

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 2, 1992 to May 13, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
21st Legislative Day
Thursday, February 25, 1993

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

Prayer by Reverend Douglas Drown, First Congregational Church, Bingham.

The Journal of Tuesday, February 23, 1993, was read and approved.

At this point, Representative Michaud of East Millinocket was appointed to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

SENATE PAPERS

Bill "An Act to Repeal the Laws Allowing Legislators to Participate in the Maine Legislative Retirement System and to Receive State Employee Benefits" (S.P. 186) (L.D. 622)

Came from the Senate, referred to the Committee on **Aging, Retirement and Veterans** and Ordered Printed.

Was referred to the Committee on **Aging, Retirement and Veterans** in concurrence.

Bill "An Act to Continue Certain Provisions of the Seed Certification Laws That Encourage the Development of New Varieties" (S.P. 175) (L.D. 589)

Bill "An Act to Extend the Repeal Date of the Laws Governing Biosynthetic Bovine Somatotropin" (EMERGENCY) (S.P. 198) (L.D. 634)

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

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

Bill "An Act to Amend the Laws Regarding the Purchase of Insurance" (S.P. 189) (L.D. 625)

Bill "An Act Related to Mortgage Companies" (S.P. 177) (L.D. 591)

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 Amend the Mechanic Lien Laws" (S.P. 197) (L.D. 633)

Bill "An Act to Amend Maine's Unclaimed Property Act" (S.P. 185) (L.D. 621)

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

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

Bill "An Act to Clarify the Appointment, Powers and Duties of Building Committees" (S.P. 178) (L.D. 592)

Bill "An Act Related to Parenting Education" (S.P. 179) (L.D. 593)

Bill "An Act to Allow for the Expenditure of Certain School Construction Funds Elsewhere in the District" (S.P. 192) (L.D. 628)

Bill "An Act to Make Corrections to the Salary Reductions Authorized in Public Law 1991, Chapter 780, Part III" (EMERGENCY) (S.P. 203) (L.D. 639)

Bill "An Act to Provide Funding for School Bus Purchases" (S.P. 204) (L.D. 640)

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

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

Bill "An Act to Prevent Mortgage Foreclosures" (S.P. 193) (L.D. 629)

Resolve, to Direct the Bureau of Taxation to Establish Economic Impact Criteria for the State Procurement Process (S.P. 201) (L.D. 637)

Came from the Senate, referred to the Committee on **Housing and Economic Development** and Ordered Printed.

Were referred to the Committee on **Housing and Economic Development** in concurrence.

Bill "An Act Regarding Licensing Regulations for Boarding Care Facilities" (EMERGENCY) (S.P. 181) (L.D. 595)

Bill "An Act to Clarify What Constitutes an Emergency Regarding Disconnection of Utility Service for the Emergency Assistance Program" (S.P. 184) (L.D. 620)

Bill "An Act to Amend the Long-term Care Ombudsman Program" (S.P. 190) (L.D. 626)

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

Bill "An Act to Amend the Adult Protective Services Act" (S.P. 191) (L.D. 627)

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

On motion of Representative Treat of Gardiner, was referred to the Committee on **Judiciary** in non-concurrence and sent up for concurrence.

Bill "An Act Establishing an Indigent Defense Reimbursement Fund" (S.P. 174) (L.D. 588)

Bill "An Act to Amend the Statutory Provisions Governing the Time and Method of Paying Restitution" (S.P. 176) (L.D. 590)

Bill "An Act Relating to the Evaluation of Juveniles Prior to Court Placement Out of Their Homes" (S.P. 187) (L.D. 623)

Bill "An Act to Protect the Identity of Minor Witnesses in Criminal Trials" (S.P. 196) (L.D. 632)

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 Limit Contributions Candidates May Receive from Political Action Committees" (S.P. 180) (L.D. 594)

Bill "An Act to Amend the Liquor Laws" (S.P. 194) (L.D. 630)

Bill "An Act to Allow Certain Minors on the Premises of Class A Lounges" (S.P. 199) (L.D. 635)

Bill "An Act to Prohibit the Charging of Rents in Advance" (S.P. 200) (L.D. 636)

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

Were referred to the Committee on **Legal Affairs** in concurrence.

Bill "An Act to Limit Conflicts of Interest and Ensure Objective and Qualified State Consultants" (S.P. 188) (L.D. 624)

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

On motion of Representative Joseph of Waterville, tabling pending reference in concurrence and later today assigned.

Bill "An Act to Conform the Maine Tax Laws for 1992 with the United States Internal Revenue Code" (EMERGENCY) (S.P. 173) (L.D. 587)

Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) (S.P. 182) (L.D. 596)

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 183) (L.D. 597)

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

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

Bill "An Act to Protect Consumers when Disconnecting Cable Television Services" (EMERGENCY) (S.P. 195) (L.D. 631)

Bill "An Act to Modify Public Utilities Commission Practice and Rules of Evidence" (S.P. 202) (L.D. 638)

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

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

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient and Less Costly to Maine Taxpayers" (S.P. 58) (L.D. 79)

Signed:

Senators: BERUBE of Androscoggin
BUTLAND of Cumberland

Representatives: JOSEPH of Waterville
KILKELLY of Wiscasset
GRAY of Sedgwick
DUTREMBLE of Biddeford
AHEARNE of Madawaska
ROWE of Portland
WALKER of Blue Hill
LOOK of Jonesboro

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

Signed:

Representatives: BENNETT of Norway
YOUNG of Limestone

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.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: In the chamber of the other body, there hangs on the wall an immense portrait of our 16th President, Abraham Lincoln. In these difficult and changing times, many in government across this nation have turned to the wisdom and reassuring comfort of his timeless utterances. We have heard countless quotations from Lincoln (I believe it was his second inaugural address) in which he said "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty. As our case is new, so we must think anew and act anew."

