

MAINE STATE LEGISLATURE

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

Volume III

Second Regular Session

March 23, 2000 – May 12, 2000

Appendix
House Legislative Sentiments
Index

ONE HUNDRED AND NINETEENTH LEGISLATURE
 SECOND REGULAR SESSION
 33rd Legislative Day
 Friday, April 14, 2000

(H.P. 1944)

READ and PASSED in the House on April 11, 2000.
 Came from the Senate **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

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

Prayer by the Honorable Elaine Fuller, Lector, St. Matthews Episcopal Church, Hallowell.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Prohibit Hunting Animals in Enclosed Areas"
 (S.P. 457) (L.D. 1332)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on April 11, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-655) AS AMENDED BY SENATE AMENDMENT "C" (S-697)** thereto in **NON-CONCURRENCE**.

On motion of Representative **PIEH** of Bremen, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health

(H.P. 1454) (L.D. 2075)
 (C. "A" H-1034)

FAILED of **ENACTMENT** in the House on April 12, 2000.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

Representative **HATCH** of Skowhegan moved that the House **RECEDE AND CONCUR**.

On further motion of the same Representative, **TABLED** pending her motion to **RECEDE AND CONCUR** and later today assigned.

Non-Concurrent Matter

An Act to Promote Bone Marrow Donation

(S.P. 916) (L.D. 2368)

PASSED TO BE ENACTED in the House on April 3, 2000. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-596)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-596) AS AMENDED BY SENATE AMENDMENT "A" (S-695)** thereto in **NON-CONCURRENCE**.

On motion of Representative **KANE** of Saco, the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

JOINT ORDER - Relative to the Joint Standing Committee on Banking and Insurance Reporting Out a Bill Requiring the Superintendent of Insurance to Establish a Plan or other legislative options for guaranteeing access to and availability of healthcare coverage for residents

Non-Concurrent Matter

Bill "An Act to Establish Fairer Pricing for Prescription Drugs"
 (S.P. 1026) (L.D. 2599)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-686) AS AMENDED BY HOUSE AMENDMENT "A" (H-1114) thereto in the House on April 12, 2000.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-686)** in **NON-CONCURRENCE**.

On motion of Representative **SAXL** of Portland, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Officer Glen McGary, of Portland, who was the recipient of a Heroism Award given for his swift and courageous actions in the line of duty, which saved the life of his partner, Officer James Sweatt. We acknowledge his bravery and heroic action and extend our appreciation to Officer McGary for his dedication to the people of the State of Maine;

(HLS 1266)

Presented by Representative **NORBERT** of Portland.

Cosponsored by Representative **RICHARDSON** of Brunswick, Representative **BRENNAN** of Portland, Representative **BRUNO** of Raymond, Representative **BUCK** of Yarmouth, Representative **BULL** of Freeport, Representative **CIANCHETTE** of South Portland, Representative **CLOUGH** of Scarborough, Representative **DAVIDSON** of Brunswick, Representative **DAVIS** of Falmouth, Representative **DUDLEY** of Portland, Representative **DUPLESSIE** of Westbrook, Representative **ETNIER** of Harpswell, Representative **FOSTER** of Gray, Representative **GLYNN** of South Portland, Representative **LABRECQUE** of Gorham, Representative **LOVETT** of Scarborough, Representative **MACK** of Standish, Representative **MARVIN** of Cape Elizabeth, Representative **McDONOUGH** of Portland, Representative **McKENNEY** of Cumberland, Representative **MUSE** of South Portland, Representative **QUINT** of Portland, Speaker **ROWE** of Portland, Representative **SAXL** of Portland, Representative **SCHNEIDER** of Durham, Representative **SNOWE-MELLO** of Poland, Representative **THOMPSON** of Naples, Representative **TOBIN** of Windham, Representative **TOWNSEND** of Portland, Representative **USHER** of Westbrook, Representative **WATERHOUSE** of Bridgton, Senator **ABROMSON** of Cumberland, Senator **AMERO** of Cumberland, Senator **BENNETT** of Oxford, Senator **HARRIMAN** of Cumberland, Senator **KONTOS** of Cumberland, Senator **O'GARA** of Cumberland, Senator **PENDLETON** of

Cumberland, Senator RAND of Cumberland, Senator SMALL of Sagadahoc.

On **OBJECTION** of Representative NORBERT of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Officer James Sweatt, of Yarmouth, who received the Maine Association of Police Officer of the Year Award for his unselfish acts and efforts on behalf of the citizens of Portland. We extend our appreciation to Officer Sweatt for his dedicated service to the people of the State of Maine;

(HLS 1267)

Presented by Representative BUCK of Yarmouth.
 Cosponsored by Representative RICHARDSON of Brunswick, Representative BRENNAN of Portland, Representative BRUNO of Raymond, Representative BULL of Freeport, Representative CIANCHETTE of South Portland, Representative CLOUGH of Scarborough, Representative DAVIDSON of Brunswick, Representative DAVIS of Falmouth, Representative DUDLEY of Portland, Representative DUPLESSIE of Westbrook, Representative ETNIER of Harpswell, Representative FOSTER of Gray, Representative GLYNN of South Portland, Representative LABRECQUE of Gorham, Representative LOVETT of Scarborough, Representative MACK of Standish, Representative MARVIN of Cape Elizabeth, Representative McDONOUGH of Portland, Representative McKENNEY of Cumberland, Representative MUSE of South Portland, Representative NORBERT of Portland, Representative QUINT of Portland, Speaker ROWE of Portland, Representative SAXL of Portland, Representative SCHNEIDER of Durham, Representative SNOWE-MELLO of Poland, Representative THOMPSON of Naples, Representative TOBIN of Windham, Representative TOWNSEND of Portland, Representative USHER of Westbrook, Representative WATERHOUSE of Bridgton, Senator ABROMSON of Cumberland, Senator AMERO of Cumberland, Senator BENNETT of Oxford, Senator HARRIMAN of Cumberland, Senator KONTOS of Cumberland, Senator O'GARA of Cumberland, Senator PENDLETON of Cumberland, Senator RAND of Cumberland, Senator SMALL of Sagadahoc.

On **OBJECTION** of Representative NORBERT of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

ENACTORS
Acts

An Act to Create Employment Opportunities by Clarifying Maine's Tax Laws Regarding Mutual Fund Companies
 (H.P. 1694) (L.D. 2400)
 (C. "A" H-867)

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

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

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

An Act to Improve Standards for Public Assistance to Maine Employers

(S.P. 967) (L.D. 2516)
 (S. "A" S-689 to C. "A" S-637)

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

On motion of Representative MURPHY of Kennebunk, 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:

UNFINISHED BUSINESS

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-1121) - Committee on JUDICIARY on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

(H.P. 1665) (L.D. 2334)

TABLED - April 13, 2000 (Till Later Today) by Representative THOMPSON of Naples.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Committee Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-1121) was READ** by the Clerk.

