would request that you would defeat this motion and go on to accept the Minority Report. Thank you.

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

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House. As the good Representative Wheeler from Southern Maine indicated, this is a win, win vote. The Purple Heart recipients are going to get a license plate that indicates that they are a Purple Heart holder regardless of which bill passes. In the testimony we heard that there are 70 plus different plates in the State of Maine right now in a state of a little over 1 million people. Maybe it was an oversight, but the oversight brought a bigger issue to the forefront because in the same day we heard testimony about requests for plates for Hiroshima. We heard requests for plates for World War II. We heard requests for plates for the Korean War. We heard requests for a number of different battles, not just wars, but battles. None of us here is trying to cast any aspersions on the service that these ladies and gentlemen gave to the country that we live in and the state that we all love, but we need some consistency and heard testimony from one gentleman who is a Purple Heart recipient and a disabled veteran who said my license plate on my motorcycle now says Vet. People think I work on animals. That is what he is concerned about.

What we are attempting to do if you think about the plates that you see around the State of Maine you will recall seeing one that says Veteran at the bottom of it with a large red V at the beginning of the plate. What we are proposing to do is have the department come back and show us a series of stickers that we can put over that V. I didn't hear any opposition to covering that V from any of the people that this would impact. We will cover the V with the Purple Heart Sticker or the Hiroshima Sticker or the World War II sticker or the Korean War Sticker or the Vietnam Sticker or whatever one they want. This is our attempt to address a bigger issue. There is no intention to diminish what our veterans who have earned a Purple Heart have contributed to this country. I won't dispute the fact that it may have been an oversight, but we are talking about, as the testimony was probably less than 100 people that would be interested in this plate. There are multiple thousands of people in the State of Maine who are Purple Heart recipients. We have issued 1,600. There are a relatively small number of the recipients that have asked for the plates. Any protest that I have heard about our decision was not against our proposal. It was more about this is not exactly what I wanted. Nobody said it wouldn't work. We are asking your support to address a larger issue. Thank you very much ladies and gentlemen.

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

Representative SAVAGE: Mr. Speaker, Men and Women of the House. Back in the last session when we put the moratorium on specialty plates while we were doing the Chickadee Plate, we

put in legislation that would require a minimum of 2,000 plates for any specialty plate. This Minority Report exempts that provision to order no fewer than 2,000. With the sticker option in place on these specialty plates for the various battles and wars, we can eliminate that 2,000 because we won't have the cost of imprinting plates. I ask you to consider that possibility as well when you vote on the Majority Report. Thank you.

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

Representative BOUFFARD: Mr. Speaker, Men and Women of the House. I am going to make this very brief. This is a win, win situation bill. The reason I am on the Minority Report of this is because I really feel that the Purple Heart Plate that we have designed for the automobiles is a beautiful plate. Those men who belong to the Purple Heart Combat Society, whatever you want to call it, they are the ones who spilled their blood for this country. Therefore, I do feel that deserve their own plate. It is very nice to say that you are going to offer decals on a basic plate, but it is something else that if a person who has given of himself for this country has his own plate that verifies that he is a Purple Heart Recipient. Therefore, it is an extension of the automobile plate. It was an oversight over in the 117<sup>th</sup>. We should have done it at that time. If we had done it, you would see the motorcycle plates with the Purple Heart now. They wouldn't have to wait. Hopefully I am on the Minority Report. I don't know if this small speech has persuaded anybody to vote for the Minority Report. Purple Heart people are special and they deserve their plate. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative MACDOUGALL: Mr. Speaker, Men and Women of the House. To anyone who could answer, I think it was said earlier that there are 70 plates issued in the State of Maine. My question is, how many plates are relative to a motorcycle are there in the State of Maine? Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative GERRY: Mr. Speaker, Men and Women of the House. On these stickers, if I have a motorcycle and I want to get a Purple Heart Sticker, how much is it going to cost me for the Purple Heart Sticker or the World War II Sticker or the What not Sticker? What is the cost savings or differences?