These words were echoed by our Speaker, Speaker Martin, in the opening weeks of this legislature. He said, "We have before us a tremendous outpouring of ideas from our citizens on how we can remake our government so it reflects the best our state can offer — from legislators, educators, private citizens and, this year, from the Governor as well. We need to be prepared to take some chances, and be ready to challenge some of our most cherished beliefs and prejudices. We can, if we will, be bold in trying new ideas or even old ideas that were once rejected because they were considered too daring or unacceptable or because they were not the way things are done."

Members of the House, we hear the words "sacrifice, pain, contribution and change" more and more with respect to government. The covenant of trust between government and the people is frayed and tattered. It is as true here in the State House in Augusta as it is in the corridors of power in Washington.

This bill, by calling for dramatic leadership by this legislature, promises to help restore that trust, increase opportunities for legislative participation and stem the relentless tide toward a full-time professional legislature. Simply put, this bill would, within the context of statute, shorten legislative sessions, limit legislative business on Friday's, except during the crunch time at session's end, move cloture to an earlier date and cut legislators pay by 20 percent.

As we learned in committee, these initiatives are not popular in the State House, this is dramatic action. As President Clinton has reminded us so frequently in recent months, "change is always difficult."

Several times during testimony on this and many other bills before the State and Local Government Committee, as the members will attest, witnesses eyes seemed to drift upward away from our faces in the committee membership toward the State Seal, which rests high above our heads in Room 334. There is one blazing word that stretches across the seal, a Latin word, but we all know it well — "Dirigo", meaning "I lead." I submit that that is a message, a reminder to us all in state service that we must lead. We were elected to lead and this bill gives us the opportunity to lead.

This bill allows leadership on a measure that is

popular but, above all, will mean a reaffirmation of our cherished citizen legislature and an expanded opportunity for the working people of Maine to run for and hold legislative office. Many people on both sides of the aisle will remember the able and constructive service and participation in this body of former Representative Dan Warren of Scarborough who served in the mid-80's. Representative Warren, a Democrat, and many other capable individuals were forced to retire from legislative service, not by term limits, but by something far more pernicious, the steady erosion of our citizen legislature.

Let me quote a letter from Representative Warren to his colleagues dated March 15, 1988 upon his decision not to seek re-election. He said, "The reason for my decision is simple, the Maine Legislature has become a full-time body when it is in session for all practical purposes. When I was elected four years ago, this was not the case. During the first few months of the session each year, January, February, and March, a legislator might have been required to be at the State House two or three days a week and perhaps a couple afternoons as well for hearings on bills. This has all changed and this creates a problem for many citizen legislatures." He goes on and says, "The citizen, part-time legislature is a good thing. I hope Maine keeps one. Taxpayers and residents are served well when farmers, surveyors, accountants, teachers, mill workers, private investigators, insurance sales person, young people, retired people and even a couple of lawyers make up the legislature."

Friends and Colleagues, 28 other states with greater population than Maine has legislatures that meet for shorter periods. If this bill passes, 15 of those states will still have longer sessions. Undoubtedly, this bill will necessitate some other changes in the way we do our business, some refinement, some improved efficiency, but I am convinced that we can make those changes, but first we must lead.

President Kennedy said it best in his 1960 acceptance speech when he said, "that courage, not complacency, is our need today; leadership, not salesmanship." I ask you today respectfully to vote against the Majority "Ought Not to Pass" Report so we can go on and vote for the "Ought to Pass" Report and lead for this state.

Mr. Speaker, I ask for the yeas and nays.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: Change is important, change will come and change continues to happen in the Maine Legislature. Fresh ideas are invited, fresh ideas are listened to and new approaches to doing business for the people of the State of Maine continue to happen in the Maine Legislature.

This bill proposes change and it is the feeling of the majority of the State and Local Government Committee that we do not need a statute, a law, on the law books of the State of Maine to make change happen. This bill has been introduced to the State and Local Government Committee and, therefore, to this body and the other other body in the 113th Legislature, in the 114th Legislature, and in the 115th Legislature and it is because of these new ideas, fresh ideas and new approaches, that we now have an open process and we are seeing some of that change.

The legislature, as a body, met its budget cuts in FY92. Legislative salaries rank in the bottom third of the 50 states and the legislative budget is less than one-half of one percent of total state spending. Changes and reforms are currently taking place in the Rules Committee. As the Rules Committee has offered to us changes in the rules that we adopt in each legislative session and will continue to meet to propose changes to this body, it is the feeling of the majority of the State and Local Government Committee that that would be the way in which change should happen.

We also noticed in this citizen legislature that we have been meeting on Tuesday's and Thursday's and Legislative Council and leadership has tried to accommodate our personal schedules and our professional schedules as well as our legislative schedules.

We were told by the opponents of this bill that the next day we would be meeting would probably be a Wednesday. We try not to meet on Friday until it is essential and some committees are busier than others and, therefore, some committees have work sessions and hearings two or three days a week, depending upon the bills that are referred to that committee.

So yes, we are a proponent of change because change is progress. Some people resist change but we should all look with open hearts and open minds as to how we could continue the rich history of the Maine Legislature, a citizen legislature.

I would urge all of you to vote with the majority of the State and Local Government Committee and vote the "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Members of the House: Before I begin, I just want to thank briefly the Representative from Vassalboro, Representative Mitchell, the Representative from Gray, Representative Carroll, and the Representative from Madawaska, Representative Ahearne, for teaching me everything I know about getting recognized and standing up and I want you to notice that they are all Democrats.