Representative THOMPSON of Naples **PRESENTED House Amendment "A" (H-1124) to Committee Amendment "A" (H-1121)**, which was **READ** by the Clerk.

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

Representative **THOMPSON:** Mr. Speaker, Men and Women of the House. This is the first of several technical amendments to the errors bill. We are going to hold the errors bill this year until we return to do the budget and in case there are any last minute issues. I will be glad to explain any commas and semi colons at the back of the chamber following the first recess.

House Amendment "A" (H-1124) to Committee Amendment "A" (H-1121) was ADOPTED.

On motion of the same Representative, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-1121) as Amended by House Amendment "A" (H-1124)** thereto and later today assigned.

An Act Raising the Minimum Wage

(H.P. 253) (L.D. 357)
 (C. "A" H-918)

TABLED - April 13, 2000 (Till Later Today) by Representative SAXL of Portland.

PENDING - PASSAGE TO BE ENACTED.

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

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

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

An Act to Amend the Maine Workers' Compensation Act of 1992 as it Pertains to Occupational Health

(H.P. 1454) (L.D. 2075)
(C. "A" H-1034)

Which was **TABLED** by Representative HATCH of Skowhegan pending her motion to **RECEDE AND CONCUR**.

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

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. We have debated this bill several times. I would encourage you to vote against the Recede and Concur motion. There are problems with this bill and we have already brought up most of the facts involved here. The doctors have told us it is very hard to diagnose occupational disease. The workers' comp people have told us that most occupational diseases that occur in the State of Maine are treated under the law as injuries. No workers are being denied medical benefits because of this. We have had an occupational disease law on the books for about 50 years, if I remember correctly. It is legislation that is not needed. What we do need is to have a data collection process, which we were told it is going to be starting up so that we can collect data. The doctors aren't reporting occupational disease exposures to the Bureau of Health, which is a requirement in state law that is not being enforced. What we have to do before we pass a law like this is to make sure the data is being collected. I would encourage you to vote against the Recede and Concur motion. Thank you.

Representative **TREADWELL** of Carmel **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 642

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

NAY - Andrews, Belanger, Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Collins, Cross, Daigle, Davis, Desmond, Dugay, Duncan, Fisher, Foster, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevey, McKenney, McNeil, Mendros, Murphy E, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Perkins, Pinkham, Povich, Richardson E, Rosen, Sanborn, Savage C, Savage W, Schneider, Sherman, Shields, Snowe-Mello, Stanwood,

Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Wheeler GJ, Winsor.

ABSENT - Bolduc, Cote, Matthews, McKee, Perry, Plowman, Shorey, Sirois, Tripp, True, Usher.

Yes, 64; No, 76; Absent, 11; Excused, 0.

64 having voted in the affirmative and 76 voted in the negative, with 11 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

On motion of Representative **TREADWELL** of Carmel, the House voted to **ADHERE**.

UNFINISHED BUSINESS

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

JOINT ORDER - Relative to the Joint Standing Committee on Education reporting out, to the House, a bill concerning the system of requiring fingerprints from and seeking criminal history record information for educational personnel

(H.P. 1793)

TABLED - January 24, 2000 by Representative **MURPHY** of Kennebunk.

PENDING - PASSAGE.

Subsequently, Representative **MURPHY** of Kennebunk **WITHDREW** the Joint Order.

JOINT ORDER - Relative to the Joint Standing Committee on Labor reporting out a bill amending the biweekly pay law.

(H.P. 1915)

TABLED - March 31, 2000 (Till Later Today) by Representative **HATCH** of Skowhegan.

PENDING - PASSAGE.

Subsequently, Representative **MACK** of Standish **WITHDREW** the Joint Order.

JOINT ORDER - Relative to the Joint Standing Committee on Banking and Insurance reporting out an emergency bill requiring that the Superintendent of Insurance adopt major substantive rules relating to the regulation of a for-profit stock insurer

(H.P. 1941)

TABLED - April 11, 2000 (Till Later Today) by Representative **BROOKS** of Winterport.

PENDING - PASSAGE.

Subsequently, Representative **BROOKS** of Winterport **WITHDREW** the Joint Order.

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

ORDERS

On motion of Representative **DAVIDSON** of Brunswick, the following Joint Order: (H.P. 1948)

ORDERED, the Senate concurring, that Bill, "An Act to Create a Heating Oil Emergency Management Program," H.P. 1922, L.D. 2668, be recalled from the Governor's desk to the House.

READ and PASSED.

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:

Bill "An Act to Establish Fairer Pricing for Prescription Drugs"
(S.P. 1026) (L.D. 2599)

Which was **TABLED** by Representative SAXL of Portland pending **FURTHER CONSIDERATION**.

On motion of Representative KANE of Saco, the House voted to **RECEDE AND CONCUR**.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax"

(S.P. 661) (L.D. 1883)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on April 13, 2000.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-698) AS AMENDED BY SENATE AMENDMENT "A" (S-700)** thereto and **ASKED FOR A COMMITTEE OF CONFERENCE IN NON-CONCURRENCE**.

On motion of Representative GAGNON of Waterville, the House voted to **INSIST** and join in a **COMMITTEE OF CONFERENCE** in concurrence.

Non-Concurrent Matter

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

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

FINALLY PASSED in the House on March 29, 2000. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-556)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-556) AS AMENDED BY SENATE AMENDMENT "A" (S-707)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Resolve, to Ensure Adequate Funding for the Lewiston District Court

(S.P. 1029) (L.D. 2609)

FINALLY PASSED in the House on March 29, 2000. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-561) AS AMENDED BY SENATE AMENDMENT "A" (S-708)** thereto in **NON-CONCURRENCE**.

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 1086)

JOINT RESOLUTION DECLARING 2000 THE YEAR OF THE NATIVE AMERICAN WOMAN

WHEREAS, Maine's Wabanaki peoples have proclaimed 2000 as the Year of the Native American Woman; and

WHEREAS, we recognize the strength of the Native American Woman and we acknowledge that the Native American Woman is the cohesive force that is the foundation of her family relationships and community alliances; and

WHEREAS, the Native American Woman is the giver of life and her mental, physical, emotional and spiritual well-being determines the direction of the next 7 generations; and

WHEREAS, the Members of the One Hundred and Nineteenth Legislature enacted Public Law 613, "An Act Concerning Offensive Names," and sent their best wishes to Maine's Native American women; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Nineteenth Legislature, now assembled in the Second Regular Session, join Maine's Wabanaki peoples in declaring 2000 the Year of the Native American Woman; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each of Maine's Tribal Communities.

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

READ.

