

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
30th Legislative Day
Monday, March 25, 1991

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

Prayer by Father Lionel Chouinard, St. Augustine's Catholic Church, Augusta.

Pledge of Allegiance.

The Journal of Thursday, March 21, 1991, was read and approved.

SENATE PAPERS

Resolve, to Require Assistance for Economic and Community Development Activities (EMERGENCY) (S.P. 428) (L.D. 1139)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-30).

(The Committee on Reference of Bills had suggested reference to the Committee on Housing and Economic Development.)

Under suspension of the rules and without reference to any Committee, the Bill was read once.

Senate Amendment "A" (S-30) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time and passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Regarding the Forestry, Natural Habitat, Water Quality and Environmental Impacts of Pesticide Use" (S.P. 46) (L.D. 72)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Prohibiting the Driving or Parking of Vehicles on Ice-covered Bodies of Water" (S.P. 216) (L.D. 543)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Amend the Board of Counseling Professionals Licensure Laws" (S.P. 67) (L.D. 120)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (EMERGENCY) (S.P. 32) (L.D. 46)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Make the Director of the Office of Substance Abuse a Position Requiring Legislative Confirmation" (S.P. 41) (L.D. 65)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Clarify the Voting Requirements for a Board Containing 3 or More Members" (S.P. 248) (L.D. 657)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Prohibit Drinking in Motor Vehicles" (S.P. 137) (L.D. 277)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Concerning the Retention of Power Packs Used in Ballot Counting Machines" (S.P. 271) (L.D. 730)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Governor's Term of Office (S.P. 103) (L.D. 190)

Signed:

Senators:

BERUBE of Androscoggin
BUSTIN of Kennebec
EMERSON of Penobscot

Representatives:

LARRIVEE of Gorham
HEESCHEN of Wilton
JOSEPH of Waterville
WATERMAN of Buxton
ST. ONGE of Greene
GRAY of Sedgwick
KERR of Old Orchard Beach

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

Signed:

Representatives:

LOOK of Jonesboro
NASH of Camden
SAVAGE of Union

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

Was read.

Representative Joseph of Waterville moved that

the House accept the Majority "Ought Not to Pass" Report.

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 with less than one-fifth of the members present and voting, a roll call was not ordered.

Representative Marsano of Belfast requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

61 having voted in the affirmative and 29 in the negative, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning Liquor Pricing" (S.P. 74) (L.D. 130)

Signed:

Senators: MILLS of Oxford
KANY of Kennebec

Representatives: LAWRENCE of Kittery
PLOURDE of Biddeford
DAGGETT of Augusta
POULIN of Oakland
RICHARDSON of Portland
STEVENS of Sabattus
TUPPER of Orrington
BOWERS of Sherman
HICHENS of Eliot

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-29) on same Bill.

Signed:

Senator: SUMMERS of Cumberland

Representative: JALBERT of Lisbon

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

Was read.

On motion of Representative Lawrence of Kittery, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Amend the Laws Regarding Complaints against Physicians and to Require a Study Concerning Patient Information" (EMERGENCY) (H.P. 825) (L.D. 1179) which was referred to the Committee on Judiciary in the House on March 18, 1991.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Promote the Marketing of Fresh Produce Grown Within the State" (H.P. 827) (L.D. 1193) which was referred to the Committee on Agriculture in the House on March 21, 1991.

Came from the Senate referred to the Committee on Transportation in non-concurrence.

On motion of Representative Tardy of Palmyra, the House voted to Adhere.

COMMUNICATIONS

The following Communication: (S.P. 464)

115TH MAINE LEGISLATURE

March 19, 1991

Senator R. Donald Twitchell
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Michael A. Wiers of St. Albans for appointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA Section 2952, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Agriculture.

Was Read and Referred to the Committee on Agriculture in concurrence.

The following Communication:

DEPARTMENT OF LABOR
Bureau of Labor Standards
State House Station 45
Augusta, Maine 04333-0045

March 13, 1991

The Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, ME 04333

Dear Speaker Martin:

I am pleased to submit, in accordance with 26 M.R.S.A., Chapter 22, Section 1724, the enclosed 1991 report on the Maine Chemical Substance Identification Program.