With Representative Bennett, I also want to recommend to you members of the House that you defeat the Majority "Ought Not to Pass" on this bill for several reasons. I recognize that 20 percent is a big sacrifice to make in legislative salaries. Last week, we passed a Supplemental Budget that takes 4 percent out of Aid for Families with Dependent Children. That situation is probably going to be revisited in the biennial budget. We are going to hurt a lot of people in this state over the next six months in coming up with a budget.

If you look at the total legislative salaries, the total package we have, our benefits package, we are making more money in terms of that total package than some full-time employees in this state, some of the very people in my district, so I recognize that we are asking for a big sacrifice here but I don't think it is out of order with some of the sacrifices that are going to have to be made by others.

I heard an argument that this is one way to solve the problem but there are other ways and we perhaps ought to pursue rule changes — I think we have a bill right in front of us and it gives us an opportunity to take significant action and to send a significant signal to the people of Maine that we are willing to step up to plate and make the same kinds

of sacrifices that we expect of everyone else.

So, Mr. Speaker and Members of the House, I do respectfully urge you to defeat the Majority "Ought Not to Pass" Report.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Apparently, these new members were not here 40 years ago. I first got a dose of this legislature when I was only about 15 years old. I went up into the gallery and there was a lot of smoke from cigars all over this place so you could hardly see the members. Back in those days, they met every two years for about four months and they got about \$400 a year for that one session. In all due respect, I can't be sued because most of them are gone but the quality that you had sitting in these seats was appalling. Some of them had to be told to come to Augusta, how to get to Augusta.

It seems that every time something doesn't go right with the Minority Party, they want to change it. For years and years, Maine used to have what they called the Big Box or either vote right down the list. They didn't like it so they had that changed because of what happened in 1964. The Republicans dug up some character from Arizona to run for President, I thought only Democrats did that, it was such a landslide that both Houses here became overwhelmingly Democrat. They did away with that after they did away with the Big Box and the Democrats controlled the House of Representatives since that time. It will probably stay that way.

Maybe the two gentlemen who just spoke can live on \$12,000 a year but I have the good Mrs. home, I don't think she should have to go to work at 71 years old. Anybody who claims they are making money on this, I wish they would tell me.

This is the first time you have had a legislature where they can spend the time needed to take care of their constituents. What's going to happen if you have these part-time, two month's people, they are going to do the very thing that many people do when they get here, they forget awfully quick who sent them here.

I read in the morning paper that the good Senator from the other body made the statement — any of these new people who can tell me that they can go home in June and forget about it until next November, I want to see it. Just look at your phone bill after June and how many trips you take for different people if you are going to serve your people. I don't think money is the situation but if anybody figures they can do it by April 1st to get out of here, I would be more than glad to have both of these gentleman that just spoke to come and help me as chair of a committee. A chair works twice as much as any other member. If it was possible, I would be more than glad to use anybody in either party to help me out as chair, but if you want to go back to the days where there was no glass between the back and this body, that there was a piano up on the fourth floor that was used all the time, that all of the decisions were made in the Augusta House by the big lobbyists, (Central Maine Power and some of those) let's go back to that. If you tell me that I am going to have to work for \$14,000 for two years and be out of here in 30 days the first session and 15 days the next, go right ahead, because you know who is going to the work? The lobbyists, the big power people. We have gotten away from the big power company, the big paper

companies running the show and I think there is only one thing left to do — anybody who complains — the good gentleman from Norway read a letter from a former colleague in the House, I remember the young fellow, he made a decision he wanted to be an attorney, open up a law practice, that was his decision. Then he decided to run for the House and he decided they were too conflicting, that was a decision he made. There are many sacrifices that I have to make to come here but that is a decision I make. If anybody feels that they can't both, their business at home and this, one of the two should go, but don't turn around and try to make it a joke by saying I am in Augusta one day a week, I am taking care of your problems.

I would say to go with the Majority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I always enjoy these bills that require us to take a look at ourselves and I commend anyone who puts those in. I may not always agree with them but I think it is very important that we continually look at how we can run things better.

I rise today as a working man. I am a custodian by trade. I do not have a college education. I was one of six kids growing up in the 50's, a working man class in those days, you either went to work or you went in the service. I went in the service and came back and went to work. I have no qualms about that, I made my own decision and I am very proud to be working man. I want you to know that I make more money cleaning toilets than I do down here doing the business of the people of the State of Maine. Now, maybe that is appropriate, I don't know.

They talk about a citizens legislature — if you continue to erode what a citizen can make when they come down here, you are going to economically limit who can afford to come down here. Eventually, you will end up with folks who can't afford to be here, who have a situation where they don't have to have a job to keep the family's fire burning or the wolf away from the door, if you will.

As far as sending a message to the people of the State of Maine, I think the legislature has done just that and I am very proud of the message they sent. We have reached our budget cuts and exceeded them every time. I would like to see the two other branches of government, Judicial and Executive, do the same. This past time we made a 103 percent cut. In other words, we made our cuts and we added three percent more. This is my fifth year here, I am now making less money at this job than when I started four years, five years ago.

Times are tough, no question about it, we are all cutting back, but we have to be realistic about it, it takes a certain amount of revenue to keep this process moving. The Legislative Branch is the people's branch and I am very suspicious of bills that come in that want to weaken that branch.

Once again, I want to reiterate that I commend those who put bills in, I think it is important that we always continually look at this process but I am going to tell you, as this working person, if the salary and the benefits as low as they are continue to erode, it will force me out of this process. I have to wonder if that is not stepping on my constitutional rights as a citizen. We need to keep this process open, we are already very low paid.

