

MAINE STATE LEGISLATURE

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

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
23rd Legislative Day
Tuesday, March 10, 1992

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

Was read and ordered placed on file.

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

Prayer by Reverend James Cloyd, Church of the Nazarene, Oakland.

The Journal of Monday, March 9, 1992, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 9, 1992

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 Passed To Be Engrossed As Amended By Committee Amendment "B" (H-967), on Bill "An Act to Amend the Maine Health Security Act" (H.P. 1093) (L.D. 1593).

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 9, 1992

The Honorable John L. Martin
Speaker of the House
115th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Education, Peter Bell of Northeast Harbor for appointment to the Maine Maritime Academy Board of Trustees.

Peter Bell is replacing Peter Cloutier.

Sincerely,

Unanimous Ought Not To Pass

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Create the Cushings Island Village Corporation" (S.P. 838) (L.D. 2142)

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Develop a Statewide Voter Registration File" (S.P. 811) (L.D. 2010)

Signed:

Senator: SUMMERS of Cumberland

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-596) on same Bill.

Signed:

Senators: MILLS of Oxford
KANY of Kennebec

Representatives: LAWRENCE of Kittery
RICHARDSON of Portland

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-596).

Reports were read.

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

On motion of the same Representative, tabled pending his motion that the House accept the Minority "Ought to Pass" Report and later today assigned.

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 Repeal the Laws Governing State Investments in Companies Doing Business in South Africa" (S.P. 868) (L.D. 2215)

Signed:

Senator: BUSTIN of Kennebec

Representatives: HEESCHEN of Wilton
GRAY of Sedgwick
KERR of Old Orchard Beach
JOSEPH of Waterville
LARRIVEE of Gorham
KILKELLY of Wiscasset

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-585) on same Bill.

Signed:

Senators: EMERSON of Penobscot
BERUBE of Androscoggin

Representatives: NASH of Camden
LOOK of Jonesboro
WATERMAN of Buxton
SAVAGE of Union

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-585)

Reports were read.

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

On motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

COMMUNICATIONS

The following Communication: (S.P. 938)

115TH MAINE LEGISLATURE

March 3, 1992

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Caroline M. Pryor of Northeast

Harbor for appointment to the Land Use Regulation Commission.

Pursuant to Title 12, MRSA Section 683, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources 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 Energy and Natural Resources.

Was Read and Referred to the Committee on Energy and Natural Resources in concurrence.

The following Communication: (S.P. 941)

115TH MAINE LEGISLATURE

March 6, 1992

Senator Michael D. Pearson
Rep. Dorothy A. Rotondi
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Eugene L. Churchill of Orland for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, this nomination will require review by the Joint Standing Committee on Fisheries and Wildlife 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 Fisheries and Wildlife.

Was Read and Referred to the Committee on Fisheries and Wildlife in concurrence.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bill was received and, upon the recommendation of the Committee on Reference of

Bills, was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

Education

Bill "An Act to Implement the Recommendations of the Advisory Committee on Medical Education" (H.P. 1722) (L.D. 2408) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsored by Senator ESTES of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Require the Use of People First Language in the Maine Revised Statutes and to Authorize Administrative Implementation of Associated Changes in Terminology" (H.P. 1274) (L.D. 1845) reporting "Ought Not to Pass"

Representative NASH from the Committee on State and Local Government on Bill "An Act to Clarify the Collective Bargaining Responsibility in Child Development Services and to Protect Employee Rights" (H.P. 1579) (L.D. 2229) reporting "Ought Not to Pass"

Representative GOODRIDGE from the Committee on Human Resources on Bill "An Act to Make Further Distinctions between Types of Boarding Care Facilities" (H.P. 1578) (L.D. 2225) reporting "Ought Not to Pass"

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

Refer to the Committee on State and Local Government

Representative LAWRENCE from the Committee on Legal Affairs on Bill "An Act to Reorganize the Bureau of Alcoholic Beverages" (EMERGENCY) (H.P. 1503) (L.D. 2116) reporting that it be 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 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. 1550) (L.D. 2188) Bill "An Act to Extend the Reporting Date of the Commission to Study State Permitting and Reporting Requirements" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass"

