

# 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  
10th Legislative Day  
Friday, March 3, 2000

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

Prayer by Father Edward Sheehan, St. John the Baptist Church, Brunswick.

National Anthem by S.A.D. 59 Singers, Madison Junior High School.

Pledge of Allegiance.

Doctor of the day, Frank W. Read, M.D., Cumberland.

The Journal of Tuesday, February 29, 2000 was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.P. 1865)

**STATE OF MAINE  
OFFICE OF THE SECRETARY OF STATE  
AUGUSTA, MAINE 04333**

March 1, 2000

Honorable Joseph Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Enclosed please find my official certification to the 119th Legislature of the citizen initiative petition entitled, "An Act to Repeal the Sales Tax on Snack Food Except Candy and Confections."

Sincerely,

S/Dan A. Gwadosky

Secretary of State

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State of Maine  
Department of State

I, **Dan A. Gwadosky, Secretary of State**, hereby certify that written petitions bearing signatures of 58,259 electors of this State were addressed to the Legislature of the State of Maine and were filed in the Office of the Secretary of State on January 31, 2000, requesting that the Legislature consider an act entitled, "An Act to Repeal the Sales Tax on Snack Food Except Candy and Confections."

I further certify that the number of signatures submitted is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 42,101.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the first day of March in the year two thousand.

S/DAN A. GWADOSKY  
Secretary of State

READ and with accompanying papers ORDERED PLACED ON FILE.

Sent for concurrence.

The accompanying Bill "An Act to Repeal the Sales Tax on Snack Food Except Candy and Confections"

(I.B. 6) (L.D. 2602)

On motion of Representative SAXL of Portland, the accompanying Bill "An Act to Repeal the Sales Tax on Snack Food Except Candy and Confections" (I.B. 6) (L.D. 2602) was REFERRED to the Committee on TAXATION, ordered printed and sent for concurrence. ORDERED SENT FORTHWITH.

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The Following Communication: (H.C. 355)

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

February 25, 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 bills out "Ought Not to Pass":

L.D. 2404 An Act to Provide Juvenile Drug Court Prosecutors

L.D. 2452 An Act to Appropriate Funds to Help Restore Historic St. Lawrence Church

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

Sincerely,

S/Sen. Michael H. Michaud

Senate Chair

S/Rep. Elizabeth Townsend

House Chair

READ and ORDERED PLACED ON FILE.

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

The following Bills 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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**AGRICULTURE, CONSERVATION AND FORESTRY**

Bill "An Act to Revise the Law Protecting Farmers' Right to Farm"

(H.P. 1861) (L.D. 2596)

Presented by Representative PIEH of Bremen. (GOVERNOR'S BILL)

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act to Enhance Teacher Development and Meet the Special Needs of Students at the Southern Maine Juvenile Facility"

(H.P. 1863) (L.D. 2598)

Presented by Speaker ROWE of Portland.

Under suspension of the rules, cosponsored by Senator MURRAY of Penobscot and Representatives: BRENNAN of Portland, KANE of Saco, LOVETT of Scarborough, McALEVEY of Waterboro, MUSE of South Portland, POVICH of Ellsworth, QUINT of Portland, RICHARD of Madison, STEDMAN of Hartland, TOWNSEND of Portland, WESTON of Montville, President LAWRENCE of York.

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

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**Pursuant to Statute**

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

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

(H.P. 1860) (L.D. 2595)

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

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

Sent for concurrence.

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**Pursuant to Statute**

**Department of Inland Fisheries and Wildlife**

Representative DUNLAP for the **Department of Inland Fisheries and Wildlife** pursuant to Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 25: Leashed Tracking Dog License Rules, Major Substantive Rules of the Department of Inland Fisheries and Wildlife (EMERGENCY)

(H.P. 1867) (L.D. 2603)

Be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

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**ORDERS**

On motion of Representative FULLER of Manchester, the following Joint Order: (H.P. 1864) (Cosponsored by Representatives: GAGNON of Waterville, HONEY of Boothbay, JACOBS of Turner, MURPHY of Berwick, Speaker ROWE of Portland, SAXL of Bangor, Senator: RAND of Cumberland)

**ORDERED**, the Senate concurring, that the Joint Select Committee on School-based Health Care Services is established as follows.

**1. Committee established.** The Joint Select Committee on School-based Health Care Services, referred to in this order as the "committee," is established.

**2. Membership.** The committee consists of 5 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate; and

B. Three members of the House of Representatives appointed by the Speaker of the House.

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

**4. Appointments; convening of committee.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee no later than May 15, 2000.

**5. Duties.** The committee shall:

A. Review the current funding sources for school-based health care services in the State, including the ability of school-based health centers to receive reimbursement for their services from 3rd-party payers;

B. Examine the social and financial impact and the medical efficacy of mandating insurance coverage for school-based health care services with the technical assistance of the Department of Professional and Financial Regulation, Bureau of Insurance;

C. Examine the administrative costs and burdens to school-based health centers regarding billing of public payers and 3rd-party payers for their services;

D. Review the credentialing and other requirements imposed on health care providers and practitioners that relate to the ability of school-based health centers and practitioners in school-based health centers to bill 3rd-party payers or public payers for their services;

E. Recommend strategies for funding school-based health care services, including methods for public funding and 3rd-party reimbursement for school-based health care services; and

F. Invite the participation of experts and interested parties, including the Department of Professional and Financial Regulation, Bureau of Insurance; the Department of Education; and the Department of Human Services, Bureau of Health.

**6. Staff assistance.** Upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee.

**7. Compensation.** Members of the committee are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, Section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee.

**8. Meetings.** The committee shall hold 5 meetings, but, if the committee requires additional meetings, it may apply to the Legislative Council, which may approve additional meetings.

**9. Report.** The committee shall submit a report along with any recommended legislation to the Legislature by December 1, 2000. If the committee requires an extension of time to make its report, it may apply to the Legislative Council, which may grant the extension.

**10. Committee budget.** The chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council or the executive director's designee shall provide the committee chairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds.

**READ and PASSED.**

On motion of Representative KASPRZAK of Newport, the House **RECONSIDERED** its action whereby the Joint Order was **PASSED**.

The same Representative **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. 443**

YEA - Ahearne, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Bumps, Cameron, Chizmar, Clark, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Fuller, Gagne, Gagnon, Gillis, Glynn, Goodwin, Gooley, Green, Honey, Jabar, Jacobs, Jodrey, Jones, Kane, Kneeland, LaVerdiere, Lemoine, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McNeil, Mendros, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien LL, O'Neal, Peavey, Perkins, Perry, Pieh, Povich, Powers, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Skoglund, Stanley, Stanwood, Sullivan, Tessier, Thompson, Tobin D, Townsend, Tracy, Trahan, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Andrews, Buck, Carr, Clough, Davis, Gerry, Heidrich, Joy, Kasprzak, Labrecque, Lindahl, MacDougall, McKenney, Pinkham, Plowman, Snowe-Mello, Stedman, Tobin J, Treadwell, Waterhouse, Weston.