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

Representative **LORING:** Mr. Speaker, Men and Women of the House. I would like to thank leadership and everyone for recognizing Wabanaki women. I think that this year has really been an education for both of us. We still have a lot to learn about each other, but I think it is a start and a beginning. The Medicine Women from the Penobscot and Passamaquoddy Tribes have predicted that the new millennium will be years of strength for women in general, not just women. I think that it was very insightful for this Legislature to recognize that. I just thank you for doing this. I think we will grow and get to know each other a lot better in the future. Thank you.

ADOPTED in concurrence.

Bill "An Act to Ensure that Certain Land Transfers Accomplished through Stock Transfers are not Exempt from the Transfer Tax"

(S.P. 661) (L.D. 1883)

In reference to the action of the House on April 14, 2000, whereby it **Insisted** and **Joined** in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative COLWELL of Gardiner
Representative LEMOINE of Old Orchard Beach
Representative CIANCHETTE of South Portland

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

An Act to Improve Standards for Public Assistance to Maine Employers

(S.P. 967) (L.D. 2516)
(S. "A" S-689 to C. "A" S-637)

Which was **TABLED** by Representative MURPHY of Kennebunk pending **PASSAGE TO BE ENACTED**.

Representative GAGNON of Waterville **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.

ROLL CALL NO. 643

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

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

ABSENT - Marvin, McKee, Norbert, Plowman, Shorey, Sirois, Tessier, True, Usher.

Yes, 75; No, 67; Absent, 9; Excused, 0.

75 having voted in the affirmative and 67 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH**.

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

COMMUNICATIONS

The Following Communication: (S.C. 648)

SENATE OF MAINE

OFFICE OF THE SECRETARY

3 STATE HOUSE STATION

AUGUSTA, MAINE 04333

April 14, 2000

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

Dear Clerk Mayo:

Please be advised the Senate today Adhered to its previous action whereby the Minority Ought Not To Pass Report from the Committee on Appropriations and Financial Affairs on 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), was accepted.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative MARTIN of Eagle Lake, the following Joint Order: (H.P. 1949)

ORDERED, the Senate concurring, that Bill, "An Act to Ensure that Maine Citizens Injured While Working in Foreign Countries are Provided with Workers' Compensation Benefits," H.P. 1907, L.D. 2652, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

Sent for concurrence.

ENACTORS

Acts

An Act to Support Maine's Only Representative to the Nation's Capital Bicentennial Celebration

(S.P. 1042) (L.D. 2630)

(C.C. "A" S-701)

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

An Act to Promote Bone Marrow Donation

(S.P. 916) (L.D. 2368)

(S. "A" S-695 to C. "A" S-596)

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

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

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

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

ENACTORS

Acts

An Act to Establish Fairer Pricing for Prescription Drugs

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

(C. "A" S-686)

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

On motion of Representative KANE of Saco, was **SET ASIDE**.

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

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

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

Representative **MURPHY**: Mr. Speaker, Men and Women of the House. I really feel there is an opportunity in this Legislature to take action now and not wait a year and a half or more, sadly I think more, and the opportunities we have come together in consensus on a budget, which includes a major expansion of our already existing drug program. I think probably one of the best success stories of the previous session and we are seeing a catastrophic provision that is going to get enacted into law. If we pass that budget as an emergency, we will be looking at late spring this year. If we passed it as a regular bill, relief to our constituents will come this August. Relief now, not a year and a half from now. Does it solve the problem? No. Will it bring relief, timely relief? Yes. We need to do more than that. We need to urge our Chief Executive to aggressively pursue regional pooling to bring New England together and to use the clout of that market in driving down the high cost of drugs. It is a louder voice in addressing this major problem our constituents face. I think also, and it will probably happen after we leave and it may take until October when the federal budget is resolved, that I know we have been incarcerated here and our focus has been on this legislative body, but I think we are seeing a tremendous amount of movement in the Congress. They won't have their work done until October, but I think we are finally starting to see a recognition of the reimbursement process, a recognition that the role of drugs has changed dramatically in terms of their place, their role in health care today and that the reimbursement system should change. Today I will be voting no on this roll call because I want to take action now. I want to bring relief this summer to our Maine constituents. I want to have that catastrophic drug program go into affect and bring that targeted rifled relief and I want to send a message. I think we have though all this debate bringing the Chief Executive into this fight in terms of with his counterparts throughout the northeast and New England of aggressively pursuing that regional pooling in helping to drive down the high cost of prescriptions. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative **LOVETT**: Mr. Speaker, Ladies and Gentlemen of the House. I am also going to remind you that when the citizens of our state needed assistance for food so that they would have enough food on the table and they would have the proper nutrition, we did not impose price fixing on our grocery stores. Instead, we went to the program of food stamps. It was very successful. When our home heating oil was a problem for the people of our state, we gave them assistance. We didn't go to price fixing on the oil companies. Ladies and gentlemen, we have provisions in the tobacco bill and I hope you will vote with me in voting no on this enactment. Thank you.

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.

ROLL CALL NO. 644

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bryant, Bull, Carr, Chick,

Chizmar, Clark, Colwell, Cote, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Honey, Jabar, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, Mitchell, Murphy E, Muse, Norbert, O'Brien LL, O'Neal, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, Tuttle, Twomey, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Berry DP, Bowles, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Cianchette, Clough, Collins, Cross, Daigle, Davis, Duncan, Foster, Gillis, Glynn, Gooley, Heidrich, Jodrey, Jones, Joy, Kasprzak, Kneeland, Labrecque, Lindahl, Lovett, MacDougall, Mack, McKenney, McNeil, Mendros, Murphy T, Nass, Nutting, O'Brien JA, Peavey, Rosen, Savage C, Schneider, Sherman, Shields, Snowe-Mello, Stanwood, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Marvin, McKee, O'Neil, Plowman, Shorey, Sirois, True, Usher.

Yes, 89; No, 54; Absent, 8; Excused, 0.

89 having voted in the affirmative and 54 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

An Act to Create Employment Opportunities by Clarifying Maine's Tax Laws Regarding Mutual Fund Companies
(H.P. 1694) (L.D. 2400)
(C. "A" H-867)

Which was **TABLED** by Representative SAXL of Portland pending **PASSAGE TO BE ENACTED**.

On motion of Representative SAXL of Bangor, 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" (H-867)** was **ADOPTED**.

The same Representative presented **House Amendment "A" (H-1133)** to **Committee Amendment "A" (H-867)** which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative **SAXL**: Mr. Speaker, Men and Women of the House. I just want you to know what House Amendment "A" does and that is that is that it is purely a fiscal note. Thank you.

House Amendment "A" (H-1133) to Committee Amendment "A" (H-867) was **ADOPTED**.

Committee Amendment "A" (H-867) as Amended by House Amendment "A" (H-1133) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-867) as Amended by House Amendment "A" (H-1133) thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

Bill "An Act to Prohibit Hunting Animals in Enclosed Areas" (S.P. 457) (L.D. 1332)

Which was **TABLED** by Representative PIEH of Bremen pending **FURTHER CONSIDERATION**.