(H.P. 1612) (L.D. 2273) Bill "An Act to Establish a Boundary between the Town of Skowhegan and the Town of Madison" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 1436) (L.D. 2048) Bill "An Act to Allow Counties to Blanket Bond Part-time Deputy Sheriffs" Committee on State and Local Government reporting "Ought to Pass"

(7-4) (H.P. 1618) (L.D. 2279) Bill "An Act to Strengthen Maine's Governmental Ethics Laws" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1061)

(H.P. 1561) (L.D. 2199) Bill "An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1060)

(H.P. 1619) (L.D. 2280) Bill "An Act to Authorize a Bond Issue of \$300,000 to Expand the Sagadahoc County Courthouse to Include Detention Facilities" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1063)

(H.P. 1611) (L.D. 2272) Resolve, to Authorize the Director of the Bureau of Public Improvements to Condemn in the Name of the State Certain State-owned Land in the Town of Warren and the Town of Cushing and Exchange Boundary Line Agreements with Abutting Land Owners Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1064)

(H.P. 1494) (L.D. 2106) Bill "An Act Concerning Tribal Courts" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1065)

(S.P. 876) (L.D. 2237) Bill "An Act to Implement a Comprehensive Ambient Toxics Monitoring Program" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-598)

(H.P. 1695) (L.D. 2375) Bill "An Act Relating to the Arthur R. Gould School" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1067)

(H.P. 1428) (L.D. 2040) Bill "An Act to Increase

the Penalties for Committing Repeated Assault" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1068)

(H.P. 1644) (L.D. 2307) Bill "An Act to Clarify the Definition of Certain Vehicles for Insurance Purposes" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1070)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was 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 ENACTED

Emergency Measure

An Act to Create Special Veterans Plates (H.P. 1437) (L.D. 2049) (C. "A" H-980)

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 to Revise the Charter of the Boothbay Harbor Sewer District (H.P. 1479) (L.D. 2091) (S. "A" S-567 to C. "A" H-953)

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. 101 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 Growth Management (S.P. 836) (L.D. 2140) (C. "A" S-573)

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. 101 voted in favor of the same and 10 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 Reestablish the Rangeley Water District (S.P. 839) (L.D. 2143) (H. "B" H-1040 to C. "A" S-566)

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. 101 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 Amend Child Labor Laws (S.P. 866) (L.D. 2213) (C. "A" S-575)

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. 103 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Tabled and Assigned

An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission (H.P. 1514) (L.D. 2126) (C. "A" H-957)

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

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: This is L.D. 2126, the LURC subdivision bill. I just wanted you to know it was up for emergency enactment so you wouldn't vote for it by accident if you really intended to vote against it and I hope you will vote against it.

On motion of Representative Jacques of Waterville, tabled pending passage to be enacted and specially assigned for Wednesday, March 11, 1992.

ENACTOR

Emergency Measure

(Reconsidered)

An Act Relating to Ordinary Death Benefits under

the Maine State Retirement System (H.P. 1554) (L.D. 2192) (C. "A" H-998)

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

On motion of Representative Jalbert of Lisbon, under suspension of the rules, the House reconsidered its action whereby L.D. 2192 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-998) was adopted.

The same Representative offered House Amendment "A" (H-1053) to Committee Amendment "A" (H-998) and moved its adoption.

House Amendment "A" (H-1053) to Committee Amendment "A" (H-998) was read by the Clerk and adopted.

Committee Amendment "A" (H-998) as amended by House Amendment "A" (H-1053) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-998) as amended by House Amendment "A" (H-1053) thereto in non-concurrence and sent up for concurrence.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Prevent the Poaching of Aquaculture Products (H.P. 1562) (L.D. 2200) (C. "A" H-1016)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Modify Various Licensing and Registration Laws and to Address Budgetary Constraints (H.P. 1592) (L.D. 2246) (C. "A" H-990)

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 to Require the Issuance of Motor Vehicle

Insurance Identification Cards (H.P. 1600) (L.D. 2262) (C. "A" H-1020)

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. 101 voted in favor of the same and 2 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 Amend the Laws Governing the Practice of Hairdressing (H.P. 1604) (L.D. 2266)