ABSENT - Campbell, Chick, Cianchette, Dugay, Frechette, Hatch, Lemont, Lovett, Mack, Marvin, McKee, Mitchell, O'Brien JA, O'Neil, Quint, Stevens, Winsor.

Yes, 113; No, 21; Absent, 17; Excused, 0.

113 having voted in the affirmative and 21 voted in the negative, with 17 being absent, and accordingly the Joint Order was **PASSED**.

Sent for concurrence. **ORDERED SENT FORTHWITH.**

On motion of Representative DUNLAP of Old Town, the following Joint Order: (H.P. 1866)

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife report out, to the House, a bill regarding lifetime hunting and fishing licenses.

**READ and PASSED.**

Sent for concurrence. **ORDERED SENT FORTHWITH.**

On motion of Representative SIROIS of Caribou, the following House Order: (H.O. 36)

**ORDERED**, that Representative Roger D. Frechette of Biddeford be excused Tuesday, February 15, 2000 and Friday, February 18, 2000 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Nancy B. Sullivan of Biddeford be excused Tuesday, February 22, 2000 for personal reasons.

**READ and PASSED.**

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

Representative **CHICK**: Mr. Speaker, Men and Women of the House. On today's calendar item (4-1) may I be recorded as voting yea.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Paul Eisenstein, of Auburn, on being recognized as a "Student for all Seasons" by the *Sun Journal*. We extend our congratulations to Paul on this accomplishment;

(HLS 1038)

Presented by Representative SHIELDS of Auburn.

Cosponsored by Senator DOUGLASS of Androscoggin.

On **OBJECTION** of Representative SHIELDS of Auburn, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. Paul Eisenstein is a senior at Edward Little High School. A school, which, incidentally, has an 18 and 0 basketball record this year. Paul has a number of accomplishments, which are rarely exceeded or even duplicated. He is a national merit scholar finalist. He is in the National Honor Society and is its president. He is the president of the Student Council. He is the student representative to the Auburn School Committee. He plays varsity football. He plays varsity lacrosse. He is the winner of the Bausch and Lomb Science Award. He is the winner of a book award. He is the winner of the Harvard Book Award. He was first in a biology Olympiad examination and he is a member of the Civil Rights Team. Edward Little sees him as a person of quality that embodies the spirit of Edward Little High School and is very proud of Paul Eisenstein. Thank you.

**PASSED** and sent for concurrence.

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

**REPORTS OF COMMITTEE**

Refer to the Committee on Natural Resources Pursuant to Joint Order (H.P. 1841)

Representative MARTIN from the Committee on **NATURAL RESOURCES** on Bill "An Act to Improve Public Water Supply Protection"

(H.P. 1862) (L.D. 2597)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Joint Order (H.P. 1841).

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

Committee on **NATURAL RESOURCES** suggested.

On motion of Representative MARTIN of Eagle Lake, the Bill was **REFERRED** to the Committee on **NATURAL RESOURCES** and the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

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**Ought to Pass As Amended**

Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Requiring Legislative Approval of Ecological Reserves"

(S.P. 157) (L.D. 477)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (S-500)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-500) AS AMENDED BY SENATE AMENDMENT "A" (S-510)** thereto.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**. **COMMITTEE AMENDMENT "A" (S-500)** **READ** by the Clerk. **SENATE AMENDMENT "A" (S-510) TO COMMITTEE AMENDMENT "A" (S-500)** **READ** by the Clerk and **ADOPTED**. **COMMITTEE AMENDMENT "A" (S-500) AS AMENDED BY SENATE AMENDMENT "A" (S-510)** thereto **ADOPTED**.

**TOMORROW ASSIGNED FOR SECOND READING.**

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**Divided Report**

Majority Report of the Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-506)** on Bill "An Act to Allow Other New England States to Join the Tri-state Lotto Compact"

(S.P. 877) (L.D. 2292)

Signed:

Senators:

DAGGETT of Kennebec

CAREY of Kennebec

FERGUSON of Oxford

Representatives:

CHIZMAR of Lisbon

MAYO of Bath

TUTTLE of Sanford

O'BRIEN of Lewiston

HEIDRICH of Oxford

McKENNEY of Cumberland

GAGNE of Buckfield

FISHER of Brewer

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

Signed:

Representatives:

LABRECQUE of Gorham

PERKINS of Penobscot

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-506)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-506)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 7, 2000.

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Majority Report of the Committee on **CRIMINAL JUSTICE** reporting **Ought Not to Pass** on Bill "An Act Regarding the Administration of Polygraph Tests to Prospective Law Enforcement Personnel"

(H.P. 249) (L.D. 353)

Signed:

Senators:

MURRAY of Penobscot

O'GARA of Cumberland

Representatives:

CHIZMAR of Lisbon

SHERMAN of Hodgdon

TOBIN of Dexter

McALEVEY of Waterboro

POVICH of Ellsworth

PEAVEY of Woolwich

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-819)** on same Bill.

Signed:

Representatives:

O'BRIEN of Augusta

MUSE of South Portland

**READ.**

Representative POVICH of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **POVICH**: Thank you Mr. Speaker, Men and Women of the House. The bill allows only law enforcement officers or candidates for employment as law enforcement officers to be asked to undergo polygraph test by employers.

The prime sponsor of this bill, Representative Muse, has every right to be as mad as a hornet with me. I urged him to request a carry over on this bill in order to give the committee an opportunity to resuscitate the bill. I told him I would help get a good report out. We originally thought we could winnow out some correction house jobs from polygraphs. However, we learned after arduous work that the bill would have also winnowed out some sensitive State Police positions from the examination. We could not do it. I apologize. The testimony revealed that some other sensitive professions, other than law enforcement need to be subjected to polygraph examinations. Passage of this bill would have hampered efforts to complete comprehensive background on applicants for sensitive positions within the State Police. A one-size fit all approach to this issue was unattainable and ill advised. Too much was at stake to risk enacting this law. Please support the motion. Thank you.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I stand before you today urging you to follow my light

on this issue. I argue it on two points. It is very simple. The polygraph exam does not work. The United States Supreme Court has said that it does not work. The scientific community has said that it does not work. The US Military Courts have said that it does not work. That is why we do not allow it as evidence in our courts. That is why we don't allow it for any other job field to be used as a test for employment. It has been proven to be ineffective. Statistically there are people who would argue that seven out of ten times when you are strapped to their little machine, when you tell them your name, you will come out a liar.

