

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
43rd Legislative Day
Tuesday, April 30, 1991

Welcome Back Day

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

Prayer by Reverend Kenneth Baily, First Parish Congregational Church, Yarmouth.

The Journal of Monday, April 29, 1991, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 29, 1991

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it Accepted the Majority Ought Not to Pass Report on Bill "An Act Concerning the Restraint of Dogs That Pose a Public Risk" (H.P. 604) (L.D. 864)

Sincerely,

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

Was read and ordered placed on file.

Bill "An Act Concerning Small Business Employer Health Coverage Reforms" (S.P. 654) (L.D. 1721)

Bill "An Act to Provide for Funeral Service Life Insurance" (S.P. 655) (L.D. 1731)

Came from the Senate, referred to the Committee on **Banking and Insurance** and Ordered Printed.

Were referred to the Committee on **Banking and Insurance** in concurrence.

Bill "An Act to Provide Better Regulation of the Practice of Architecture and Landscape Architecture" (EMERGENCY) (S.P. 662) (L.D. 1738)

Came from the Senate, referred to the Committee on **Business Legislation** and Ordered Printed.

Was referred to the Committee on **Business Legislation** in concurrence.

Bill "An Act to Increase Access to Federal Health Care Benefits" (S.P. 658) (L.D. 1734)

Came from the Senate, referred to the Committee on **Human Resources** and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Banking and Insurance**.)

Was referred to the Committee on **Human Resources** in concurrence.

Bill "An Act to Create a Single Uniform Summons and Complaint That May Be Used by All Law Enforcement Agencies in the State" (EMERGENCY) (S.P. 653) (L.D. 1720)

Bill "An Act to Require Certain Disclosures in Adoptions and to Provide Additional Protective Services for Children" (S.P. 656) (L.D. 1732)

Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed.

Were referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Amend the Law Regarding the Portland Board of Harbor Commissioners" (S.P. 652) (L.D. 1719)

Came from the Senate, referred to the Committee on **Marine Resources** and Ordered Printed.

Was referred to the Committee on **Marine Resources** in concurrence.

Bill "An Act to Authorize Municipal Guarantees of Council of Government Obligations" (EMERGENCY) (S.P. 660) (L.D. 1736)

Resolve, Establishing a Commission to Study the State of Maine Manual of Policy and Procedures for Maine State Employees Combined Charitable Appeal (EMERGENCY) (S.P. 661) (L.D. 1737)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Were referred to the Committee on **State and Local Government** in concurrence.

Bill "An Act Requiring Notice by the Secretary of State before Suspension or Expiration of a Motor Vehicle Registration" (S.P. 657) (L.D. 1733)

Came from the Senate, referred to the Committee on **Transportation** and Ordered Printed.

Was referred to the Committee on Transportation in concurrence.

Resolve, Authorizing the Conveyance of a Utility Easement to the City of Belfast (S.P. 659) (L.D. 1735)

Came from the Senate, referred to the Committee on Utilities and Ordered Printed.

Was referred to the Committee on Utilities in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Dedicate Fines Collected from Political Subdivisions to a Technical Assistance Program" (S.P. 257) (L.D. 715)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Relating to Navigation Dredge Maintenance Projects" (S.P. 441) (L.D. 1185)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Resolve, to Create the Maine Commission on Environmental Policy (S.P. 545) (L.D. 1449)

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Require All Watercraft Used on Inland Waters to Have Maine Registrations" (S.P. 533) (L.D. 1416)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property" (S.P. 522) (L.D. 1400)

Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure the Financial Integrity of Any Public Mutual Insurance Company Established to Provide Workers' Compensation Insurance (S.P. 387) (L.D. 1064)

Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act Relating to Workers' Compensation Self-insurance" (S.P. 448) (L.D. 1192)

Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Provide Separate Medical Indemnity Premium Charges Under the Workers' Compensation Insurance Act" (S.P. 497) (L.D. 1335)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Enhance Voters' Rights in Relation to School Administrative District Budgets" (S.P. 478) (L.D. 1280)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Increase the Minimum State Share of Total Education Costs" (S.P. 521) (L.D. 1399)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Facilitate Workers' Compensation Payments to Injured Workers" (S.P. 108) (L.D. 205)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Notice of Injury under the Workers' Compensation Act" (S.P. 150) (L.D. 362)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Compensation for Hearing Loss Under the Workers' Compensation Act" (S.P. 182) (L.D. 491)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Related to Workers' Compensation Evaluations" (S.P. 194) (L.D. 503)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Retain Workers' Compensation Appeals to Correct Manifest Error or Injustice" (EMERGENCY) (S.P. 201) (L.D. 510)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Modify the Provision Regarding Compensation for Partial Incapacity under the Workers' Compensation Act" (S.P. 302) (L.D. 811)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Amend the Average Weekly Salary of a Seasonal Worker" (EMERGENCY) (S.P. 309) (L.D. 818)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Permit Predetermination of Independent Contractor Status" (S.P. 312) (L.D. 850)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Amend the Maximum Number of Benefit Weeks for Partial Disability Under the Workers' Compensation Act" (S.P. 336) (L.D. 911)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Provide Provisional Orders for Workers' Compensation Cases" (S.P. 373) (L.D. 998)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Amend the Workers' Compensation Act to Provide for Fair Minimum Benefits" (S.P. 382) (L.D. 1059)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Provide Individual and Family Health Insurance Coverage and Pension Coverage for Injured Workers" (S.P. 442) (L.D. 1186)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Clarify the

Provisional Payments Provision of the Workers' Compensation Laws Regarding Disability and Medical Payments" (S.P. 490) (L.D. 1328)

Report of the Committee on Labor reporting **"Ought Not to Pass"** on Bill "An Act Concerning Eligibility for Weekly Disability Benefits" (S.P. 499) (L.D. 1337)

Report of the Committee on Labor reporting **"Ought Not to Pass"** on Bill "An Act to Clarify the Workers' Compensation Act" (S.P. 513) (L.D. 1374)

Report of the Committee on Labor reporting **"Ought Not to Pass"** on Bill "An Act to Base Workers' Compensation Insurance Surcharge on Preventable Injuries" (S.P. 523) (L.D. 1401)

Report of the Committee on Labor reporting **"Ought Not to Pass"** on Bill "An Act to Enhance the Availability of Group and Individual Self-insurance Information and to Prevent Conflicts of Interest under the Workers' Compensation Act" (S.P. 574) (L.D. 1528)

Report of the Committee on Labor reporting **"Ought Not to Pass"** on Bill "An Act to Provide for Open and Responsible Access to Workers' Compensation, Workplace Injury, Workers' Compensation Insurance and Self-insurance Records and to Prohibit the Use of These Records for Unlawful Discriminatory Purposes" (S.P. 576) (L.D. 1530)

Report of the Committee on Labor reporting **"Ought Not to Pass"** on Bill "An Act to Support Occupational Health Services" (S.P. 591) (L.D. 1563)

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 Human Resources reporting **"Leave to Withdraw"** on Bill "An Act Concerning Monitoring and Inspection of Boarding Homes" (S.P. 50) (L.D. 80)

