

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume III

Second Regular Session

March 19, 1998 - March 31, 1998

Second Special Session

April 1, 1998 - April 8, 1998

Appendix
House Legislative Sentiments
Index

option to be able to receive that treatment and I oppose the pending motion.

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

Representative FARNSWORTH: Madam Speaker, Ladies and Gentlemen of the House. I don't think it's anybody on the committee is challenging the value of osteopathic physicians. I don't think that's an issue at all. I think the issue is whether or not these two branches of medicine can work out a trust relationship so that they can be working together in the same hospital and in fact medical environment. I think that's the big issue and it boils down to whether or not that is something that can be legislated, or is it something that has to be worked out on an interpersonal relationship basis. It's my particular impression from years of working in different kinds of organizations that those kinds of relationships are something that have to be worked out on an individual basis as people work together and that's the point that I am making that we don't have a role in trying to legislate that particular kind of direction.

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

ROLL CALL NO. 522

YEA - Barth, Belanger DJ, Berry DP, Bigl, Bodwell, Bouffard, Brennan, Brooks, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clukey, Colwell, Cowger, Davidson, Dexter, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Gagnon, Gamache, Gieringer, Gooley, Green, Honey, Jones SL, Joyner, Kane, Kasprzak, Kerr, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Pieh, Pinkham WD, Plowman, Povich, Powers, Quint, Richard, Rines, Rowe, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Snowe-Mello, Spear, Stevens, Townsend, True, Vedral, Vigue, Waterhouse, Watson, Winglass, Winn, Winsor, Madam Speaker.

NAY - Ahearne, Bagley, Baker, Belanger IG, Berry RL, Bolduc, Bragdon, Bruno, Clark, Cross, Desmond, Donnelly, Driscoll, Dunlap, Fuller, Gagne, Gerry, Goodwin, Jones SA, Joy, Joyce, Kneeland, Kontos, Lemke, McAlevy, McElroy, Meres, O'Neal, Perry, Pinkham RG, Poulin, Samson, Sirois, Skoglund, Stanley, Stedman, Taylor, Tessier, Tobin, Treadwell, Tripp, Tuttle, Underwood, Usher, Volenik, Wheeler EM, Wheeler GJ, Wright.

ABSENT - Bunker, Dutremble, Hatch, Jabar, Jones KW, Thompson.

Yes, 97; No, 48; Absent, 6; Excused, 0.

97 having voted in the affirmative and 48 voted in the negative, with 6 being absent, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent up 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:

**ENACTORS
Emergency Mandate**

An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections

(H.P. 40) (L.D. 65)
(H. "A" H-1022 to C. "A" H-919)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 1 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities

(H.P. 1028) (L.D. 1445)
(C. "A" H-1028)

An Act to Allow Maine Technical College System Employees Represented by the Maine Education Association Faculty and Administrative Units to Participate in a Defined Contribution Retirement Plan

(H.P. 1395) (L.D. 1949)
(C. "A" H-1027)

An Act to Establish and Maintain an Immunization Information System

(H.P. 1511) (L.D. 2133)
(C. "A" H-1021)

An Act to Create a Nonlegislative System to Adjust Municipal Valuations in the Circumstance of Sudden and Severe Valuation Disruption

(H.P. 1561) (L.D. 2192)
(C. "A" H-1019)

An Act to Improve the Delivery and Effectiveness of State Correctional Services

(S.P. 834) (L.D. 2232)
(C. "A" S-603)

An Act to Promote and Encourage the Cultivation of Cranberries in the State

(H.P. 1634) (L.D. 2264)
(C. "A" H-1006)

An Act Regarding Telecommunications Regulation

(H.P. 1661) (L.D. 2288)

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 Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands

(S.P. 635) (L.D. 1852)
(C. "A" S-501; S. "A" S-551)

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

On motion of Representative PEAVEY of Woolwich, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Peavey.

Representative PEAVEY: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative PEAVEY: My question, when I read Senate Amendment 551, when I read the summary, it says that Bureau of Parks and Land people may go on any lands, waters or premise in the State to do surveys and other necessary

examinations and I wondered if someone could address that and explain that to me. Are we allowing people who work for the Bureau of Parks and Lands to just to go anywhere without a particular reason?