I know that at this time of the year we start getting flooded with paperwork and a lot of times it ends up in the round file very quickly. One of the pieces that you received this morning is from a gentleman named Doug Williams who worked for the Oklahoma Police Department for many years and was in charge of their polygraph unit and administered the test to over 6,000 individuals before he finally realized that he could not keep doing this in good conscience. In good conscience I cannot keep doing this. This machine does not work. It is far too subjective. They look at nothing more than bleeps of a line on a page and determine whether or not you are being truthful. It can easily be beaten. He clearly demonstrated that on *60 Minutes*, *20/20* and on several other national television shows that it could be beaten.

The second reason why I introduced this was a simple matter of clarification. The current law that we have allows law enforcement personnel, police personnel only, to be given a polygraph exam as part of their pre-employment screening, only law enforcement personnel. We have six sheriffs in the State of Maine, six county sheriffs, who have decided that they are corrections officers, jail guards, are law enforcement people. They are not. It is clearly defined in law. These six sheriffs have decided that the cooks who work in their county jails are law enforcement personnel. Clearly they are not. I don't believe you need the powers of arrest to make soup. They have also decided that the teachers who work in their county jails are law enforcement personnel. They are giving all of these people polygraph exams before they are hired. They clearly don't fall under the scope of the existing law. It is a law that was written by this Legislature many, many years ago when they first looked at outlawing polygraphs for the purpose of pre-employment screening. It wasn't until the midnight hour that the Maine State Police came forward and said that we need to use the polygraph that they amended the bill and said that if the police want to use this to hire police law enforcement personnel, so be it. Let them. That is not what is happening now. This bill simply seeks to clarify the existing law. The amended version, we worked with the State Police. We gave them in the amended version the people who they were concerned about. They were concerned about their dispatchers. They want to be able to polygraph their dispatchers. Fine, the amended version allows them to do that. They wanted to be able to polygraph their crime analysts. Fine, the amended version allows them to do that. The State Police are happy with the amended version the way that it is written. I would strongly urge you to follow my light on this issue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MCALLEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. My colleague and friend, Representative Muse, has two valid points. The question of whether polygraphs work or not and the issue of polygraphing

corrections officers. That is the crux of what we heard at the committee. Beyond the issue of whether polygraphs work or not, you are going to find that there are two schools. You are either for it or against it. There is no gray area. I remind you that the polygraph examination for pre-employment screening for law enforcement officers is probative. It is one of many screening devices law enforcement use to select candidates, including background investigations; criminal records checks as well as psychological profiles. Having been through two, one for the State Drug Agency and one for my Sheriff's Department. I know that your life is opened up. It is a book. Almost as much so as those of us who run for public office and hold public office. It is one tool.

The issue of polygraphs with corrections guards, cooks, etc., I think is valid. We have contraband in our jails and prisons. The only reason the Department of Corrections doesn't use it, is it is too expensive. We do have contraband in our jails anywhere from drugs to cigarettes to weapons to whatever. Whether you like it or not, unfortunately, most of the contraband that comes into that facility comes in from people who work there. That is only a very, very, very small percentage of those people. In my experience of 18 years with the Sheriff's Department, we may have had a dozen people who worked there, either through prerelease or in the kitchen. In each incidence we were able to, after the fact, intercept the contraband. Smuggling contraband into a jail or a prison is a felony in this state, whether it is a cigarette, weapon or drugs. We have a duty of care, custody and control over the people we watch over in our prisons and jails. The most important thing we do is to keep them safe from each other and keep our corrections officials safe. I believe this is a valid tool. I think the crux of the matter is whether we polygraph our corrections officers or not.

If you apply for a job, you know right up front whether there will be a polygraph exam or not. If you choose not to submit yourself to one, you do not have to apply. This is a matter of public safety. Thank you.

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

Representative **MUSE**: Mr. Speaker, Men and Women of the House. I would like to thank my good friend Representative McAlevey for jolting my memory. I would like to speak briefly about the Cumberland County Sheriff's Department because I have first-hand knowledge where up until a few years ago they never used a polygraph for pre-employment screening of their correctional officers. They did thorough background investigations, phone calls, interviews, checking on applicants backgrounds. They stopped that and they relied on the polygraph exam. In a two-year period they terminated four employees who had come through and were given polygraphs. A couple of them were brought to court for bringing contraband into the jail. They had drugs and had been selling them to inmates. Thanks to the polygraph those people were hired. Thanks to no longer performing a detailed background investigation, those people were hired.

One of the gentlemen in Cumberland County who pushed the department very hard to start utilizing polygraph exams for hiring corrections officers went on to take a job as the Chief of Police in the Town of Buxton. He lasted one week because he was later told part of his employment would require that he take a polygraph exam. As soon as he was told that, he quit. He refused to take it. This was a gentleman who pushed for the polygraph exam.

I have heard the term in our committee recently by probably about 300 people who came to testify about another bill that this is a slippery slope. I say it is a slippery slope that we are sliding down right now. Perhaps much like the sheriff's polygraphing the teachers in the jails, instead of just fingerprinting the teachers in the State of Maine maybe we should polygraph them as well. Thank you Mr. Speaker.

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

Representative TOBIN: Mr. Speaker, Ladies and Gentlemen of the House. I will be quite brief. This is simply a tool, which is used by the Maine State Police and was also used by some sheriffs in some counties to screen applicants. If I remember correctly, it is May. This came to us with a high recommendation from the Maine State Police. It gives them an opportunity to say you may be polygraphed. That in itself that you may be polygraphed has been a tremendous screening tool for the State Police for a number of years. Once an applicant finds out that they may be polygraphed, they have second, third or fourth thoughts about filing applications. I would hope that you would support the Majority Report. Thank you.

Representative POVICH of Ellsworth REQUESTED a roll call on his motion to ACCEPT the Majority Ought Not to Pass Report.

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

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

Representative PLOWMAN: Mr. Speaker, Men and Women of the House. It seems in Los Angeles this week they are now considering requiring polygraph tests following the huge investigation that is going on regarding the crime investigative units and the gang units. They have not been using the polygraph and they have supposedly 80 officers who were involved in abusing and jailing people. They are now going to start requiring these in Los Angeles and we are talking about them not being needed in Maine. I think maybe they might be catching up with us. Thank you.