On motion of Representative MARTIN of Eagle Lake, the House voted to **RECEDE**.

Senate Amendment "C" (S-697) to Committee Amendment "A" (S-655) was **READ** by the Clerk.

On further motion of the same Representative, Senate Amendment "C" (S-697) to Committee Amendment "A" (S-655) was **INDEFINITELY POSTPONED**.

On further motion of the same Representative, Committee Amendment "A" (S-655) was **INDEFINITELY POSTPONED**.

The same Representative **PRESENTED** House Amendment "A" (H-1134) 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. As you may remember this body voted to kill this bill a number of weeks ago now. I am beginning to think it was a few months ago, but it was probably a week and a half. Since that time we have been, in many ways, figuring out what would be the best way and the best thing to do. Some people have felt that we should leave it alone and do nothing. Others felt that we should adopt the original Committee Amendment, but I am not sure where I was for a long time, but then deciding how much time that the Committee on Agriculture had spent working on this particular item and having had it transferred to them from the Committee on Fisheries and Wildlife and understanding the amount of time that everyone has spent from last year to this year, I felt perhaps we ought to take another look at it. In the last couple of days with the chair of the committee and others in this body we have been working to try to figure out if there was a way to deal with this issue. What we really did was to go line by line and I feel like I haven't worked on an issue so much in depth as this one, except for one that will be coming and you will hear about a little later called Maine Yankee.

What you have before you is, hopefully, a compromise amendment, which removes the two-year sunset that was in the original committee report. It limits the type of game that may be killed in a shooting area, the three items, bison, boar and deer. It allows the commercial shooting area license to be transferred. As you may remember in some of my comments about some of the concerns that we had on that. What it does also in addition to that, if you go back to the original Committee Amendment that it creates an ability for the Department of Agriculture to find out what is out there. We have no idea right now as to how many there are and where they are. This allows that to occur. The commissioner will then be able to take a look at what is out there

and then we will be able to have a better idea as to what takes place. I think what it does is it tries to make sure that animals that are used in this fashion will be checked with a veterinarian and that we will not be bringing any diseases into this state. That is why I think the committee did such a great job in the two reports, in effect, both the Majority Report and Minority Report that came out in committee in dealing with the question of preserving the quality of our game in this state to making sure that if one of those animals were to get loose that there would not be any infection created for any of our own animals.

I urge you all to accept this amendment in the spirit of a compromise.

Representative **CLARK** of Millinocket moved that **House Amendment "A" (H-1134)** be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on his motion to **INDEFINITELY POSTPONE** House Amendment "A" (H-1134).

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 Old Town, Representative Dunlap.

Representative **DUNLAP**: Mr. Speaker, Men and Women of the House. I would urge your vote against the pending motion to Indefinitely Postpone. This has been a very, very difficult issue for everyone involved. There are a number of concerns that are addressed and probably a number more that are not addressed as fully as members of this body on both sides of the issue would like to be. However, I do concur with my good friend from Eagle Lake. This does, I think, act in a manner that would bring both sides together to a certain degree of closure on this issue. If we do Indefinitely Postpone this amendment and do not pass this bill, it is simply going to come back next year and be wide open all over again. We are going to have the same emotional debates that have been going on in committees regardless of what committee the bills that would come are referred to. I think that this is a compromise that I am very comfortable with. It addresses the bulk of my concerns. I have discussed this issue with members of this body on the other side of the issue and they are also comfortable with what we are doing in this amendment. I would urge you to vote against the pending motion and adopt the House Amendment.

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

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

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

Representative **CLARK**: Mr. Speaker, Ladies and Gentlemen of the House. For anyone who might answer, talking about the fiscal note in this amendment dedicating the proceeds from certain deer licenses to reduce the annual general fund. Is that the hunting licenses that we have now?

The **SPEAKER**: The Representative from Millinocket, Representative Clark has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Ladies and Gentlemen of the House. There is fiscal note. There would be a loss and it is from deer farmer's licenses. That is the \$20 they each pay annually. It will go into the Animal Industry Fund. There will be a loss of general revenue of \$1,120. That is the total loss. There has been some confusion that to participate in these commercial shooting areas, hunt farms or whatever we decide to call them

that you had to have a Maine State Hunting License or that you had to pay an extra fee. There is an extra fee if you are going to what is called a Commercial Shooting Zone for Birds and you have to have a Maine State License. There is no licensing required. There has not been nor will there be.

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

Representative PERKINS: Mr. Speaker, Colleagues of the House. I, too, hope you will vote against the pending motion and vote for this reasonable compromise. I have to give a lot of credit to a lot of people. They have done good work on this, which could be very divisive. I was a few days ago. I think this quiets the waters. I think people would see this as a reasonable step to protect people's right to do things on private lands, but also respecting the strong feelings that people have that perhaps this doesn't appeal to them. I want to thank the Representative from Eagle Lake, Representative Martin and the house chair of both Agriculture and Fish and Wildlife for embracing this. I hope you will vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

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

The SPEAKER: The Representative may pose his question.

Representative TRAHAN: Mr. Speaker, Ladies and Gentlemen of the House. I would like to ask a question of the author of the amendment. My concern from the beginning has been without any real evidence of a problem, I was concerned that we were limiting these things and there was no problem out there. In the amendment, in the explanation of it, it is a little bit of a conflict for me. I was wondering if the Representative from Eagle Lake could possibly answer it. Given the fact that I wanted the sunset removed from the legislation, which it was, the language of the legislation states that between October 1, 1999 and March 15, 2000 if you haven't taken part in one of these hunts, if you haven't had one, then you can't apply for a license. Isn't that the same as the sunset? If it isn't, could you explain how somebody in the future could apply or possibly get a license to have one of these hunts?

The SPEAKER: The Representative from Waldoboro, Representative Trahan has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House. I was trying to pass it off to the House Chair of Agriculture. Basically what we are trying to do is to find out what is out there. We have no idea at the present time. There are a number of people who are doing it to earn a little money on the side, for example. Right now what we are doing is saying, let's find out what is out there and anyone who has been doing it will be, in effect, be grandfathered and then the next Legislature will have to deal with what happens after that.

While I am on my feet, Mr. Speaker, I would like to respond to what I think is the concern of the Representative from Millinocket, Representative Clark, and that is the \$25,000 on the back on the fiscal note. This has nothing to do with an appropriation. This is actually the money that will be charged to people who apply for a license and that estimated cost will be going to the Animal Industry Fund, which is created by this amendment and that money will be used to do the testing and the veterinary needs that will be necessary. There is no loss of

income to the Department of Inland Fisheries and Wildlife. There was actually a little loss to the Department of Agriculture.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

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

The SPEAKER: The Representative may pose her question.

