

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME V

FIRST REGULAR SESSION

Senate

June 19, 1995 to June 30, 1995

FIRST CONFIRMATION SESSION

September 14, 1995

FIRST SPECIAL SESSION

House of Representatives

November 28, 1995 to November 30, 1995

Senate

November 28, 1995 to November 30, 1995

to Correct an Error in the Hospital Assessment Program" (H.P. 1151) (L.D. 1590) (Governor's Bill) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-679)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-679) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-679) and sent up for concurrence. Ordered sent forthwith.

ENACTORS Emergency Measure

An Act to Temporarily Reestablish Eligibility Standards for Low-Income Home Energy Assistance (H.P. 1166) (L.D. 1599)

Was 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. 137 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

The following matter was taken up by unanimous consent without the printed matter before the House:

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

Bill "An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Appropriations and Allocations for Fiscal Years 1995-96 and 1996-97" (EMERGENCY) (H.P. 1148) (L.D. 1587) (C. "A" 671) (Governor's Bill) which was tabled by Representative JACQUES of Waterville pending passage to be engrossed.

Representative HARTNETT of Freeport presented House Amendment "B" (H-681) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Mr. Speaker, Men and Women of the House: I was extremely nervous and realized I might be in great physical danger by presenting this amendment so late in the evening of the third day of the special session. When I found out the bill was not even printed and available, you can imagine how I felt about the chances of me leaving here safely. I do hope the changes of this bill safely in good hands, or this amendment, are strong.

Early this morning you heard me speak about some of my objections to the planned borrowing scheme of the Maine Turnpike Authority and how I believe that, in fact, the Constitution of the State of Maine and the statutes regarding the Maine Turnpike really didn't allow this to happen. Remember the Maine Turnpike issuance of bonds may be done for the purpose of paying the cost of constructing, reconstructing or making extraordinary repairs to the turnpike and the location thereof, not to advance the state money. I hope a lot of you agree and during

the break a lot of you told me you did agree with me on that point.

I want to just take you back to early in this session when a lot of us were new and very impressionable and perhaps less so now. The executive spoke to us at the time of presenting the budget. The budgets are policy. Remember those words, budgets are policy. I would hope that we would be able to really hear those words again tonight and make it the policy of this body, not to resort to financing schemes and budgetary gimmicks to meet the true needs of this state.

Also, recently the executive mentioned that this was a historic time. I dare say that if we could get through this special session without those budgetary gimmicks and without financing schemes, it would indeed be a historic moment. We have come so far eliminating the payroll push, eliminating the furlough days, paying up our past bills. We have come so far. It bothers me that we might be able to backslide now and say that this one time because it is so important and because we really, really want to do this, we are going to resort to this borrowing scheme.

Remember, if we do this, the 118th, 119th, 120th, 121st and the 122nd Legislatures will be feeling the impact of that. They will not be getting that annual surplus allotment from the Maine Turnpike Authority. That is how far we are reaching into the future. What my amendment does, and I believe this is what I have in my hands now, it does exist, is it tries to meet this 34 million dollar need in what I don't think is a necessarily creative way, because sometimes creativity is full with gimmicks. I think it is a straight forward way. Right off the top, let me tell you that I intend to raise half this money by borrowing the money. The general obligation bonds for the State of Maine, bonds that are approved by the people of Maine as the Maine Constitution says they should be. I intend to have this done in the spring when we can send out this item as a referendum item during the primary season. That is half the money. Eleven million dollars of this 34 million dollars, I hope to get from the general fund.

Before anyone panics and says I can't do that. I want you to recall some of the conversations earlier when we debated using general fund money. Because of the freeze, we have approximately 35 million dollars that has been frozen. Earlier it was mentioned that about 25 million dollars of that is out of personal services. Eleven million dollars isn't. That is where we get 11 million dollars. Personal services the money is frozen and it is also spending needs, whether it is out-of-state travel to a convention. That is long ago passed. They are gone. It is not like they have been holding up buying copying paper in some cases. It is pretty hard going into a convention in January that was actually held in October. Over the biennium, I hope to get 11 million dollars from there.

