

# 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  
16th Legislative Day  
Tuesday, March 21, 2000

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

Prayer by the Reverend Robert Bell, Northport Community Church, Rockport (retired).

National Anthem by Narraguagus High School Band, Harrington.

Pledge of Allegiance.

Doctor of the day, Lisa Letourneau, M.D., Scarborough.

The Journal of Thursday, March 16, 2000 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Amend the Motor Vehicle Laws"

(S.P. 893) (L.D. 2312)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) AS AMENDED BY HOUSE AMENDMENT "A" (H-814)** thereto in the House on February 29, 2000.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-485) in NON-CONCURRENCE.**

On motion of Representative JABAR of Waterville, the House voted to **RECEDE AND CONCUR.**

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**Non-Concurrent Matter**

Resolve, to Study Outdated, Contradictory and Unenforced Laws

(H.P. 612) (L.D. 852)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-855)** in the House on March 15, 2000.

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

On motion of Representative AHEARNE of Madawaska, the House voted to **INSIST** and ask for a **COMMITTEE OF CONFERENCE.** Sent for concurrence.

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**COMMUNICATIONS**

The Following Communication: (H.C. 387)

**STATE OF MAINE**

**DEPARTMENT OF PUBLIC SAFETY  
STATE HOUSE STATION 104  
AUGUSTA, MAINE 04333**

March 3, 2000

Hon. Joseph W. Mayo  
Clerk of the House  
2 State House Station  
Augusta, ME 04333

Dear Clerk Mayo:

Please find enclosed a copy of the application and program workplan submitted to the Bureau of Justice Assistance for funding of the FY 2000 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,  
S/Michael Kelly  
Commissioner

**READ** and with accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

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The Following Communication: (H.C. 388)

**STATE OF MAINE**

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

March 15, 2000

The Honorable Mark W. Lawrence, President of the Senate  
The Honorable G. Steven Rowe, Speaker of the House  
119th Maine State Legislature  
State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe,

We are pleased to submit the report of the Joint Standing Committee on Labor with respect to our review of the Department of Labor under the Government Evaluation Act. A copy of our report is attached.

By a vote of 9 to 1, the committee found that the department is operating within its statutory authority and is meeting its statutory mandates.

Committee members complimented the department on recent efforts to improve its services, including the creation of one-stop career centers and expansion of training and education programs to improve compliance with safety regulations and other state laws. The committee also urged the department to ensure that job-training dollars are wisely spent to train workers for well-paying jobs for the future and to provide the workforce with skills needed to respond to the needs of employers in the State. The one dissenting committee member felt that the department has not fulfilled its duty to make the application process for unemployment insurance benefits easily accessible to workers in hard-hit areas of the State such as Washington county.

Sincerely,  
S/Senator Neria R. Douglass

Senate Chair  
S/Representative Pamela Henderson Hatch  
House Chair

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

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The Following Communication: (H.C. 389)

**STATE OF MAINE**

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

March 14, 2000

Honorable Mark W. Lawrence, President of the Senate

Honorable G. Steven Rowe, Speaker of the House  
119th Maine Legislature  
State House  
Augusta, Maine 04333

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

L.D. 2503 An Act to Establish a Special Liquor License for Pool Halls and Billiard Rooms  
L.D. 2548 An Act to Raise Production Limits for Microbreweries

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

Sincerely,  
S/Sen. Beverly C. Daggett  
Senate Chair  
S/Rep. John L. Tuttle, Jr.  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.P. 1047)  
**119TH MAINE LEGISLATURE**

March 15, 2000  
Senator Jill M. Goldthwait  
Representative David M. Etnier  
Chairpersons  
Joint Standing Committee on Marine Resources  
119th Legislature  
Augusta, Maine 04333

Dear Senator Goldthwait and Representative Etnier:  
Please be advised that Governor Angus S. King, Jr. has nominated Lori A. Howell of Eliot, Kristan L. Porter of Cutler and Jennifer S. Bichrest of Harpswell for reappointment and David Turner of Meddybemps, Ralph Smith of Jonesport and Craig Pendleton of Saco for appointment as members of the Marine Resources Advisory Council.

Pursuant to Title 12, M.R.S.A. §6024, these nominations will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,  
S/Mark W. Lawrence  
President of the Senate  
S/G. Steven Rowe  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **MARINE RESOURCES**.

**READ** and **REFERRED** to the Committee on **MARINE RESOURCES** in concurrence.

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**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 1999, chapter 505, Part B, section 8 asks leave to report that the accompanying Bill "An Act Relating to the Cleanup of the Wells Waste Oil Disposal Site" (EMERGENCY)

(H.P. 1898) (L.D. 2639)

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

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

Sent for concurrence.