Report of the Committee on Human Resources reporting **"Leave to Withdraw"** on Bill "An Act to Meet the Increasing Critical Need for Visits by Maternal and Child Health Care Nurses to the Homes of Multiproblem Families" (EMERGENCY) (S.P. 66) (L.D. 118)

Report of the Committee on Human Resources reporting **"Leave to Withdraw"** on Bill "An Act to Enhance the Transition from Special Education Programs to Adult Services" (S.P. 73) (L.D. 129)

Report of the Committee on Human Resources reporting **"Leave to Withdraw"** on Bill "An Act to Appropriate Funds for Case Management Services for Troubled Youth in the Greater Portland Area" (S.P. 101) (L.D. 188)

Report of the Committee on Human Resources reporting **"Leave to Withdraw"** on Bill "An Act to

Appropriate Funds for Support Services for Persons Who Are Homeless" (S.P. 520) (L.D. 1398)

Report of the Committee on Judiciary reporting **"Leave to Withdraw"** on Bill "An Act to Strengthen the Involuntary Commitment Laws" (S.P. 49) (L.D. 79)

Report of the Committee on Labor reporting **"Leave to Withdraw"** on Bill "An Act to Amend the Definition of Aquaculture" (S.P. 178) (L.D. 433)

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

Refer to the Committee on State and Local Government

Report of the Committee on Energy and Natural Resources on Resolve, to Implement the Final Report of the Commission on Maine's Future (S.P. 546) (L.D. 1450) reporting that it be referred to the Committee on State and Local Government.

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

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

Ought to Pass

Report of the Committee on Energy and Natural Resources reporting **"Ought to Pass"** on Bill "An Act to Amend the Reduction in Toxics in Packaging Laws" (S.P. 572) (L.D. 1526)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendments "A" (S-95) and "B" (S-105).

Report was read and accepted, the bill read once. Senate Amendment "A" (S-95) was read by the Clerk and adopted.

Senate Amendment "B" (S-105) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 1, 1991.

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting **"Ought Not to Pass"** on Bill "An Act to Limit Certain Terms of Office" (S.P. 97) (L.D. 182)

Signed:

Senators: BERUBE of Androscoggin
BUSTIN of Kennebec

EMERSON of Penobscot

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-101) on same Bill.

Signed:

Representatives: SAVAGE of Union
LOOK of Jonesboro
NASH of Camden

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

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Joseph of Waterville that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-56) on Bill "An Act to Change the Process of Selecting the Commissioner of Education" (S.P. 51) (L.D. 81)

Signed:

Senators: ESTES of York
McCORMICK of Kennebec

Representatives: HANDY of Lewiston
OLIVER of Portland
CROWLEY of Stockton Springs
PFEIFFER of Brunswick
CAHILL of Mattawamkeag
O'DEA of Orono

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

Signed:

Senator: BRAUN of Knox
Representatives: NORTON of Winthrop
O'GARA of Westbrook
AULT of Wayne
BARTH of Bethel

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-56).

Reports were read.

Representative Crowley of Stockton Springs moved that the House accept the Majority "Ought to Pass" Report.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Crowley of Stockton Springs that the House accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Create a Special Liquor License for Certain Service Provider Organizations" (S.P. 136) (L.D. 276)

Signed:

Senators: SUMMERS of Cumberland
KANY of Kennebec

Representatives: JALBERT of Lisbon
DAGGETT of Augusta
POULIN of Oakland
STEVENS of Sabattus
TUPPER of Orrington
HICHENS of Eliot
BOWERS of Sherman

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-78) on same Bill.

Signed:

Senator: MILLS of Oxford

Representatives: LAWRENCE of Kittery
PLOURDE of Biddeford
RICHARDSON of Portland

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

Reports were read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of either report and later today assigned.

Non-Concurrent Matter

Bill "An Act Allowing Local Governments to Accept Federal and State Funds" (EMERGENCY) (S.P. 151) (L.D. 363) on which the Bill and accompanying papers were indefinitely postponed in the House on April 25, 1991.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-63) as amended by Senate Amendment "A" (S-74) thereto in non-concurrence.

The House voted to Adhere.

Non-Concurrent Matter

Resolve, to Require Assistance for Economic and Community Development Activities (EMERGENCY) (S.P. 428) (L.D. 1139) (S. "A" S-30) which was finally passed in the House on March 28, 1991.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolve 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 Limit the Bond Indebtedness of the State" (H.P. 1188) (L.D. 1741) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Representative DORE of Auburn)

Bill "An Act to Amend the Maine Rainy Day Fund" (H.P. 1189) (L.D. 1742) (Presented by Representative REED of Falmouth) (Cosponsored by Representative MacBRIDE of Presque Isle, Senator SUMMERS of Cumberland and Senator HOLLOWAY of Lincoln)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act Concerning the Maine Student Incentive Scholarship Program" (EMERGENCY) (H.P. 1192) (L.D. 1745) (Presented by Representative AULT of Wayne) (Cosponsored by Representative BUTLAND of Cumberland and Representative HANDY of Lewiston)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Resolve, Providing for a Study to Determine Whether In-state Training Should Be Offered to Persons Involved in the Handling and Disposition of

Hazardous Wastes (EMERGENCY) (H.P. 1195) (L.D. 1748) (Presented by Representative GWADOSKY of Fairfield)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Provide for Deferrals of Unfunded State Mandates for Municipalities Experiencing Financial Hardships" (EMERGENCY) (H.P. 1190) (L.D. 1743) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator CAHILL of Sagadahoc and Senator HOLLOWAY of Lincoln)

Bill "An Act to Establish a Budget Process for Sagadahoc County" (H.P. 1193) (L.D. 1746) (Presented by Representative COLES of Harpswell) (Cosponsored by Senator CAHILL of Sagadahoc and Representative HOLT of Bath) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Authorizing Changes to the Budget Process in York County" (H.P. 1196) (L.D. 1749) (Presented by Representative SHELTRA of Biddeford) (Cosponsored by Representative LORD of Waterboro, Representative PAUL of Sanford and Representative MURPHY of Berwick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Resolve, to Clarify a Right-of-way to Raymond H. Fickett over Property of the Department of Inland Fisheries and Wildlife (H.P. 1191) (L.D. 1744) (Presented by Representative SIMPSON of Casco)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Establish an Income Tax Surcharge" (EMERGENCY) (H.P. 1194) (L.D. 1747) (Presented by Representative MAHANY of Easton) (Cosponsored by Representative DORE of Auburn and Representative GRAY of Sedgwick)

Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) (H.P. 1197) (L.D. 1750) (Presented by Representative BUTLAND of Cumberland) (Cosponsored by Representative KUTASI of Bridgton) (Submitted by the Department of Finance pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative OLIVER from the Joint Select Committee on Corrections on Resolve, Directing the Department of Corrections to Develop a Plan for the

Employment of Correctional Facility Inmates (H.P. 336) (L.D. 466) reporting **"Ought Not to Pass"**

Representative ANTHONY from the Joint Select Committee on Corrections on Bill "An Act to Develop Additional Resources for Juvenile Corrections Clients" (H.P. 242) (L.D. 333) reporting **"Ought Not to Pass"**

Representative HANDY from the Committee on Aging, Retirement and Veterans on Bill "An Act Concerning Retirement Benefits for Individuals Who Transfer Employment" (H.P. 523) (L.D. 751) reporting **"Ought Not to Pass"**