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 to Expand the Membership of the Maine Committee for Global Education (H.P. 1623) (L.D. 2286) (C. "A" H-996)

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 Amend the Laws Governing Respiratory Care Practitioners (H.P. 1631) (L.D. 2295) (C. "A" H-1001)

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 Amend the Charter of the Portland Water District (H.P. 1668) (L.D. 2344) (C. "A" H-1002 and H. "A" H-1026)

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 Create the Searsmont Village Water District (H.P. 1687) (L.D. 2367) (C. "A" H-1009)

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. 108 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 Create the Dresden Mills Water District (H.P. 1688) (L.D. 2368) (C. "A" H-1017 and H. "A" H-1021)

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 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Proposal to Improve Staff Retention in Community-based Programs Serving Persons with Mental Retardation (S.P. 815) (L.D. 2014) (C. "A" S-593)

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. 106 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Tabled and Assigned

Resolve, Concerning the Removal of Residential Underground Oil Tanks (H.P. 1614) (L.D. 2275) (C. "A" H-1003)

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

On motion of Representative Richards of Hampden, tabled pending final passage and specially assigned for Wednesday, March 11, 1992.

PASSED TO BE ENACTED

An Act Concerning the Degree Granting Authority of Husson College (S.P. 875) (L.D. 2236) (C. "A" S-565)

An Act to Provide for the Annual Apportionment of the Kennebec Sanitary Treatment District's Operation Costs on a 3-year Average (S.P. 881) (L.D. 2253)

An Act to Change the Term Secondary Vocational Education to Applied Technology and Adult Learning (S.P. 888) (L.D. 2281) (C. "A" S-564)

An Act Regarding Contracts for the Duplication of Works of Art (H.P. 1011) (L.D. 1479) (H. "A" H-1013 to C. "A" H-921)

An Act Concerning Authorization to Consent to Powers of Attorney (H.P. 1287) (L.D. 1857) (S. "A" S-572 to C. "A" H-964)

An Act to Prohibit Unfair Rating Practices in Small Group Health Insurance (H.P. 1490) (L.D. 2102) (H. "A" H-1005)

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

(Reconsidered)

An Act to Clarify and Improve the Regulation of Home Food Service Plans (H.P. 1501) (L.D. 2113) (H. "A" H-1006 to C. "A" H-987)

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

On motion of Representative Sheltra of Biddeford, under suspension of the rules, the House reconsidered its action whereby L.D. 2113 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-987) as amended by House Amendment "A" (H-1006) thereto was adopted.

The same Representative offered House Amendment "B" (H-1048) to Committee Amendment "A" (H-987) and moved its adoption.

House Amendment "B" (H-1048) to Committee Amendment "A" (H-987) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Men and Women of the House: This amendment makes a technical correction only to the Committee Amendment to ensure that the definition of merchandise under the transit sales law is returned to the same definition that was in place by it to the effective date of Public Law 1991, Chapter 239.

Subsequently, House Amendment "B" (H-1048) to Committee Amendment "A" (H-987) was adopted.

Committee Amendment "A" (H-987) as amended by House Amendment "A" (H-1006) and House Amendment "B" (H-1048) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-987) as amended by House Amendment "A" (H-1006) and House Amendment "B" (H-1048) thereto in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Amend the Maine Insurance Code (H.P. 1517) (L.D. 2129) (C. "A" H-988)

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.

ENACTOR

Later Today Assigned

An Act to Protect School Students from Potential Harm (H.P. 1541) (L.D. 2174) (S. "A" S-568 to C. "A" H-968)

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.

ENACTOR

Tabled and Assigned

An Act Regarding the Time and Temperature Sign Located in Portland (H.P. 1606) (L.D. 2268) (C. "A" H-951)

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

On motion of Representative Whitcomb of Waldo, tabled pending passage to be enacted and specially assigned for Wednesday, March 11, 1992.

PASSED TO BE ENACTED

An Act to Amend the Laws Concerning Adoption Assistance (S.P. 856) (L.D. 2180) (C. "A" S-592)

An Act to Clarify Adult Protective and Guardianship Responsibilities (S.P. 859) (L.D. 2183) (C. "A" S-574)

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 Govern Residential Propane Gas Suppliers (S.P. 898) (L.D. 2317) (C. "A" S-584)

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.

