

MAINE STATE LEGISLATURE

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

VOLUME IV

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August 21, 1989 to August 22, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Tuesday, March 6, 1990**

The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend Linwood Hanson, Bryant Pond Baptist Church.
The Journal of Monday, March 5, 1990, was read and approved.
Quorum call was held.

PAPERS FROM THE SENATE

Reported Pursuant to Resolves

Report of the Commission on Maine's Future, pursuant to Resolve 1987, Chapter 60 and Resolve 1989, Chapter 3 ask leave to submit its findings and to report that the accompanying Resolve, to Implement the Final Report of the Commission on Maine's Future (S.P. 944) (L.D. 2392) be referred to the Joint Standing Committee on State and Local Government for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on State and Local Government and ordered printed.

Report was read and accepted and the bill referred to the Committee on State and Local Government and ordered printed in concurrence.

Ought to Pass as Amended

Report of the Committee on State and Local Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-546) on Bill "An Act to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies" (S.P. 885) (L.D. 2254)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-546) and Senate Amendment "A" (S-549).

Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-546) was read by the Clerk and adopted.

Senate Amendment "A" (S-549) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 8, 1990.

Non-Concurrent Matter

Bill "An Act to Ensure the Effective Use of Grants in the Office of the State Archivist" (H.P. 1624) (L.D. 2246) which was passed to be engrossed in the House on February 27, 1990.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-545) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning the Travel Information Advisory Council" (H.P. 1512) (L.D. 2092) which was passed to be engrossed as amended by Committee Amendment "A" (H-761) as amended by House Amendment "C" (H-858) thereto in the House on March 2, 1990.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-761) in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (H.P. 1746)
STATE OF MAINE
DEPARTMENT OF STATE
AUGUSTA, MAINE 04333

February 26, 1990
Honorable John L. Martin
Speaker of the House
114th Maine State Legislature
State House Station #2
Augusta, Maine 04333

Dear Mr. Speaker:

In accordance with the provisions of Title 30, Section 253 of the Revised Statutes, as amended, I have the honor to transmit herewith the budget estimates of expenses of the counties within the State for the year 1990.

They are as follows:

- Aroostook
- Franklin
- Hancock
- Knox
- Lincoln
- Oxford
- Penobscot
- Piscataquis
- Sagadahoc
- Somerset
- Waldo
- Washington
- York

Respectfully,
S/G. William Diamond
Secretary of State

Was read and referred to the Committee on State and Local Government and sent up for concurrence.

ORDERS

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative PARADIS from the Committee on Judiciary on Bill "An Act Concerning the Uniform Rights of the Terminally Ill Act" (H.P. 1653) (L.D. 2286) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1540) (L.D. 2125) Bill "An Act to Clarify the Laws Regarding Recovery of Medicaid Payments from Liable Third Parties" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-864)

(H.P. 1619) (L.D. 2241) Bill "An Act Providing for the 1990 Amendments to the Finance Authority of Maine Act" Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-866)

(H.P. 1439) (L.D. 2009) Bill "An Act to Promote Judicial Economy by Allowing Corporate Self-representation in Traffic Cases" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-867)

(H.P. 1542) (L.D. 2127) Bill "An Act to Amend the Maine Human Rights Act with Regard to Housing Discrimination on the Basis of Handicap" Committee

on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-868)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 8, 1990, under the listing of Second Day.

**CONSENT CALENDAR
Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 830) (L.D. 2138) Bill "An Act to Amend and Improve the Education Laws of Maine" (C. "A" S-534)

(S.P. 858) (L.D. 2194) Bill "An Act Allowing Affected Citizens to Sue for Injunctive Relief Regarding Lake Water Quality" (C. "A" S-535)

(H.P. 1669) (L.D. 2310) Bill "An Act to Amend the Maine Liability Risk Retention Act"

(S.P. 822) (L.D. 2098) Bill "An Act to Increase Eligibility for Imprisonment with Intensive Supervision" (C. "A" S-539)

(H.P. 1472) (L.D. 2057) Bill "An Act to Increase the Effectiveness of the Handicapped Parking Laws" (C. "A" H-862)

(H.P. 1347) (L.D. 1864) Bill "An Act Allowing Day Care Centers to Use Cloth Diapers" (C. "A" H-863)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act Concerning the Bulk Transfer Provisions of the Uniform Commercial Code" (H.P. 1606) (L.D. 2219)

Bill "An Act to Amend the Reporting Procedures for the Governmental Ethics Laws" (S.P. 951) (L.D. 2401)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed in concurrence and the House Paper was Passed to be Engrossed and sent up for concurrence.