Representative ERWIN from the Committee on Banking and Insurance on Bill "An Act Concerning Workers' Compensation Self-insurance" (H.P. 585) (L.D. 836) reporting **"Ought Not to Pass"**

Representative PINEAU from the Committee on Banking and Insurance on Bill "An Act to Expand the Financing Options of Self-insurers for Securing the Obligation to Pay Compensation and Benefits under the Workers' Compensation Act" (H.P. 935) (L.D. 1355) reporting **"Ought Not to Pass"**

Representative PINEAU from the Committee on Banking and Insurance on Bill "An Act to Simplify the Payment of Minor Workers' Compensation Claims" (H.P. 732) (L.D. 1036) reporting **"Ought Not to Pass"**

Representative GARLAND from the Committee on Banking and Insurance on Bill "An Act Concerning Employee Benefits for Workers' Compensation Recipients" (H.P. 145) (L.D. 215) reporting **"Ought Not to Pass"**

Representative RAND from the Committee on Banking and Insurance on Bill "An Act to Create a State Insurance Fund" (H.P. 988) (L.D. 1433) reporting **"Ought Not to Pass"**

Representative ERWIN from the Committee on Banking and Insurance on Bill "An Act to Establish a Competitive Workers' Compensation Fund" (H.P. 616) (L.D. 876) reporting **"Ought Not to Pass"**

Representative CAHILL from the Committee on Education on Bill "An Act to Increase the State's Percentage of School Funding" (H.P. 82) (L.D. 110) reporting **"Ought Not to Pass"**

Representative PFEIFFER from the Committee on Education on Bill "An Act to Require a Driver Education Program Curriculum" (H.P. 984) (L.D. 1429) reporting **"Ought Not to Pass"**

Representative CROWLEY from the Committee on Education on Bill "An Act to Increase the Minimum State Allocation to School Units" (H.P. 863) (L.D. 1243) reporting **"Ought Not to Pass"**

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act Concerning Dredging within the Webhannet River Estuary" (H.P. 905) (L.D. 1302) reporting **"Ought Not to Pass"**

Representative FARREN from the Committee on

Fisheries and Wildlife on Bill "An Act to Eliminate the Prohibition on Trapping within 200 Yards of a Dwelling" (H.P. 831) (L.D. 1197) reporting **"Ought Not to Pass"**

Representative FARREN from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Use of Deer Killed by Farmers" (H.P. 1010) (L.D. 1478) reporting **"Ought Not to Pass"**

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the Boundaries of the Back Bay Cove Sanctuary" (H.P. 974) (L.D. 1417) reporting **"Ought Not to Pass"**

Representative CLARK from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the Hunting Laws on Westport Island" (H.P. 1001) (L.D. 1469) reporting **"Ought Not to Pass"**

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Extend Confidential Status to Medical Data Assembled by Certain Health Care Providers" (H.P. 946) (L.D. 1368) reporting **"Ought Not to Pass"**

Representative HEPBURN from the Committee on Taxation on Bill "An Act to Clarify the Property Tax Exemption of Religious Institutions and Organizations" (H.P. 931) (L.D. 1351) reporting **"Ought Not to Pass"**

Representative HEPBURN from the Committee on Taxation on Bill "An Act to Conform the Maine Tax Code to the Federal Tax Code with Respect to Amended Returns" (H.P. 804) (L.D. 1158) reporting **"Ought Not to Pass"**

Representative HEPBURN from the Committee on Taxation on Bill "An Act to Suspend Certain Sales Tax Exemptions for One Year" (H.P. 806) (L.D. 1160) reporting **"Ought Not to Pass"**

Representative GARLAND from the Committee on Banking and Insurance on Bill "An Act to Amend the Workers' Compensation Laws to Encourage Safety in the Workplace" (H.P. 175) (L.D. 260) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Clarify the Definition of 'Average Weekly Wages, Earnings or Salary' in the Workers' Compensation Act" (H.P. 217) (L.D. 308) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Increase the Interest Paid on Workers' Compensation Awards" (H.P. 975) (L.D. 1418) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Exempt Illegally Employed Minors from Worker's Compensation Coverage" (H.P. 297) (L.D. 418) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Clarify the Definition of Return to Suitable Employment in the Maine Workers' Compensation Act" (H.P. 498) (L.D. 692) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Provide That Workers' Compensation Claims Are Work Related" (H.P. 1065) (L.D. 1554) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Exempt Certain Small Employers from the Workers' Compensation Act" (H.P. 183) (L.D. 268) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Clarify Job Titles in the Workers' Compensation Act" (H.P. 999) (L.D. 1467) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Encourage Prompt Resolution of Workers' Compensation Cases" (H.P. 270) (L.D. 390) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Permit the Establishment of the Workers' Compensation Apportionment Arbitration Board" (H.P. 748) (L.D. 1052) reporting **"Ought Not to Pass"**

Representative McKEEN from the Committee on Labor on Bill "An Act to Require the Expeditious Resolution of Workers' Compensation Claims" (H.P. 117) (L.D. 162) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Encourage the Prompt Resolution of Workers' Compensation Claims" (H.P. 836) (L.D. 1202) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act Concerning the Resolution of Medical, Work-capacity and Return-to-work Issues and Procedures under the Workers' Compensation Act" (H.P. 877) (L.D. 1263) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Improve the Maine Workers' Compensation System" (H.P. 1094) (L.D. 1594) reporting **"Ought Not to Pass"**

Representative McKEEN from the Committee on Labor on Bill "An Act to Encourage Safety in the Workplace" (H.P. 109) (L.D. 152) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act Relating to Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims" (H.P. 611) (L.D. 871) reporting **"Ought Not to Pass"**

Representative McKEEN from the Committee on Labor on Bill "An Act to Increase the Death Benefits under the Workers' Compensation Act" (H.P. 125) (L.D. 170) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act Clarifying Intoxication under the Workers' Compensation Law" (H.P. 713) (L.D. 1018) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on

Labor on Bill "An Act to Amend the Workers' Compensation Law" (H.P. 685) (L.D. 984) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Provide for Medical Cost Containment in Workers' Compensation" (H.P. 632) (L.D. 902) reporting **"Ought Not to Pass"**

Representative McKEEN from the Committee on Labor on Bill "An Act to Impose Mandatory Fines for Failure to Comply with Workers' Compensation Decisions" (H.P. 128) (L.D. 173) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Clarify the Burden of Proof in Workers' Compensation Cases Involving Issues Concerning the Search for Work" (H.P. 679) (L.D. 978) reporting **"Ought Not to Pass"**

Representative McHENRY from the Committee on Labor on Bill "An Act to Reduce the Caseload of the Workers' Compensation Commission" (H.P. 997) (L.D. 1446) reporting **"Ought Not to Pass"**

Representative MACOMBER from the Committee on Transportation on Resolve, to Compensate Gary and Rebecca Hall for Damages Received as a Result of the Department of Transportation Construction (H.P. 674) (L.D. 973) 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 HANDY from the Committee on Aging, Retirement and Veterans on Resolve, to Provide a Retirement Benefit to Erma Painter (H.P. 991) (L.D. 1440) 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. 903) (L.D. 1300) Bill "An Act Relating to the Employment of School Board Members" Committee on Education reporting **"Ought to Pass"**