ENACTOR

Later Today Assigned

An Act Requiring the Provision of Information to Victims of Gross Sexual Assault (H.P. 359) (L.D. 513) (C. "A" H-963)

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 Limit the Use of Biosynthetic Bovine Somatotropin until More Extensive Human and Animal Safety Studies Are Completed (H.P. 1163) (L.D. 1704) (H. "D" H-992 to C. "A" H-897)

An Act to Establish a Voluntary Trauma-reporting System (H.P. 1233) (L.D. 1797) (H. "A" H-1038 to C. "A" H-915)

An Act to Clarify the Law Governing Contracts of Adhesion (H.P. 1412) (L.D. 2024) (C. "A" H-1019)

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

(Reconsidered)

Later Today Assigned

An Act to Ensure the Retention of Utility Easements in Foreclosure Proceedings (H.P. 1419) (L.D. 2031) (C. "A" H-1023)

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

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 2031 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-1023) was adopted.

The same Representative offered House Amendment "A" (H-1055) to Committee Amendment "A" (H-1023) and moved its adoption.

House Amendment "A" (H-1055) to Committee Amendment "A" (H-1023) was read by the Clerk.

On motion of Representative Clark of Millinocket, tabled pending adoption of House Amendment "A" (H-1055) to Committee Amendment "A" (H-1023) and later today assigned.

PASSED TO BE ENACTED

An Act Concerning Funding of Indian Schools under the Act to Implement the Maine Indian Claims Settlement (H.P. 1433) (L.D. 2045) (C "A" H-1022)

An Act to Correct an Inconsistency Between the Maine Employment Security Law and the Federal Unemployment Tax Act (H.P. 1465) (L.D. 2077) (C. "A" H-1025)

An Act to Require a Right-to-cure Notice in Residential Mortgages (H.P. 1466) (L.D. 2078) (H. "A" H-1042 to C. "A" H-1024)

An Act Concerning Passamaquoddy Indian Territory (H.P. 1469) (L.D. 2081)

An Act Pertaining to Pole Attachment Rate Disputes (H.P. 1470) (L.D. 2082) (C. "A" H-991)

An Act Concerning Penobscot Nation Trust Land Designation (H.P. 1472) (L.D. 2084)

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 Revise the Maine Horticultural Laws (H.P. 1498) (L.D. 2110) (C. "A" H-986)

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.

ENACTOR

Tabled and Assigned

An Act to Institute a Pheasant Stamp Program for Cumberland and York Counties (H.P. 1555) (L.D. 2193) (H. "A" H-1012)

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

On motion of Representative Mitchell of Freeport, tabled pending passage to be enacted and specially assigned for Wednesday, March 11, 1992.

PASSED TO BE ENACTED

An Act to Strengthen the Maine Weights and Measures Law (H.P. 1558) (L.D. 2196) (C. "A" H-1004)

An Act to Modify the Medical Examiner Act to Limit Liability of Medical Record Providers (H.P. 1597) (L.D. 2259)

An Act Concerning the Use of Alternative Coding Systems for Plastic Containers (H.P. 1649) (L.D. 2312) (C. "A" H-1000)

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 Authorizing an Advisory Referendum on Whether the Congress of the United States Should Establish a National Health Insurance Program (H.P. 1656) (L.D. 2333) (C. "A" H-1015)

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

On motion of Representative Pendexter of Scarborough, under suspension of the rules, the House reconsidered its action whereby L.D. 2333 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-1052) and moved its adoption.

House Amendment "A" (H-1052) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: This is a very simple amendment which moves the referendum question from the General Election to the June Primary Election. My reason for

offering this amendment is simple. The debate last week elicited from some of you the importance of getting a message to Congress regarding health care issues. I feel it is much more timely for Congress to get this message sooner in June, which is three months away, than later in November which is eight months away. Congress is now, as we speak, grappling with over 70 bills on health care reform that have been processed through their system. Come November, for all we know, Congress could be conceivably adjourned or they will have already dealt with the health care legislation in some form or another.