The SPEAKER: The Representative from Auburn, Representative Gerry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Mr. Speaker, Men and Women of the House. The answer to the question is it will cost them an extra \$10.

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

#### ROLL CALL NO. 430

YEA - Ahearne, Andrews, Bagley, Berry RL, Bolduc, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron,

Chick, Chizmar, Colwell, Cote, Cowger, Cross, Davis, Dudley, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Glynn, Green, Hatch, Jacobs, Jodrey, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Martin, Marvin, McDonough, McGlocklin, McKee, McKenney, Mitchell, Murphy E, Norbert, O'Brien JA, O'Brien LL, Perry, Pieh, Povich, Powers, Richardson E, Richardson J, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Shiah, Shorey, Sirois, Stanwood, Stedman, Tessier, Thompson, Tobin D, Townsend, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Weston, Wheeler GJ, Williams, Mr. Speaker.

**NAY** - Belanger, Berry DP, Bouffard, Campbell, Carr, Cianchette, Clark, Clough, Collins, Daigle, Davidson, Desmond, Dugay, Duncan, Gerry, Gillis, Goodwin, Gooley, Honey, Jones, Joy, Kasprzak, Kneeland, Lovett, MacDougall, Mack, Madore, Mailhot, Matthews, Mayo, McAlevey, McNeil, Mendros, Murphy T, Nass, Nutting, O'Neal, O'Neil, Peavey, Perkins, Plowman, Quint, Richard, Rines, Rosen, Schneider, Sherman, Shields, Skoglund, Snowe-Mello, Stanley, Sullivan, Tobin J, Tracy, Trahan, Treadwell, Waterhouse, Wheeler EM, Winsor.

**ABSENT** - Baker, Brennan, Frechette, Jabar, Muse, Pinkham, Stevens.

Yes, 84; No, 60; Absent, 7; Excused, 0.

84 having voted in the affirmative and 60 voted in the negative, with 7 being absent, the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-789)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, February 22, 2000.

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

Representative **CHICK**: Mr. Speaker, Men and Women of the House. On today's calendar, item (6-4), I would like to be recorded as voting yea on that item. I missed the roll call vote.

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

**ENACTORS**

**Emergency Measure**

An Act to Amend the Laws Regulating Farm Wineries  
(H.P. 1701) (L.D. 2407)  
(C. "A" H-795)

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. 140 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. **ORDERED SENT FORTHWITH**.

**Emergency Measure**

An Act to Amend the Elderly Low-cost Drug Program  
(H.P. 1795) (L.D. 2518)  
(C. "A" H-802)

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

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

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

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

Representative **MACK**: Mr. Speaker, Right Honorable Men and Women of the House. To anyone who cares to answer, how exactly is this bill amending the Low-Cost Elderly Drug Program?

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

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. Last year when the Low-Cost Drug Program was amended for other reasons, it inadvertently was amended from drafting that would have excluded a few key people from the program. It ended up being a relatively small amount. It was under 200 folks. What this bill was and what we tried to do to get the emergency legislation was to make sure those people were protected for at least one year until we have time to look for policy issues of that bill. These folks would lose their drug card program as of March 1<sup>st</sup>. We are trying to get through and get the Governor to sign this so these folks will have a card by March 1<sup>st</sup> when they reissue. Thank you.

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

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

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

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

**ROLL CALL NO. 431**

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

**NAY** - NONE.

**ABSENT** - Baker, Brennan, Frechette, Jabar, Muse, Stevens.  
Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly the Bill was

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

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

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 15, 2000, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

**HOUSE DIVIDED REPORT - Majority (9) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-774) - Committee on LEGAL AND VETERANS AFFAIRS on Bill "An Act to Prohibit the Scalping of Entertainment Tickets"**

(H.P. 1318) (L.D. 1901)

**TABLED - February 15, 2000 (Till Later Today) by Representative TUTTLE of Sanford.**

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

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative Labrecque.