(H.P. 840) (L.D. 1206) Bill "An Act Relating to the Sale of Business Opportunities" Committee on Business Legislation reporting **"Ought to Pass"**

(H.P. 139) (L.D. 199) Resolve, to Establish the Commission to Study the Use of Professional Strikebreakers (EMERGENCY) Committee on Labor

reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-185)

(H.P. 593) (L.D. 844) Bill "An Act Concerning Taxation of Time-share Condominiums" Committee on **Taxation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-189)

(H.P. 794) (L.D. 1140) Bill "An Act Relating to Name Changes During Divorce Proceedings" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-188)

(H.P. 275) (L.D. 395) Bill "An Act to Clarify Ownership of Public Ways" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-187)

(H.P. 77) (L.D. 105) Bill "An Act to Include the Testator's Birth Date in Statutory Living Wills" (EMERGENCY) Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-186)

(H.P. 589) (L.D. 840) Bill "An Act to Provide Greater Public Input into Public Lands Management" Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-190)

(H.P. 658) (L.D. 937) Bill "An Act to Encourage Recycling of Waste Oil" Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-191)

(H.P. 394) (L.D. 568) Bill "An Act to Appropriate Emergency Funds for the Maine Potato Breeding Program" (EMERGENCY) Committee on **Agriculture** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-193)

(H.P. 951) (L.D. 1378) Bill "An Act to Change the Geographic Representation of the Maine Potato Board" Committee on **Agriculture** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-194)

(S.P. 339) (L.D. 929) Bill "An Act to Revise Provisions for a New Birth Certificate after Adoption" Committee on **Judiciary** reporting **"Ought to Pass"**

(S.P. 116) (L.D. 211) Bill "An Act to Ban Tree Spiking" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-89)

(S.P. 184) (L.D. 493) Bill "An Act to Improve Consumer Access to Physical Therapy Services" Committee on **Business Legislation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-93)

(S.P. 310) (L.D. 819) Bill "An Act to Provide an Expedited Process for the Commencement of Paternity Actions" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-87)

(S.P. 333) (L.D. 908) Bill "An Act to Provide Funds to Dental Clinics" Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-91)

(S.P. 439) (L.D. 1183) Bill "An Act Regarding the Relaying of Shellfish" Committee on **Marine Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-88)

(H.P. 866) (L.D. 1246) Bill "An Act to Promote Volunteer Emergency Medical Services through Changes to the Unemployment Laws" Committee on **Labor** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-196)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 1, 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. 222) (L.D. 549) Bill "An Act to Exempt Certain Students from Eligibility for Unemployment Compensation Benefits"

(S.P. 489) (L.D. 1327) Bill "An Act to Create a Duty of Fair Representation under the University of Maine System Labor Relations Act"

(S.P. 79) (L.D. 142) Bill "An Act to Revise Transition Services for Disabled Students" (C. "A" S-85)

(S.P. 207) (L.D. 534) Bill "An Act Pertaining to Community Corrections Programs" (EMERGENCY) (C. "A" S-83)

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.

PASSED TO BE ENGROSSED

As Amended

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 367) (L.D. 969) (H. "A" H-198 to C. "A" S-84)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Regarding the Operation of the Superior

Court (H.P. 158) (L.D. 243) (C. "A" H-127)

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. 102 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

Emergency Measure

An Act Regarding Court Deposits and Revenue Reporting (H.P. 169) (L.D. 254) (C. "A" H-144)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Increase Revenues to the General Fund by Streamlining Collection Methods for Use Taxes on Snowmobiles and All-terrain Vehicles Pursuant to the Maine Sunset Act (H.P. 283) (L.D. 404)

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. 104 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

Emergency Measure

An Act to Address Staffing Inequities Resulting from the Implementation of the Maine Financial and Administrative Statewide Information System Pursuant to the Maine Sunset Act (H.P. 772) (L.D. 1104)

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. 109 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 Relating to the Definition of Gross Sexual

Assault under the Maine Criminal Code (S.P. 274) (L.D. 733) (C. "A" S-71)

An Act to Clarify the Certification of Correspondence Schools (S.P. 340) (L.D. 930) (C. "A" S-72)

An Act Designed to Make the Use and Storage of Firearms Safer (H.P. 59) (L.D. 87) (C. "B" H-123)

An Act Concerning Nighttime Business Operation (H.P. 142) (L.D. 212) (C. "A" H-134)

An Act to Prescribe the Duties and Liabilities of Roller-skating Rink Operators and Persons Who Use Roller-skating Rinks (H.P. 182) (L.D. 267) (C. "A" H-133)

An Act to Clarify the Powers and Duties of the Department of Administration, through the Bureau of Purchases (H.P. 221) (L.D. 312) (C. "A" H-129)

An Act Concerning Destruction of Certain Court Records in Real Estate Matters (H.P. 355) (L.D. 485) (C. "A" H-143)

An Act Restricting the Use of the Names of Maine Banks on Credit Cards (H.P. 408) (L.D. 591) (C. "A" H-137)

An Act to Clarify the Lien Rights of Water Utilities (H.P. 464) (L.D. 658) (C. "A" H-140)

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.

PASSED TO BE ENACTED

An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies (H.P. 465) (L.D. 659) (C. "A" H-136)

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

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: This bill is one which I have sponsored in this legislature ever since I have been here and was asked to be introduced by a colleague of mine even before that because I have never felt that the family exclusions was proper law for Maine people. I was pleased that the committee worked so hard on it and I just wish that I was able to tell you that the bill does what the title says but it does not. However, it is a step forward and I will enthusiastically support it because anything is better than what we have presently.

I hope what this will do is cause you to look at your own insurance policies and talk to your own insurance agents in order to get a policy that doesn't have a family exclusion clause in it.

What a family exclusion clause does is say that if you pick up your neighbor's child and your child, you go to the circus and you are negligent and you run into a telephone pole and both of those children

get seriously hurt, your child will not be covered by your insurance company although your neighbor's child will. I have never understood the logic of that but that is the law.

What this bill will do is reduce the potential for exposure to spouses by allowing spouses to recover for economic damages in a way that it is carefully crafted and I do hope that you will support this bill. I can promise you that I will continue to see whether or not I can convince this legislature to repeal the entire family exclusion section which is presently allowed. It is a disgraceful policy for insurance companies to have. Some, very few of them, don't have them and we ought to encourage them to act responsibly with respect to people who are hurt and especially children of the State of Maine.

Subsequently, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Correct Language in the Laws Governing Intensive Supervision (H.P. 545) (L.D. 782) (C. "A" H-139)

An Act to Amend the Power of Sale Foreclosure Laws (H.P. 555) (L.D. 798) (C. "A" H-142)

An Act to Permit Students to Take Tests for Credit for Certain Classes (H.P. 556) (L.D. 799) (C. "A" H-115)

An Act to Amend the Law Relating to Road Dust (H.P. 564) (L.D. 807) (C. "A" H-141)

An Act to Amend Maine's Antitrust Laws (H.P. 566) (L.D. 809) (C. "A" H-126)

An Act to Alter the Mandate of the Maine Low-level Radioactive Waste Authority to Include Reduction of Low-level Radioactive Waste (H.P. 722) (L.D. 1026) (C. "A" H-128)

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.