I have already discussed this amendment with the sponsor of this bill and he quickly informed me he would oppose it because more people vote in November.

I am troubled by this rationale because I don't see this referendum as a numbers issue but rather an issue of what the numbers will tell us.

In the spirit of getting the message to Congress in a more timely manner, I ask for your support of this amendment.

Mr. Speaker, when the vote is taken, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Scarborough is correct when she mentions that I am opposed to the amendment.

I move indefinite postponement of House Amendment "A" to L.D. 2333. The reason I move indefinite postponement of this amendment is that I think there is a far more sinister plot underway than just bringing the issue before the Congress of the United States in June. I think that the fiscal note would be prohibitive to have this on the June ballot. The cost of having one referendum question is \$95,000 under our current allocation from the Secretary of State's office. That would be the only issue on the ballot. In November, we will be considering Constitutional Amendments and other issues so the cost would not be as prohibitive because it is for the first six or seven issues on that ballot the same price, \$95,000 and then for each additional issue only \$7,000. So, I think that the people who are supporting House Amendment "A" ought to come right out on the Record and say, we would like to kill this because of the cost of putting this alone on the ballot. I really don't think it has anything to do with letting the Congress know about this a little earlier in the session.

I think this issue is very important. I would like to have the issue debated this Fall in the forums that we have in every community where everyone is on the ballot, especially our two federal Representatives. As you know, there is no primary in June for either the Governor's office, our senatorial seats, and there is only a primary in the First Congressional District on the Republican side. Very few people turn out in the primary especially this primary this June. Far more people will be turning out in the November General Election and that is when I want to see this issue debated. I want to see our federal Representatives questioned about it and I want to see pressure put on them to enact federal legislation that is universal and comprehensive.

I urge you to vote to indefinitely postpone House Amendment "A."

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

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

To the good Representative from Scarborough, Representative Pendexter — has she had any indication (I know she is a member of the health professional community) from our representation in Washington that we might possibly get a national health insurance program passed at the federal level in 1992?

The SPEAKER: The Representative from Bath, Representative Holt, has posed a question through the Chair to Representative Pendexter of Scarborough who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Members of the House: I apologize, I don't quite get the gist of the question, could you repeat it?

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

Representative HOLT: Have you as a member of the health professional committee, I know that you, as I am, are intensely interested in this question and I want to know if you have had any strong indication from our Congressional Delegation that a national health insurance program could be achieved at the federal level in 1992?

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendexter, who may respond to the question.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I guess my answer to that would be that there are a lot of definitions to national health care insurance. I am confident that Congress has on its agenda health care reforms and I really feel that something will come about. Whether it will be what she considers national health care or what I consider national health care, I don't know what form it will take, but I do feel confident that something will happen.

I feel if we really want to get a message to Congress that we should do it sooner than later. If it is that important to members in this body, then I really feel it should be done in June rather than November.

Mr. Speaker, I request a roll call on the indefinite postponement of the amendment.

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 Representative Paradis of Augusta that House Amendment "A" (H-1052) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 338

YEA - Adams, Anthony, Bell, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr,

Ketover, Ketterer, Kilkelly, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Richardson, Ricker, Ruhlin, Saint Onge, Sheltra, Simonds, Skoglund, Strout, Swazey, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carroll, J.; Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsh, Martin, H.; Merrill, Murphy, Nash, Norton, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Simpson, Small, Spear, Stevens, A.; Stevenson, Tammaro, Tupper, Whitcomb.

ABSENT - Aliberti, Boutilier, Bowers, Clark, M.; Duplessis, Hepburn, Kontos, Marsano, O'Dea, Ott, Rand, Rotondi, Rydell, Stevens, P..

Yes, 88; No, 49; Absent, 14; Paired, 0; Excused, 0.

88 having voted in the affirmative and 49 in the negative with 14 absent, the motion did prevail.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1015).

Subsequently, 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 Charter of the Dexter Utility District (H.P. 1667) (L.D. 2343) (C. "A" H-999)

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 matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

Bill "An Act Relating to Unredeemed Deposits" (H.P. 1519) (L.D. 2131) (C. "A" H-1034) TABLED - March 9, 1992 (Till Later Today) by Representative TREAT of Gardiner. PENDING - Passage to be Engrossed.