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act to Require Counties to Accept Prisoners with Sentences up to One Year in Length and to Provide Assistance to Counties in Developing Community Corrections Programs" (S.P. 277) (L.D. 723) (S. "A" S-537 to C. "B" S-519)

Bill "An Act to Require Disclosure of Parents' Social Security Numbers at the Time of a Child's Birth and to Amend the Provisions of the Law Concerning Disclosure of Information" (S.P. 889) (L.D. 2265) (C. "A" S-540)

Were reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENACTED

An Act to Ensure the Independence of the Animal Welfare Board (S.P. 691) (L.D. 1830) (C. "A" S-523)

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

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, I request that when the vote is taken, it be taken by the yeas and nays.

Mr. Speaker, Men and Women of the House: Although the good Representative who is Chairman of the Committee is not currently sitting behind me, he joked with me the other day that if I kept speaking on this subject, he'd end up with a 101 votes. There may be some truth to that. However, I would urge this body again that before the final enactment to consider the action we are taking by setting up this separate board.

The issue rises beyond a conflict between farmers and those who wish to regulate them. The issue rises beyond the in-fighting on the Agriculture Committee. The issue is whether or not an agency or any board in state government who happens to disagree with having some oversight can find a friendly benefactor who could put the agency outside the reach of those who wish to have oversight.

Someone came up to me the other day and said, "You farmers never want anything to change." I had to chuckle because anyone who is involved in agriculture in this day and age, if they haven't changed, they aren't staying in the business. That has nothing to do with the issue before us today. People who are legitimately involved in agriculture will probably not be severely affected by this board change. The issue that I have tried to draw the attention of this House toward is the issue of whether one individual can be given this kind of authority in the shaping of state government.

I urge this body to vote against enactment of this piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, I would like to pose a question through the Chair to any member of the Agriculture Committee.

Under this measure, if passed, what they will be able to do that they cannot now do?

I served on the Agriculture Committee when the Animal Welfare Board was first set up and the same people are there that are now walking the halls, and as I understand, paying big prices for lobbyists to support this bill.

I am concerned about the people calling themselves animal rights people in those groups. We hear them before the Fisheries and Wildlife Committee and I know they are before the Agriculture Committee. There are people who are opposed to trapping, there are people who are opposed to hunting and I suppose there are people opposed to fishing, that is where my concern comes from today. I am wondering if this agency was 59 of the 60 (as far as being financed by the Agriculture Committee) was moved outside, it has problems getting financed, will the same gentleman who has financed the lobbying of this bill please step forward and put the money in to keep it going and then say, "Hey, I should have more to say, I am financing it." This is what worries me about these things.

I am opposed to this until I can get a better answer than what I have gotten so far. No one seems to be able to answer my question so I am voting against this measure.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, I would like to pose a question through the Chair, please.

The correspondence and telephone calls that I have had from farmers in my district urge me to vote against this. I would like to ask the committee why

the Grange is opposed to this, and if the Grange is opposed to this, why should we vote it?

The SPEAKER: The Representative from Bath, Representative Holt, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: The Grange and many other organizations who came before the Agriculture Committee were opposed to this bill from its onset and continue to be opposed to the concept of taking this agency out of the Department of Agriculture. There have been some amendments that appease some interests on this issue. There were several Representatives who were with me last week at one of our Grange luncheons and heard the Master of the Maine State Grange continue in his opposition to this bill.

I would like this body to understand that it is not (again) just farmers who are fighting this thing. The Maine Association of Humane Society representatives came in and adamantly opposed this bill. They opposed it because they did not like to see a single individual with this much ability to control a supposedly independent board. That is a concern that extends beyond the agricultural community.