ENACTOR

Later Today Assigned

An Act to Amend and Add to Certain Provisions of Geographic-based Information Services (H.P. 743) (L.D. 1047)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Require Casualty Insurers to Provide an Annual Valuation of Loss Reserves (H.P. 786) (L.D. 1118) (C. "A" H-138)

Was 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.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of Unfinished Business:

An Act to Amend the Wrongful Death Laws (H.P. 572) (L.D. 823)
 TABLED - April 29, 1991 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.d. 823 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-199) and moved its adoption.

House Amendment "A" (H-199) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-199) in non-concurrence and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Amend the School Approval Standards" (H.P. 558) (L.D. 801) (C. "A" H-178)
 TABLED - April 29, 1991 by Representative CROWLEY of Stockton Springs.
 PENDING - Passage to be Engrossed.

On motion of Representative Crowley of Stockton Springs, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter: Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Limit Certain Terms of Office" (S.P. 97) (L.D. 182) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-101) on same Bill (Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted) which was tabled

earlier in the day and later today assigned pending the motion of the Representative from Waterville, Representative Joseph, that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I would urge you to vote against the pending motion so we can go on and accept the Minority Report.

I don't think I could more ably state what was stated by former Governor Cross and past Speaker Childs regarding the tenure of leaders in both this body and the other body.

The amended version, the Committee Amendment of the Bill, and for those of you who have not had a chance to read this bill, what it would do is to provide from 1992 on, Presidents of the Senate and Speakers of the House to only serve 8 years, that would be four terms as leaders.

As you are all well aware, I am a firm proponent of term limitations and some people have come up to me and said, "You know Dana, I can't support term limitations. As a whole, you have a valid point regarding too much power being vested in those positions of leadership and that is where you should attack the problem." I would hope on this Welcome Back Day of the Legislature that we take a look at the policy issue involved, that we have a little bit more turnover in leadership positions. I think it would be good in all capacities to have new people and innovative ideas, especially in the position of leadership, which basically is what controls the schedule of both this body and the other body.

So in ending, I would hope that you would go against the pending motion and we could go on and accept the Minority Report.

Mr. Speaker, I ask for 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 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.

ROLL CALL NO. 46

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Handy, Heeschen, Hichborn, Holt, Hussey, Jacques, Jalbert, Kerr, Ketover, Ketterer, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau,

Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Skoglund, Stevens, P.; Strout, Swazey, Townsend, Tracy, Treat, Waterman, Wentworth.

NAY - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Duplessis, Farren, Foss, Garland, Hanley, Hastings, Heino, Hepburn, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Marsh, Merrill, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Aikman, Bennett, Hale, Hichens, Hoglund, Joseph, Kilkelly, Martin, H.; O'Gara, Simonds, Simpson, Tammaro, Tardy, Vigue, The Speaker.

Yes, 91; No, 45; Absent, 15; Paired, 0; Excused, 0.

91 having voted in the affirmative and 45 in the negative with 15 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

At this point, the House recessed for the purpose of joining in "Welcome Back Day" ceremonies.

(After Recess)

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:

SENATE PAPERS

Bill "An Act to Establish a Grading System for Maple Syrup Produced in the State" (S.P. 663) (L.D. 1739)

Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.

Was referred to the Committee on Agriculture in concurrence.

Unanimous Ought Not To Pass

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 Lower the Minimum Age Requirement for Senators and Members of the House of Representatives (S.P. 193) (L.D. 502)

Report of the Committee on State and Local

Government reporting "Ought Not to Pass" on Bill "An Act Concerning Transfer of Development Rights" (S.P. 351) (L.D. 953)

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 Human Resources reporting "Leave to Withdraw" on Bill "An Act to Provide Support for Community-based Residential Hospice Services" (S.P. 581) (L.D. 1534)

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MANNING from the Committee on Human Resources on Bill "An Act to Increase Drug and Alcohol Abuse Treatment and Education Services in Maine" (H.P. 844) (L.D. 1210) reporting "Ought Not to Pass"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Provide for Continued Assistance and Support for Incest Victims and Survivors" (EMERGENCY) (H.P. 884) (L.D. 1275) reporting "Ought Not to Pass"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Provide a Clothing Allowance to Children Receiving Aid to Families with Dependent Children Benefits" (EMERGENCY) (H.P. 782) (L.D. 1114) reporting "Ought Not to Pass"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Improve the Standard of Living for Children from Low-income Families" (EMERGENCY) (H.P. 766) (L.D. 1100) reporting "Ought Not to Pass"

Representative MANNING from the Committee on Human Resources on Resolve, Creating a Demonstration Project for Crisis Intervention for Adolescents and Children (EMERGENCY) (H.P. 739) (L.D. 1043) reporting "Ought Not to Pass"

Representative TREAT from the Committee on Human Resources on Bill "An Act to Provide Assistance to Mentally Ill Homeless Persons" (H.P. 676) (L.D. 975) reporting "Ought Not to Pass"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Support an Affordable Emergency Medical Services System" (EMERGENCY) (H.P. 667) (L.D. 947) reporting "Ought Not to Pass"

Representative GRAHAM from the Committee on

Business Legislation on Bill "An Act to Amend the Laws Pertaining to Pastoral Counseling Professionals" (H.P. 835) (L.D. 1201) reporting "Ought Not to Pass"

Representative ANTHONY from the Committee on Judiciary on Bill "An Act to Amend the Preliminary Protection Order" (H.P. 811) (L.D. 1165) reporting "Ought Not to Pass"

Representative ANTHONY from the Committee on Judiciary on Bill "An Act to Promote Safety While Hunting" (H.P. 705) (L.D. 1010) reporting "Ought Not to Pass"

Representative RICKER from the Committee on Transportation on Bill "An Act to Establish Special Designating Registration Plates for Vietnam Veterans of the Tet Offensive" (H.P. 699) (L.D. 1003) reporting "Ought Not to Pass"

Representative BOUTILIER from the Committee on Transportation on Bill "An Act to Establish Special Designating Registration Plates for Veterans of Iwo Jima" (H.P. 313) (L.D. 443) reporting "Ought Not to Pass"

Representative HUSSEY from the Committee on Transportation on Bill "An Act to Exempt Military-trained Drivers from State Driver's License Examination Requirements" (H.P. 727) (L.D. 1031) reporting "Ought Not to Pass"

Representative BAILEY from the Committee on Transportation on Bill "An Act to Provide Greater Safety for School Children Crossing Public Ways" (H.P. 238) (L.D. 329) reporting "Ought Not to Pass"

Representative CLARK from the Committee on Utilities on Bill "An Act to Prohibit Telephone Solicitation in Maine" (H.P. 231) (L.D. 322) reporting "Ought Not to Pass"

Representative CLARK from the Committee on Utilities on Bill "An Act to Provide Affordable Electric Service for Low-income Citizens of the State" (H.P. 980) (L.D. 1425) reporting "Ought Not to Pass"

Were 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. 528) (L.D. 756) Bill "An Act to Enhance the Protection of Children Who Have Been Removed from Their Homes" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-202)