On motion of Representative Treat of Gardiner, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the second item of Unfinished Business:

An Act to Prohibit Undocumented Insurance Trade Practices (S.P. 843) (L.D. 2147) (C. "A" S-550) TABLED - March 9, 1992 (Till Later Today) by Representative MAYO of Thomaston. PENDING - Passage to be Enacted.

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

The Chair laid before the House the third item of Unfinished Business:

An Act to Maintain the Retirement Benefits for the Advocate at the Maine State Prison (S.P. 871) (L.D. 2226) (C. "A" S-553) TABLED - March 9, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield. PENDING - Passage to be Enacted.

The SPEAKER: Since the Committee changed this from a Resolve to an L.D., the Chair would rule that L.D. 1016 is improperly before the body

The Chair laid before the House the fourth item of Unfinished Business:

An Act Relating to the Division of a Member's Rights and Benefits under the Maine State Retirement System Pursuant to a Qualified Domestic Relations Order (EMERGENCY) (H.P. 711) (L.D. 1016) (C. "A" H-924) TABLED - March 9, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield. PENDING - Passage to be Enacted.

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

The Chair laid before the House the fifth item of Unfinished Business:

Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1992-93" (EMERGENCY) (H.P. 1713) (L.D. 2398) TABLED - March 9, 1992 (Till Later Today) by Representative CASHMAN of Old Town. PENDING - Passage to be Engrossed.

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

The Chair laid before the House the sixth item of Unfinished Business:

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Implement Constitutional Provisions

Restricting the Imposition of Unfunded State Mandates" (S.P. 767) (L.D. 1963)
 - In Senate, Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.
 TABLED - March 9, 1992 (Till Later Today) by Representative JOSEPH of Waterville.
 PENDING - Acceptance of Either Report.

On motion of Representative Joseph of Waterville, retabled pending acceptance of either report and specially assigned for Wednesday, March 11, 1992.

The Chair laid before the House the seventh item of Unfinished Business:

Bill "An Act Creating the Victims' Compensation Board" (H.P. 1265) (L.D. 1834)
 -In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-965) as amended by Senate Amendment "B" (S-599) thereto in non-concurrence.
 - In House, Reconsidered whereby House Receded and Concurred.
 TABLED - March 9, 1992 (Till Later Today) by Representative ANTHONY of South Portland.
 PENDING - Further Consideration.

On motion of Representative Paradis of Augusta, the House voted to recede.

The same Representative offered House Amendment "C" (H-1074) to Committee Amendment "A" (H-965) and moved its adoption.

House Amendment "C" (H-1074) to Committee Amendment "A" (H-965) was read by the Clerk and adopted.

On further motion of the same Representative, Senate Amendment "B" (H-599) to Committee Amendment "A" (H-965) was indefinitely postponed.

Committee Amendment "A" (H-965) as amended by House Amendment "C" (H-1074) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-965) as amended by House Amendment "C" (H-1074) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Ensure the Retention of Utility Easements in Foreclosure Proceedings (H.P. 1419) (L.D. 2031) (C. "A" H-1023) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-1055) to Committee Amendment "A" (H-1023).

Subsequently, House Amendment "A" (H-1055) to Committee Amendment "A" (H-1023) was adopted.

Committee Amendment "A" (H-1023) as amended by House Amendment "A" (H-1055) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1023) as amended by House Amendment "A" (H-1055) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be

Rendered in Fiscal Year 1992-93" (EMERGENCY) (H.P. 1713) (L.D. 2398) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Cashman of Old Town offered House Amendment "A" (H-1062) and moved its adoption.
 House Amendment "A" (H-1062) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-1062) and sent up for concurrence.

On motion of Representative Heeschen of Wilton, the House voted to reconsider its action whereby (H.P. 1644) (L.D. 2307) Bill "An Act to Clarify the Definition of Certain Vehicles for Insurance Purposes" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1070) was passed to be engrossed.

Subsequently, the Committee Report was read and accepted, the bill read once.