The final component of 6 million dollars in this package comes from the DOT itself. I spoke with the commissioner this afternoon and the people down at the Fiscal and Program Review Office to find out, ok, we appropriated a lot of money to the DOT in the budget we adopted in June. How much of that is left? Did they spend it all yet? Can we get to it? What I found out is that in the highway and bridges fund approximately 12 million dollars that we appropriated has not been spent and has not been

contracted to be spent. It has not even been advertised to be contracted to be spent. Additionally 7.3 million dollars exists in the highway paving account. This is money that hasn't been used yet. In total you have 19.3 million dollars. Just to give you an idea we appropriated approximately 40 million dollars to the DOT, 20 million in 1996. This was for the highway and bridges account. In that highway and bridges account what there are our priorities and our choices, which roads and bridges we thought should be done.

Why I want to get 5 million dollars for that is that it seems to me that in November of 1995, there is really one that we would rather do more than anyone else. It would be three demonstration projects. It is our priority. What I am asking you to do tonight is to make a choice. We can't have it all. Make the choice. Say we are going to take some of the money here and take some there and we are going to rearrange our priorities and we are going to make some tough choices. Some things are going to have to wait. That is what the people sent us here for, not for more gimmicks and not for going around and finding this sort of shadowy uncle called the Maine Turnpike Authority who can go off and do our dirty work, to get a little money from here and a little money there for us.

Let's do it in the broad open daylight. Let's let the voters be a part of it. Let's make choices and rearrange our priorities in highway and bridge repairs. Let's say tonight that this is one that we really want to do. Those are the components of my bill. I would be happy to answer questions. Please keep in mind that I am not from the Transportation Committee or the Appropriations Committee. I am from the Judiciary Committee. All day long I felt like I was wading out into the alligators, but I think I have something that works here. I know it is something that I will feel good about. I do hope you receive it kindly. I really thank you for your indulgence of letting me speak to something that you don't even have in front of you. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: At this late hour of the game and to bring in a proposal like this with the figures that are thrown around tonight, I think it makes it very hard for the committee to try to digest this without looking at the printed material and to hear some recommendations to defer some of those programs, in the paving program or in the bridge program, that I can't stand here and answer without having a chance to look at my book and say that 19 million of those projects haven't been scheduled.

It really concerns me that anybody, I guess, would put a proposal out at this stage of the game when we have looked at this for seven months and when we put our program together for the highway and bridge program and maintenance program and then you look at the part you want to go out to referendum in the spring. The part of that bond issue. Let me tell you that we made a commitment and I heard the Senate Chair of Transportation speak very clearly in the last two days that he made a commitment that we would bond no more than 100 percent of our transportation bonds in the biennium. We did that when we put the 59 million dollars out.

It was very clear to me that we said to our people that we wouldn't come back with another bond issue

for highways in the next two years. Again, we have had part of the proposal brought up tonight to take money out of the general fund. We heard it very clear here an hour and a half or two hours ago that members voted up there that they would not take money out of the general fund. There were 97 votes up there. I think it is time that we get on with the bill that has the number of votes to pass it and send it down there and see what happens.

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

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

The SPEAKER: The Representative may pose his question.

Representative MARTIN: Did I hear correctly that the amendment contains some adjustments in the Highway Department Budget as well as contains a bond issue in the same amendment?

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

Representative HARTNETT: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that seeing the final language of what the Revisor's Office has given, that is what we would be trying to accomplish. It is a change in the projects that MDOT money would be spent on this biennium.

Additionally, I do want to say to the good Representative from Corinth is that the commissioner this afternoon told me that there was 19 million dollars. You may not know it without looking in the book, but the commissioner standing right before me said there is 19.3 million dollars that has not been expended. That is where I got that.

As far as not going to 100 percent of the bonding of the highways, oh no, you are not doing it in the DOT budget, but you have found another way to do it. In fact, we are going over 100 percent.

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

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure I got the answer to the question, but if the answer is that this amendment at the same time contains adjustments in the highway budget and at the same time contains a request for a bond issue to go to the voters, I would then question the germaneness of the amendment.

Representative MARTIN of Eagle Lake asked for a ruling from the Chair if House Amendment "B" (H-681) is germane to the Bill.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: In an attempt to try to move us forward and get out of here as quick as I can, I am going to withdraw my request for germaneness and go to a vote so we can deal with this issue.