The opposition to this bill is still widespread and it includes organizations which have a wide variety of interests such as the Grange.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: Since my honorable chair isn't here, I wish to at least make a statement as to why I voted for this bill.

I don't really know why the Grange opposes it but there was obviously conflicts and there appeared to be some encroachment on the independence of the board within the department. Whether that be true or not, the Department of Agriculture and the Animal Welfare Board agreed, if you will, to part company under certain conditions. One of those conditions was that the department would continue to be able to initiate and lead investigations dealing with good husbandry practices, which is within its realm or sphere of authority and to report to the Animal Welfare Board as to its findings. Any areas of conflict naturally would be resolved by establishing a complete independence of the Animal Welfare Board. The two entities that were in conflict agreed on their separation, as it were, to make sure that no more conflicts of authority would arise. It seems reasonable to me to support the amendment that did that.

Moreover, I do not understand why farmers should be terribly concerned, including the Grange or any other organization of farmers, since they have four members on the Animal Welfare Board to look out for their interests and since the department will be initiating, if it so desires, investigations with respect to good husbandry law, nor do I really understand why the Humane Society should be concerned about the welfare of animals under this new situation, if you will. I doubt very much if anyone here is any more concerned about the welfare of animals than I am. Not only did I grow up on a farm where there were animals but I love animals. I really don't like to see animals suffer anymore than I like to see human beings suffer.

The Humane Societies also have four representatives on the Animal Welfare Board. I believe the total is ten. Both farmers and the

Humane Societies have very ample representation on the Animal Welfare Board. I also do not believe that there will be difficulties between the department and the Animal Welfare Board now because the source of those difficulties have been removed and they have always, apart from the conflict of authority, if you will, worked very well together. Very well. I have heard nothing in the committee hearings or in the work sessions that would indicate otherwise, other than this conflict of authority, which has been addressed by this compromise arrived at, as I said, primarily by the two entities in conflict themselves. So, I urge you to vote for this bill. This is the third time around and I think it deserves our support.

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 the members present and voting. 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 SPEAKER: The pending question before the House is passage to be enacted.

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, I request permission to pair my vote with the Representative from Kittery, Representative Lawrence. If he were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 180

YEA - Aliberti, Anderson, Anthony, Bell, Carroll, D.; Carroll, J.; Carter, Cashman, Chonko, Clark, H.; Conley, Constantine, Cote, Crowley, Dexter, DiPietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farren, Foster, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Hussey, Jacques, Jalbert, Joseph, LaPointe, Larrivee, Lisnik, Lord, Luther, Macomber, Mahany, Manning, Martin, H.; McGowan, McHenry, McKeen, McPherson, McSweeney, Michaud, Moholland, Nadeau, G. G.; Nadeau, G. R.; Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Plouliot, Priest, Rand, Richard, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Walker, Webster, M.; The Speaker.

NAY - Adams, Aikman, Ault, Bailey, Begley, Brewer, Burke, Butland, Cahill, M.; Cathcart, Clark, M.; Coles, Curran, Dellert, Farnsworth, Farnum, Foss, Garland, Hepburn, Hichborn, Hoglund, Holt, Hutchins, Jackson, Ketover, Kilkelly, Lebowitz, Libby, Look, MacBride, Marsano, Marsh, McCormick, Melendy, Merrill, Mills, Murphy, Norton, O'Gara, Reed, Richards, Seavey, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Tupper, Wentworth, Whitcomb.

ABSENT - Allen, Boutilier, Daggett, Duffy, Hanley, Heeschen, Hickey, Higgins, Marston, Mayo, Nutting, O'Dea, Ridley, Sherburne, Tracy.

PAIRED - Lawrence, Mitchell.

Yes, 82; No, 52; Absent, 15; Paired, 2; Excused, 0.

82 having voted in the affirmative and 52 in the negative with 15 being absent and 2 paired, L.D. 1830 was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify the Definition of Employer Under the Workers' Compensation Laws (S.P. 738) (L.D. 1942) (C. "A" S-526)

An Act to Make Certain Housekeeping Changes to Various Punishment Sections of the Maine Criminal Code (S.P. 771) (L.D. 1996) (C. "A" S-527)

An Act Concerning Geographic Isolation Grants (H.P. 1305) (L.D. 1805) (C. "A" H-806)

An Act to Clarify the Succession of Estates under the Maine Probate Code (H.P. 1353) (L.D. 1870) (C. "A" H-816)

An Act to Ensure that Mobile Home Park Operators are Informed of Habitability Problems (H.P. 1560) (L.D. 2166)

Were 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.