The SPEAKER: The Representative from Woolwich, Representative Peavey has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. The answer to that question is similar to the debate we had with Representative Snowe-Mello's bill a few days ago. The change that you see here in this amendment is consistent with what the judiciary did on the other bill that had to do with search warrant requirements for people within the Parks and Lands. What this particular section of this bill only addresses their right to do a survey. Let's say they are in the process of doing a right-of-way for access to a great pond and they have to use eminent domain to take a piece of property. They'll come in and do a survey similar to DOT does when its doing a right-of-way to a road. This particular section that you see changed in this amendment is the section which allows them to come on there to do the surveys and do the necessary work in order to do some of these things. It's never been used, it's old language. What we did in this bill is recodify the statute without making substantive changes, but this issue came up, it was quite heated. The compromise with this amendment was to change that word premise, to get it out of there, consistent to what Judiciary did a few days ago with the other bill. I believe the other body put that amendment on and that's the one you're seeing before you and it makes it just clearer that someone can't come into your home or into your curtilage. Thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, Men and Women of the House. There's been a lot of confusing questions and I need to clarify, there was language in this bill that upset some people and the language said, and I don't have it in front of me, something about the agents of the Bureau can have permission to go on lands, originally it was lands, waters and premises for the purposes of conducting a survey in one segment of the bill and it shall not be as is necessary or convenient and that upset a lot of people. It does come under in one section of the bill eminent domain and whether it's not enforcement and that seemed to be a trigger. I asked the Attorney General's Office to rule on it. In the meantime it was amended to take out the word premises which seemed to refer to buildings which was absolutely offensive to people and that was the compromise and in the meantime I had a letter into the Attorney General's Office and they did 72 pages worth of research and sent me a three and a half page letter condensed form and I think this is an issue that probably we will see more of, but the time is not right to deal with it, in my opinion. I was going to ask for solemn occasion, which would have been a simple majority in the House to ask the Supreme Court to deal with that issue, to tell us whether or not that was actually violating the Constitution. It just isn't the right time for it and as a committee we did say we weren't going to make any major substantive changes of that nature, which should be taken out as a separate bill and have a public hearing and so forth. It's an issue that is ripening, but isn't ripe yet.

The SPEAKER: The pending question before the House is enactment.

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

An Act to Enter into the Emergency Management Assistance Compact

(S.P. 836) (L.D. 2242)
(C. "A" S-591)

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

On motion of Representative JOY of Crystal, was **SET ASIDE**.

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

Representative JOY: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative JOY: I wonder if there is someone who could perhaps give us a quick thumbnail sketch of this bill. I get a little nervous when I see the word compact come in a bill.

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

Representative WINGLASS: Madam Speaker, Men and Women of the House. I would like to say to my good friend from Crystal, Representative Joy, I would like to say that this is the Governor's Bill that was advanced by one of the Senators in the other body and I was a cosponsor of the bill and what it does is nothing to be really concerned about, because it basically obliges our state to participate with all of the other states in mutually reinforcing one another in the case of natural disasters and emergency situations, such as the ice storm. There are a number of states who are already active participants in this so called compact and the State of Maine would like to enlist in that compact as well. I think it's going to be a piece of legislation that will protect the citizens of Maine and enable us to respond to catastrophes in other states and the other states in turn to respond to a catastrophe that might occur here, so I'd urge your support in this bill.

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

Representative JOY: Thank you, Madam Speaker, no further question on this bill.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Madam Speaker, Men and Women of the House. I just wanted to let everyone know that this is not one of the recommendations of the Governor's Council on Sustainable Forest Management. Thank you.

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

An Act to Encourage Intergovernmental Cooperation

(H.P. 1617) (L.D. 2244)
(C. "A" H-1016)

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

On motion of Representative JOY of Crystal, was **SET ASIDE**.

Representative JOY of Crystal **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. 523

YEA - Ahearne, Bagley, Baker, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bryant, Bull,