Representative **LABRECQUE**: Mr. Speaker, Ladies and Gentlemen of the House. I would ask that you defeat the present motion. We had a number of people testify on this particular issue in our committee. Some states such as Massachusetts and Florida have scalping laws that aren't enforced. Our own legislators have seen that in action. It is indicated that while scalping does occur here in the State of Maine, it is not the big problem that you may see in your larger metropolitan areas. This is a freedom of choice. An individual does not have to buy that ticket. I know that young people are often caught up in the need for being like all their peers and this does put a fair amount of pressure on them. I still think it is an unnecessary law. We did have lawyers speak to this that indicated they felt there are laws presently on our books that would take care of it. I thank you very much.

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

Representative **PERKINS**: Mr. Speaker, Men and Women of the House. This is a law that we don't need to put on the books. I agree with Representative Labrecque. Some of the testimony went along these lines. We need this law because my teenage daughter has been affected by this and she lost \$20 and that type of thing. I don't think it is a serious problem. From my perspective we heard no serious testimony that this is a big problem. I would move Indefinite Postponement and request a roll call.

Representative **PERKINS** of Penobscot moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

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

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

Representative **TUTTLE**: Mr. Speaker, Men and Women of the House. I would hope that you would oppose the pending motion of Indefinite Postponement. I find myself in a very difficult situation being chairman of a committee and opposing the majority of my committee. During my freshman year, I had sponsored legislation similar to this 20 years ago. We missed passage of that legislation in the other body by one vote. The main reason back then was that no other states have enacted any laws of this nature and the reason then was if no other states had passed legislation why should Maine lead even though our motto is Dirigo?

Since then I received a number of communications, I think it all depends on where you live. If you are in southern Maine or in a populated area you may get more calls and complaints from parents particularly high school students who are going to these concerts with individuals buying them up in block tickets. It is not only \$20 it is exorbitant amounts of money. I think that we always have to look in this Legislature of doing no harm. I think if anything this legislation will only do good.

The only people that testified against the bill were individuals from the Ticket Master agent in the Westbrook area that do a good job in providing tickets to people throughout the state. We have amended the bill to exempt them. That primarily was the opposition to the bill. There was a member from the other body who was representing their constituent who owned the business. We have amended the bill to include that. As far as having it not needed, I think it is needed. I think it is something that many other states have enacted. I have a list here. The states of Arkansas, California, Connecticut, Florida, Kentucky, Maryland, New York, Pennsylvania, Rhode Island, Tennessee and Wisconsin have enacted limits on resale price, including such limits as \$1 above printed price or a \$3 service charge. The states of Arizona, Connecticut, Michigan, Minnesota, Missouri and North Carolina regulate scalping for owners and promoters. Arizona and California also limit the locations of restrictions on scalping. The states of Louisiana and Maryland regulate ticket sales and resales limited to printing price. The states of Georgia and New Mexico and South Carolina prohibit scalping specifically to athletics and concerts. Alabama, Illinois, Massachusetts and New Jersey also have regulations including broker licensing and the states of South Carolina and Virginia allow municipalities to regulate. Louisiana and Virginia further clarify that to include nonprofit exemptions for resale.

During the 20 years from when this bill was originally passed to where we are now, we have progressed in the enforcement aspect of it. We received a letter from Chief Michael Chitwood in Portland supporting the bill. He said, "I have reviewed the bill that has been submitted to the Maine Legislature regarding ticket scalping. I support the bill and we in the Portland Police Department would enforce the penalties of this piece of legislation if it were enacted. Personally I feel this legislation would help the consumer and because of that I would ask that you would support the bill." There have been a number of editorials around the state, Channel 6 News, Journal Tribune, a paper that I sometimes don't agree with, but in this case I do. They wrote a very good editorial supporting Representative Sullivan of Biddeford and her efforts. I would ask in all these issues that you would vote your conscience, listen to debate. I think it would be a good bill to help, particularly, a number of young people that are involved with paying exorbitant prices.