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the following members of the Mt. Blue "Cougars" Boys Ski Team: Chris Leonards, Tim Roberts, Seth Hubbard, Ian Hubbard, Dylan Antone, Zack Pickrell, Ryan Cook, Wyatt Dumas, Matt Gopsill, Dylan Archard, Miles Morton, Andy Marble, Brett Demshar, Bracken Babula, Jence Carlson, Cassius Clark, Machias Schoen, Tyler Judkins, Mitch Groder, Bud Sinclair, Chris Allen, Adam Parlin, Will Sytsma, Pat Rogers, Chad Flagg and Coaches Jeff Meserve, Rick Hardy and Mark Cyr, who won the State Class A Ski Championship. We extend our congratulations to the team on this accomplishment;

(HLS 1092)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator BENOIT of Franklin, Representative LaVERDIERE of Wilton, Representative McGLOCKLIN of Embden, Representative SAMSON of Jay, Representative JODREY of Bethel.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

**READ** and **PASSED** and sent for concurrence.

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**Recognizing:**

the following members of the Mt. Blue "Cougars" Girls Ski Team: Monica Hedstrom, Lauren Stevens, Emma Carlson, Molly Hardy, Hannah Whitney, Molly Milliken, Lilah Violette, Jessica Bouchard, Courtney Clark, Kristina Hines, Tricia Bean, Julia Hoisington, Tessa Mann, Katie Wells, Erin Archard, Naomi Allen, Elena Yates, Hillary Smith, Alison Tinguely, Hannah Bogar, Amanda Bitterauf, Heidi Tripp, Lacey Guyette, Caitlin Bonney, Jessica Ellingwood, Annie Howley, Megan Caldwell, Lynette Batt, Amanda Roberts, Barbara Bean, Katie Wegner, Liz Elman, Caitlin Mcherran and Coaches Jeff Meserve, Rick Hardy and Mark Cyr. The Cougars won their ninth straight Class A Ski Team Championship. We extend our congratulations to them on this accomplishment;

(HLS 1093)

Presented by Representative GOOLEY of Farmington.

Cosponsored by Senator BENOIT of Franklin, Representative LaVERDIERE of Wilton, Representative McGLOCKLIN of Embden, Representative SAMSON of Jay, Representative JODREY of Bethel.

On **OBJECTION** of Representative GOOLEY of Farmington, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **GOOLEY**: Mr. Speaker, Men and Women of the House. Today is indeed a proud a day for western Maine and Mount Blue High School. Actually, we have a dynasty going

here for the girls because this is their ninth championship, but for both the boys and the girls, they do a lot of things well. They excel in academics and they are outstanding Maine citizens and they are dedicated to making Maine a better place to live. They love snow. They love big snowstorms. They are dedicated to sports activities. They are focused. They are competitive, but above all, they are outstanding Maine citizens. We certainly are proud to recognize them and their coaches here today. Congratulations and thank you very much.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative LaVerdiere.

Representative LAVERDIERE: Mr. Speaker, Men and Women of the House. I rise today to lend my congratulations to both the boys ski team and the girls ski team who have, again, made the people of SAD 9 very, very proud. Many of these young men and women are people that I remember watching at Titcomb Mountain Ski Slope when they were very young coming down the mountain at very high rates of speed. I am saying to myself that they are going to kill themselves. They were absolutely in control and they have proved that that speed at a young age paid off because when they got to high school, they used it to, again, win state championships, Class A Championships. We are very proud of these men and women. They have done an excellent job and I hope you will join with me in congratulating them on some terrific victories. Thank you.

**PASSED** and sent for concurrence.

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**Recognizing:**

the following members of the Oxford Hills "Viking" Cheerleading Squad: Ali Pinto, Lindsay Bennett, Nicole Greenwood, Lonnie Powers, Kim Stowell, Cori Foster, Nikki Bessey, Jessica Duplisea, Malarie Johnson-Martin, Stacey Bean, Kristin Stowell, Barbara Robertson, Ronnie Smith, Nicole Nichols, Kourtney Sharest, Meredith Martin, Cari Olson, Katie Lobb and Coach Debi Loveless, on winning their 3rd Class A State Cheerleading Championship. We extend our congratulations to the team on this accomplishment;

(HLS 1094)

Presented by Representative HEIDRICH of Oxford.

Cosponsored by Senator BENNETT of Oxford, Representative WINSOR of Norway, Representative GAGNE of Buckfield.

On **OBJECTION** of Representative HEIDRICH of Oxford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Heidrich.

Representative HEIDRICH: Mr. Speaker, Men and Women of the House. Over in Oxford Hills we are very proud of these young ladies. In the last four years, they have taken the state championship for cheerleading three times out of the last four. They are excellent students. They have a terrific coach, which we all respect. I want to, at this time, wish him the very best and congratulate them. Thank you Mr. Speaker.

**PASSED** 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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**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Resolve**

Representative O'NEAL from the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** on Bill "An Act to Amend the Program Evaluation Report Contents of the State Government Evaluation Act"

(H.P. 1899) (L.D. 2640)

Reporting **Ought to Pass** pursuant to Resolve 1999, chapter 74, section 7.