Representative RICHARD: Mr. Speaker, Men and Women of the House. To anyone who may care to answer, I haven't had time to study this very long. Under fees, it says \$500 for an operation that is licensed to have deer. I assume that is \$500 for the owner. Is that anywhere near comparable to what they have been paying? Have they been paying a fee? In addition to that, \$25 for the transport tag. Have they been paying a fee for transport tags? I guess that is two questions. Thank you.

The SPEAKER: The Representative from Madison, Representative Richard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Mr. Speaker, Men and Women of the House. In response to the good Representative from Madison's question, if they decide to open one of these shooting zones or if they have one existing, it will be one fee for the license to operate the shooting zone. It will \$500 if you are just doing deer. It will be \$1,000 if you are doing others. That is a new fee. It was supported by both the deer farmers and the person who owns Hillside Game Ranch. The \$25 tag would also be new. There have been no tags in the past. This kind of mirrors, a little bit, the hunting laws.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. To further clarify that issue, the Committee on Inland Fisheries and Wildlife this year did remove a provision that charged residents of the State of Maine \$50 to transport a wild deer out of state. There is not a fee for non-residents. We corrected that by removing the fee, but there has been traditionally a fee for transportation of wild game.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative TRAHAN: Mr. Speaker, Colleagues of the House. I will be very quick. Previous discussion with the Representative from Eagle Lake, he pointed out that in the past there had been a restriction on the number of shooting farms in the State of Maine in the past. He was right. That limit was on pheasants, partridges, mallards and quails. What would happen is a person could hunt on these farms, but they were limited to two per county in the State of Maine. About three or four years ago that restriction of two per county was repealed. When I talked with Cecile at Inland Fisheries and Wildlife, she transferred me to Fred Hurley who explained it all to me. I would just want you to know this going in that if we adopt this, he said to me, we repealed it three years ago because we were petitioned by people in northern Maine because this was economically a good thing for the area. They were petitioned and then they repealed the law so that they could have economic development in this area. I just want you to know that because if we pass this, then we have cut off an avenue of economic development in this area. Thank you.

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

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

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

Representative **CAMERON**: Mr. Speaker, Ladies and Gentlemen of the House. If someone would be so kind to explain to me how we are not creating a monopoly situation, which in mind would be creating an illegal business arrangement? Monopolies as best I understand them looking at what happened with our friend, Mr. Gates, recently, are not acceptable. This looks to me like we are creating one. Also, to help me better understand the \$500 license fee, the word harvest, I am not sure what that means. I know it means, in this case, if you go out and shoot them, but if you are a deer farmer commercially raising deer to be sold on the venison market, does that count as harvest and if it does, does that require a \$500 license fee?

The **SPEAKER**: The Representative from Rumford, Representative Cameron has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Mr. Speaker, Members of the House. The question of harvest deals to a kill and does not refer to basically what would normally occur when they are being raised. The \$20 applies in that case. The \$500 applies when there is a ranch for the purpose of harvesting. In reference to the first question that was posed by the Representative from Rumford, basically what the intent of the committee was to try to find out what was out there. It is not a question and it is not a problem on a temporary basis to do that according to other instances where that has been done in the past.

The **SPEAKER**: The Chair recognizes the Representative from Grey, Representative Foster.

Representative **FOSTER**: Mr. Speaker, Ladies and Gentlemen of the House. It would appear to me that we could find out what is out there without having this type of legislation. It would also appear to me that in doing this, we would have the cart before the horse. I also believe, as the good Representative from Rumford, Representative Cameron, has stated, we may be setting up a monopoly here, which may not be particularly legal. Thank you.

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

Representative **PERKINS**: Mr. Speaker, Colleagues of the House. I would just like to respond to the last comments. I don't think this is the cart before the horse. I think we have stirred it up around the state now. I think this will quiet things down a little bit. I am afraid if we kill the whole thing like some had wanted before that I think it could get messier. I think putting the sanction of the Legislature or the government on this has, in effect, grandfathered them. We know of one, perhaps maybe four other deer farms that have been allowing the shooting. I think we could correct anything or the next Legislature could correct. Thank you.

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

Representative **CROSS**: Mr. Speaker, Ladies and Gentlemen of the House. We have been involved in this so-called enclosed hunt for a considerable length of time. We almost had it a couple of times where we were unanimous. We ended up, I believe, 7 to 6. From that point on, we have studied with each other, we have compromised with each other, we have

argued back and forth and finally we had our Representative from Eagle Lake, Representative Martin, involved. From that, we have arrived at a compromise that, as far as I am concerned, covers everybody's questions without me pinpointing it, that has been asked today. I would ask you because this has been a thorn in our side as far as whether it is IF&W or whether it is Agriculture. We have resolved it to the satisfaction of the committee. We may not be 100 percent, but we are darn close to it. I would ask you to defeat the Indefinite Postponement and let's get on with the business at hand. Thank you very much.

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

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

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

Representative **CAMERON**: Mr. Speaker, Ladies and Gentlemen of the House. To anyone who may answer, I need assurance. Someone said in this discussion that the limit of two per county has been repealed. I recently saw that in the statutes. I don't know when it was repealed. I need an assurance of that.

The **SPEAKER**: The Representative from Rumford, Representative Cameron has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative **PIEH**: Mr. Speaker, Men and Women of the House. That has been repealed. That was in the Minority Report, which was never one of the Committee Amendments that was adopted. That is gone. There is nothing about two per county anywhere in the document. May I continue?

I just would like to point out that were we to Indefinitely Postpone this, there would be no restrictions at all on any of these activities that decided to start themselves. The Agriculture Committee just in the last week due to publicity around the whole country have had five inquiries about whether they could come here and start one of these themselves. There are no restrictions at all. You don't have to have a hunting license. There is no minimum or maximum size of enclosure. Any kind of weapon can be used to kill. They can kill 365 days a year. They can kill 24 hours a day. There is nothing in statute that authorizes the department to check for diseases, which this legislation does. I urge you to defeat the pending motion and let us move forward with this in a limited fashion and then we can move forward again from there once we know what we have. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waldoboro, Representative Trahan.

Representative **TRAHAN**: Mr. Speaker, Colleagues of the House. I would like to clarify what the good Representative from Bremen just said. I think that she might have misunderstood the question from the Representative from Rumford. At least I understood it this way when he asked the question about the two per county. That was a state law from as far as the Inland Fisheries and Wildlife could remember. It was from early in the 1900s when the law passed. That restricted bird hunting for four types of birds. That is two farms per county. That was repealed about four years ago to try to spur economic development. What the Representative from Bremen was talking about, I believe, was the Minority Report would have restricted it to large game animals, two per county in eight counties. I believe I have that correct. Thank you.