When most people that I talk to find out what we actually get paid for two years, they say, "You must be an idiot to do that job." Well, I think they are partly right on that but I enjoy being down here and I want to continue to be down here and I think it is important that we have a wide spectrum of people, not just business people, not just lawyers, not just folks who can afford to be here.

Once again, I appreciate those who continually make us look at this process but I urge you to vote against this. I can't see where this is going to make this process any stronger or any more efficient.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I rise to ask you to look at the piece of legislation, I am not going to address the pay, I think we all have that in our own minds.

I want you to look at what else the bill calls for. It calls for a short session, and as we understand it, shorter than what we have been used to in the last several years. Stop and consider the volume of legislation that we have been presented with over these last few sessions. It would be impossible to handle the volume of legislation that we have in a short a session as is proposed. My feeling is, until we can make a change and possibly reduce or condense the legislation that we are asked to consider, that it is impossible to take these steps at this time. There is legislation that is being proposed in this session that would help us to do that and, for that reason, I have signed on the "Ought Not to Pass" position. I ask each of you to search your minds and, realizing what this bill contains, act accordingly.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: We have a bill before us that deals with leadership in difficult times. We just passed a bill that required a sacrifice of those that are probably the most disadvantaged in our state. How can we in straight face disapprove of this bill and be hypocritical? Those that lead, that are the best leaders, are the ones that lead by example. All we are asking is that we sacrifice ourselves here.

The Maine Legislature is not a full-time position. I realized that when I ran and I only ran for two terms. I felt that that was what I could do as civil service to my state. I never came up here for the financial reward and I put my career on hold. I came back because I saw that there was a vacuum in leadership and, with difficult decisions on the horizon, then they had to be dealt with and I felt that I was the best person for that in my district. Money had no factor.

The decisions that loom ahead of us are monumental compared to the ones that we have behind us and how can we deal with those, credibly, and disregard our opportunity to show leadership by example? The Maine Legislature is per capita one of the most expensive legislatures in the country, not because of the salary received, I agree with you, it is paltry, but the cost to the taxpayers is approximately \$75,000 for every one of us here. Now that is the expenditure to run this legislature divided by the amount of people in this body and that is the way we have to look at it.

If we want to be a citizens legislature, let's get real about this. We all have other occupations

that we pursue and we all have a genuine interest in our constituency. The four years that I was not here, I still served the people in my district because my phone rang constantly and the person who ought to receive my paycheck probably should be my wife because she does a lot of constituent work, as your spouses do. We are here for a higher calling and we shouldn't be here with a tenure that we feel is our occupation. Civil service of this area is not an occupation, it is a pursuit for the benefit of everyone in the State of Maine. Let's look at it that way and let's just get this aside here, we are up here for the good of everyone. If we can't lead by example, then I believe we should not be here.

Let's vote against the pending motion and vote for leadership.

The SPEAKER PRO TEM: 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 PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to reiterate and go along — first of all I agree with the Representative from Lisbon that my wife is probably going to skin me for the position I am going to take today because she thinks we are underpaid for the amount of work we do, but I also agree with our new President that we need to start at home. Our first decision to cut should start with us. The shared sacrifice that is talked about frequently can only be done by us providing the leadership and showing when we ask other people to accept less, do more with less, that we have got to start at home. We have to start with us.

I understand the point that the good Representative from Eastport made. As a working person myself or now an unemployed person, the paycheck is significant. I think we still need to look beyond our own personal positions, our own personal gains, and look to the example and the message we are sending to the people of this state.

I think it is very important that, once again, we look to the President who is setting the tone for our country and the shared sacrifice must begin with us. One of the first things the President did was cut the White House staff and the White House motor pool, which is significant to his safety and his ability to continue with his constituents. He felt the responsibility to take more of that upon himself and I feel that we should do the same.

Thank you for your consideration and I hope you will vote with me against the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Men and Women of the House: It appears we are looking in three different directions all at once.

I commend those young people who are looking ahead. They are looking in the right direction.

I can understand the good gentleman from Lisbon when he looks back but I would remind him I can look back quite a lot further in history than he can. I don't look back very often because I think the future

is going to be better than the past and these young people are going to make it so. But, somewhere along in this discussion, I heard words of wisdom from the lady from Jonesboro. I think if we really want to save money, we should demonstrate, first of all, that we can do our work in a shorter period of time, we don't need a law. If you think we can get our business done by the first of April, go for it. But, first of all, I think we should demonstrate that we can do this before we change the legislation.

I hope that you will support the motion "Ought Not to Pass."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I will be very brief. I also commend those who have expressed concern that the sacrifice has to begin at home and that the Legislative Branch needs to be a part of that process and that we are going to have expectation of equal sacrifice across state government.

I also think we have sacrificed and have led by example. I want to share some figures with you to demonstrate that point. The reality is that the Executive Department's budget has grown approximately four times faster in the last two decades than the Legislative budget has. In the last ten years, our budget is still less than one percent of the entire state budget. The legislative budget is specifically less than one percent so we are really talking about a marginal expenditure of dollars compared to the entire chunk of state government.

The salaries for Maine legislators ranks less in the lower 50 of the states and continues to do that despite the increases that we have seen in some other states in adjustments in a variety of areas.

There has been some suggestion that we need to lead by taking cuts. Representative Townsend indicated that in the last biennial budget process, while each branch of government was asked to meet a certain percentage of cuts, only the Legislative Branch of government was able to meet its percentage. We cut our budget by 103 percent while the Judicial Branch cut its budget by 72 percent and the Executive Branch cut its budget by only 60 percent of its goal. We have exceeded our goals and continue to do that each and every time we have been asked to do that.