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

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

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**Ought to Pass Pursuant to Joint Order (S.P. 1006)**

Report of the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** on Bill "An Act to Amend the Comprehensive Research and Development Evaluation"

(S.P. 1043) (L.D. 2631)

Reporting **Ought to Pass** pursuant to Joint Order (S.P. 1006)

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

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**Divided Report**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Appropriate Funds for the Welfare-to-work Program" (EMERGENCY)

(S.P. 790) (L.D. 2203)

Signed:

Senators:

CATHCART of Penobscot  
HARRIMAN of Cumberland

Representatives:

TOWNSEND of Portland  
STEVENS of Orono  
MAILHOT of Lewiston  
POWERS of Rockport  
KNEELAND of Easton  
WINSOR of Norway  
BRUNO of Raymond  
NASS of Acton

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

Signed:

Senator:

MICHAUD of Penobscot

Representatives:

BERRY of Livermore  
TESSIER of Fairfield

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

**READ.**

Representative TOWNSEND of Portland 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.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act to Allow Hunting from Motor Vehicles for Persons Limited in Their Ability to Walk"

(S.P. 16) (L.D. 8)

Signed:

Senators:

KILKELLY of Lincoln  
KIEFFER of Aroostook

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-546)** on same Bill.

Signed:

Representative:

PERKINS of Penobscot

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

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-882)** on Bill "An Act to Expand Eligibility for the Veterans' Property Tax Exemption"

(H.P. 1662) (L.D. 2331)

Signed:

Senators:

RUHLIN of Penobscot  
DAGGETT of Kennebec

Representatives:

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

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

Signed:

Senator:

MILLS of Somerset

Representative:

CIANCHETTE of South Portland

**READ.**

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

The Bill was **READ ONCE**. Committee Amendment "A" (H-882) was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 22, 2000.

## CONSENT CALENDAR

### First Day

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

(S.P. 478) (L.D. 1438) Bill "An Act to Allow for Expeditious Improvements to Commercial Tracks" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-541)**

(S.P. 905) (L.D. 2357) Bill "An Act to Amend the Maine Seed Capital Tax Credit Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-539)**

(S.P. 990) (L.D. 2545) Bill "An Act to Reduce the State Tax Valuation for the Town of Standish" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-538)**

(H.P. 1830) (L.D. 2566) Bill "An Act to Repeal the Fort Kent Utility District" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 1837) (L.D. 2575) Bill "An Act to Restore the Chaplaincy in the Maine Correctional Center in South Windham" (EMERGENCY) Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass**

(H.P. 1856) (L.D. 2592) Bill "An Act to Amend the Charter of the Kennebunk Sewer District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(H.P. 219) (L.D. 297) Bill "An Act to Exempt Capital Gains from the Maine Income Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-890)**

(H.P. 471) (L.D. 678) Bill "An Act to Require Completion of an Ambulance Operator Course" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-888)**

(H.P. 523) (L.D. 730) Bill "An Act to Allow Certain Disabled Persons to Fly-fish With Open-faced Reels" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-887)**

(H.P. 868) (L.D. 1225) Resolve, to Direct the Department of Inland Fisheries and Wildlife to Review Rules for Compliance with the Americans With Disabilities Act Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-886)**

(H.P. 1069) (L.D. 1500) Bill "An Act to Establish a Trust Fund to Provide Statewide Assistance to Low-income Electric Consumers" Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-891)**

(H.P. 1508) (L.D. 2153) Bill "An Act to Modify the Campaign Finance Laws with Regard to Running for Federal Office" Committee on **LEGAL AND VETERANS AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-892)**

(H.P. 1704) (L.D. 2410) Bill "An Act to Amend Requirements for Maine Technical College System Employees Participating in

a Defined Contribution Plan" Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-895)**

(H.P. 1741) (L.D. 2447) Bill "An Act to Amend the Maine Juvenile Code" Committee on **CRIMINAL JUSTICE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-885)**

(H.P. 1752) (L.D. 2458) Bill "An Act to Reduce the State Rate for Tax on Telecommunications Personal Property" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-897)**

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. 997) (L.D. 2559) Bill "An Act to Amend the Charter of Hospital Administrative District No. 4"

(S.P. 901) (L.D. 2353) Resolve, Relating to the State Valuation for the Town of Milo (EMERGENCY) (C. "A" S-536)

(H.P. 1728) (L.D. 2434) Bill "An Act to Improve the Lives of People with Disabilities"

(H.P. 1867) (L.D. 2603) 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. 1680) (L.D. 2346) Bill "An Act to Extend the Time Period for Municipalities to Make Recommendations Concerning Great Pond Surface Use Restrictions" (EMERGENCY) (C. "A" H-883)

(H.P. 1689) (L.D. 2395) Bill "An Act Concerning Disclosure Requirements Under the Used Car Information Laws" (EMERGENCY) (C. "A" H-880)

(H.P. 1731) (L.D. 2437) Bill "An Act to Revise the Funding of the Ground Water Oil Clean-up Fund" (C. "A" H-877)

(H.P. 1733) (L.D. 2439) Bill "An Act to Relieve all Counties from Expense and Responsibility of Transporting Clients" (C. "A" H-881)

(H.P. 1735) (L.D. 2441) Bill "An Act to Provide Flexibility in the Distribution of Funds by the Department of Economic and Community Development" (C. "A" H-884)

(H.P. 1738) (L.D. 2444) Bill "An Act to Clarify the Law on Ownership of Certified Public Accounting Firms and to Establish an Approved Practice Monitoring Program" (C. "A" H-879)

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.

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(S.P. 631) (L.D. 1796) Bill "An Act to Improve the Absentee Voting Process" (C. "A" S-515)

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

The Committee Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**. Committee Amendment "A" (S-515) was **READ** by the Clerk.