The 1990 program year was most active. Program staff are to be commended on their efforts in maintaining a high standard of response to evolving needs.

Please do not hesitate to contact me directly with any questions or comments regarding this program or the report.

Sincerely,

s/James H. McGowan
Director

Was read and with accompanying report ordered placed on file.

The following Communication:

CHILD DEVELOPMENT SERVICES
State Office, 87 Winthrop Street
State House Station #146
Augusta, ME 04333

March 19, 1991

TO: Charles P. Pray, President of the Senate
John L. Martin, Speaker of the House

FROM: s/David N. Stockford, Chairperson -
Interdepartmental Coordinating Committee for
Preschool Handicapped Children (ICCPHC)

s/Susan D. Mackey-Andrews, Executive Director

RE: Annual Performance Report: Child
Development Services System

We are pleased to enclose a copy of the Performance Report: January 1990 through January 1991 for the Child Development Services System, summarizing our activities in the implementation of federal P.L. 99-457, both Part H (0-2 year olds) and Section 619 (3 through 5 year olds) in Maine.

The many participants at both the state and local levels look forward to meeting with members of the

115th Legislature to review your questions or comments as a result of reading this Report, as well as to work closely and collaboratively with you through this difficult process of program prioritization in these difficult times.

Please feel free to contact Sue with any of your questions. Thank you.

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Fund a Capital Grants Program to Municipalities and Solid Waste Regional Commissions and Associations to Invest in Recycling Equipment and Facilities" (H.P. 886) (L.D. 1277) (Presented by Representative TREAT of Gardiner) (Cosponsored by Senator KANY of Kennebec, Representative MICHAUD of East Millinocket and Representative LORD of Waterboro)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Establish a Household Battery Collection Program" (H.P. 887) (L.D. 1278) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representative COLES of Harpswell and Representative HOGlund of Portland)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Establish a Home-Release Monitoring Program for Certain Inmates Sentenced to County Jails" (H.P. 879) (L.D. 1270) (Presented by Representative MANNING of Portland) (Cosponsored by Representative ANTHONY of South Portland, Senator BUSTIN of Kennebec and Senator GAUVREAU of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Provide for Continued Assistance

and Support for Incest Victims and Survivors" (EMERGENCY) (H.P. 884) (L.D. 1275) (Presented by Representative NORTON of Winthrop) (Cosponsored by Senator CLARK of Cumberland, President PRAY of Penobscot and Representative HOGLUND of Portland)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Notify the Probation Officer and the Probationer When a Motion Is Filed to Terminate Probation at a Time Earlier Than That Provided for in the Sentence" (H.P. 878) (L.D. 1269) (Presented by Representative PARADIS of Augusta) (Cosponsored by Senator MATTHEWS of Kennebec, Representative RICHARDS of Hampden and Representative HANLEY of Paris) (Submitted by the Department of Corrections pursuant to Joint Rule 24.)

(The Committee on Reference of Bills had suggested the Committee on **Judiciary**.)

On motion of Representative Mayo of Thomaston, tabled pending reference and later today assigned.

Legal Affairs

Bill "An Act to Prohibit the Breaking of Glass Products in Games of Skill" (H.P. 880) (L.D. 1271) (Presented by Representative TRACY of Rome) (Cosponsored by Senator MILLS of Oxford, Representative TUPPER of Orrington and Representative LAWRENCE of Kittery)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Require the Holding of Hearings under the Maine Administrative Procedure Act" (H.P. 882) (L.D. 1273) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Senator COLLINS of Aroostook, Representative TOWNSEND of Eastport and Representative ANDERSON of Woodland)

Bill "An Act to Review the Prerogatives of the Legislative Council" (H.P. 883) (L.D. 1274) (Presented by Representative MAHANY of Easton) (Cosponsored by Senator CONLEY of Cumberland, Representative HEESCHEN of Wilton and Representative LARRIVEE of Gorham)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Assist Municipalities by Amending the Sales Tax Form" (H.P. 885) (L.D. 1276) (Presented

by Representative CATHCART of Orono) (Cosponsored by Representative DORE of Auburn, Senator BOST of Penobscot and Representative ST. ONGE of Greene)

Ordered Printed.
Sent up for Concurrence.