The SPEAKER: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such matters have been sent to the Senate by the Clerk, no motion to reconsider will be allowed.

(At Ease to 4:30 p.m.)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

**CONSENT CALENDAR
First Day**

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(S.P. 816) (L.D. 2080) Bill "An Act to Require That Certain 3rd-party Prescription Drug Programs Be Subject to the Provisions of the Appropriate Preferred Provider Arrangement Act" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-543)

(S.P. 872) (L.D. 2234) Resolve, Authorizing the Director of the Bureau of Public Improvements to Sell the Maine Criminal Justice Academy Campus in Waterville, Maine Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-548)

(H.P. 1638) (L.D. 2271) Bill "An Act to Create Low-interest Loans for Businesses to Purchase Furnaces or Boilers That Burn Waste Motor Oil" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-869)

(H.P. 1622) (L.D. 2244) Bill "An Act to Reclassify Surface Waters of the State" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-870)

(H.P. 1599) (L.D. 2223) Bill "An Act to Clarify the Tax Lien Discharge Law" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-872)

(H.P. 1441) (L.D. 2010) Bill "An Act Concerning the Depuration Digging of Shellfish" Committee on

Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-873)

(H.P. 1541) (L.D. 2126) Bill "An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-874)

(H.P. 1563) (L.D. 2169) Bill "An Act Regarding Homeowners' Rights When Mobile Home Parks are Sold" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-875)

(H.P. 1582) (L.D. 2191) Bill "An Act to Facilitate the Disclosure of the Mobile Home Statutory Warranty" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-876)

(H.P. 1500) (L.D. 2077) Bill "An Act to Provide Warranties for Manufactured Housing Purchased from Out-of-state Dealers" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-877)

(H.P. 1405) (L.D. 1953) Bill "An Act to Strengthen Penalties for Operating under the Influence When a Minor Is a Passenger" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-878)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 8, 1990, under the listing of Second Day.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-542) on Bill "An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System" (S.P. 751) (L.D. 1959)

Signed:

Senators: TITCOMB of Cumberland
CLARK of Cumberland
Representatives: BREWER of Boothbay Harbor
RICHARD of Madison
McSWEENEY of Old Orchard Beach
AULT of Wayne
HICKEY of Augusta
DUTREMBLE of Biddeford
JALBERT of Lisbon

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

Signed:

Senator: CAHILL of Sagadahoc
Representatives: STEVENSON of Unity
DELLERT of Gardiner
MERRILL of Dover-Foxcroft

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-542).

Reports were read.

Representative Jalbert of Lisbon moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Stevenson.

Representative STEVENSON: Mr. Speaker, Ladies and Gentlemen of the House: One of the changes that this bill makes is to give to the State Treasurer full voting privileges. Presently, the Treasurer is a member of the Board of Trustees as an ex officio member and nothing so far has convinced me that the

state officer who oversees the monies of the state should be the one to vote to award or delete benefits in the case of an appeal.

In 1985, an amendment to the Maine statute provided that a person in state government may serve on the Board of another government branch as a non-voting member in an advisory capacity only. While it seems clear that the Retirement Board is part of the Executive Branch of government, I question the status of the State Treasurer who is a Constitutional Officer elected by the legislature. Until these two points are clarified, I cannot with good conscience vote for this change.

Representative Marsano of Belfast requested a roll call.

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 the members present and voting. 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 SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Presently, the Maine State Retirement Board of Trustees is made up of one member from the Maine State Employees Association, one member from the MTA, one member from the Maine Municipal Association, one representative of retired teachers, one person representing the retired state or local employees and two public members appointed by the Governor.

What this bill does is it adds on one member from the AFSCME, American Federation of State, County and Municipal Employees. They do represent about 3,000 employees, which is the second union that some state employees are represented by. Also, it places one member from the School Management Association. The question of State Treasurer is now a member of the Board of Trustees but ex officio with no voting power, the State Treasurer serves on many boards and does have the voting power on most of them. At this time, the trustees felt that Mr. Shapiro, the State Treasurer, should have the power to vote.