(S.P. 230) (L.D. 584) Bill "An Act to Amend the Provisions Regarding Prejudgment Interest" Committee on Judiciary reporting "Ought to Pass"

(S.P. 559) (L.D. 1463) Bill "An Act to Reconcile Dates Barring Claims in the Probate Code" Committee on **Judiciary** reporting "Ought to Pass"

(S.P. 220) (L.D. 547) Bill "An Act to Require Prompt Payment of Wages Due Upon Discharge for All Employees" Committee on **Labor** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-98)

(S.P. 242) (L.D. 646) Bill "An Act to Provide for the Recovery of Overpayments by the Maine State Retirement System" Committee on **Aging, Retirement and Veterans** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-97)

(S.P. 247) (L.D. 656) Bill "An Act to Reduce Duplication at the Department of Human Services" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-103)

(S.P. 361) (L.D. 963) Bill "An Act to Provide for the Payment of Late Fees by School Administrative Units and Participating Local Districts That Are Delinquent in Paying Contributions to the Maine State Retirement System" Committee on **Aging, Retirement and Veterans** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-102)

(S.P. 380) (L.D. 1057) Resolve, to Name the Bridge Spanning the Little Madawaska River in Caribou the "B. Morrell Bridge" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-96)

(S.P. 407) (L.D. 1083) Bill "An Act to Ensure Voter Participation in the Siting of Both Storage and Disposal of Radioactive Waste" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-100)

(S.P. 413) (L.D. 1127) Bill "An Act to Increase the Probationary Period for Police Officers" Committee on **Labor** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-99)

(S.P. 425) (L.D. 1137) Bill "An Act to Repeal Certain Redundant Laws Relating to the Bureau of Air Quality Control" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-94)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 1, 1991, under the listing of Second Day.

The Chair laid before the House the following matter: Divided Report Majority Report of the Committee on **Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-56) on Bill "An Act to Change the Process of Selecting the Commissioner of Education" (S.P. 51) (L.D. 81) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill, (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-56) which was tabled earlier in the day and later

today assigned pending the motion of Representative Crowley of Stockton Springs that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L.D. 81, is "An Act to Change the Process of Selecting the Commissioner of Education" and it was an 8 to 5 report. This bill changes the method of appointing the Commissioner of Education from a gubernatorial appointment to a State Board of Education appointment. Ninety-two percent of the states in this United States do not use the State of Maine gubernatorial method for appointing a Commissioner of Education. Perhaps we should have made this effective date January 1995, thus eliminating the political overtones of the bill.

The reason for having the State Board of Education appoint the Commissioner of Education is to make this most important position in state government devoid of politics. The State Board of Education members are appointed by the Governor, usually on a non-partisan basis and then a non-partisan state board could make a non-partisan appointment of the Commissioner of Education. The effective date in the bill here will be the end of the current Commissioner's term.

The Commissioner of Education's first responsibility should be to education. The Commissioner must be an advocate of education, an advocate of school children, school teachers, principals and parents. This, in no way, precludes the Commissioner's working with the Governor, it means the Commissioner shouldn't be in the Governor's back pocket running around the state promoting "Capitol for the Day" and other public relation activities. The Commissioner should be a strong advocate for education, not the state's strongest advocate for politics. This inadequate system is not the product of our present Governor nor the product of the past Governor, they both inherited this system. Forty-four states reject this Maine plan and we should too.

I hope you will vote in favor of the "Ought to Pass" Report.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make some comments on this bill. First of all, I would start by saying that it just isn't a good idea. I don't care who the Governor is or might be in the future, it just isn't a good idea.

Secondly, I truly believe the Commissioner, whoever he or she might be in the future — and we are talking about the future — should be at the cabinet level position which he or she won't be if this bill is passed.

Thirdly, considering how little real authority the state board has, and has none as far as budgeting goes, what kind of relationship will the commissioner have with whoever is Governor? I believe you will find the Governor selecting his or her own educational advisor which will create all kinds of problems in terms of budget, programs, and priorities.

Fourth, the state board itself, the State Board of Education, who would be given this responsibility

is opposed to the legislation. It doesn't want the authority and it doesn't agree that it is in the best interest of education in the state.

Fifth, once again, the Education Committee was told that the Maine Superintendents Association support this bill. Well, I have a superintendent who works very closely with many superintendents in the area and he said that those statements are not representative of all superintendents in the state. He called up a much used statement and one often used by many in this House when he strongly encouraged me not to support this bill, "If it ain't broke, don't fix it." He says and I say to you members of the House, there is nothing wrong with the process now.

Do I have strong disagreements with the present commissioner now? Yes I do, but that is no reason to change the selection process. Just as I will never support the move to change our process for selecting our constitutional officers because (and I know many of you agree) that process works, we like the system, neither will I support this type of movement either.

Let me read you a short statement from the State Board of Education Chairman's testimony. The State Board of Education, (and it was a unanimous decision of the state board, by the way, opposed to this) in reviewing L.D. 81, focused the discussion on what we felt would be the best system to create the most opportunities for Maine children. Our analysis led us to the conclusion that it is important for children and for education that the Commissioner be a member of the Governor's cabinet.

Now, you just heard comments about other states. In states where the State Board of Education appoints the Commissioner, the Governor often has a staff person whom he or she relies on for advice and direction on educational issues. The Commissioner, as a result, does not have direct input to the Governor.

In the testimony on the day of the hearing, there were a couple of statements I would like to comment on. The State Board of Education in Maine does not have statutory authority or responsibility for overseeing all educational statutes; therefore, if you heard that statement, please consider this — the Commissioner, by the provision of this bill, would be responsible to two separate employment authorities in several different areas. This would be a particular difficulty should the different employment authorities, the board or the Governor, disagree on the issue. Please listen to some of the different areas of responsibility. The board is responsible and therefore, if the Commissioner were to be appointed by that board, would vote on such things as vocational education, certification, school construction, and post-secondary school approval, that is the Board's responsibility. However, the Governor who, under this bill, would not be picking the commissioner is responsible for such things (and I hope you don't consider them minor) the budget, graduation requirements, curriculum, governing the governance of public schools and anything related to school finance.

I ask you ladies and gentlemen of the House to consider very carefully where this commissioner would be out there in relation to the Governor.

I very rarely touch on my past experience but I do have to for many of you who perhaps don't know me very well. Prior to my coming to the House of Representatives, I was Mayor of the city of Westbrook for ten years and in Westbrook, the Mayor I guess is

just about the last one left in the state, is the chief cook and bottle washer that has all the powers (on a smaller scale of course) as the Mayor of New York, Boston, Chicago or Los Angeles or anywhere else, and included in those powers is the hiring and firing of department heads. The department heads in effect are the mayor's cabinet. Now I grant you I am not talking about the Governor, I am talking about a small city of 15,000 people but the process is the same. When I became Mayor, two of the people responsible for major decisions were picked by outside boards, the assessor and the Director of General Assistance or as it was called formerly, the Welfare Director. We had nothing but problems prior to my becoming Mayor and until I was able to convince the citizens of Westbrook to change it, we had problems while I was Mayor. Finally, those two appointments became the Mayor's appointments. I am telling you — and I don't know how many in this House ever were in a position that I was for those ten years, it is important for the chief executive officer to have the authority of picking the people who he or she is going to be responsible for and, if their decisions are not good decisions, will be held responsible by the electorate in some future election.