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

Representative BRYANT: Mr. Speaker, Ladies and Gentlemen of the House. This issue has been around for a while. It has been to IF&W. It has been to Agriculture. We have worked on it for over two weeks back and forth. I think all the parties are happy. I think that now is the time to defeat the pending motion and pass the amendment that we have in front of us. If people have concerns next year that they have somebody or they have some other interested parties, I think we can talk about that. I think the prudent thing to do here is to defeat the pending motion and pass Report "A" and move on.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. The reason why I am against this amendment is before a lot of people were talking about disease. A lot of people had their animals checked before they even got here. A lot of people are very upset about disease within the animals within the enclosed hunts. Is this a guarantee if we have this in the amendment about testing animals, is it a guarantee that there is going to be disease free animals? I don't think so. Why do we need this? You are still going to have airborne diseases coming over from the Midwest or wherever like the Mad Cow Disease over in England. It isn't going to help anything, people. Another thing too that I am kind of upset about with this amendment is that it just came out. Nobody got together. It was basically behind the doors and things of this nature. I know a lot of things happen behind closed doors up here. Another thing is like the good Representative from Rumford said about monopolizing these game farms. We don't want monopolies out there. We are trying to discourage them because we already have enough in other industries. We don't want them in enclosed hunts. I hope you will accept the pending motion. Thank you.

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

Representative DUNLAP: Mr. Speaker, Men and Women of the House. I would like to answer some of the questions, I presume there were statements or questions from the Representative from Millinocket, Representative Clark about the issue of disease and his concerns about the efficacy of disease prevention. I am unclear about which airborne diseases he is expecting to come to Maine from the Midwest? However in the philosophy of the question, I am not certain that we could ever prevent every disease from entering Maine, however, any kind of a resistance to a disease would be, I think, a real step forward in the fact that the Agriculture Department will be overseeing the health of these animals. I think that it is better than doing nothing at all. Certainly giving your pet a rabies shot every two years has not prevented the spread of rabies in the State of Maine, but I think it has protected our citizens. I think that is the spirit of having health inspections of wild game or domesticated wild game that is going to be consumed by humans. I think that is the intent of having some sort of health regulations on these animals.

The SPEAKER: The Chair recognizes the Representative from Danforth, Representative Gillis.

Representative GILLIS: Mr. Speaker, Men and Women of the House. I just want to say that the proponents and opponents of this bill were polarized on the opposite end and they worked very hard and came together and have an agreement that we all feel good about. I hope that you all vote against this motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-1134). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 645

YEA - Bagley, Belanger, Bolduc, Bowles, Cameron, Clark, Collins, Dugay, Foster, Gagne, Goodwin, Jodrey, Kasprzak, MacDougall, Mack, Mendros, Murphy E, O'Neal, Richardson E, Sanborn, Sherman, Shields, Sullivan, Tobin J, Trahan, Waterhouse, Wheeler EM, Wheeler GJ.

NAY - Ahearne, Andrews, Baker, Berry DP, Berry RL, Bouffard, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Campbell, Carr, Chick, Chizmar, Cianchette, Clough, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Duncan, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jones, Joy, Kane, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, Madore, Mailhot, Martin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKenney, McNeil, Mitchell, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, Peavey, Perkins, Perry, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Shiah, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Tessier, Thompson, Tobin D, Townsend, Tracy, Treadwell, Tripp, Tuttle, Twomey, Volenik, Watson, Weston, Williams, Winsor, Mr. Speaker.

ABSENT - Jabar, Marvin, McKee, O'Neil, Plowman, Shorey, Sirois, True, Usher.

Yes, 28; No, 114; Absent, 9; Excused, 0.

28 having voted in the affirmative and 114 voted in the negative, with 9 being absent, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-1134) FAILED.**

Subsequently, House Amendment "A" (H-1134) was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-1134) in NON-CONCURRENCE** and sent for concurrence.

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-709)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing a Budget Stabilization Fund

(S.P. 928) (L.D. 2378)

Signed:

Senators:

MICHAUD of Penobscot
CATHCART of Penobscot
HARRIMAN of Cumberland

Representatives:

KNEELAND of Easton
WINSOR of Norway
BRUNO of Raymond
NASS of Acton

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

Signed:

Representatives:

TOWNSEND of Portland
STEVENS of Orono
BERRY of Livermore
MAILHOT of Lewiston
POWERS of Rockport
TESSIER of Fairfield

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

READ.

Representative TOWNSEND of Portland moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. This is a proposed Constitutional Amendment changing the nature of the Rainy Day Fund. It is, quite frankly, a perennial bill. What it does is make it more difficult to reach into the Rainy Day Fund to access money. It is not necessarily a bad idea. I would argue that we have been rather cautious about using the Rainy Day Fund in the past and we ought to be extremely cautious about altering our Constitution. Furthermore, we might want to think hard as a Legislature about whether the use of the Rainy Day Fund is the very best use of our money and whether there might not be more fiscally prudent methods. I thank you and urge your support for the Ought Not to Pass.

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

Representative NASS: Mr. Speaker, Men and Women of the House. The House Chair has explained it exactly. I don't need to add anything more, except that the people that are in favor of passage here would exactly like to make withdrawals exacting, more specific and more difficult to do. We want it to become funds available for hard times. That is the best way to explain it. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

A vote of the House was taken. 59 voted in favor of the same and 53 against, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Ought to Pass As Amended

Representative THOMPSON from the Committee on **JUDICIARY** on Joint Order Establishing the Commission on the Study and Prevention of Child Abuse

(H.P. 1930)

Reporting **Ought to Pass As Amended by Committee Amendment "A" (H-1135)**.

Report was **READ** and **ACCEPTED**. **COMMITTEE AMENDMENT "A" (H-1135)** **READ** by the Clerk and **ADOPTED**.

The Joint Order was **PASSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1135)** and sent for concurrence.

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

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1948)

An Act to Create a Heating Oil Emergency Management Program

(H.P. 1922) (L.D. 2668)

- In House, **PASSED TO BE ENACTED** on April 5, 2000.

- In Senate, **PASSED TO BE ENACTED** on April 6, 2000.

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 ENACTED**.

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 the Bill was **PASSED TO BE ENGROSSED**.

The same Representative presented **House Amendment "A" (H-1136)** which was **READ** by the Clerk.

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

Representative DAVIDSON: Mr. Speaker, Men and Women of the House. This was a unanimous committee report out of the Utilities and Energy Committee creating the Heating Oil Emergency Management Program. This bill clarifies the duties of the Governor and removes some of the duties of the Governor under this bill. This amendment has unanimous support from the committee. I thank you for your time.