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

#### ROLL CALL NO. 444

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Bolduc, Bouffard, Bowles, Brennan, Brooks, Bruno, Buck, Bumps, Cameron, Carr, Chick, Chizmar, Clark, Clough, Collins, Cote, Cowger, Cross, Daigle, Davis, Desmond, Duncan, Dunlap, Etnier, Fisher, Foster, Frechette, Gagne, Gagnon, Gerry, Gillis, Goodwin, Gooley, Hatch, Heidrich, Honey, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Matthews, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Murphy E, Murphy T, Nass, Nutting, O'Brien LL, O'Neal, Peavey, Perkins, Pieh, Pinkham, Plowman, Povich, Richard, Richardson E, Rines, Rosen, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Sirois, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - Berry RL, Bragdon, Bryant, Bull, Colwell, Davidson, Dudley, Duplessie, Fuller, Glynn, Green, Jabar, Jacobs,

LaVerdiere, MacDougall, Mendros, Muse, Norbert, O'Brien JA, Perry, Powers, Richardson J, Samson, Skoglund, Snowe-Mello, Tracy, Twomey, Volenik, Watson.

ABSENT - Campbell, Cianchette, Dugay, Mack, Mayo, McKee, Mitchell, O'Neil, Quint, Stevens.

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

112 having voted in the affirmative and 29 voted in the negative, with 10 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 937) (L.D. 2387) Bill "An Act to Amend the Qualifying Examination for Initial Teacher Certification" Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass

(S.P. 567) (L.D. 1634) Bill "An Act to Allow Certain Aquaculture Activities by Rule" Committee on MARINE RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (S-508)

(H.P. 1819) (L.D. 2553) Resolve, Regarding Legislative Review of Chapter 305: Rules and Regulations Pertaining to Traffic Movement Permits, a Major Substantive Rule of the Department of Transportation (EMERGENCY) Committee on TRANSPORTATION reporting Ought to Pass

(H.P. 1849) (L.D. 2587) Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Natural Resources Relating to the Review of the Advisory Commission on Radioactive Waste and Decommissioning Under the State Government Evaluation Act" Committee on NATURAL RESOURCES reporting Ought to Pass

(H.P. 1640) (L.D. 2291) Bill "An Act to Make Organizational Changes in the Maine State Cultural Affairs Council" Committee on EDUCATION AND CULTURAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-825)

(H.P. 1648) (L.D. 2317) Bill "An Act Increasing the Authorized Indebtedness of the Veazie Sewer District" Committee on UTILITIES AND ENERGY reporting Ought to Pass as Amended by Committee Amendment "A" (H-832)

(H.P. 1697) (L.D. 2403) Bill "An Act to Delay the Start-up Date for Implementing Electric Metering and Billing Competition" Committee on UTILITIES AND ENERGY reporting Ought to Pass as Amended by Committee Amendment "A" (H-831)

(H.P. 1758) (L.D. 2464) Bill "An Act to Change the Aquaculture Lease Process" Committee on MARINE RESOURCES reporting Ought to Pass as Amended by Committee Amendment "A" (H-827)

(H.P. 1769) (L.D. 2482) Bill "An Act to Enhance Maine's Historic Districts by Efficiently Installing Underground Delivery Systems During Road Construction" Committee on UTILITIES AND ENERGY reporting Ought to Pass as Amended by Committee Amendment "A" (H-830)

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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#### CONSENT CALENDAR



**Second Day**

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

(S.P. 880) (L.D. 2295) Bill "An Act to Clarify Granting Authority Under the Agricultural Development Grant Program"

(S.P. 891) (L.D. 2310) Bill "An Act to Change the Name in the Statutes of a Native American Organization Able to Issue Hunting and Fishing Licenses" (EMERGENCY)

(S.P. 925) (L.D. 2376) Bill "An Act to Change the Name of the Natural Resources Information and Mapping Center to More Accurately Reflect its Roles and Duties and to Correct Inconsistent Statutes"

(S.P. 742) (L.D. 2101) Bill "An Act to Enhance the Maine State College Savings Program" (C. "A" S-501)

(S.P. 932) (L.D. 2382) Bill "An Act to Require Expenditure of Designated Funds for the Purpose for which the Legislature Designated the Funds" (C. "A" S-497)

(H.P. 1637) (L.D. 2288) Bill "An Act to Eliminate Regulation of Public Heating Utilities"

(H.P. 1638) (L.D. 2289) Bill "An Act to Provide Standard-offer Service to Certain Customers" (EMERGENCY)

(H.P. 1722) (L.D. 2428) Bill "An Act to Make Certain Public Utility Commission Rules Routine Technical Rules"

(H.P. 1676) (L.D. 2342) Bill "An Act to Add Emergency Medical Services to the Municipal Fire Department Authority" (C. "A" H-822)

(H.P. 1716) (L.D. 2422) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Legislature to Provide for Assessment of Property Used for Commercial Fishing at Current Use (C. "A" H-820)

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

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

Bill "An Act to Make Technical Changes in the Law Authorizing the Capital Riverfront Improvement District"

(S.P. 863) (L.D. 2261)  
(C. "A" S-495)

**House**

Bill "An Act to Clarify Repair and Inspection Standards for Punctured Tires"

(H.P. 1732) (L.D. 2438)

**House As Amended**

Bill "An Act to Amend the Installment Payment Order Capability of the Disclosure Court"

(H.P. 243) (L.D. 347)  
(C. "A" H-816)

Bill "An Act to Clarify the Laws Relating to Corporate and Other Entities"

(H.P. 1664) (L.D. 2333)  
(H. "A" H-826 to C. "A" H-818)

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

Bill "An Act to Provide for a Limited Waiver of Immunity" (H.P. 916) (L.D. 1294)  
(C. "A" H-815)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

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

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

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

**Representative PLOWMAN**: Mr. Speaker, Men and Women of the House. This bill is a bill out of the Judiciary Committee. The bill allows for a suit to be brought against the driver of a vehicle. A driver who at the time would be a volunteer driver for anyone of any of the organizations in the State of Maine that do an incredible amount of work for us, from Boy Scouts and Girl Scouts to Meals on Wheels, the Catholic Charities of Maine. All of who have enjoyed as set by public policy by a past Legislature and they have enjoyed immunity from suit. Should there be an accident while they are volunteering, they have not been subject to a suit. The organization that they drive for has been subject to a suit. If there is insurance, they may be sued. This bill went not only past allowing the person in the vehicle to sue the charitable organization, but to also sue the driver. We are going back on the public policy that we set earlier to encourage volunteerism and to somewhat reward volunteerism and all in the name of providing a pocket for someone to delve into. I would ask that you vote to Indefinitely Postpone this bill and all its accompany papers in order to reassure our volunteers that what they are doing continues to be a good service to the State of Maine and its people. Thank you very much.