Representative MARTIN of Eagle Lake withdrew his question about whether House Amendment "B" (H-681) was germane to the Bill.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: I would simply ask if at this point this amendment would need a two-thirds of those present and voting because this is a bond issue request?

The SPEAKER: The Chair would respond to the request by the Representative from Saco, Representative Nadeau that it would require a majority vote, a simple majority vote at this time.

The Chair ordered a division on adoption of House Amendment "B" (H-681).

Representative HARTNETT of Freeport requested a roll call on adoption of House Amendment "B" (H-681).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The pending question before the House is adoption of House Amendment "B" (H-681). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 286

YEA - Aikman, Ault, Barth, Birney, Buck, Carleton, Cross, Donnelly, Dunn, Gerry, Gieringer, Greenlaw, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Labrecque, Layton, Lovett, Lumbr, Madore, Marvin, McAlevey, Nass, Ott, Peavey, Perkins, Pinkham, Reed, G.; Reed, W.; Robichaud, Savage, Simoneau, Stedman, Stone, Taylor, Waterhouse, Whitcomb, Winn, Winsor.

NAY - Adams, Ahearne, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Carr, Chartrand, Chase, Chick, Chizmar, Clark, Clukey, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gooley, Gould, Green, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kneeland, Kontos, LaFountain, Lane, Lemaire, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Luther, Marshall, Martin, Mayo, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Paul, Pendleton, Poirier, Pouliot, Povich, Rice, Richard, Richardson, Ricker, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stevens, Strout, Thompson, Townsend, Treat, Tripp, True, Tufts, Tyler, Underwood, Vigue, Volenik, Watson, Wheeler, Winglass, The Speaker.

ABSENT - Cloutier, Kerr, Look, Plowman, Poulin, Rosebush, Truman, Tuttle.

Yes, 42; No, 101; Absent, 8; Excused, 0.

42 having voted in the affirmative and 101 voted in the negative, with 8 being absent, House Amendment "B" (H-681) was not adopted.

On motion of Representative JACQUES of Waterville, the House reconsidered its action whereby Committee Amendment "A" (H-671) was adopted.

Representative CHARTRAND of Rockland presented House Amendment "B" (H-678) to Committee Amendment "A" (H-671) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Mr. Speaker, Men and Women of the House: It is with some trepidation that I get up and attempt another amendment on this Committee Amendment to the bill. I think this is the amendment that we have all been waiting for, not because it is the last one. Also, the compromise that I am trying to affect in this amendment I think will satisfy a lot of people who have some problem

with the bonding of the Maine Turnpike Authority bonds to accomplish the end the department would like to accomplish.

On the other hand, as Representative Hartnett said earlier, we are in the position of having a gun on each side of our head. There are some projects the state has already begun commitments to that we don't see a way out of funding them to some degree to complete them, the three major federal demonstrations projects. On the other hand, a lot of us in this chamber have discomfort with the idea of bonding through the Maine Turnpike Authority. I have been thinking and talking about this bill with other members of the committee and members of the Appropriations Committee for a lot of the last week.

I think yesterday I came to the realization that there was no way we could accomplish that without some amount of bonding through the Maine Turnpike Authority, even though it is an option I dislike. In order to get something that I think can leave this chamber with a two-thirds vote, we need to be able to accomplish demonstration projects and we need to be able to not take any money from the general fund. That option clearly has been rejected by this chamber on several votes.

My amendment does not take any money from the general fund. It does accomplish a demonstration products. What it does is take the difference between those amounts that we have been talking about, and to reduce the amount of projects that the department presented to us in the original bill, the Majority Report. It reduces the projects that we would have to supply state match for to only the minimum amount of 30 million dollars, which would complete the three major demonstration projects. It eliminates some of the other optional projects, which were underground storage tank replacements and some other environmental needs that the department has identified, but were not in the original two-year budget that we passed in June.

What it does fund is 4.3 million dollars for collect-a-road maintenance paving, which will help us to achieve something that we have worked on with a lot of roads in the state that aren't state highways that need help. This does not add anymore money to state highway paving, but the original two-year budget had 4.6 million dollars in that. We have spent half of that and we have half of it left to spend for the rest of the biennium. It also has 2 million dollars for salt and sand storage reimbursement to towns that have already built salt and sand storage and are waiting for the state reimbursement.