On further motion of the same Representative, **TABLED** pending **ADOPTION** of Committee Amendment "A" (S-515) and specially assigned for Wednesday, March 22, 2000.

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

Bill "An Act to Amend Certain Transportation Laws"

(S.P. 918) (L.D. 2370)

(C. "A" S-532)

**House**

Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Maine Seed Potato Board Under the State Government Evaluation Act"

(H.P. 1892) (L.D. 2633)

Bill "An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the State Board of Pesticides Control Under the State Government Evaluation Act"

(H.P. 1893) (L.D. 2634)

Bill "An Act to Improve the Accountability of the Child Development Services System"

(H.P. 1896) (L.D. 2636)

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** and sent for concurrence.

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Bill "An Act Regarding Wrongful Death Actions"

(H.P. 480) (L.D. 687)

(C. "A" H-871)

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

On motion of Representative WATERHOUSE of Bridgton, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED** as Amended specially assigned for Wednesday, March 22, 2000.

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Resolve, to Increase the Reimbursement Amount for Occupational and Physical Therapy Services Under the Medicaid Program

(H.P. 1655) (L.D. 2324)

(C. "A" H-853)

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

On motion of Representative MacDOUGALL of North Berwick, was **SET ASIDE**.

The same Representative moved that the Resolve be **TABLED** one legislative day pending the **PASSAGE TO BE ENGROSSED** as Amended.

The same Representative **WITHDREW** his motion to **TABLE** the Resolve one legislative day.

On motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED** as Amended and later today assigned.

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

**ENACTORS**

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Persons with Mental Illness to Vote

(H.P. 1514) (L.D. 2162)

(H. "A" H-850 to C. "A" H-796)

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

Representative GERRY of Auburn **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

**ROLL CALL NO. 473**

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, 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, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lindahl, Lovett, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKenney, Mendros, Murphy E, Murphy T, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Volenik, Weston, Wheeler EM, Wheeler GJ, Williams, Mr. Speaker.

NAY - Buck, Kasprzak, MacDougall, Shields, Stedman, Waterhouse, Winsor.

ABSENT - Gooley, Jodrey, Lemont, Mack, Matthews, McKee, McNeil, Mitchell, Muse, Plowman, Savage W, Stevens, Twomey, Watson.

Yes, 130; No, 7; Absent, 14; Excused, 0.

130 having voted in the affirmative and 7 voted in the negative, with 14 being absent, and accordingly the Resolution was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act Increasing the Authorized Indebtedness of the Veazie Sewer District

(H.P. 1648) (L.D. 2317)  
(H. "A" H-866 to C. "A" H-832)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Provide Recognition for Korean Conflict Veterans on Special Veterans Registration Plates

(H.P. 1652) (L.D. 2321)

(C. "A" H-845)

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

Representative WATERHOUSE of Bridgton **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. 474**

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, 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, Green, Hatch, Heidrich, Honey, Jacobs, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKenney, Mendros, 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, 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, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Brennan, Campbell, Gooley, Jabar, Jodrey, Mack, Matthews, McKee, McNeil, Mitchell, Muse, Savage W, Stevens, Twomey, Watson.

Yes, 136; No, 0; Absent, 15; Excused, 0.

136 having voted in the affirmative and 0 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**



An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2001

(H.P. 1685) (L.D. 2352)  
(C. "A" H-844)

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 1 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 Clarify the Authority of the State Board of Optometry

(S.P. 907) (L.D. 2359)  
(C. "A" S-527)

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

Representative DUNLAP of Old Town **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. 475**

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bragdon, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Martin, Marvin, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, Mendros, 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, 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, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Bowles, Brennan, Campbell, Fisher, Goodwin, Jabar, Jodrey, LaVerdiere, Mack, Matthews, McNeil, Mitchell, Muse, Savage W, Stevens, Twomey, Watson.

Yes, 134; No, 0; Absent, 17; Excused, 0.

134 having voted in the affirmative and 0 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Prevent Misuse of Mortuary Trust Funds

(S.P. 922) (L.D. 2373)  
(C. "A" S-521)

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

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

Representative MURPHY: Mr. Speaker, Men and Women of the House. I clearly remember the incident that provoked the need for legislation and early while that bill was before committee, there were a variety of competing proposals. Could a member of that committee summarize for us the changes in this bill that will prevent an incident like that occurring again? Again, could any member of the committee enlighten us as to the changes in this bill that would prevent the incident which occurred a year ago?

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

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**Emergency Measure**

An Act to Appropriate Funding for the Maine School of Science and Mathematics for Fiscal Year 1999-00

(H.P. 1687) (L.D. 2393)  
(C. "A" H-842)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 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 Ensure Adequate Funding of Adult Education

(H.P. 1778) (L.D. 2492)  
(C. "A" H-848)

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

Representative CHICK of Lebanon **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. 476**

YEA - Ahearne, Andrews, Bagley, Baker, 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, Dunlap, Duplessie, Etnier, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl,

Lovett, MacDougall, Madore, Mailhot, Martin, Marvin, McAlevy, McDonough, McGlocklin, McKee, McKenney, Mendros, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Saxl JW, Saxl MV, Schneider, Sherman, Shields, Shorey, Sirois, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Usher, Volenik, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Brennan, Duncan, Fisher, Goodwin, Jabar, Jodrey, Mack, Matthews, Mayo, McNeil, Mitchell, Plowman, Savage W, Shiah, Stevens, Twomey, Watson.