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

**Representative THOMPSON**: Mr. Speaker, Men and Women of the House. I would ask that you would vote to defeat this motion to Indefinitely Postpone. I will try to go over for you why this bill should be passed. This bill is about protecting victims. Currently the law indicates that if a volunteer is involved in any activity on behalf of the nonprofit, they are immune from all liability for their acts of negligence. The committee limited this change in the policy to situations when that volunteer or director has insurance, such as automobile insurance. The purpose of that is to protect a victim who might otherwise not be able to recover for the injuries that they receive.

Under the current law if you are a volunteer and you are engaged in an activity on behalf of a nonprofit agency, no matter who you injure, you cannot be liable for that injury. It is not just for the people that are also part of that nonprofit agency, but to innocent third parties also. You are immune from liability on those issues. The immunity just states that you are not liable at all in a civil action if you are in the scope of your volunteer activities. Let me give you a couple of scenarios. I am a volunteer driver and I am volunteering for a local baseball program that has obtained their nonprofit status, but not all of them carry insurance to cover automobile accidents. Most of them carry insurance to cover something that happens to the kids while they are playing on the field or whatever. They have that type of accident insurance. They don't often, typically, carry

insurance for automobile and transporting the kids. You are taking some kids from practice up to a game in another town. Through your negligence, you get into an automobile accident and you injure those kids plus another kid that happened to be out in the middle of the street, which is where you started this accident. You clipped a pedestrian and then went off the road and injured not only that pedestrian, but the kids in your car. None of those children would be able to recover from you for the injuries that they receive as a result of that accident, not the innocent third party pedestrian, nor the kids that were in the program.

If the agency for which you are volunteering has insurance, there is a possibility of going after their insurance. If they don't have insurance, then there is no recovery at all. What this bill says and changes is that if you are negligent, then you are liable up to the extent of whatever automobile insurance you have on your vehicle. It continues the immunity for liability to your personal assets. The change only allows that innocent victim to obtain coverage to get at that coverage for the injuries that they have received.

Is this a balancing act? Sure it is. Is it going to affect a lot of incidences? No. How many innocent victims, do we justify one a year that has no way to get their medical bills paid? The insurance people that were at the hearing couldn't even identify that there are significant numbers in this area. What I am saying to you is the balancing act is that you still protect that person's individual assets, but you let that victim obtain a recovery for their injuries from the insurance. Therefore, I think with that balancing act in effect it is a protection for the victim while still protecting the assets of the person who is volunteering. I urge you to defeat this motion to Indefinitely Postpone.

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

Representative **PLOWMAN**: Mr. Speaker, Men and Women of the House. As you just heard, the insurance industry could not identify even a significant amount of people that this would apply to. When you are talking about changing or overriding public policy that has been decided and debated here before and encourages volunteerism for a something might happen, I think that we need to continue with the good public policy that we have already had. Thank you.

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

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope that everyone will go along with the present motion. I won't repeat what I said yesterday. I just want to make one comment. The good Representative from Naples talked about victims. How many times in this House have we heard of just one person was saved from whatever situation. It reminds me that if you are going to extrapolate that as a policy, you could make the case for setting the speed limit on the turnpike at 25 miles per hour. If just one life would be saved, that certainly would save one life. I say this is good policy. I did not incur any overriding reason for changing the good policy that has been in effect for a long time. I hope you support the pending motion. Thank you.

Representative **PLOWMAN** of Hampden **REQUESTED** a roll call on her motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

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

**ROLL CALL NO. 445**

**YEA** - Andrews, Belanger, Bowles, Buck, Bumps, Cameron, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gerry, Gillis, Glynn, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, O'Brien JA, Pinkham, Plowman, Povich, Richardson E, Rosen, Sherman, Shorey, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

**NAY** - Ahearne, Bagley, Baker, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Bull, Carr, Chick, Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Gooley, Green, Hatch, Jabar, Jacobs, Labrecque, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, McKee, Muse, Norbert, Nutting, O'Brien LL, O'Neal, Peavey, Perkins, Perry, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Sirois, Skoglund, Stanley, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

**ABSENT** - Campbell, Cianchette, Kane, Mitchell, O'Neil, Stevens.

Yes, 55; No, 90; Absent, 6; Excused, 0.

55 having voted in the affirmative and 90 voted in the negative, with 6 being absent, the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 154) (L.D. 474) Bill "An Act Relating to the Crime of Murder and to the Murder of Children" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-511)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence. **ORDERED SENT FORTHWITH**.

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**ENACTORS**  
**Emergency Measure**

An Act to Permit Certain Referrals by Health Care Practitioners

(H.P. 1578) (L.D. 2225)  
(C. "A" H-786)

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

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**Emergency Measure**

An Act to Regulate Nonprofit Debt Management Service Providers

(S.P. 865) (L.D. 2263)  
(C. "A" S-493)

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

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**Emergency Measure**

An Act to Conform the Maine Tax Laws for 1999 with the United States Internal Revenue Code

(S.P. 867) (L.D. 2277)  
(C. "A" S-490)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

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

(H.P. 1651) (L.D. 2320)

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

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**Emergency Measure**

An Act to Revise the Charter of the Madawaska Water District

(H.P. 1666) (L.D. 2335)

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

**Emergency Measure**

Resolve, to Require Certain Reports Concerning the Use of Automated Telephone Answering Equipment by State Government

(S.P. 777) (L.D. 2176)  
(C. "A" S-488)

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

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**Acts**

An Act Regarding Taxation of Low-energy Fuels

(H.P. 940) (L.D. 1337)  
(C. "B" H-788)

An Act to Encourage Environmental Management Systems

(H.P. 1072) (L.D. 1519)  
(C. "A" H-801)

An Act to Allow the Surviving Veteran Spouse of a Veteran to Continue to Receive the Property Tax Exemption

(H.P. 1128) (L.D. 1587)  
(C. "B" H-787)

An Act to Promote Equity Among Health Care Clinics

(S.P. 532) (L.D. 1594)  
(C. "B" S-487)

An Act to Grant Municipalities Greater Flexibility in their Arrangements for Tax Base Sharing Agreements

(S.P. 873) (L.D. 2281)

An Act to Maintain the Eel and Elver Management Fund and Regulate Permits for Eel Weirs

(H.P. 1632) (L.D. 2284)

An Act to Address Financial Inequities in Special Waste Fees

(H.P. 1656) (L.D. 2325)  
(C. "A" H-791)

An Act to Clarify the Laws Governing Solid Waste Disposal Districts

(S.P. 900) (L.D. 2350)

An Act to Simplify the Approval Process of Existing State Tax Increment Financing Districts

(S.P. 941) (L.D. 2391)

An Act to Correct Inconsistencies of the Taxable Wage Amount in the Unemployment Compensation Law

(H.P. 1713) (L.D. 2419)

An Act to Appropriate Funds for Acquisitions for the Maine State Library

(H.P. 1770) (L.D. 2483)

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2001

(S.P. 950) (L.D. 2489)  
(S. "A" S-491)

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

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**Resolves**

Resolve, to Reinstate Emergency Assistance for Dependents of Veterans

(S.P. 688) (L.D. 1934)  
(C. "A" S-482)

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 870) (L.D. 2280)  
(C. "A" S-494)

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

An Act to Amend the Low-emission Vehicle Program

(S.P. 868) (L.D. 2278)  
(C. "A" S-486)

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

On motion of Representative MARTIN of Eagle Lake, was **SET ASIDE**.