Tabled and Assigned

Bill "An Act to Establish Capital Improvement Programs" (H.P. 881) (L.D. 1272) (Presented by Representative BAILEY of Farmington) (Cosponsored by Senator THERIAULT of Aroostook, Representative MACOMBER of South Portland and Representative STROUT of Corinth) (Submitted by the Department of Transportation pursuant to Joint Rule 24.)

(The Committee on Reference of Bills had suggested the Committee on **Transportation**.)

On motion of Representative Macomber of South Portland, tabled pending reference and specially assigned for Thursday, March 28, 1991.

ORDERS

On motion of Representative MITCHELL of Vassalboro, the following Joint Resolution: (H.P. 888) (Cosponsors: Representative CASHMAN of Old Town, Representative MELENDY of Rockland and Senator BOST of Penobscot)

JOINT RESOLUTION TO ENCOURAGE JOINT ESTUARINE AND OCEANIC STUDIES

WHEREAS, the University of Maine is a preeminent Sea Grant College that has significant resources to study the Gulf of Maine; and

WHEREAS, the Maine Maritime Academy is nationally recognized for oceanic studies and practical applications of those studies; and

WHEREAS, the United States Fish and Wildlife Service has a significant presence on the Maine coast, extraordinary resources available for joint local studies and a successful history of estuarine studies in other areas of the country; and

WHEREAS, the Governor of Maine, along with the governors of other New England states and the premiers of Canada's Atlantic provinces, has established the Gulf of Maine Initiative to further the study of the Gulf of Maine's resources, protection needs and development potential; and

WHEREAS, many valuable private initiatives occur annually to study and protect coastal resources; and

WHEREAS, coastal communities can make better informed decisions if study results are more coordinated and generally available and local development plans can benefit from many public and private resources if those resources are accessible; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature now assembled in the First Regular Session, invite and encourage the cooperation and participation of the University of Maine, the Maine Maritime Academy, the United States Fish and Wildlife Service and the Executive Department of the State of Maine in conducting joint studies of resources of the Gulf of Maine and the Gulf of Maine's estuarine environment; and be it further

RESOLVED: That the Legislature encourages cooperation with private organizations in this endeavor and the establishment of a resource for community-based access to study results; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John R. McKernan, Jr., Governor; the Honorable Robert L. Woodbury, Chancellor of the University of Maine System; the Honorable Kenneth M. Curtis, President of Maine Maritime Academy; and the United States Fish and Wildlife Service.

Was read and adopted and sent up for concurrence.

On motion of Representative HICHBORN of Howland, the following Order:

ORDERED, that Representative Christopher S. Gurney of Portland be excused March 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Richard Bennett of Norway be excused March 19 through March 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mona Walker Hale of Sanford be excused March 11 to March 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia M. Stevens of Bangor be excused March 18 and March 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donnell P. Carroll of Gray be excused March 21 and March 22 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative HOGLUND from the Committee on **Energy and Natural Resources** on Bill "An Act to Control Emissions of Refrigerants that Damage the Ozone" (H.P. 360) (L.D. 514) reporting "**Ought Not to Pass**"

Representative HOGLUND from the Committee on **Energy and Natural Resources** on Bill "An Act to

Discourage the Improper Disposal of Tires" (H.P. 240) (L.D. 331) reporting "**Ought Not to Pass**"

Representative GOULD from the Committee on **Energy and Natural Resources** on Bill "An Act to Amend the Site Location of Development Laws" (H.P. 269) (L.D. 389) reporting "**Ought Not to Pass**"

Representative POWERS from the Committee on **Energy and Natural Resources** on Bill "An Act Concerning Commercial Landfill Facilities" (H.P. 249) (L.D. 340) reporting "**Ought Not to Pass**"

Representative HOGLUND from the Committee on **Energy and Natural Resources** on Bill "An Act to Allow Persons with Medical Problems to Purchase Beverages in Aseptic Containers" (EMERGENCY) (H.P. 205) (L.D. 296) reporting "**Ought Not to Pass**"