Yes, 134; No, 0; Absent, 17; Excused, 0.

134 having voted in the affirmative and 0 voted in the negative, with 17 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 267: License Fees to Sell Nursery Stock, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources

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

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 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 to Promote Sharing of Information Between Schools and Criminal Justice Agencies

(S.P. 687) (L.D. 1933)

(C. "A" S-522)

An Act to Provide Equity Between Private and Public Electrical Training Programs

(H.P. 1619) (L.D. 2266)

(C. "A" H-846)

An Act to Increase the Availability of Family Foster Homes

(H.P. 1625) (L.D. 2272)

An Act to Amend the Charter of the Maine Science and Technology Foundation

(S.P. 869) (L.D. 2279)

(C. "A" S-526)

An Act to Promote Competition in the Natural Gas Industry

(S.P. 879) (L.D. 2294)

(C. "A" S-528)

An Act to Increase the Rate of Pay for Forest Fire Wardens

(S.P. 894) (L.D. 2313)

(C. "A" S-520)

An Act to Specify Eligibility for Land Purchases Under the Agricultural Marketing Loan Fund

(H.P. 1674) (L.D. 2340)

(C. "A" H-833)

An Act to Repeal Certain Archaic and Unenforced Laws Related to the Duties of the Secretary of State

(S.P. 903) (L.D. 2355)

(C. "A" S-529)

An Act to Ensure Fuel Deliveries by Allowing Fuel Delivery Vehicles to Travel on Posted Roads

(S.P. 931) (L.D. 2381)

(C. "A" S-518)

An Act to Promote the Use of an Advocate Staff

(S.P. 943) (L.D. 2473)

(C. "A" S-530)

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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By unanimous consent, all matters having been acted upon were **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 Thursday, March 16, 2000, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

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

(H.P. 1413) (L.D. 2020)

- In House, Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LEGAL AND VETERANS AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-777) on February 18, 2000.

- In Senate, Bill and accompanying papers **COMMITTED** to the Committee on **LEGAL AND VETERANS AFFAIRS** in **NON-CONCURRENCE**.

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

**PENDING - FURTHER CONSIDERATION.**

On motion of Representative **TUTTLE** of Sanford, the House voted to **ADHERE**.

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**HOUSE DIVIDED REPORT** - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-867)** - Minority (4) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act to Create Employment Opportunities by Clarifying Maine's Tax Laws Regarding Mutual Fund Companies"

(H.P. 1694) (L.D. 2400)

**TABLED** - March 15, 2000 (Till Later Today) by Representative **GAGNON** of Waterville.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-867)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Wednesday, March 22, 2000.

Bill "An Act to Clarify the Process for a County Bond Referendum Election"

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

- In House, Minority (3) **OUGHT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** on March 7, 2000.

- In Senate, Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-805)** in **NON-CONCURRENCE**.

**TABLED - March 16, 2000 (Till Later Today)** by Representative **AHEARNE** of Madawaska.

**PENDING - FURTHER CONSIDERATION.**

On motion of Representative **SAVAGE** of Union, the House voted to **RECEDE**.

On further motion of the same Representative, **Committee Amendment "A" (H-805)** was **READ** by the Clerk.

The same Representative presented **House Amendment "A" (H-889)** to **Committee Amendment "A" (H-805)** which was **READ** by the Clerk.

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

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. This just adds one step in the process that the county commissioners will have to go before the county budget committee prior to going to a hearing in each commissioner's district. It just adds that one step. I appreciate your support.

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

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

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

Representative **GLYNN**: Mr. Speaker, Men and Women of the House. I am a Representative from Cumberland County and in Cumberland County our budgetary advisory committee is just that. At the county level it is an advisory committee. They have no authority to require anything other than simply make a recommendation to the county commissioners. My question to any member that wishes to answer is, how will this enhance the process if there isn't any authority or any teeth behind the recommendation? Thank you.

The **SPEAKER**: The Representative from South Portland, Representative **Glynn** has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Union, Representative **Savage**.

Representative **SAVAGE**: Mr. Speaker, Ladies and Gentlemen of the House. My thinking in proposing this amendment was just that another body of people see the bond referendum question prior to it going to the hearings other than eliminating all steps. It let's the county commissioners go directly to the hearing.

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

Representative **AHEARNE**: Mr. Speaker, Men and Women of the House. Just to further add to answer my good friends question, certainly we would hope it would enhance the process and I think it will, but it certainly is an issue that my good friend from South Portland raises. It sounds to me like a county issue

and should be referred to and dealt with as Cumberland County, but this has nothing to do with in terms of what she is trying to address. It is trying to open the process, but it certainly seems to me that it is a county issue that he is raising.

The Chair ordered a division on the motion to **ADOPT House Amendment "A" (H-889)** to **Committee Amendment "A" (H-805)**.