I would ask that you follow through and vote for the Majority Report.

The SPEAKER: The pending question before the House is the motion of Representative Jalbert of Lisbon that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 181

YEA - Adams, Aliberti, Allen, Anthony, Ault, Bell, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hogle, Holt, Jacques, Jalbert, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, Nadeau, G. R.; O'Dea, O'Gara, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rotondi, Ruhlin, Rydell, Skoglund, Smith, Stevens, P.; Swazey, Tannaro, Tardy, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley,

Hastings, Hepburn, Higgins, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Norton, Paradis, E.; Parent, Pendleton, Pines, Richards, Small, Stevens, A.; Stevenson, Strout, B.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Boutilier, Cashman, Gurney, Hickey, Hussey, Hutchins, Jackson, Kilkelly, Mayo, Mills, Nadeau, G. G.; Nutting, Oliver, Reed, Rolde, Seavey, Sheltra, Sherburne, Simpson, Strout, D..

Yes, 86; No, 45; Absent, 20; Paired, 0; Excused, 0.

86 having voted in the affirmative and 45 in the negative with 20 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-542) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 8, 1990.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MITCHELL from the Committee on Marine Resources on Bill "An Act Regarding the Testing of Closed Clam Flats" (H.P. 1528) (L.D. 2113) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

An Act to Reform the Juvenile Criminal Justice System (S.P. 541) (L.D. 1512) (C. "A" S-479)

TABLED - March 5, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Thursday, March 8, 1990.

The Chair laid before the House the second tabled and today assigned matter:

An Act Related to Overcompensation (S.P. 743) (L.D. 1947) (C. "A" S-524)

TABLED - March 5, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Michaud of East Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 1947 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-524) was adopted.

The same Representative offered House Amendment "A" (H-884) to Committee Amendment "A" (S-524) and moved its adoption.

House Amendment "A" (H-884) to Committee Amendment "A" (S-524) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the third tabled and today assigned matter:

An Act to Clarify Definitions and Provisions of Marine Resources Laws (S.P. 821) (L.D. 2097) (C. "A" S-517)

TABLED - March 5, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Thursday, March 8, 1990.

The Chair laid before the House the fourth tabled and today assigned matter:

An Act to Require Prior Notice of the Sale of Gas Stations (S.P. 846) (L.D. 2176) (C. "A" S-518)

TABLED - March 5, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Thursday, March 8, 1990.

The Chair laid before the House the fifth tabled and today assigned matter:

An Act to Prohibit Motor Vehicle Insurers from Adjusting Personal Insurance Rates of Law Enforcement Officers (S.P. 843) (L.D. 2162)

TABLED - March 5, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Rydell of Brunswick, under suspension of the rules, the House reconsidered its action whereby L.D. 2162 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-881) and moved its adoption.

House Amendment "A" (H-881) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the sixth tabled and today assigned matter:

An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws (H.P. 814) (L.D. 1126) (H. "A" H-801 to C. "A" H-775)

TABLED - March 5, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Thursday, March 8, 1990.

The Chair laid before the House the seventh tabled and today assigned matter:

An Act to Revise the Medical Examiner Act (H.P. 905) (L.D. 1262) (C. "B" H-788)

TABLED - March 5, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1262 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "B" (H-788) was adopted.

The same Representative offered House Amendment "A" (H-885) to Committee Amendment "B" (H-788) and moved its adoption.

House Amendment "A" (H-885) to Committee Amendment "B" (H-788) was read by the Clerk and adopted.

Committee Amendment "B" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the eighth tabled and today assigned matter:

Bill "An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council" (EMERGENCY) (H.P. 1660) (L.D. 2300) (H. "A" H-818)

TABLED - March 5, 1990 by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

Representative Jacques of Waterville offered House Amendment "B" (H-880) and moved its adoption.

House Amendment "B" (H-880) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" (H-880) and House Amendment "A" (H-818) and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Brewer of Boothbay Harbor,

Adjourned until Thursday, March 8, 1990, at eight-thirty in the morning.