To make it short and simple, I think it does everything that we need to do at this point in this small session. Anything else that people think is important can be dealt with after January through any number of means. We can leave here tonight doing the minimum necessary and forcing us to borrow only the minimum through the Maine Turnpike Authority. We would only be committing ourselves to five years of loss of the 4.7 million dollars we have talked about losing. I think it is a reasonable alternative. Those of us who have had a problem with the original bill, I think this will be the only option that has any reasonable expectation of passing. I would urge you to vote with me to accept this amendment to Committee Amendment "A."

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Very, very briefly, I just want to emphasize two major points that this amendment will affect.

It eliminates allocations in Part A of the bill for the state highway maintenance paving program, the underground fuel tank program, the underground floor drain program and the hazardous waste storage program. The State of Maine is becoming closer and closer to being penalized by the federal government. Massachusetts has just been docked very, very heavily. I expect and so do a lot of other people that the federal people are going to begin to say that they have given us enough time and we have put it off for too long. Other states have done it and you have to do it. There will be severe penalties if we don't.

Number two, it reduces allocations in Part A of the bill for sand, salt and storage by 1 million dollars. Both of those are issues, ladies and gentlemen of the House, that impact your constituents, your town selectmen, your town councilors, your city council people all over this state. I urge you to join me in defeating this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I had no intentions on speaking on this particular issue. I have to say a few words seeing I am quite effected. One of the bridges happens to be in my district. Twenty years ago, Ed Muskie sat in this seat right here and probably was the individual that caused most of these projects to come about. Through the years, George Mitchell continued and eventually led to what we now know as the Don Carter Bridge. Right now it is a combination of piles of dirt, pillars and a road that goes no where.

I ask you, ladies and gentlemen, if we don't go on with this bonding, I will have in my district, plus the other two projects, piles of dirt and roads that go no where for one, two or three years before the projects can be continued. I ask you to please oppose this motion and go on to pass the bonding issue as the Chairman of Transportation Committee requested. I thank you.

Representative JACQUES of Waterville requested a roll call on adoption of House Amendment "B" (H-678) to Committee Amendment "A" (H-671).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The pending question before the House is adoption of House Amendment "B" (H-678) to Committee Amendment "A" (H-671). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 287

YEA - Adams, Aikman, Ault, Barth, Benedikt, Birney, Buck, Carleton, Chartrand, Chase, Chizmar, Dunn, Gates, Gooley, Green, Guerrette, Hartnett, Hatch, Heesch, Jones, S.; Joy, Joyce, Joyner, LaFountain, Layton, Lemke, Marvin, Nass, Ott, Reed, G.; Savage, Shiah, Simoneau, Stedman, Taylor,

Thompson, Townsend, Treat, Volenik, Waterhouse, Watson, Winsor.

NAY - Ahearne, Bailey, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Carr, Chick, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Donnelly, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gerry, Gieringer, Gould, Greenlaw, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Lemaire, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbr, Luther, Madore, Marshall, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Paul, Peavey, Pendleton, Perkins, Pinkham, Poirier, Pouliot, Povich, Reed, W.; Rice, Richard, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Sirois, Spear, Stevens, Stone, Strout, Tripp, True, Tufts, Tyler, Underwood, Vigue, Wheeler, Winglass, Winn.

ABSENT - Cloutier, Look, Plowman, Poulin, Truman, Tuttle, Whitcomb, The Speaker.

Yes, 42; No, 101; Absent, 8; Excused, 0.

42 having voted in the affirmative and 101 having voted in the negative, with 8 being absent, House Amendment "B" (H-678) to Committee Amendment "A" (H-671) was not adopted.

Subsequently, Committee Amendment "A" (H-671) was adopted.

Representative STROUT of Corinth requested a roll call on passage to be engrossed as amended by Committee Amendment "A" (H-671).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The pending question before the House is passage to be engrossed as amended by Committee Amendment "A" (H-671). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 288

YEA - Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Carr, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gerry, Gieringer, Gooley, Gould, Greenlaw, Hatch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kneeland, Kontos, LaFountain, Lane, Lemaire, Libby JD; Lindahl, Lumbr, Luther, Marshall, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Paul, Peavey, Pendleton, Pouliot, Povich, Reed, W.; Rice, Richard, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Sirois, Spear, Stevens, Stone, Strout, Tripp, True, Tufts, Tyler, Vigue, Wheeler, Whitcomb, Winglass, The Speaker.