A vote of the House was taken. 101 voted in favor of the same and 4 against, and accordingly **House Amendment "A" (H-889)** to **Committee Amendment "A" (H-805)** was **ADOPTED**.

Representative **MARTIN** of Eagle Lake moved that **Committee Amendment "A" (H-805)** as **Amended by House Amendment "A" (H-889)** thereto be **INDEFINITELY POSTPONED**.

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

Representative **MARTIN**: Mr. Speaker, Men and Women of the House. This would bring us back to the position that the House took in its last vote. What, in effect, we are doing if we are to adopt Committee Amendment "A" as amended by House Amendment "A", is to bypass a Legislature making final decisions as to whether or not bond issues should be going to the voters in each county. Until such time as we have system statewide in the 16 counties that are identical. I do not believe that the time is now to simply let each county go in its own way. Let me explain why I believe that way. Let's assume that you live in Sagadahoc County and they decide that they would like to build a jail. They are going to make that jail a couple hundred beds, maybe 400 beds and then they are going to let the state go in and put inmates there and charge the state. That decision would be made only by Sagadahoc County, not by the State of Maine. That is where most of the bond issues are coming from to build jails. That is a decision that ought to be made statewide by the Legislature and not by individual counties. We need to look as to what is that capacity. I, for one, speak with some knowledge of what took place because we, in Aroostook, make money off the state and then subsequently we lose money because the state doesn't give us what it is they said they were going to give us. You see, you can't bind the next Legislature. So the time we expanded the jail, we had this great deal. I remember it well. The state was going to pay us so much per prisoner per day. I don't remember if we went six years, but ever since then, we have been asking the state to reimburse us for the money that is due us from the deal. I cannot, at this time, support an effort, which is going to put us in the position in individual counties, which looks like a good deal today and the county people are convinced they ought to buy it and they do and then, lo and behold, then comes the next Legislature where most of you will not be sitting. They will say to heck with the county, it is only Aroostook County's problem, not ours. It could be your county in the position we were in. I would ask you and I would ask for the yeas and nays to Indefinitely Postpone Committee Amendment "A" so we go back to the original position of the bill.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-805)** as **Amended by House Amendment "A" (H-889)** thereto.

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

On motion of Representative AHEARNE of Madawaska, **TABLED** pending the motion of Representative MARTIN of Eagle Lake to **INDEFINITELY POSTPONE Committee Amendment "A" (H-805) as Amended by House Amendment "A" (H-889)** thereto and later today assigned. (Roll Call Ordered)

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

**SENATE PAPERS**

Resolve, Authorizing a Land Transaction by the Bureau of Parks and Lands

(S.P. 1048) (L.D. 2638)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

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The following Joint Resolution: (S.P. 1050)  
**JOINT RESOLUTION RECOGNIZING THE MAINE BANKERS ASSOCIATION AND THE MAINE ASSOCIATION OF COMMUNITY BANKS**

WHEREAS, the members and predecessors of the Maine Bankers Association and the Maine Association of Community Banks have been serving the needs of the People of Maine for 180 years; and

WHEREAS, in just the past year alone, the 10,000 employees of the Maine Bankers Association and the Maine Association of Community Banks have volunteered more than 500,000 hours in nearly 400 communities, positively impacting the lives of thousands of Maine adults and children; and

WHEREAS, the associations' members supported these volunteer opportunities and other community and statewide organizations with corporate contributions in excess of \$6,000,000; and

WHEREAS, the associations have created the Maine Banks of Promise campaign and have supported the Maine Promise and the Communities for Children programs as part of the America's Promise campaign, chaired by Retired General Colin Powell; and

WHEREAS, the America's Promise campaign has been supported by hundreds of thousands of volunteer hours from members' employees, including furthering the campaign's 5 fundamental resources: an ongoing relationship with a caring adult-mentor, tutor or coach; safe places and structured activities during non-school hours; a healthy start; a marketable skill through effective education; and an opportunity to give back through community service; and

WHEREAS, the contributions of the Maine Bankers Association and the Maine Association of Community Banks to the community through participation in the America's Promise campaign and other worthwhile activities have provided Maine youths with opportunity during the crucial time in the youths' lives that America's dreams take shape; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the Maine Bankers Association and the Maine Association of Community Banks for their commitment and contributions to their community

and in strengthening Maine's long tradition of service to others; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the Maine Association of Community Banks.

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

**READ** and **ADOPTED** in concurrence.

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**REPORTS OF COMMITTEE**

**Change of Committee**

Representative DUNLAP from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Provide Consumer Safety Certification for Snowmobiles and All-terrain Vehicles"

(H.P. 1873) (L.D. 2610)

Reporting that it be **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

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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:

Resolve, to Increase the Reimbursement Amount for Occupational and Physical Therapy Services Under the Medicaid Program

(H.P. 1655) (L.D. 2324)

(C. "A" H-853)

Which was **TABLED** by Representative MacDOUGALL of North Berwick pending **PASSAGE TO BE ENGROSSED as Amended**.

On motion of Representative MacDOUGALL of North Berwick, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-853) was ADOPTED**.

The same Representative presented **House Amendment "A" (H-903) to Committee Amendment "A" (H-853)** which was **READ** by the Clerk.