Let me give you a couple of dollar amounts in a history of the past several years. In 1990, we cut our budget by \$635,000; in 1991, we cut our budget by \$2.3 million; in 1992, we cut our budget by \$1.3 million; in 1992, we cut an additional \$232,000 during one of the additional supplemental requests that we had to go through; in 1993, we cut our budget by \$1.5 million. Again in 1993, we reduced our budget by an additional \$1.4 million. Since 1990, we have cut our budget by \$7.5 million. Our budget now is less than what it was in 1990. In the most recent supplemental budget, we took another \$2 million out of our budget requests (more than any other department of state government) to supply that supplemental budget. We have eliminated or frozen some 25 staff positions. The across-the-board cuts that have also applied to state government have also applied to the Legislative Branch in terms of salaries, those making over \$50,000. Legislators have cut their salaries by 5 percent in previous legislatures. We have cut our constituent allowance

by 10 percent, as you know. The biennial budget that we are dealing with now is coming up and we may be revisiting those same issues again as we begin to present a legislative budget to the Appropriations Committee. We have reduced expenses paid to legislators in the last two years by \$350,000. Out of the pockets of legislators, we have cut some \$270,000 from printing costs in 1991, another \$196,000 later in the year as postage cost. We have led by example, ladies and gentlemen of this House, we have sacrificed, we have done more than our share compared to the other branches of government. It doesn't mean that we shouldn't still look for ways to sacrifice — in fact I think the most appropriate function for that to happen is that there is a subcommittee of the Council of D's and R's made up of members of leadership who are going to be making recommendations to the Appropriations Committee for our 1994-95 budget. We have some drastic reductions we are going to have to make again in our legislative budget. There is a process in place. I think that process takes place with D's and R's working together, not by individual pieces of legislation floating through the process designed to make those changes. I think the process needs to be reasonable, deliberative and that is why I don't agree with proceeding with this.

Also in this bill, as Representative Look pointed out, there is a change in ending the session in April versus ending the session in June. I am not sure any one of us realistically think we can get our work done in April, given the demands and changes and expectations on each of us as legislators over the past several years. Society is much more complicated and demands on your time are much more complicated.

I know the sacrifices you are making at home financially to serve in this legislature. I know the sacrifices of privacy that you are giving up at home to be in this legislature. I know you accepted that when you ran for this legislature. I think we have sacrificed, we will continue to sacrifice but it doesn't mean we shouldn't look for ways to change the process, however. The Rules Committee started, they are opening up the Appropriations process, they are going to be looking at concept bill drafting so we can focus on the types of things we are doing.

As I mentioned to the State Government Committee during the hearing of this bill, in the last two years, this legislature had 5,000 hearings and work sessions. I am not sure we are getting our best bang for the buck. Out of 5,000 hearings and work sessions, I think there is a better way to do our business, but we have to determine what that is. You don't do it by just artificially reducing the time during session. You make the changes in your process to make that happen. I think there is a willingness between Democrats and Republicans to make that happen. I look forward to being involved in that process with many of you. I don't think this legislation, although well-intended, is going to accomplish that fact. I do think we have met sacrifices and I think we have led the state in that area by our example.

It is for those points that I hope you will join with Representative Joseph in voting this "Ought Not to Pass."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and

Colleagues of the House: I have a tremendous amount of respect for Representative Look in her years of service in many levels of government in this state and I believe that she is absolutely correct about our need to continue to look at reform. But, in order to lead, we need to know what direction we are going and this bill will provide a very clear statement about the direction that we (as the legislature) wish to head in.

It is very easy to find fault with various parts of this bill. The pay cut is clearly a matter of difference of opinion. I would submit to you that if you don't like parts of this bill, then let's keep it alive and we can amend it to do what this legislature wishes to do. But, it is important now, early in this session, before we are again asked to make decisions that will affect the lives and livelihoods of more than a million people across this state, to take the leadership ourselves.

The savings in this bill are not the most important aspect of it to me, although they are substantial. There are, despite the legislative pay cut, despite the \$2 million that was taken out recently of the Legislative reserves, there remains an \$834,000 reserve in the legislative budget unallocated. That isn't expected to be spent before the end of the year but, as I say, the savings in this bill are important but they are not the most significant part of this bill to me. I believe we need to open the State House doors and provide more opportunity for Maine citizens to participate in running and holding legislative offices.

If you share with me the concerns I have heard announced here today, then we should keep this bill alive, do what we want it to do, make the changes that we need to make and send it on back to the other body for eventual enactment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Members of the House: I am encouraged by the Majority Leader's suggestions and ideas for reform and he has expressed many of them to us in committee and I think it is hopeful that we are going to be able to make this significant reform in the future.

He has produced an impressive list of figures which purportedly show that we are winning the war on legislative inefficiency and cost containment but I am not convinced. I remember all of the numbers that were used during the Vietnam era to argue that we were winning that war also. I think it is pretty clear that there are significant opportunities here for us to make adjustments and I would just like to very quickly read from the fiscal note of this bill.

"Enacting this legislation would allow a General Fund deappropriation for the legislature of \$474,000 in fiscal year 1994-95. Shortening the length of the session will result in savings in the range of \$200,000 to \$275,000 in fiscal 1993-94 and \$250,000 to \$300,000 in fiscal year 1994-95." That is a significant piece of change. I can think of a lot of holes that could be filled in a lot of very important areas with that money so, once again, I urge that we not accept the Majority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: A roll call has been ordered. 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. 10

YEA - Adams, Ahearne, Aliberti, Anderson, Bailey, R.; Beam, Bowers, Brennan, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Coffman, Coles, Constantine, Cote, Daggett, Dexter, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kneeland, Kontos, Larrivee, Lemke, Libby James, Look, Lord, Marsh, Marshall, Martin, H.; Melendy, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Saint Onge, Saxl, Simonds, Skoglund, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Tufts, Vigue, Walker, Wentworth, Winn, Zirnkilton.