Representative HOGLUND from the Committee on **Energy and Natural Resources** on Bill "An Act to Establish Wastewater Management Districts" (H.P. 110) (L.D. 153) reporting "**Ought Not to Pass**"

Representative MARSH from the Committee on **Energy and Natural Resources** on Bill "An Act to Preempt the Definition of Subdivision" (H.P. 148) (L.D. 220) reporting "**Ought Not to Pass**"

Representative JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act to Amend Certain Definitions in the Laws Governing Solid Waste" (H.P. 204) (L.D. 295) reporting "**Ought Not to Pass**"

Representative JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act to Allow Horseback Riding in State Parks During the Off-season" (H.P. 330) (L.D. 460) reporting "**Ought Not to Pass**"

Representative HOGLUND from the Committee on **Energy and Natural Resources** on Bill "An Act to Allow Coastal Towns and Cities to Dump Snow into Intertidal Waters" (EMERGENCY) (H.P. 417) (L.D. 600) reporting "**Ought Not to Pass**"

Representative JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act Concerning Senior Citizens' Discount When Using State Parks" (H.P. 446) (L.D. 636) reporting "**Ought Not to Pass**"

Representative O'GARA from the Committee on **Education** on Bill "An Act to Provide for Local Control in the Selection of Artists and Writers for Funding" (H.P. 418) (L.D. 601) reporting "**Ought Not to Pass**"

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

Unanimous Leave to Withdraw

Representative GOULD from the Committee on **Energy and Natural Resources** on Bill "An Act Concerning the Board of Environmental Protection"

(EMERGENCY) (H.P. 265) (L.D. 385) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Provide More Equitable Reimbursement for Boarding Homes Serving Persons with Mental Retardation" (H.P. 575) (L.D. 826) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Joint Select Committee on Corrections reporting "Ought Not to Pass" on Bill "An Act to Offset Costs of Probation Services" (H.P. 37) (L.D. 53)

Signed:

Senators: BUSTIN of Kennebec
GAUVREAU of Androscoggin
GILL of Cumberland

Representatives: ANTHONY of South Portland
MANNING of Portland
DORE of Auburn
OLIVER of Portland
PENDLETON of Scarborough
McKEEN of Windham
LARRIVEE of Gorham
LIBBY of Kennebunk
HEPBURN of Skowhegan

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-38) on same Bill.

Signed:

Representative: GREENLAW of Standish

Was read.

On motion of Representative Anthony of South Portland, the House accepted the Majority "Ought Not to Pass" Report. 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:

(S.P. 284) (L.D. 766) Resolve, to Rename Pickle Island to Woodie Wheaton Island Committee on State and Local Government reporting "Ought to Pass"

(S.P. 64) (L.D. 116) Bill "An Act to Amend the Real Estate Brokerage Laws" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-27)

(H.P. 135) (L.D. 195) Bill "An Act Regarding Zoning Variances" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-48)

(H.P. 521) (L.D. 749) Bill "An Act to Provide Funds for the Montpelier Museum in Thomaston" Committee on Education reporting "Ought to Pass"

(H.P. 281) (L.D. 401) Bill "An Act to Increase the Availability of Funding for Health Care" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-49)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 28, 1991, 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. 132) (L.D. 234) Bill "An Act to Delay the Minimum Lobster Gauge Increases" (EMERGENCY) (C. "A" S-25)

(S.P. 114) (L.D. 210) Resolve, to Name the Waterville-Winslow Bridge the "Donald V. Carter Bridge" (C. "A" S-26)

(S.P. 135) (L.D. 273) Bill "An Act Regarding the Collection of Fines"

(S.P. 28) (L.D. 38) Bill "An Act to Permit Certain Retailers to Conduct Games of Chance"

(H.P. 103) (L.D. 146) Bill "An Act Concerning Succession to the Position of Treasurer of State"

(H.P. 322) (L.D. 452) Bill "An Act to Amend the Law Regarding the Display of Legislative Plates" (EMERGENCY)

(H.P. 255) (L.D. 346) Bill "An Act to Amend Qualifying Standards Applicable to Reinsurance Transactions" (C. "A" H-39)