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

Representative **MACDOUGALL:** Mr. Speaker, Ladies and Gentlemen of the House. By way of refreshing your memory from this bill that we passed the other day, it simply provides funds for the state's share of the increase in the reimbursement rates under the Medicaid Program for occupational and physical therapy services to 50 percent of customary charge, effective next January. If you recall, during that debate there are two reports, one was the one we passed and the other was effectively calling for a study from within the department. As I listened to that debate, I felt a sense that it would really be a good thing for that study to take place. What I am suggesting by this amendment and putting it forth, all it does is call for the Department of Human Services to study the reimbursement rates for the providers of health care services under the Medicaid Program. They will report their findings and their

recommendations for any increases, including suggestions for a periodic method for making adjustments in the future. I think that is an important piece that will allow us to become proactive instead of perhaps reactive at times. We will be able to look at the landscape and make proposals to have an ongoing method or structure to approach the issue. Further, the Department of Human Services will fiscally incur some minor additional costs, but it is something that they can do within their existing budget. It won't add really further cost to what we have already passed. By adding a proactive piece instead of a reactive piece would be a good thing. It sounded like from the committee standpoint that that study is needed. It certainly wouldn't hurt anything. In the event that we are fortunate enough that this bill does get funded by Appropriations, this simply, to me, would make the legislation even better. I would ask for your support. Thank you for listening.

On motion of Representative KANE of Saco, **TABLED** pending **ADOPTION** of **House Amendment "A" (H-903)** to **Committee Amendment "A" (H-853)** and later today assigned.

---

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

Resolve, to Increase the Reimbursement Amount for Occupational and Physical Therapy Services Under the Medicaid Program

(H.P. 1655) (L.D. 2324)  
(C. "A" H-853)

Which was **TABLED** by Representative KANE of Saco pending **ADOPTION** of **House Amendment "A" (H-903)** to **Committee Amendment "A" (H-853)**.

Subsequently, **House Amendment "A" (H-903)** to **Committee Amendment "A" (H-853)** was **ADOPTED**.

**Committee Amendment "A" (H-853)** as Amended by **House Amendment "A" (H-903)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-853)** as Amended by **House Amendment "A" (H-903)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

---

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

**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-543)** on Bill "An Act to Improve Elver Fishery Management"

(S.P. 304) (L.D. 906)

Signed:

Senators:

GOLDTHWAIT of Hancock

MacKINNON of York

Representatives:

STANWOOD of Southwest Harbor

USHER of Westbrook

HONEY of Boothbay

ETNIER of Harpswell

VOLENIK of Brooklyn

PIEH of Bremen

McNEIL of Rockland

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

Signed:

Representative:

PINKHAM of Lamoine

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-543)**.

**READ.**

Representative ETNIER of Harpswell 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 specially assigned for Wednesday, March 22, 2000.

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

Bill "An Act to Clarify the Process for a County Bond Referendum Election"

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

Which was **TABLED** by Representative AHEARNE of Madawaska pending the motion of Representative MARTIN of Eagle Lake to **INDEFINITELY POSTPONE Committee Amendment "A" (H-805)** as Amended by **House Amendment "A" (H-889)** thereto. (Roll Call Ordered)

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

Representative **AHEARNE**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you join with me in voting against the pending motion. As many of you know, at one time all county budgets required final approval by the Legislature. Over the past 15 years, the Legislature has gone out of the job of passing county budgets. That job is left to the county commissioners and the county budget or finance committees, which in most counties consist of municipal officials. There is one remaining county budget, which must come before the Legislature and that is Kennebec County. I believe the budget committee and the commissioners can be entrusted to make the decision whether to allow a question of borrowing money go to the voters of the county without this Legislature playing big brother. The Majority Report also makes some important changes, which will eliminate unnecessary delays in allowing county budget referendums to go to the public for a vote. At the same time, we will hold the county more accountable to the people.

Section 936 of Title 30A is a throwback to the days when there was no county budget committees and the Legislature was, in effect, the budget committee for all counties. It is archaic and should be repealed. There are practical reasons for the repeal. It adds months and even as much as a year to letting bond questions go to the voters. For example, Cumberland County is currently reviewing a project in which it expects to conduct a series of county wide public hearings in the fall. If it were not for Section 936, the question could be put to the voters in November of this year assuming the commissioners and the budget committee decide to go forward. Section 936 means that they must first come to the Legislature for our permission to ask the voters for their permission to borrow funds. This means the question would be put to the voters at the earliest in June of next

year and depending upon how we make the decision, not until November of next year. That is 7 to 12 months after the question was ready for the voters. Section 936 also caused problems in the effort of Knox County to secure the public's approval for a public safety communications facility. Knox County had to submit a bill in October 1998 in order to get our permission to get a ballot 13 months later in November 1999. We held hearings in the spring of 1999 and we had to write the question that would eventually go on the ballot. At that time, county officials did not know the final cost of the project. They were forced to pick a number high enough to cover any contingencies, which developed. By summer, they knew the number could be half as much as the number they provided us in the spring, but there was no changing it. We had already written the ballot question for the county and they were stuck with it. The public rejected the question by a narrow margin. Whether a figure half as much would have received passage, we will never know.