Once again, I would ask that you would listen the debate and vote your conscience on this issue. I would hope that we would defeat the pending motion of Indefinite Postponement. Thank you Mr. Speaker.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. This isn't a huge deal and you have to pick your battles, but we all say we don't want laws on the books that we don't need. If this were worded correctly, it wouldn't have probably even got as far as it has, in my opinion. Scalping sounds terrible. It is a bad word. What it means is it would be prohibiting buying a ticket at one price and selling them at a higher price. If that were in the title and that is what it is about, I really think people would defeat this. You notice that Massachusetts was the only state in New England that has passed this. Massachusetts, as you know, is just barely in New England. If you want Maine to be a nanny state, then vote against the pending motion and pass this into law, but I suggest we don't want Maine to be a nanny state. Parents and families ought to make these types of decisions and teach their kids to be aware of this type of thing. Thank you.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. I would ask you to vote against Indefinite Postponement regardless of how you would vote if this motion was defeated and we could vote up or down. I think our constituents have the right to know how to vote or how we voted on an issue. To Indefinitely Postpone it is simply a way to avoid the issue. I don't teach my sixth graders to do that. I hope you set the example and vote against this and then let's debate it and vote it up or down on the merits of the case. I think that is right. It is only fair for our constituents. Please vote against this Indefinite Postponement.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PERRY**: Mr. Speaker, Men and Women of the House. My question is every time there is a big event in the state, without exemption almost, radio stations or TV stations will run a promotion where they will sell these tickets for hundreds of dollars for charity. Would that be prohibited?

The SPEAKER: The Representative from Bangor, Representative Perry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bath, Representative Mayo.

Representative **MAYO**: Mr. Speaker, Men and Women of the House. In answer to the good Representative from Bangor, no, it would not be prohibited. I would like to make a correction to what the good Representative from Penobscot indicated a few minutes ago. The amendment that we are talking about does allow the cost of the ticket to be increased, but it sets a limit on that particular increase.

I am one of the legislators on Minority Report. The reason that I took that position is that I had two daughters who enjoyed attending concerts in Portland when they were teenagers. It did bother me at that time and it still bothers me the price that they had to pay for those tickets. Yes, it is free enterprise. They wanted to go, but peer pressure with teenagers is something that

those of us who have had teenagers recently have had to live with. I would urge that the motion of the good Representative from Penobscot be defeated and that we be allowed as a legislative body to vote on this issue up or down. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative **FISHER**: Mr. Speaker, Men and Women of the House. I would encourage you to support the good Representative from Penobscot's motion. I spend a lot of time with kids. I am in school almost every day that I am back in my district and I have yet to hear one of the kids complain about tickets being scalped. In the time since we have had our caucus, I have conferred with one of my fellow legislators and he told me that he talked with the people at the Cumberland County Civic Center and they see no problem with this. There was really nothing compelling to cause me to support the bill in committee. My good chairman from Sanford said that this failed 20 years ago. As far as I can see, the sun still rises in the east and sets in the west. We have survived in that amount of time without it and probably we can survive a little longer period of time. Thank you Sir.

Representative **WINSOR** of Norway **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **DAIGLE**: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to vote in favor of the pending motion to Indefinitely Postpone. Reviewing the bill before me now, I see two points in the bill that I haven't clearly understood so far in the debate. First off, when we are thinking about scalping we think you are talking about tripling or quadrupling the price. The bill says a person is in violation if they are selling the ticket for \$2 more than the original price. The other thing is about the resale and whether you are exempt or not. I know of many cases where charities sell tickets at higher prices in auctions or whatnot. Looking at the bill I see exemptions for people in the business of ticket selling, but I don't see that reference. Can I be corrected? Thank you Mr. Speaker.