Committee Amendment "A" (H-1070) was read by the Clerk.

On motion of Representative Heeschen of Wilton, tabled pending adoption of Committee Amendment "A" (H-1070) and specially assigned for Wednesday, March 11, 1992.

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

SENATE PAPER

Bill "An Act to Improve Educational Public Broadcasting Statewide" (EMERGENCY) (S.P. 945) (L.D. 2409)

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

Was referred to the Committee on Education in concurrence.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(S.P. 894) (L.D. 2299) Bill "An Act Relating to Legislative Confirmation Hearings" Committee on State and Local Government reporting "Ought to Pass"

Under suspension of the rules, Consent Calendar Second Day notification was given, the Senate Paper was passed to be engrossed in concurrence.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-1066) on Bill "An Act to Provide a Private Remedy for Violation of the Lead Poisoning Control Act" (H.P. 1515) (L.D. 2127)

Signed:

Senators: BERUBE of Androscoggin
HOLLOWAY of Lincoln
GAUVREAU of Androscoggin

Representatives: KETTERER of Madison
CATHCART of Orono
RICHARDS of Hampden
STEVENS of Bangor
FARNSWORTH of Hallowell
PARADIS of Augusta
ANTHONY of South Portland
COTE of Auburn

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

Signed:

Representatives: HANLEY of Paris
OTT of York

Reports were read.

Representative Paradis of Augusta moved that the House accept the Majority "Ought to Pass" Report.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: L.D. 2127 does promote a very worthy goal to bolster remedial measures on those residences containing lead paint.

The reason I voted "Ought Not to Pass" was because there was something troubling and uncomfortable about the way this bill made a convoluted pass through the process. On January 22nd of this year, this bill was heard in front of the Agriculture Committee. Only one individual, after consulting with the Committee Clerk, spoke in favor of this bill. It was Carl Flora from the Department of Agriculture. His only point was that the bill should be referred to the Judiciary Committee.

This bill had a work session that same day and in fact the bill was referred to the Judiciary Committee. When the bill made it up to the Judiciary Committee, we did not hold a public hearing on this bill, we held only a work session and Jim McKenna from the AG's office came over and discussed it.

My problem is that the only way that this process works with 19 Joint Standing Committees with over 2,000 bills is if people within our own caucus raise red flags for us when there could be some potential problem with legislation.

As I started my testimony out this morning, I said that this does promote a very worthy and laudatory goal. I am just not sure if all the parties that would be impacted and there are any residential homes containing lead paint, your Bed and Breakfast places, any residence now which has lead paint where they would be under the Lead Poison Control Act which is enforced by the Attorney General's office, the shift is now to the Unfair Trade Practice Act. What that allows is for civil litigation by the private bar for any violations of the Lead Poison Control Act.

My concern is if this bill does become a law, 90 days from the Governor's signature, that this will be one of those bills where you get calls from your constituents saying, "How in the world did you let this thing go through?" This could potentially be the lawyers relief act of 1992. There are thousands and thousands of homes out there with lead paint, lead paint has been around for over 100 years.

I made the motion to the committee to put this off and have this bill reintroduced in the 116th, let it go through the public hearing process and let everyone have an opportunity to provide input. If after weighing the pro's and con's we feel it is beneficial, then let's go through with it. I felt uncomfortable at this point in time having not had a thorough public hearing and kind of being rushed through the process that this might be a bill that rears its ugly head in September or October and bites the legislature on the backside. There is nothing against the goals of the bill, it is just the way it made it through the process and the lack of input from the public.

I would ask for a Division, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: For the Record, I would just add that when a bill has a hearing and no one opposes the bill, as this bill was heard before the Joint Standing Committee on Agriculture, then submitted to the Committee on Judiciary for a work session and only one person appeared, Assistant Attorney General James McKenna to support the bill, that I don't call that a real lack of input into the measure. It is a department bill submitted by the Department of Agriculture. The Attorney General's office was there to support the bill.

I think what it says is that there is pretty much unanimity that those who are outside this body who are supporting the bill for a very real reason is that we have made several cuts now in the Office of Consumer Fraud in the Attorney General's office and they can no longer litigate on the behalf of consumers and others on every single action that violates this lead paint poison issue.