(H.P. 264) (L.D. 384) Bill "An Act to Amend the Juvenile Code Regarding Detention in Homicide Cases" (C. "A" H-40)

(H.P. 2) (L.D. 2) Bill "An Act Concerning Open Burning Regulations" (EMERGENCY) (C. "A" H-41)

(H.P. 12) (L.D. 15) Bill "An Act to Clarify the Waste Transfer Station Setback Requirements" (C. "A" H-42)

(H.P. 98) (L.D. 139) Bill "An Act to Exempt the Repair and Maintenance of Road Culverts from Approval by the Department of Environmental Protection" (C. "A" H-43)

(H.P. 68) (L.D. 96) Resolve, Authorizing the State to Release Its Interest in Certain Real Property in Rumford, Maine (C. "A" H-44)

(H.P. 305) (L.D. 435) Bill "An Act to Require Telephone Companies to Include Emergency Numbers for Sheriffs' Departments in Directories" (C. "A" H-45)

(H.P. 273) (L.D. 393) Bill "An Act to Prohibit Coerced and Connected Sales in Insurance" (C. "A" H-46)

(H.P. 257) (L.D. 348) Bill "An Act to Amend Certain Provisions of the Laws Relating to Health Insurance" (C. "A" H-47)

(H.P. 399) (L.D. 573) Bill "An Act to Expand the Availability of Automatic Liens to Certain Businesses"

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the Laws Concerning Registration of Camp Trailers" (H.P. 36) (L.D. 50) (C. "A" H-37)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Shellfish Licensing Laws (H.P. 118) (L.D. 163) (H. "A" H-34)

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. 123 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Retirement Laws (S.P. 24) (L.D. 34)

An Act Concerning the Use of Headlights in Inclement Weather (H.P. 14) (L.D. 17) (C. "A" H-19)

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.

(At Ease to Gong)

The House was called to order by the Speaker.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby Bill "An Act to Establish a Household Battery Collection Program" (H.P. 887) (L.D. 1278) was referred to the Committee on Business Legislation.

On further motion of the same Representative, was referred to the Committee on Energy and Natural Resources, ordered printed, and sent up for concurrence.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby (H.P. 98) (L.D. 139) Bill "An Act to Exempt the Repair and Maintenance of Road Culverts from Approval by the Department of Environmental Protection" (C. "A" H-43) was passed to be engrossed.

Under Consent Calendar 1st Day, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-43) was read by the Clerk.

On motion of Representative Jacques of Waterville, tabled pending adoption of Committee Amendment "A" and later today assigned.

(At Ease to Gong)

The House was called to order by the Speaker.

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

SENATE PAPER

The following Joint Order: (S.P. 485)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, March 28, 1991, at 5 o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The Chair laid before the House the following matter: (H.P. 98) (L.D. 139) Bill "An Act to Exempt the Repair and Maintenance of Road Culverts from Approval by the Department of Environmental

Protection" (C. "A" H-43) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-43).

Representative Jacques of Waterville offered House Amendment "A" (H-50) to Committee Amendment "A" (H-43) and moved its adoption.

House Amendment "A" (H-50) to Committee Amendment "A" (H-43) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: This simply puts into statute a recently enacted rule by DEP so that the length of culvert that can be replaced will be the same so we don't have conflict between rules and statutes. I would urge your adoption.

Subsequently, House Amendment "A" (H-50) to Committee Amendment "A" (H-43) was adopted.

Committee Amendment "A" (H-43) as amended by House Amendment "A" (H-50) thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

ORDERS OF THE DAY

MATTER PENDING RULING

JOINT RESOLUTION SUPPORTING THE UNITED STATES PRESENCE IN THE PERSIAN GULF (S.P. 113)

- In Senate, Read and Adopted.

TABLED - February 7, 1991 by Speaker MARTIN of Eagle Lake.

PENDING - Ruling of the Chair.

The SPEAKER: The Chair rules that the matter is improperly before the body.

On motion of Representative Skoglund of St. George,

Adjourned at 5:25 p.m. until Thursday, March 28, 1991, at five o'clock in the afternoon pursuant to Joint Order (S.P. 485)