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

Representative **O'NEIL**: Mr. Speaker, Men and Women of the House. I have a 10-year-old daughter and I can see the day in a few years when she comes in and says, "Dad, I need some money. I want to go see the Dead Leopards or Metallica." I will think, God, I hope the tickets are about \$500, because you are not going. In seriousness, I think there is a point that I don't think anybody has touched upon. It is entirely separate from the point about whether or not kids and their parents can afford to pay a premium. The language in the bill specifies that this bill apply to public facilities. A public facility would be a place like the Cumberland County Civic Center, which was paid for by taxpayer dollars. Take that a step further and if I were a taxpayer in Cumberland County, which I am not, but there are publicly funded arenas all over the place. I paid for that arena, in a sense, and I would be little bit miffed at the double dip that they are getting or that somebody who is untaxed and unregulated is getting to pay a premium to get into the building that I paid for in the first place. That is a distinction that I think folks ought to also take into consideration before we vote against the pending motion. Thank you.

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

Representative USHER: Mr. Speaker, Men and Women of the House. As a former trustee of the Cumberland County Civic Center, I recall when we opened our facility. Some of the events that we had there was little control on people purchasing the tickets. They used to get there very early in the morning and probably buy a dozen or so, depending on how much money they had or how good their credit card was. We didn't realize what was going on in the first part of it, because we were just getting organized. As we discussed it in many of the meetings that we had, we started putting controls on it. We started putting the control of 10. When we had major events like Garth Brooks, who was a sell out in hours, then we had to put a control of four tickets. It depends on the event. When you get very popular people or back in the '80s when Kenny Rogers was very popular, we would put four tickets. Scalping almost couldn't happen because you and your wife, you girlfriend and another couple would go and that would be it. We did have control. Some other popular events like heavy metal and hard rock and that is where the teenagers would come in. A lot of people would go and find out what the limit of what the event is. If it is six, they will buy the full six, because they got six buddies and they would call them up. There were also people that would buy the limit of four and six and hope their family may attend. They find there is sickness in the family and they have to get rid of two tickets. They put it in some paper that they have two tickets available. It really helps them out. I think we do have control of the tickets. I don't think it is a major issue in the whole state. I would move for the pending motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative TRACY: Mr. Speaker, Men and Women of the House. To anybody out there who can answer this, how are we going to enforce this if it becomes law? Are we going to have a special agent that goes around and checks the tickets to see if they have actually been resold? Can anybody answer that for me? Thank you.

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

Representative TUTTLE: Mr. Speaker, Men and Women of the House. I don't mean to belabor this issue. I would assume the enforcement would be primarily from a local level as Chief Chitwood said in his letter. I know that is how it is done in most other states where the law has become in effect. Also, in answer to the question of Representative Daigle of Arundel, from the amended version of the bill, House Amendment (H-774), the original bill limited it to \$2. The amended version puts into place a 25 percent possibility of resale for those charities and other individuals or others as the good Representative from Westbrook, Representative Usher mentioned. Also, as I mentioned before, the bill would exempt from provisions of the bill ticket selling businesses that are registered or certified to do business in the State of Maine. For that reason, I think the amended version was much better than the original bill where we received the opposition. I hope that answers all the questions on this issue.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House. I want to thank the good Representative, Representative Tuttle, for his answer, but I don't believe that is the answer I was looking for. I guess it would be no enforcement not unless when we get to the individuals go in and purchase the tickets. We would have to put our illustrious social security number on each ticket to match up our numbers when we went through the gates. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Tobin.

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. I will be very brief. I got scalped when I pulled up to the gas pump. I got scalped last week when I filled up my oil tank. I agree with the pending motion and ask you to Indefinitely Postpone this. There is no question about the intentions of the originator of the bill. One man's trash is another man's treasure. Personally I wouldn't pay a dollar to go see the Grateful Dead, but my daughter might spend \$500. We don't need this. Please vote for the pending motion. Thank you.