House Amendment "A" (H-1136) was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-1136)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

ENACTORS

Resolves

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

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

(S. "A" S-707 to C. "A" S-556)

Resolve, to Ensure Adequate Funding for the Lewiston District Court

(S.P. 1029) (L.D. 2609)

(S. "A" S-708 to C. "A" S-561)

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

COMMUNICATIONS

The Following Communication: (H.C. 431)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

April 14, 2000

To the Honorable Members of the 119th Legislature:

Enclosed please find H.P.105, L.D. 136, "An Act Relating to Employment Contracts," which I am returning without my signature or approval. My reasons for withholding my approval on L.D. 136 are consistent with my veto messages in the past regarding legislation that affects strike replacement workers. L.D. 136, Section 1, sends a false message to the working community of Maine that the State of Maine may intervene in federally regulated labor issues. Guidance from the courts and from the Attorney General tells us that this proposed law is unconstitutional due to its interference with federal protection for employees.

The provisions of Section 1 would mandate that a contract between an employer and replacement workers is invalid and unenforceable if it prevents an employer from rehiring employees displaced during a labor dispute. This significantly impairs the right of the employer to hire permanent replacement workers at all times during a strike. In a 1989 Opinion, 571 A.2d 805 (Me. 1989), the Justices of the Maine Supreme Judicial Court reviewed the provisions of less restrictive legislation that limited the right of an employer to hire replacement workers during a labor dispute by imposing a 45-day cooling off period upon a specified vote by striking employees. The Justices found that the less restrictive 45-day delay of the employer's right to hire permanent replacement workers would be preempted by the National Labor Relations Act (NLRA) and was, therefore, repugnant to the Supremacy Clause of the United States Constitution. Their reasoning would be applicable to the more restrictive provisions of L.D. 136 that limits the employer's right to contract with permanent replacement workers at any time after the strike if certain specified conditions (all controlled by striking employees) were satisfied. Applying the analysis of the Justices to the provisions of L.D. 136, it is clear that the legislation will invade the employer's right to economic self-help to maintain operations during a strike. This arena is protected by the NLRA and would disrupt the balance intended by Congress between the tools of economic pressure available to employer and employees.

This legislation creates an illusory remedy for workers who could rely, to their detriment, on state law, only to find later that the law is unconstitutional because it limits the federal right of employers to maintain operations during a strike.

Because of the objections outlined above, I am returning LD 136 and respectfully urge you to sustain my veto.

Sincerely,
S/Angus S. King, Jr.
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act Relating to Employment Contracts" (H.P. 105) (L.D. 136) (C. "A" H-1018)

The SPEAKER: A roll call has been ordered. The pending question before the House is shall this bill "An Act Relating to Employment Contracts" become law notwithstanding the

objections of the Governor? All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 646V

YEA - Ahearne, Bagley, Berry RL, Bouffard, Brennan, Brooks, Bull, Carr, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Dudley, Dugay, Dunlap, Duplessie, Ethier, Fisher, Frechette, Fuller, Gagne, Gagnon, Gerry, Goodwin, Green, Hatch, Jacobs, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Martin, Matthews, Mayo, McDonough, McGlocklin, Mendros, Mitchell, Norbert, O'Brien LL, O'Neal, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Richardson J, Rines, Rosen, Samson, Sanborn, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanley, Stevens, Sullivan, Tessier, Thompson, Tracy, Tripp, Tuttle, Twomey, Volenik, Watson, Wheeler GJ, Mr. Speaker.

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

ABSENT - Baker, Bolduc, Bryant, Cianchette, Cote, Gooley, Jabar, Marvin, McKee, Muse, O'Neil, Plowman, Shorey, Sirois, Townsend, True, Usher, Williams.

Yes, 75; No, 58; Absent, 18; Excused, 0.

75 having voted in the affirmative and 58 voted in the negative, with 18 being absent, and accordingly the Veto was **SUSTAINED.**

ORDERS

On motion of Representative HATCH of Skowhegan, the following Joint Order: (H.P. 1950)

ORDERED, the Senate concurring, that Bill, "An Act to Limit Mandatory Overtime," H.P. 729, L.D. 1019, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

Sent for concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 650)

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

April 14, 2000

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

Dear Clerk Mayo:

Please be advised that the President has appointed to the Committee of Conference on the disagreeing action between the two branches of the Legislature on the Bill, "An Act to Ensure that Certain Land Transfers Accomplished through Stock

Transfers are not Exempt from the Transfer Tax" (S.P. 661) (L.D. 1883) the following:

- Senator S. Peter Mills of Somerset
- Senator John M. Nutting of Androscoggin
- Senator Beverly C. Daggett of Kennebec

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

CONSENT CALENDAR

First Day

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

(H.P. 1768) (L.D. 2481) Bill "An Act to Reconstruct 2 Small Dams on Rocky Lake in Whiting" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1137)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Gagnon who wishes to address the House on the Record.

Representative **GAGNON**: Mr. Speaker, Men and Women of the House. This Second Regular Session of the 119th Legislature has been unique. Unique in that many committees did the bulk of their work outside of the State House and away from the State House Complex. A number of committees met at the Civic Center, another at the Armory, and one committee, the Taxation Committee, met at the Augusta City Center.

For those of you who visited the Tax Committee at the Augusta City Center, found us in the more than comfortable City Council Chambers. While others were negotiating with the cold steel folding chairs, we had plush chairs much like we sit on here in the House and the audience had comfortable fabric chairs in an exceptionally roomy gallery.

In short, men and women of the House, we didn't have it rough. The good people of Augusta through their officials opened their space to us, provided us with everything we needed to conduct our business.

The City Manager, Bill Brigeo and Assistant Manager, Michael Lombardo and their staff made us feel welcome and did everything in their power to provide us with what we needed. I simply hope we didn't put them too far out of their way or were too burdensome. I know the Legislature paid the City a fee for the space, but you can't buy the help, understanding and cooperation we received. They were outstanding and I didn't want this session to end without so noting their efforts on the record.

Mr. Speaker, on behalf of the Taxation Committee, I want to thank the City of Augusta, its elected officials, administration and

most importantly its citizens for the generous invitation, the use of facilities and for being outstanding hosts. Thank you.

CONSENT CALENDAR

First Day

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

(S.P. 1084) (L.D. 2688) Bill "An Act to Establish Clean-up Standards for Decommissioning Nuclear Facilities" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-713)**

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.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities" (EMERGENCY)

(S.P. 955) (L.D. 2496)

Bill and accompanying papers **COMMITTED** to the Committee on **NATURAL RESOURCES** in the House on April 6, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617) AS AMENDED BY SENATE AMENDMENT "B" (S-710)** thereto in **NON-CONCURRENCE.**

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

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

ENACTORS

Emergency Measure

An Act to Clarify the Authority of State Environmental and Public Health Officials to Monitor and Regulate Nuclear Power Plant Decommissioning, Site Cleanup and Restoration Activities

(S.P. 955) (L.D. 2496)

(S. "B" S-710 to C. "A" S-617)

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

Acts

An Act to Establish Clean-up Standards for Decommissioning Nuclear Facilities

(S.P. 1084) (L.D. 2688)

(C. "A" S-713)

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

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

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

Representative **MARTIN**: Mr. Speaker, Members of the House. Let me first begin by thanking the members of the committee and also the parties to what I believe is a major event this evening. What I want to do now is to read into the record the agreement that was signed by the parties. This is the only way that we can make it part of the record. It is important that it be clearly laid out as what was agreed to for the future of this state. This letter is addressed to the chairs and the members of the Joint Standing Committee on Natural Resources. I am quoting this.