NAY - Aikman, Bailey, H.; Barth, Bennett, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Clukey, Cross, Donnelly, Foss, Greenlaw, Hillock, Joy, Lemont, Lindahl, MacBride, Michael, Nash, Nickerson, Ott, Pendexter, Pendleton, Plowman, Quint, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Taylor, Thompson, True, Whitcomb, Young.

ABSENT - Ault, Cloutier, Dipietro, Hatch, Jacques, Kilkelly, Kutasi, Libby Jack, Lipman, Michaud, Plourde, Rydell, The Speaker.

Yes, 100; No, 38; Absent, 13; Paired, 0; Excused, 0.

100 having voted in the affirmative and 38 in the negative with 13 being absent, the motion to accept the Majority "Ought Not to Pass" Report was accepted in concurrence.

COMMUNICATIONS

The following Communication:

Maine Council on Alcohol and Drug Abuse Prevention and Treatment
State House Station 159
Augusta, Maine 04333

February 1, 1993

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

Dear Speaker Martin:

I am pleased to present the 1993 Annual Report of the Maine Council on Alcohol and Drug Abuse Prevention and Treatment, offered to the Governor, the Legislature, the Judicial Council, and the Acting Director of the Office of Substance Abuse.

The Report is the result of many hours of analysis and discussion by members of the Maine Council. It includes an assessment of the current continuum of alcohol and other drug abuse prevention and treatment

services as well as four important focal issues the Council will address during the next few months: alcohol pricing and taxing mechanisms; the effective benefits of funding prevention initiatives; increasing student involvement in alcohol and other drug abuse prevention activities; the impact of managed care upon access to the continuum of treatment services.

As there are issues in this report which have direct impact upon your consideration of policy, we particularly want to direct your attention to the Council's priorities for 1993. We would be happy to talk with you concerning any additional information you might want, and to follow up with recommendations and proposals for action. We would welcome the opportunity to meet with you and discuss these concerns in greater detail.

On behalf of the Maine Council, I hope you find the 1993 Annual Report informative and useful.

Sincerely,

S/Granville V. Henthorne, Chair
Maine Council on Alcohol and Drug Abuse Prevention and Treatment

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

February 24, 1993

Hon. Joseph W. Mayo
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Mayo:

This is to notify you that pursuant to my authority under Chapter 854 of the Public Laws of 1991, I have today appointed Rep. Hilda Martin, of Van Buren, and Rep. Michael Fitzpatrick, of Durham, to serve on the Task Force on Defense Realignment and the Economy.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

DEPARTMENT OF LABOR
PO BOX 309
AUGUSTA, MAINE 04332-0309

February 22, 1993

Representative MITCHELL of Freeport)

Ordered Printed.
Sent up for Concurrence.

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

Dear Speaker Martin:

I am pleased to submit the Department of Labor's annual report on the Dislocated Worker Benefits (DWB) Program for 1992, in accordance with 26 MRSA section 1196, sub-section 2.

If you have any questions or comments about this report, please do not hesitate to contact me.

Sincerely,

S/Charles A. Morrison
Commissioner

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolves 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:

Aging, Retirement and Veterans

Bill "An Act Concerning Service-related Retirement for Certain Teachers" (H.P. 497) (L.D. 655) (Presented by Representative YOUNG of Limestone) (Cosponsored by Senator PARADIS of Aroostook and Representatives: AHEARNE of Madawaska, BRUNO of Raymond, CARON of Biddeford, JOY of Island Falls, MARTIN of Van Buren, NORTON of Winthrop, ROBICHAUD of Caribou, TUFTS of Stockton Springs)

Ordered Printed.
Sent up for Concurrence.

Agriculture

Bill "An Act to Amend the Authority of the State Harness Racing Commission to Contract for Certain Services" (H.P. 506) (L.D. 664) (Presented by Representative TARDY of Palmyra)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$30,000,000 for Land for Maine's Future" (H.P. 533) (L.D. 717) (Presented by

Banking and Insurance

Bill "An Act to Amend the Law Pertaining to the Termination of Credit Insurance" (H.P. 489) (L.D. 647) (Presented by Representative MITCHELL of Vassalboro)

Bill "An Act to Amend the Workers' Compensation Laws" (H.P. 530) (L.D. 714) (Presented by Representative PLOURDE of Biddeford) (Cosponsored by Senator VOSE of Washington and Representatives: AHEARNE of Madawaska, ANDERSON of Woodland, BRUNO of Raymond, CARON of Biddeford, CARR of Sanford, CARROLL of Gray, COFFMAN of Old Town, DiPIETRO of South Portland, DRISCOLL of Calais, FITZPATRICK of Durham, GOULD of Greenville, GRAY of Sedgwick, HEINO of Boothbay, HOGLUND of Portland, HOLT of Bath, HUSSEY of Milo, JOHNSON of South Portland, KILKELLY of Wiscasset, KUTASI of Bridgton, LARRIVEE of Gorham, LIBBY of Buxton, LORD of Waterboro, MELENDY of Rockland, REED of Dexter, STEVENS of Sabattus, STROUT of Corinth, TARDY of Palmyra, TUFTS of Stockton Springs, VIGUE of Winslow, Senators: BUSTIN of Kennebec, CIANCHETTE of Somerset, KIEFFER of Aroostook, LUTHER of Oxford, SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Require That the Inspection and Investigation Responsibilities of the Electricians' Examining Board Receive Funding Priority" (H.P. 490) (L.D. 648) (Presented by Representative COFFMAN of Old Town) (Cosponsored by Representatives: CLEMENT of Clinton, GRAY of Sedgwick, HATCH of Skowhegan, HOGLUND of Portland, MICHAEL of Auburn, RAND of Portland, Senators: BALDACCI of Penobscot, BUSTIN of Kennebec, LUTHER of Oxford, O'DEA of Penobscot, VOSE of Washington)