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

Representative O'BRIEN: Mr. Speaker, Men and Women of the House. I rise for two reasons. One, I want to change my vote from having voted against this bill to vote for it. Secondly, I would encourage people not to vote for the amendment and not to debate it today, because I think this has to come out as to the reasons why, as amended, this is a good bill. Thank you.

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

#### ROLL CALL NO. 432

YEA - Andrews, Belanger, Berry DP, Berry RL, Bolduc, Bowles, Bragdon, Brooks, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Cianchette, Clough, Cowger, Cross, Daigle, Davis, Duncan, Duplessie, Etnier, Fisher, Foster, Gagne, Gillis, Glynn, Goodwin, Gooley, Green, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kasprzak, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Nass, Nutting, Peavey, Perkins, Perry, Pinkham, Plowman, Richardson E, Rines, Rosen, Samson, Savage C, Savage W, Schneider, Sherman, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Winsor.

NAY - Ahearne, Bagley, Bouffard, Bryant, Bull, Chizmar, Clark, Collins, Colwell, Cote, Davidson, Desmond, Dudley, Dugay, Dunlap, Fuller, Gagnon, Gerry, Hatch, Kane, LaVerdiere, Lemoine, Mailhot, Martin, Matthews, Mayo, McAlevy, McDonough, McGlocklin, McKee, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Pieh, Povich, Powers, Quint, Richard, Richardson J, Sanborn, Saxl JW, Saxl MV, Shiah, Shields, Sullivan, Tessier, Townsend, Tuttle, Twomey, Watson, Wheeler GJ, Williams, Mr. Speaker.

ABSENT - Baker, Brennan, Frechette, Jabar, Kneeland, Muse, Stevens, Thompson.

Yes, 88; No, 55; Absent, 8; Excused, 0.

88 having voted in the affirmative and 55 voted in the negative, with 8 being absent, the Bill and all accompanying

papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 998)

**ORDERED**, the House concurring, that when the House and Senate adjourn the House does so until Tuesday, February 22, 2000 at 9 o'clock in the morning and the Senate does so until Tuesday, February 22, 2000 at 10 o'clock in the morning.

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

**READ** and **PASSED** in concurrence.

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Bill "An Act to Fund the Cost of the Waiver of Tuition, Fees and Other Expenses for Native American Students in the Maine Technical College System, University of Maine System and Maine Maritime Academy"

(S.P. 1004) (L.D. 2572)

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 to Harmonize State Financial Services Laws with Federal Law"

(S.P. 1007) (L.D. 2574)

Came from the Senate, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

**REFERRED** to the Committee on **BANKING AND INSURANCE** in concurrence.

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Bill "An Act to Prohibit Persons Under 21 Years of Age from Purchasing Handguns"

(S.P. 1005) (L.D. 2573)

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

**REFERRED** to the Committee on **CRIMINAL JUSTICE** in concurrence.

Bill "An Act to Provide Consistency for Certain Key Deadlines under the Election Laws" (EMERGENCY)

(S.P. 1009) (L.D. 2576)

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

**REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

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The following Joint Order: (S.P. 1006)

**ORDERED**, the House concurring, that the Joint Select Committee on Research and Development report out to the Senate, a bill to make changes to the State's comprehensive research and development evaluation.

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

**READ** and **PASSED** in concurrence.

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The following Joint Order: (S.P. 1008)

**ORDERED**, the House concurring, that the Joint Standing Committee on Labor report out, to the Senate, a bill establishing a method of annually determining and limiting the total employer contribution to the Unemployment Compensation Fund.

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

**READ** and **PASSED** in concurrence.

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**ORDERS**

On motion of Representative KANE of Saco, the following Joint Order: (H.P. 1842)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Health and Human Services report out, to the House, a bill on registration of unlicensed health care assistive personnel.

**READ** and **PASSED**.

Sent for concurrence.

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

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On motion of Representative RINES of Wiscasset, the House adjourned at 11:59 a.m., until 9:00 a.m., Tuesday, February 22, 2000.