"In our effort to build dialogue and trust and after long discussions conducted in good faith, we the undersigned parties have come to an agreement. The purpose of this agreement is to fulfill our mutual intent to reduce the radiological burden at the Maine Yankee site.

With respect to LD 2688 and LD 2496, as amended to include language to prohibit the on-site disposal of radioactively contaminated construction demolition debris at Maine Yankee, we agree on the following points:

1. We endorse the amended version of LD 2688 to be passed without further amendment;
2. We endorse the Committee Amendment to LD 2426 as further amended by the Senate Amendment filed by Senator Treat without further amendment;
3. We agree that our understanding is the Legislature will pass these bills in concurrence and they will be enacted into law;
4. We agree that the content of these bills provides that the material remaining at Maine Yankee will not constitute low-level radioactive waste storage or disposal which would trigger a statewide referendum;
5. So long as Maine Yankee acts in good faith with respect to this agreement and since we agree that the remaining material will not meet the threshold necessary to trigger the low-level radioactive waste provisions of Maine law, we do not intend to seek a statewide referendum via the courts under the low-level waste citing provision or any provision of the 1985 citizen initiated low-level nuclear waste citing legislation as it pertains to Maine Yankee;
6. And, since we agree that the remaining material will not meet the threshold necessary as referenced in 5 above, we agree not to initiate a citizen's veto of these bills via petition;
7. We agree that we will not endorse or support any such referendum effort by any other individual or organization;
8. We agree that compliance with 2688 means that Maine Yankee will refrain from on site disposal of any material that in common usage would not be termed "clean", that is, of such minimally detectable radioactivity as to be qualified for disposal in non-radiological or "ordinary" landfill disposal facilities. For purposes of this legislation, we do not mean by the term "low-level waste," residual contamination which meets the 10/4-dose standard. For purposes of this legislation, the below grade structures shall be remediated to the 10/4 millirem dose standard using actual measurements for

each survey unit, in accordance with analytic methodology approved by the United States Nuclear Regulatory Commission. Soils shall also be remediated to 10/4-millirem dose standard using actual measurements for each survey unit, in accordance with analytic methodology approved by the United States Nuclear Regulatory Commission. Also, we understand the compromise amendment references US NRC Reg. Guide 1.86 as the clearest available standard for unrestricted use. If it is found that as of April 14, 2000, the US NRC has, since the issuance of Reg. Guide 1.86 issued and adopted any applicable official articulation of unrestricted use standards more stringent than those of Reg. Guide 1.86, then those more stringent standards would apply."

It is signed on behalf of Safe Power for Maine, Charles Ipcar and on behalf of Against Nuclear Trash, Bonnie Titcomb, Friend of the Coast Opposing Nuclear Power, Raymond Shadis and on behalf of the Town of Wiscasset, it is signed by its first selectmen, Ben Rines. It is also signed by the Vice President of Law and Government Affairs for Maine Yankee, Mary Ann Lynch.

I believe that we have accomplished something that a month ago or maybe just two days ago we thought was impossible. Thank you to all of you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative **JOY**: Mr. Speaker, Ladies and Gentlemen of the House. I think it is only fitting that the last bill that came in front of a committee that I served on in this body would be one, which epitomizes the efforts of so many people. The people on the committee were extraordinary in their patience, their understanding and the people from the citizenry joined us and united in an effort that really tells what Maine is all about. Never did you come into a committee room where there were so many different people so far apart and yet they all pooled their efforts together and we were able to come out of this with these two bills, which will set a good tone for the future of that area. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Mr. Speaker, Men and Women of the House. I want to take a moment and thank the Natural Resources Committee for their work. For these bills they held at least two public hearings and by my count at least seven workshops, many of them that lasted at least three hours. I truly believe that these pieces of legislation will go a long ways towards helping my community get back on its feet. I thank them very much.

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

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

SENATE PAPERS

The following Joint Order: (S.P. 1087)

ORDERED, the House concurring, that when the House and Senate adjourn they do so until Monday, April 24, 2000 at 10 o'clock in the morning.

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

READ and **PASSED** in concurrence.

SENATE PAPERS

Bill "An Act to Clarify the Law Enforcement Authority of Game Wardens" (EMERGENCY)

(S.P. 1088) (L.D. 2691)

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Came from the Senate, under suspension of rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** in concurrence.

Non-Concurrent Matter

Bill "An Act to Establish a Method of Determining Employer Contributions to the Unemployment Compensation Trust Fund"

(S.P. 1019) (L.D. 2588)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650) AS AMENDED BY HOUSE AMENDMENT "A" (H-1128) thereto in the House on April 13, 2000.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-650) AS AMENDED BY SENATE AMENDMENT "C" (S-711)** thereto in **NON-CONCURRENCE**.

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

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

ENACTORS

Acts

An Act to Regulate Commercial Large Game Shooting Areas
(S.P. 457) (L.D. 1332)

(H. "A" H-1134)

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.

Emergency Measure

An Act to Clarify the Law Enforcement Authority of Game Wardens

(S.P. 1088) (L.D. 2691)

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

Representative MENDROS of Lewiston **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. 647

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

NAY - Cameron, Kasprzak, Mendros.

ABSENT - Andrews, Baker, Belanger, Bolduc, Bragdon, Bryant, Bumps, Cianchette, Cote, Davidson, Goodwin, Gooley, Jabar, Lovett, Marvin, Matthews, Mayo, McKee, Murphy E, Muse, O'Neal, O'Neil, Plowman, Shorey, Sirois, Townsend, True, Usher, Wheeler GJ, Williams.

Yes, 118; No, 3; Absent, 30; Excused, 0.

118 having voted in the affirmative and 3 voted in the negative, with 30 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Reconstruct 2 Small Dams on Rocky Lake in Whiting

(H.P. 1768) (L.D. 2481)

(C. "A" H-1137)

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

An Act to Establish a Method of Determining Employer Contributions to the Unemployment Compensation Trust Fund

(S.P. 1019) (L.D. 2588)

(S. "C" S-711 to C. "A" S-650)

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**.

LEGISLATIVE RECORD - HOUSE, April 14, 2000

...On motion of Representative BRENNAN of Portland, the House adjourned at 9:35 p.m., until 10:00 a.m., Monday, April 24, 2000 in honor and lasting tribute to his mother Mary Lorraine Brennan, of Portland and pursuant to the Joint Order (S.P. 1087).