Bill "An Act to License Athletic Trainers" (H.P. 536) (L.D. 720) (Presented by Representative KNEELAND of Easton) (Cosponsored by Representatives: ADAMS of Portland, ANDERSON of Woodland, BRUNO of Raymond, JOY of Island Falls, LIBBY of Buxton, NORTON of Winthrop, ROBICHAUD of Caribou, SIMONEAU of Thomaston, TREAT of Gardiner, YOUNG of Limestone, Senator: LUDWIG of Aroostook)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Ensure Flat Funding for Local School Units" (H.P. 502) (L.D. 660) (Presented by

Representative COFFMAN of Old Town) (Cosponsored by Representatives: AHEARNE of Madawaska, CLARK of Millinocket, CLEMENT of Clinton, DAGGETT of Augusta, GOULD of Greenville, HATCH of Skowhegan, HOLT of Bath, MICHAEL of Auburn, MORRISON of Bangor, PINETTE of Fort Kent, ROTONDI of Athens, STROUT of Corinth, SULLIVAN of Bangor, TUFTS of Stockton Springs, WINN of Glenburn)

Bill "An Act to Facilitate the Conduct of Business of the Maine Technical College System" (EMERGENCY) (H.P. 508) (L.D. 666) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representatives: CLOUTIER of South Portland, JACQUES of Waterville, MARSH of West Gardiner, PARADIS of Augusta, POULIOT of Lewiston, ST. ONGE of Greene, TRACY of Rome)

Bill "An Act to Reapportion Maine School Administrative District No. 72" (EMERGENCY) (H.P. 511) (L.D. 669) (Presented by Representative TRUE of Fryeburg) (Cosponsored by Senator HANLEY of Oxford)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act Regarding Employee Benefits for School Employees" (EMERGENCY) (H.P. 535) (L.D. 719) (Presented by Representative CARLETON of Wells) (Cosponsored by Representatives: BRUNO of Raymond, CARR of Sanford, Senator: AMERO of Cumberland)

(The Committee on reference of bills had suggested reference to the Committee on Education.)

On motion of Representative Mitchell of Vassalboro, was referred to the Committee on Banking and Insurance, ordered printed and sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Amend the Shoreland Zoning Laws" (H.P. 495) (L.D. 653) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representatives: ANDERSON of Woodland, GOULD of Greenville, GRAY of Sedgwick, LEMKE of Westbrook, QUINT of Paris, TOWNSEND of Eastport, Senator: PINGREE of Knox)

Bill "An Act to Encourage the Implementation of the Solid Waste Management Hierarchy" (H.P. 525) (L.D. 709) (Presented by Representative SAXL of Bangor) (Cosponsored by Representatives: COLES of Harpswell, CROSS of Dover-Foxcroft, GOULD of Greenville, HOLT of Bath, Senator: BALDACCI of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Establish Natural Resource Enhancement Laws for the Aroostook River" (H.P. 492) (L.D. 650) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative ANDERSON of Woodland, Senator KIEFFER of Aroostook and Representative: MARTIN of Eagle Lake, Senator: LUDWIG of Aroostook)

Bill "An Act to Guide Cold-water Fisheries Management in Maine" (H.P. 494) (L.D. 652) (Presented by Representative ZIRNKILTON of Mount Desert)

Bill "An Act Regarding Doe Permits" (H.P. 505) (L.D. 663) (Presented by Representative CLARK of Millinocket)

Bill "An Act to Amend the Laws on Whitewater Rafting" (H.P. 516) (L.D. 674) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representative: MARSH of West Gardiner, Senator: WEBSTER of Franklin)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Foster the Bringing Together of Venture Capital and Innovative Business Ideas" (EMERGENCY) (H.P. 531) (L.D. 715) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Senator PINGREE of Knox and Representative: CONSTANTINE of Bar Harbor)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Prohibit Smoking in Restaurants" (H.P. 496) (L.D. 654) (Presented by Representative HILLOCK of Gorham) (Cosponsored by Senator HANLEY of Oxford and Representatives: BRENNAN of Portland, CAMERON of Rumford, HOGLUND of Portland, LEMONT of Kittery, LIBBY of Buxton, TAYLOR of Cumberland, THOMPSON of Lincoln)

Bill "An Act to Repeal the Sterilization Procedures Review Committee" (H.P. 521) (L.D. 705) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Representatives: CARROLL of Gray, RYDELL of Brunswick) (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.)