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

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

**Pursuant to Public Law**

**Joint Standing Committee on Natural Resources**

Representative MARTIN for the **Joint Standing Committee on Natural Resources** pursuant to Public Law 1997, chapter 748, section 5 asks leave to report that the accompanying Bill "An Act to Address Non-point Source Pollution from Certain Sources"

(H.P. 1868) (L.D. 2604)

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

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

Sent for concurrence.

**SENATE PAPERS**

The following Joint Order: (S.P. 1023)

**ORDERED**, the House concurring, that when the House and Senate adjourn the House does so until Tuesday, March 7, 2000 at 9 o'clock in the morning and the Senate does so until Tuesday, March 7, 2000 at 10 o'clock in the morning.

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

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

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

(S.P. 1026) (L.D. 2599)

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

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

**ENACTORS**

**Acts**

An Act Relating to the Crime of Murder and to the Murder of Children

(S.P. 154) (L.D. 474)  
(C. "A" S-511)

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

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

**SENATE PAPERS**

The following Joint Resolution: (S.P. 1025)

**JOINT RESOLUTION COMMEMORATING THE BIRTHDAY OF CESAR E. CHAVEZ**

WHEREAS, Cesar E. Chavez was born March 31, 1927 on a small farm near Yuma, Arizona and died on April 23, 1993; and WHEREAS, numerous holidays, schools, parks, libraries and other structures and events have been named after Cesar E. Chavez, internationally and in California, New York, Michigan, Indiana, Oklahoma, Arizona, Illinois, Minnesota, Colorado, New Mexico, Massachusetts, Texas and Hawaii, with more planned; and

WHEREAS, Cesar E. Chavez was a recipient of the Martin Luther King, Jr. Peace Prize during his lifetime and was posthumously awarded the Presidential Medal of Freedom by President Clinton on August 8, 1994; and

WHEREAS, the grandson of Mexican immigrants and settlers, he grew up working with migrant farm workers, himself picking grapes, melons, beans and other staple crops at low wages and for long hours, during which time he developed a strong work ethic and respect for the farm workers his father called "the children of God"; and

WHEREAS, at the age of 18, Cesar E. Chavez entered the United States Navy and served his country with distinction for 2 years; and

WHEREAS, as early as 1949, Cesar E. Chavez committed himself to organizing farm workers to campaign for safe and fair working conditions, reasonable wages, decent housing and outlawing child labor; and

WHEREAS, in 1962, Cesar E. Chavez founded the National Farm Workers Association, predecessor of the United Farm Workers of America, which brought hope to farm workers that they might one day realize basic protections and workers' rights that all American workers should enjoy; and

WHEREAS, through his commitment to nonviolence, Cesar E. Chavez brought dignity and respect to the farm workers who organized themselves and became an inspiration and resource to other Americans and people engaged throughout the world in struggles for human rights; and

WHEREAS, Cesar E. Chavez was an advocate for nonviolence at a time when violence penetrated every level of our society; and

WHEREAS, Cesar E. Chavez and his family dedicated themselves to the education through migrant schools of farm workers' children, many of whom graduated and worked as

teachers, doctors and nurses and in other professional occupations; and

WHEREAS, the legacy of Cesar E. Chavez includes healthy working conditions that yield uncontaminated food for America's tables; and

WHEREAS, the influence of Cesar E. Chavez extends far beyond agriculture, and he provides inspiration for those who work to advance human rights through his example of organizing voter registration drives in urban and farm areas, initiating complaints against mistreatment by police and welfare officials and empowering everyday workers to seek advancement in education and politics; and

WHEREAS, Cesar E. Chavez lived alongside his campesino brothers and sisters in humble surroundings and upon his passing was laid to rest where he lived and worked for 23 years: on the grounds of the headquarters of the United Farm Workers of America, known as Nuestra Senora de La Paz (Our Lady of Peace), located in the Tehachapi Mountains at Keene, California; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, honor Cesar E. Chavez for his tireless commitment to improve the plight of farm workers and of the poor throughout the United States and for the inspiration his heroic efforts have given to so many Americans to work nonviolently for justice in their communities, commemorate March 31st, his birthday, to his memory and encourage all citizens to commit themselves to justice through nonviolence in our communities and to remind themselves of the work of the people who put food on the tables of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the family of Cesar E. Chavez, the Cesar E. Chavez Foundation and the United Farm Workers of America, AFL-CIO.

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

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**REPORTS OF COMMITTEE**

**Refer to the Committee on Natural Resources Pursuant to Joint Order (S.P. 1014)**

Report of the Committee on **NATURAL RESOURCES** on Bill "An Act to Implement the Land Use Recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development"

(S.P. 1027) (L.D. 2600)

Reporting that it be **REFERRED** to the Committee on **NATURAL RESOURCES** pursuant to Joint Order (S.P. 1014).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

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**Refer to the Committee on Transportation Pursuant to Joint Order (S.P. 1021)**

Report of the Committee on **TRANSPORTATION** on Bill "An Act to Implement the Transportation Recommendations of

the Task Force Created to Review Smart Growth Patterns of Development"

(S.P. 1028) (L.D. 2601)

Reporting that it be **REFERRED** to the Committee on **TRANSPORTATION** pursuant to Joint Order (S.P. 1021).