I suspect there are going to be other comments I may want to respond to later, Mr. Speaker and members of the House, but at this point in time, I would urge you as strongly as I can not to support the motion before you on the floor. As I said in my initial statement, it just isn't a good idea.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have seen it both ways in my years of experience in education from the time I taught school, was a principal, was a superintendent of schools and in the 17 years that I served in the Department of Education. Having a state board make an appointment of this nature does not, I repeat, does not, remove that appointment from politics.

I am going to tell you one time it worked and worked well by having a state board appointment and one time it worked very poorly and then I am going to give you the reasons I don't believe that it should be done, which largely dovetails with Representative O'Gara's testimony.

When Warren Hill was appointed by the State Board of Education as Commissioner in 1956, it was done by a Republican-dominated State Board of Education. That was because the State Board was appointed by a Republican Governor. Everything was copacetic — they chose Warren Hill. Warren Hill was a great commissioner. Without making any comparisons, I am only talking about the system now, when Governor Brennan was in office, you had a state board that gave him three names and he turned all three names down and asked for three more. Three more were provided but they did not include one of his choice and the chairperson of the screening committee was chosen by the Governor as Commissioner of Education. I submit to you that that system did not work at that time as this bill would have you believe it would work.

I believe the Governor should have the right to choose a person to that position when that person controls and spends such a large portion of our dollars. The only way, and I do not advocate it, you could have such a loose cannon in your cabinet (of course they wouldn't be in the cabinet) would be if

you had an elected Commissioner of Education. I do not, I repeat, I do not advocate that we have an elected commissioner. However, I do advocate the Governor do the choosing of that cabinet level member.

I think you can be a limited advocate but I don't believe you can take license nor do I think you should for it is the Governor who is elected by all the people and the Commissioner who is appointed by that person. Therefore, I would ask that you vote against the motion that would change the way that we appoint this very important leader.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: Across the country, many states are undergoing a reform again and a restructuring of education and Maine is among them. Also across the country, some states are undergoing a restructuring of their departments of education. They are looking at whether or not they should change the rules of their regulators and helpers. States like Kentucky and Virginia are on the verge of dramatic reorganization of their state education agencies, they are also redefining the rules of their Commissioner's of Education.

For example, Kentucky just recently became the 28th state whose Commissioner of Education is appointed by the State Board of Education. Maine is only one of seven states, one of seven, whose Commissioner is appointed by the Governor. All of our fellow New England states permit the Governor to appoint their State Board members on a staggered term basis who in turn as a body select the chief state school officers.

This bill in no way will affect the current commissioner or the current Governor. There is nothing in this bill that would eliminate or prohibit the Governor from deeming the Commissioner of Education a member of his or her cabinet. L.D. 81 proposes to have the commissioner appointed by the State Board of Education with input from the Governor. The Commissioner would have a three year contract with the State Board of Education with annual review of the performance, just as we expect of our schools. This bill creates a more bipartisan process in this appointment of the Commissioner of Education. It is very similar to the way that the Chancellor of the University or the President of the Technical College Systems are chosen. This process has a greater potential for providing consistent and effective educational leadership with the accountability that the public and our children deserve.

As we are to take restructuring seriously of our public schools, we also ought to take seriously the restructuring and the reorganization of the Department of Education and the roles of the State Board of Education.

Changing the method of selecting the Commissioner of Education, not only depoliticizes the position, but also allows for the Commissioner to become more independent and to become an advocate of education and not simply someone to pursue the political agendas of any chief executive. This change will reemphasize and enhance the role of the State Board of Education and place a premium on the closer ties and have a more positive working relationships between the Commissioner and the State Board of Education.

I cannot urge you enough to take a stand in

support of restructuring of education in the State of Maine and begin that with the Commissioner of Education and how that role is performed in the State of Maine. I urge you to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: Many of the things that I was going to say have already been said so I will not linger on those.

I would just like to read to you part of an editorial that appeared in the Lewiston Sun Journal, dated April 25th. It is entitled "Governor's Choice. This proposal is flawed because it would create some basic problems. The current system allows the Governor to place his or her signature on education by choosing a Commissioner who agrees with his or her philosophy. A commissioner appointed by the Governor ensures that the voters wishes have a better chance of being carried out. A commissioner appointed by the Board of Education is that much more insulated from the public. The proposed change would also create a source of conflict between the Governor and the Commissioner. Education is a very important function of government and there is no need to create problems unnecessarily." Finally it ends with, "The current system is also balanced by the fact that all cabinet positions are confirmed by the Legislature and, in the case of the Education Commissioner, the Board of Education also issues an opinion. If the Governor's appointee is not qualified, lawmakers can reject the choice. It is a balanced and fair way of determining who is commissioner, don't change it."

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that Representative Barth chose the Lewiston Sun Journal and not the Bangor Daily News to read from.

I would like to ask a few questions like — should the Mayor of Lewiston have the right to choose the person who spends over 60 percent of the Lewiston city budget? Should the Mayor of Portland have the right to choose the person who spends over 60 percent of Portland's budget and the same of South Portland, Augusta and Westbrook? The superintendent of schools is appointed by the Board of Education in all of these cities and towns, not the Mayor doing the appointment. Likewise, the commissioner's appointment by the Board of Education should not be by appointment of the Governor.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: I feel compelled to point out with respect to what Representative Norton said about the Governor, namely his assertion that the Governor is the one who is elected by all the people. Actually ladies and gentlemen, nowadays the Governor, most of the time, isn't even elected by a majority of the people.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Crowley of Stockton Springs that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 69 in the negative, the motion did not prevail.

Subsequently, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Divided Report Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Create a Special Liquor License for Certain Service Provider Organizations" (S.P. 136) (L.D. 276) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-78) on same Bill, (Came from the Senate with the Bill and accompanying papers indefinitely postponed) which was tabled earlier in the day and later today assigned pending acceptance of either report.

Representative Lawrence of Kittery moved that the House accept the Minority "Ought to Pass" as Amended Report.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: This is a piece of legislation that definitely is not needed. What it will give us is Maine's first rolling barroom. It licenses limousines to sell liquor. In checking with the Secretary of State's Office, there is no definition of a limousine, so when we worked the bill, they decided to take the plates that were made for hire with the "H" on them. I had the Secretary of State's Office check this out to see how many of them we have around the area here. There are 1,100 with "H" on them. Some of the smaller communities have bus companies with vans which they rent out. Rumford could have somewhere around 30 rolling barrooms in their area with a lot of dry towns between where they were hired and where they would be going through.

One of the questions is, would they still be serving alcohol when they are going through these dry towns?

Another question, would the bartender be the driver?

Who would be checking to see if the passengers were over 21?

Who will inventory the cargo of alcohol, especially at the state parks and beaches to keep minors from buying and drinking?

Will a license be legal at colleges and school yards or in public ways?

What type of license would it be, Class I, Class II? Spirits only? This wasn't addressed.

In other communities besides Mexico and Rumford area they could have 30 of these rolling barrooms, it could be Biddeford, Bangor, Lewiston/Auburn, and yes Augusta, even state vans have an "H" on their plate.