The Majority Report puts ultimate faith in the voters to decide. In addition, the Majority Report does two things to straighten public accountability. It requires hearings in all the commissioner's districts and it requires that all bond questions go to the voters. Neither of these things is required by current law. Counties can and have in the past come to the Legislature for permission to borrow and to bypass the voters in the process. This should be stopped and the Majority Report does that. I ask you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from China, Representative Bumps.

Representative **BUMPS**: Mr. Speaker, Men and Women of the House. You might recall the debate that we had on this very same issue last week. I won't belabor all the points that were raised then. You also heard a fairly accurate, I would contend, case study of how this exact issue could play itself out when the debate started earlier this morning and Representative Martin described for you traditionally the reason that these issues come before the Legislature for debate.

When this bill was presented back in its public hearing and if you look at the original bill as it was printed, it was a simple bill. All it did was it clarified that the county commissioners when carrying out county bond referendum questions would follow a certain section of statute, as opposed to an alternative section of statute. Title 20A versus Title 31A, apparently there had been some confusion over which section of the statute the county clerk should follow. The bill was appropriately brought before the committee. It had its public hearing and the issue that was raised by the Republican Floor Leader in submission of this bill was a valid one. It was supported by the county commissioners. It was supported by the committee and it should pass into law. What has happened in the interim is that a group of individuals who feel as though they should no longer come to the Legislature to get borrowing authority or the ability to put this question to the voters has interceded. They have done an effective job at lobbying by having their constituency call and write and grab you by the arm and convince you that this is a bad idea.

What I want to share with you this morning is the problem that I think exists between county government and its constituency. I think that you understand that county government is removed in a way naturally from the people that it is meant to serve. The current process, that is bringing the question to the Legislature, posing it to the Legislature, having it deliberated here, allows the county commissioners the

opportunity to go out and give to their voters the content of what it is they are going to vote on. Quick isn't always better. Think about the way that we bond questions here in the Legislature to the people of Maine. It is a slow process. It is necessarily slow. It is purposely slow. What you are about to do is you are about to, again, piecemeal change county law. It is what got us into trouble with county law for years and years and years. It is kind of a step-by-step approach, none of them are comprehensive to changing county law. If we want to perpetuate the problem of the disconnect between state government and county government, there is no better way to do it than to pass the Committee Amendment as it has been amended by the House Amendment. However, if you want to do away with the whole problem all together and allow for an opportunity for simple instructions to the county clerks on which section of law to follow when administering these referendums, then the original bill will do. I urge you to vote for the motion to Indefinitely Postpone. Thank you.

The SPEAKER: A roll call having been previously ordered. The pending question before the House is Indefinite Postponement of Committee Amendment "A" (H-805) as Amended by House Amendment "A" (H-889) thereto. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 477

YEA - Belanger, Bolduc, Bowles, Bragdon, Buck, Bumps, Carr, Chick, Chizmar, Clough, Daigle, Desmond, Gagnon, Gillis, Glynn, Green, Honey, Jacobs, Jones, Kneeland, LaVerdiere, Lemoine, Mack, Martin, Marvin, Mayo, McGlocklin, Murphy E, Nutting, Perkins, Snowe-Mello, Tobin J, Trahan, Weston.

NAY - Ahearne, Andrews, Bagley, Baker, Berry DP, Berry RL, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Campbell, Clark, Collins, Colwell, Cote, Cowger, Cross, Davidson, Davis, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Foster, Frechette, Fuller, Gagne, Gerry, Goodwin, Gooley, Hatch, Heidrich, Jabar, Joy, Kasprzak, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, McAlevey, McDonough, McKee, McKenney, Mendros, Mitchell, Murphy T, Nass, Norbert, O'Brien JA, O'Brien LL, O'Neal, O'Neil, Peavey, Perry, Pieh, Plowman, Povich, Powers, Quint, Richard, Richardson E, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Shields, Shorey, Sirois, Skoglund, Stanley, Stanwood, Stedman, Tessier, Thompson, Tobin D, Townsend, Tracy, Treadwell, Tripp, True, Tuttle, Usher, Volenik, Waterhouse, Watson, Wheeler EM, Williams, Winsor, Mr. Speaker.

ABSENT - Cianchette, Fisher, Jodrey, Kane, Matthews, McNeil, Muse, Pinkham, Richardson J, Sherman, Stevens, Sullivan, Twomey, Wheeler GJ.

Yes, 34; No, 103; Absent, 14; Excused, 0.

34 having voted in the affirmative and 103 voted in the negative, with 14 being absent, the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (H-805) as Amended by House Amendment "A" (H-889) thereto FAILED.**

Subsequently, **Committee Amendment "A" (H-805) as Amended by House Amendment "A" (H-889) thereto was ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-805) as Amended by House Amendment "A" (H-889) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

Representative **BOWLES**: Mr. Speaker, Men and Women of the House. I was not recorded as having voted on Roll Call 475. I should like to be recorded as having voted yea.

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On motion of Representative **SAXL** of Bangor, the House adjourned at 11:28 a.m., until 9:00 a.m., Wednesday, March 22, 2000.