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

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**Change of Committee**

Report of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Prohibit Hunting Animals in Enclosed Areas"

(S.P. 457) (L.D. 1332)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 29, 2000, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

**HOUSE DIVIDED REPORT - Majority (8) Ought to Pass - Minority (3) Ought Not to Pass - Committee on MARINE RESOURCES** on Bill "An Act to Prohibit Dragging in a Portion of the Taunton River Area" (EMERGENCY)

(H.P. 1745) (L.D. 2451)

**TABLED** - February 25, 2000 (Till Later Today) by Representative ETNIER of Harpswell.

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

Representative ETNIER of Harpswell **REQUESTED** a roll call on his motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

**ROLL CALL NO. 446**

**YEA** - Ahearne, Andrews, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller,

Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Jabar, 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, Mendros, Murphy E, Murphy T, Muse, Nass, Nutting, O'Brien JA, O'Brien LL, O'Neal, Peavey, Perkins, Perry, Pieh, Pinkham, Plowman, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - Bagley, Honey, McKenney, McNeil, Rines, Shorey, Sullivan.

ABSENT - Campbell, Cianchette, Mitchell, Norbert, O'Neil, Stevens, Wheeler GJ.

Yes, 137; No, 7; Absent, 7; Excused, 0.

137 having voted in the affirmative and 7 voted in the negative, with 7 being absent, and accordingly the Majority **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.**

Representative **SKOGLUND** of St. George **PRESENTED House Amendment "A" (H-821)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative **SKOGLUND**: Mr. Speaker, Men and Women of the House. This amendment puts a four-year sunset on the closing of the bay. Rather than close it forever, it was thought advisable that no later than February 1, 2004 the Department of Marine Resources will report to the Marine Resources Committee on the impact this closing has had on the bay. They can decide whether it will be prudent to use the resources that may or may not be there or not. It was thought a sunset would be a good idea. Thank you.

**House Amendment "A" (H-821) was ADOPTED.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-821)** and sent for concurrence. **ORDERED SENT FORTHWITH.**

**HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-805) - Minority (3) Ought to Pass - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act to Clarify the Process for a County Bond Referendum Election"**

(H.P. 1706) (L.D. 2412)

**TABLED - February 25, 2000 (Till Later Today)** by Representative **AHEARNE** of Madawaska.

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

The **SPEAKER**: The Chair recognizes the Representative from China, Representative **BUMPS**.

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. When I arrived in the Legislature one of the things that I was told to be most cautious of was bills referred to as

housekeeping bills. What you have before you this morning is, or has been referred to, a housekeeping bill. The bill as it was presented by the House Republican floor leader was, in my opinion, a good bill. Let me describe to you exactly what the bill would do. As drafted, the bill simply would have directed county commissioners in the conduct of a county bond referendum to follow the existing law for conducting those elections in accordance with Title 21A as opposed to the existing law in Title 30A. It seems that among the county commissioners there was some relative level of confusion about whether or not they should be following the election law in 21A or 30A. The bill, as it was presented to the committee, simply would have required that county commissioners follow the existing law in Title 21A. No harm done with good clarification. The law would have been useful. However, as the bill has been amended by the committee, it would have significantly alter the process by which county bond questions are put to the voters.

Currently, as many of you know, county bond referendum questions need to come to the Legislature for consideration before they may be posed to the voters. In the four years that I have served on the State and Local Government Committee I cannot think of a single occasion that one of those county bond referendums has come to the committee and has left the exact same form that it arrived. The bill is almost always amended and sometimes significantly amended. Let me describe to you, in fact, the situation that has arisen several times when these county bond bills have come before the committee. It has often been true that the county commissioners themselves aren't even in unanimous agreement on what questions should be put to the voters. If the county commissioners are in agreement it is often true that the legislative delegation isn't in agreement on what question should be put to the voters. The process of bringing this question before the State and Local Government Committee and ultimately before the Legislature has often, almost always I would contend, allowed for some clarity to be given to the debate. It has allowed for the real question, the real amount of money, the real policy issues to be meated out in a public forum with a public hearing and allowed for those questions then to be better organized and put to the voters.

The bill as it is amended by the committee would remove that requirement that these questions be brought to the Legislature. It would simply grant county commissioners the ability to put these questions out to referendum on their own. I would simply ask you to consider whether or not you would want to be faced with those county bond referendums that you have seen come time and time again to the Legislature immediately posed to the people by the county commissioners. I rarely speak against bills brought by the County Commissioners Association. If this amendment had not been added by the committee, I would not be speaking against this bill this morning. I ask for you to carefully consider your vote. Respectfully, Mr. Speaker, I would ask for a division. Thank you.

Representative **BUMPS** of China **REQUESTED** a division on the motion to **ACCEPT the Majority Ought to Pass as Amended Report.**

The **SPEAKER**: The Chair recognizes the Representative from Madawaska, Representative **Ahearne**.

Representative **AHEARNE**: Mr. Speaker, Men and Women of the House. This bill will provide each county the ability to conduct its business pertaining to the issue of county referendums without the continued need of state government review. The concern brought to the committee by the county

commissioners was the issue of timing. Because the counties need legislative approval of a county bond referendum, they have to plan their project on the legislative session timetable. A chart was prepared and presented to the committee to illustrate the point. A county project could potentially be delayed up to two years and additional costs would be applied to the project. This bill would allow the county some freedom on how they will conduct their business. This will not remove the public hearing process. It will require it. Counties that will propose a bond referendum will have to conduct a public hearing within each county commissioner's district. The language does not limit the number of public hearings conducted within each of the commissioner's district. It would be only that they conduct at least one. Each county has three or five commissioners and a number of public hearing will reflect those prospectively. Once the public hearing process is completed, the county bond referendum will be held at the next statewide election.

I believe that the means to allow greater efficiency in government is a good thing. Allowing county government some freedom from interference of state government so that county government can conduct its business efficiently deserves our support. I ask you to accept the Majority Ought to Pass Report.

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

Representative CHICK: Mr. Speaker, Men and Women of the House. I have had experience with the need for referendums in York County. As you have heard previous comment here this morning, it is obvious that timing during the year would allow county commissioners to plan their work in a manner that they wouldn't have to get approval from some other source. I believe that the people in any county would do well to have someone beyond their county commissioners help them if they should be voting. It has always been, in my experience, sizable amounts of money. I have never had a problem due to the calendar of events in York County that the Legislature was not available to look at their request. I would ask you to consider that a safety net for county government would be provided when the commissioners would be asking another body to help them with their situation. Thank you.

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

Representative GLYNN: Mr. Speaker, Men and Women of the House. I rise in opposition to the pending motion and urge my colleagues to do the same, because of the very, very difficult thing that this is going to send back to our counties. I am a Representative from down in South Portland. I live in Cumberland County. I have been in South Portland my whole life. I served nine years on our local city council. I am quite familiar with the bonding practices of the county and the impacts. Very simply stated, bills that are approved by county government come to the towns as utility bills would come to the towns. The town councils and board of aldermen down in my county, they have no say whether or not they wish to pay that bill or not. It is mandatory. They must pay it. That bill is tacked onto the local property taxes of that community. The hard and fast reality is when the county floats a bond, those bond payments are priority one in the municipal town budget. That means they are paid first. They are paid first before the police and fire, before the schools, roads and education. That is why this process has come before the Legislature in order to have a review of these bonds. Look at the things that county government have become

involved with and pass these bills onto the towns with no say from the towns.