I think this is a bill that definitely is not needed and I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: As the good Representative from Sabattus said, this would be a floating barroom. I spoke a few weeks ago about the limousine boozers, now we are going to have the Cadillac boozers.

What this bill does is allow anybody who has a limousine or a bus to get a liquor license and then somebody will get in the back seat while the driver is going around — thank God they have those partitions there because he might want a nip.

I have looked at those limousines, I don't think I could take my friends there and have a few drinks and play a game of cribbage, it's not big enough.

Just imagine the buses — I remember years ago when a group of people from the clubs used to get together and go to the ballgame in Boston. I went on one of those trips, we got as far as Portsmouth and then somebody got into a fight. We had to turn around and come home.

I repeat again what I heard a few years ago from the Minority Leader, former Representative Murphy, the place to drink is in the home or in the tavern, not in a car. What they want to do is when they have a wedding, they want to possibly pour enough booze into the bridegroom-to-be so he might not get cold feet. I don't know, but I don't think they need any booze. Enough is enough. The next thing you know, they will want to do it on school buses.

You know what was cute about this, the big argument they gave was...free enterprise. Well, I can think of a lot of illegal things that are going on in places like Nevada, maybe we should adopt that type of individual free enterprise. I would be kind of envious with my little Escort. How am I going to put a bar in the back seat of my Escort? I have trouble getting in and out of the darn thing.

To me, enough is enough. I know that we have long trips. Anybody who lives in Aroostook County, it probably would come in handy if you had a bar in the back and had a chauffeur or something, but Lisbon is not that far away and most of the time my wife does the driving and, when she is around, she doesn't allow me to drink.

This borders on the ridiculous. I have supported a lot of liquor bills in Legal Affairs, it is an accepted fact now. Even Jack Wyman of the Christian Civic League has come around to say, we accept it, but we need to control it. This is a controlled state. I don't believe that you are controlling liquor when you allow somebody to open up a bar in a back seat of a limousine because the next thing you know, they will want a jukebox in there, and now we are doing the one-armed bandit, and that will go in there. We have the off-track betting proposal, they will come in there with somebody who is headed for Scarborough Downs and they can find out what the first race is in order to get into the last race so I ask you, please, let's turn this down, send it back to where it should have been sent and that will be the end of it.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: With all due respect for my fellow members of the Legal Affairs Committee, the problem with this bill and the problem with the fanciful notions we have with this problem is that it is here.

A small article in the Portland Press Herald described the town of 220 in Nebraska, Corn—something or the other, I can't remember the name of the town, but a gentleman there has decided that he is going to open a limousine service and offer two bottles of champagne for every customer.

The department's perspective on this, and that is where the bill came from, was that they have gotten into legal limbo over what is a growing reality. More and more package deals, including alcohol, are in fact being sold in, I concede the notion, what amounts to rolling bars. That is happening. The department needs to control it and the way they control it is with a license and with rules, the use of "H" on a license plate is attached to limousines, this would apply to it, but no limousine owner/operator would have to buy the license if they chose to leave alcohol out of their packages; in effect, not to sell it, they didn't want to be that kind of an environment. This does not apply to the concept of a designated driver having an environment in which some others in the car may have alcohol and even open alcohol, which is not against the law in the State of Maine.

The reality is that this is upon us. The reality is the state can't control it unless we license it. The reality is that limousine owners and operators have to make a choice as to whether or not they want to offer alcohol as a part of this and if they are going to do that, the department needs the clarity in the law to know whether this is against the law or not, whether they are going to enforce it or not, pull the license or not — they need a mechanism of control and that is all this bill provides. We eliminated buses from it because there were additional problems from that.

I finally want to add that MADD and others were concerned about driving and alcohol were comfortable with it because it reenforced the designated driver concept. Clearly, the driver of the limousine is not going to be partaking of the alcohol so it reenforces that and allows what is already occurring. The department is in the position of coming back with a ban on it and maybe that is the route this legislature will want to go because it is obviously too late in this one. It seems a reasonable way to exercise control over a grey area of law that is not mandated on anybody but is clearly beginning to happen and we ought to do something about it.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, I move that L.D. 276 and all its accompanying papers be indefinitely postponed. I would request 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 pending question before the House is the motion of the Representative from Lisbon, Representative Jalbert, that L.D. 276 and all its accompanying papers be indefinitely postponed in concurrence.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Old Town, Representative Cashman. If he were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the

Representative from Oakland, Representative Poulin.

Representative POULIN: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Pittsfield, Representative Goodridge. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is the motion of the Representative from Lisbon, Representative Jalbert, that L.D. 276 and all its accompanying papers be indefinitely postponed in concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 47

YE - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carroll, J.; Chonko, Clark, H.; Constantine, Cote, Crowley, DiPietro, Donnelly, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hussey, Jacques, Jalbert, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Lebowitz, Libby, Lipman, Look, Luther, MacBride, Marsano, Martin, H.; McHenry, Merrill, Michaud, Morrison, Murphy, Nash, Norton, Ott, Paradis, P.; Paul, Pendexter, Pendleton, Pineau, Pines, Pouliot, Powers, Reed, G.; Reed, W.; Salisbury, Savage, Simonds, Skoglund, Small, Spear, Stevens, A.; Stevenson, Swazey, Tamaro, Tracy, Tupper, Vigue, Waterman, Whitcomb.

MAY - Adams, Carleton, Carroll, D.; Cathcart, Clark, M.; Coles, Daggett, Dore, Gean, Gray, Handy, Hoglund, Holt, Joseph, Larrivee, Lawrence, Lemke, Macomber, Mahany, Manning, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Pfeiffer, Plourde, Rand, Richardson, Rotondi, Rydell, Saint Onge, Sheltra, Stevens, P.; Townsend, Treat, Wentworth.

ABSENT - Duplessis, Hastings, Kerr, LaPointe, Lord, Marsh, Parent, Richards, Ricker, Ruhlin, Simpson, Strout, Tardy, The Speaker.

PAIRED - Cashman, Goodridge, Mayo, Poulin.
Yes, 91; No, 42; Absent, 14; Paired, 4; Excused, 0.

91 having voted in the affirmative and 42 in the negative with 14 being absent and 4 having paired, L.D. 276 and all accompanying papers were indefinitely postponed in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Amend the School Approval Standards" (H.P. 558) (L.D. 801) (C. "A" H-178) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Norton of Winthrop, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-178) was adopted.

The same Representative offered House Amendment "A" (H-201) to Committee Amendment (H-178) and moved its adoption.

House Amendment "A" (H-201) to Committee Amendment (H-178) was read by the Clerk.

The SPEAKER: The Chair recognizes the

Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment does is take off some language that was put in there in error from a previous bill that was entirely obliterated by another amendment, which contained some language left over from the original bill.

It was a mistake, either on my part or somewhere, and I shall own it, it has been cleared through the Education Committee, it has been cleared with the Maine Lung Association and it has been cleared with everyone that I could clear it with and now I hope that you will see fit to adopt this. I thank you for your patience and I will try to do better in the future.

Subsequently, House Amendment "A" (H-201) to Committee Amendment "A" (H-178) was 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 and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Morrison of Bangor,
Adjourned at 6:06 p.m. until Wednesday, May 1,
1991, at ten o'clock in the morning.