If we make an exception in this bill, which the Department of Agriculture is asking us, private individuals can now bring a cause of action if it is within their scope. They have some sort of a cause for remedy against people who are failing to abide by agreement to remove lead paint. That could be a school that has lead paint and the school and the contractor has agreed to remove it and they are not removing it. It is not just one individual, it could be a group of individuals asking people to live up to their contract to remove lead paint which we all know is a major cause of brain damage in young people in this state and in this country.

I support the bill and it is a Majority Report, as you noticed from the report the Clerk just read. I think it is good legislation to allow this and I don't see it as a lawyers relief act, heaven knows, I think they are doing very well for themselves in this state and they don't need another bill to help them along and I wouldn't support it if that were the case. I just think this makes sense to allow some cause of action to make sure that we remove as quickly as we can the lead paint that is in our public and private places.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I asked that my file be brought down from upstairs thinking that I had a ream of material in there that I could espouse on on lead poisons and everything else for this House and they would want to listen for about an hour, but lucky for you, it is very thin.

I have in the past -- in fact when I started out doing my practice, I did a lot of consumer action cases that were under the Unfair Trade Practices Act. A typical case that I had was where somebody came to me that had purchased a house. The people who had sold the house guaranteed a septic system or a realtor said that the septic system was in perfect working order or good working order or whatever. Come to find out, the septic system was not working at all and, in one case, there was no septic system. That is called a Bad Faith Act under the Unfair Trade Practices Act. Now, we can have a slew of those cases that go to the AG's office. We can wait a year and a half, not because they don't do good work, it is because they are overburdened with work. Most of the work they are overburdened with deals with bad car cases, lemon car cases, used cars that also falls under the Unfair Trade Practices Act.

What the Unfair Trade Practices Act does is give incentives to the private bar to take cases and to provide a quicker relief to consumers to deal with things that are a violation of that act. All this bill does is extend to the private bar the ability to act as sort of (you might say) a private attorney generals (as it is often quoted to be) in dealing with things with lead paint or violations of the Lead Poison Control Act.

I don't think I need to tell anyone here the dangers of lead and what it does. It is not one of those chemicals that we take in our system, assimilate it and we discard it through our bodily functions and are done with it. Lead paint or any type of lead poisoning, once it gets into the system, accumulates and increasingly does damage as time goes on. Children are the most susceptible to that because they are exposed to lead paint by walking or crawling on a floor or playing with toys and are not as alert with their hygiene as adults are.

Essentially all this bill does is throw something out to the private bar to take care of acts that the Attorney General's office ordinarily would do. With respect to it being a lawyers relief act, I can tell you about five percent of the cases that I have done in my years of practice in this area that I have not gotten rich. I have done a lot of consumer cases and most often it is the client who has paid the fee as opposed to the other party because most of the cases are settled.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of

Representative Paradis of Augusta 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.

59 having voted in the affirmative and 22 in the negative, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-1066) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 11, 1992.

Divided Report

Tabled and Assigned

Eight Members of the Committee on Banking and Insurance on Bill "An Act to Authorize More Accessible and Affordable Medical Insurance for Small Employers" (H.P. 1546) (L.D. 2179) report in Report "A" that the same "Ought Not to Pass"

Signed:

Senator: McCORMICK of Kennebec

Representatives: MITCHELL of Vassalboro
TRACY of Rome
KETOVER of Portland
JOSEPH of Waterville
RAND of Portland
PINEAU of Jay
ERWIN of Rumford

Four Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass"

Signed:

Senator: BRAWN of Knox

Representatives: CARLETON of Wells
GARLAND of Bangor
HASTINGS of Fryeburg

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-1069)

Signed:

Senator: KANY of Kennebec

Reports were read.

Representative Mitchell of Vassalboro moved that the House accept the Report "A" "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending her motion that the House accept Report "A" "Ought Not to Pass" and specially assigned for Wednesday, March 11, 1992.

On motion of Representative Garland of Bangor, Adjourned at 11:45 a.m. to Wednesday, March 11, 1992, at ten o'clock in the morning.