In my town our town council has no ability to veto the county commissioners budget. They have only an advisory committee that they are involved with. We have had proposals ranging from rebuilding the Civic Center to this crazy proposal to put a fish motel, a great big aquarium, downtown Portland and have these bills paid for by our town. We are looking at county commissioners; there is only a board of three in our county, by majority vote they would be sending these bonds out. They are not responsible to raise the revenues to pay these bonds. They just simply send them on to the towns. The towns have no say at all. They just have to pay the bills. This process is so unrepresentative because the people that actually are passing the bills have no direct impact on the taxpayers. They don't have to face them with the bills. That is why this whole situation has always come back before the Legislature. I urge my colleagues to vote against the proposal. If, in fact, we are going to look at some way to detach county government from state government, we need to put a safety net in for towns like my town who has to pay the bills and bear the brunt of the decisions made by the county commissioners. I thank you.

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

Representative SAVAGE: Mr. Speaker, Ladies and Gentlemen of the House. I urge you to oppose the pending motion. We have had a situation in Knox County where we had a big referendum vote. It went through the Legislature. It was turned down by the voters. Now the project is going on without those funds. I think it does need that oversight because even though as a prior speaker said, there will be hearings within each county commissioner's district. We all know how those hearings are attended. Zero, very few people get out. We are having three county commissioners making the decisions for a county for rather large expenditures. I urge you to defeat the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative TUTTLE: Mr. Speaker, Men and Women of the House. My question is isn't it the voters of the county who will be the final determinate on whether these bond items are passed?

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

Representative AHEARNE: Mr. Speaker, Men and Women of the House. The simple answer is yes.

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

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

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

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

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

**ROLL CALL NO. 447**

**YEA** - Ahearne, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gerry, Green, Honey, Jabar, Kasprzak, Mailhot, Matthews, McDonough, McKee, Mendros, Murphy E, Murphy T, Muse, Norbert, O'Brien LL, O'Neal, Perry, Pieh, Povich, Quint, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Sirois, Skoglund, Stanley, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler EM, Mr. Speaker.

**NAY** - Andrews, Bagley, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gagnon, Gillis, Glynn, Gooley, Hatch, Heidrich, Jacobs, Jodrey, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Martin, Marvin, Mayo, McAlevey, McGlocklin, McKenney, McNeil, Mitchell, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Plowman, Powers, Rosen, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanwood, Stedman, Sullivan, Tobin D, Tobin J, Tracy, Trahan, Treadwell, True, Twomey, Waterhouse, Weston, Williams, Winsor.

**ABSENT** - Campbell, Cianchette, Goodwin, Madore, O'Neil, Stevens, Wheeler GJ.

Yes, 66; No, 78; Absent, 7; Excused, 0.

66 having voted in the affirmative and 78 voted in the negative, with 7 being absent, the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, March 7, 2000.

**HOUSE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (H-803) - Minority (3) Ought Not to Pass - Committee on TAXATION on Bill "An Act to Base the Rate of Tax Imposed on Married Couples Solely on Income Earned in this State"**

(H.P. 1482) (L.D. 2122)

**TABLED** - February 25, 2000 (Till Later Today) by Representative GAGNON of Waterville.

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

On motion of Representative GAGNON of Waterville, the Bill and all accompanying papers were **COMMITTED** to the Committee on **TAXATION** and sent for concurrence.

An Act Concerning State Government Competition with Private Enterprise

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

(C. "A" S-478)

**TABLED** - February 29, 2000 (Till Later Today) by Representative SAXL of Portland.

**PENDING - PASSAGE TO BE ENACTED.**

On motion of Representative AHEARNE of Madawaska, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-478) was ADOPTED.**

The same Representative presented **House Amendment "A" (H-824) to Committee Amendment "A" (S-478) which was READ** by the Clerk.

The **SPEAKER:** The Chair recognizes the Representative from Madawaska, Representative Ahearne.

Representative **AHEARNE:** Mr. Speaker, Ladies and Gentlemen of the House. This purely is a technical amendment. It makes no substantive changes to the bill.

**House Amendment "A" (H-824) to Committee Amendment "A" (S-478) was ADOPTED.**

**Committee Amendment "A" (S-478) as Amended by House Amendment "A" (H-824) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-478) as Amended by House Amendment "A" (H-824) thereto in NON-CONCURRENCE** and sent for concurrence.

An Act to Implement the Recommendations of the Joint Standing Committee on Utilities and Energy Arising from its State Government Evaluation Act Review of the Public Utilities Commission

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

**TABLED** - February 29, 2000 (Till Later Today) by Representative SAXL of Portland.

**PENDING - PASSAGE TO BE ENACTED.**

On motion of Representative DAVIDSON of Brunswick, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

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

The same Representative **PRESENTED House Amendment "A" (H-838) which was READ** by the Clerk and **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-838) in NON-CONCURRENCE** 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:

An Act to Amend the Low-emission Vehicle Program

(S.P. 868) (L.D. 2278)

(C. "A" S-486)

Which was **TABLED** by Representative MARTIN of Eagle Lake pending **PASSAGE TO BE ENACTED.**



On motion of Representative MARTIN of Eagle Lake, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

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

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-486)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-839)** to **Committee Amendment "A" (S-486)** which was **READ** by the Clerk.

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

**Representative MARTIN**: Mr. Speaker, Members of the House. This amendment basically is an amendment that has been agreed to by the industry as well as DEP. It specifically states that when the rules are promulgated they will be considered major substantive rules and will have to be returned to this Legislature for approval.

**House Amendment "A" (H-839)** to **Committee Amendment "A" (S-486)** was **ADOPTED**.

**Committee Amendment "A" (S-486)** as Amended by **House Amendment "A" (H-839)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (S-486)** as Amended by **House Amendment "A" (H-839)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

**SENATE PAPERS**

Bill "An Act to Provide Education Benefits For Maine National Guard Members" (EMERGENCY)

(S.P. 1017) (L.D. 2585)

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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On motion of Representative TWOMEY of Biddeford, the House adjourned at 11:49 a.m., until 9:00 a.m., Tuesday, March 7, 2000 pursuant to the Joint Order (S.P. 1023).