NAY - Adams, Ahearne, Aikman, Ault, Barth, Birney, Buck, Carleton, Chartrand, Chase, Donnelly, Dunn, Gates, Green, Guerrette, Hartnett, Heesch, Jones, S.; Joy, Joyce, Joyner, Kerr, Labrecque, Layton, Lemke, Lemont, Libby JL; Lovett, Madore, Marvin, Nass, Ott, Perkins, Pinkham, Poirier, Reed, G.;

Savage, Shiah, Simoneau, Stedman, Taylor, Thompson, Townsend, Treat, Underwood, Volenik, Waterhouse, Watson, Winn, Winsor.

ABSENT - Cloutier, Look, Plowman, Poulin, Truman, Tuttle.

Yes, 95; No, 50; Absent, 6; Excused, 0.

95 having voted in the affirmative and 50 voted in the negative, with 6 being absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-671). Ordered sent forthwith.

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

ENACTORS

Emergency Measure

An Act to Implement the Recommendations of the Productivity Realization Task Force (H.P. 1150) (L.D. 1589) (H. "A" H-660, H. "B" H-663, H. "C" H-665, S. "E" S-410 and S. "F" S-411 to C. "A" H-657; H. "C" H-664; H. "E" H-668; H. "F" H-675; H. "G" H-676)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 23 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

ENACTORS

Emergency Measure

An Act to Transfer Oversight of Commercial Driver Education Programs to the Secretary of State (S.P. 477) (L.D. 1301) (S. "A" S-414 to C. "A" S-331)

Was 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. 105 voted in favor of the same and 17 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTORS

Emergency Measure

An Act to Correct an Error in the Hospital Assessment Program (H.P. 1151) (L.D. 1590) (Governor's Bill) (C. "A" H-679)

Was 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. 129 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS

On motion of Representative JACQUES of Waterville, the following Joint Order: (H.P. 1167)

ORDERED, the Senate concurring, that the following specified matters be held over to any special or regular session of the 117th Legislature:

Committee: Agriculture, Conservation and Forestry
An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural

Resources Relating to the Animal Welfare Board, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council (EMERGENCY) (H.P. 1159) (L.D. 1593)

Committee: Legal and Veterans Affairs

An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural Resources Relating to Harness Racing (EMERGENCY) (H.P. 1157) (L.D. 1591)

Committee: Taxation

An Act to Reduce the State Tax Valuation for the Town of Hope (EMERGENCY) (H.P. 1164) (L.D. 1597)

Was read and passed and sent up for concurrence.

By unanimous consent, L.D. 1590 and Joint Order (H.P. 1167) were ordered sent forthwith.

(AFTER MIDNIGHT)
DECEMBER 1, 1995

ENACTORS

Emergency Measure

An Act to Implement the Productivity Recommendations of the Department of Transportation and Make Adjustments to Highway Fund Allocations for Fiscal Years 1995-96 and 1996-97 (H.P. 1148) (L.D. 1587) (Governor's Bill) (C. "A" H-671)

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

Representative O'GARA of Westbrook requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The pending question before the House is enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 289

YEA - Ahearne, Bailey, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Carleton, Carr, Chick, Chizmar, Clark, Clukey, Cross, Daggett, Damren, Davidson, Desmond, Dexter, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gerry, Gieringer, Gooley, Gould, Greenlaw, Hatch, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Keane, Kilkelly, Kneeland, Kontos, LaFountain, Lane, Lemaire, Lindahl, Marshall, Martin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Neal, Ott, Paul, Peavey, Pendleton, Pouliot, Povich, Reed, W.; Rice, Richard, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Saxl, J.; Saxl, M.; Sirois, Spear, Stevens, Stone, Strout, Tripp, True, Tufts, Tyler, Vigue, Wheeler, Whitcomb, Winglass, Winn, The Speaker.

NAY - Adams, Aikman, Ault, Barth, Birney, Buck, Chartrand, Chase, Donnelly, Dunn, Gates, Green, Guerrette, Hartnett, Heeschen, Joy, Joyce, Joyner, Kerr, Labrecque, Layton, Lemke, Lemont, Libby JD; Lovett, Lumbr, Madore, Marvin, Nass, O'Gara,