Resolve, Concerning a Special Revenue Account for Emergency Medical Services (H.P. 527) (L.D. 711) (Presented by Representative CARROLL of Gray) (By Request)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Regarding Priorities in the Probate Code" (H.P. 491) (L.D. 649) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative: PARADIS of Augusta)

Bill "An Act to Charge a Fee for Superior Court and District Court File Searches for Criminal Convictions" (H.P. 499) (L.D. 657) (Presented by Representative COFFMAN of Old Town) (Cosponsored by Representatives: ADAMS of Portland, CARROLL of Gray, HATCH of Skowhegan, HUSSEY of Milo, MARSHALL of Eliot, MICHAEL of Auburn, Senators: BALDACCI of Penobscot, HANDY of Androscoggin, LUTHER of Oxford, VOSE of Washington)

Bill "An Act to Amend the Laws Governing Sexual Exploitation of Minors" (H.P. 507) (L.D. 665) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Senator AMERO of Cumberland and Representatives: BRUNO of Raymond, DUTREMBLE of Biddeford, GRAY of Sedgwick, MARSH of West Gardiner, PENDEXTER of Scarborough, PLOURDE of Biddeford, TARDY of Palmyra, VIGUE of Winslow, Senators: BUTLAND of Cumberland, SUMMERS of Cumberland)

Bill "An Act to Amend the Provisions of the Probate Code Providing Filing Fees and Duties of Registers of Probate" (H.P. 515) (L.D. 673) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative: PARADIS of Augusta)

Bill "An Act Concerning Disclosure of the Names of Criminal Suspects" (H.P. 528) (L.D. 712) (Presented by Representative COLES of Harpswell)

Bill "An Act to Exclude Law Enforcement Agencies in Cumberland County from the Laws Requiring a Single-warrant Repository" (H.P. 529) (L.D. 713) (Presented by Representative LARRIVÉE of Gorham) (Cosponsored by Representatives: CARROLL of Gray, CLOUTIER of South Portland, Senator: ESTY of Cumberland)

Bill "An Act to Amend the Recording Requirements for Proceedings Involving Real Estate" (H.P. 534) (L.D. 718) (Presented by Representative FARNSWORTH of Hallowell)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence" (H.P. 509) (L.D. 667) (Presented by Representative COFFMAN of Old Town) (Cosponsored by Representatives: CLEMENT of Clinton, HATCH of Skowhegan, TRACY of Rome, Senators: BUSTIN of Kennebec, HANDY of Androscoggin, LUTHER of Oxford, O'DEA of Penobscot)

Bill "An Act Concerning the Maine Unemployment Insurance Commission" (H.P. 523) (L.D. 707) (Presented by Representative PENDEXTER of Scarborough) (Cosponsored by Senator BEGLEY of Lincoln and Representatives: AIKMAN of Poland, RUHLIN

of Brewer)

Bill "An Act to Change the Labor Laws that Apply to Students under 18 Years of Age" (EMERGENCY) (H.P. 524) (L.D. 708) (Presented by Representative PINEAU of Jay) (Cosponsored by Senator CAREY of Kennebec and Representatives: LIPMAN of Augusta, REED of Falmouth, RUHLIN of Brewer)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Amend Election Laws" (H.P. 517) (L.D. 675) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representatives: CARON of Biddeford, PLOURDE of Biddeford, REED of Dexter, TARDY of Palmyra, Senator: BUTLAND of Cumberland)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Require Legislative Oversight of Agency Rulemaking" (H.P. 510) (L.D. 668) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representatives: DiPIETRO of South Portland, GOULD of Greenville, KERR of Old Orchard Beach, PLOURDE of Biddeford, SPEAR of Nobleboro, Senator: CIANCHETTE of Somerset)

Ordered Printed.
Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Protect Private Property" (H.P. 514) (L.D. 672) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representatives: CLUKEY of Houlton, STEVENS of Sabattus, TUFTS of Stockton Springs)

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

On motion of Representative Joseph of Waterville, tabled pending reference and specially assigned for Tuesday, March 2, 1993.

Appropriations and Financial Affairs

Bill "An Act to Reimburse Municipalities for Forest Fire Suppression Costs" (H.P. 520) (L.D. 704) (Presented by Representative STROUT of Corinth) (Cosponsored by Representative SPEAR of Nobleboro and Representatives: ANDERSON of Woodland, CARROLL of Gray, CLARK of Millinocket, CROSS of Dover-Foxcroft, DEXTER of Kingfield, DiPIETRO of South Portland,

HEINO of Boothbay, HICHBORN of Howland, HUSSEY of Milo, LOOK of Jonesboro, LORD of Waterboro, PLOURDE of Biddeford, REED of Dexter, ROTONDI of Athens, TARDY of Palmyra, THOMPSON of Lincoln, Senators: CIANCHETTE of Somerset, GOULD of Waldo, PEARSON of Penobscot)

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

On motion of Representative Joseph of Waterville, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

State and Local Government

Bill "An Act to Permit a Municipality to Reset Land Monuments Dislocated by the Municipality" (H.P. 526) (L.D. 710) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative: JOSEPH of Waterville, Senators: BUTLAND of Cumberland, ESTY of Cumberland)

Bill "An Act Relating to the Omnibus Drug Policy Reform Act" (H.P. 532) (L.D. 716) (Presented by Representative BOWERS of Washington) (Cosponsored by Representatives: BENNETT of Norway, GRAY of Sedgwick, LEMKE of Westbrook, STEVENS of Sabattus, TRUE of Fryeburg, Senator: CAREY of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Amend the Definition of 'Parcel' for Purposes of Property Taxes" (H.P. 504) (L.D. 662) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representatives: DiPIETRO of South Portland, SPEAR of Nobleboro)

Bill "An Act to Better Preserve and Protect Endangered and Threatened Wildlife in Maine" (H.P. 512) (L.D. 670) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative ADAMS of Portland, Senator BUTLAND of Cumberland and Representatives: AIKMAN of Poland, ANDERSON of Woodland, AULT of Wayne, BAILEY of Township 27, BAILEY of Farmington, BARTH of Bethel, BRUNO of Raymond, CARLETON of Wells, CASHMAN of Old Town, CLOUTIER of South Portland, COLES of Harpswell, CONSTANTINE of Bar Harbor, CROSS of Dover-Foxcroft, DEXTER of Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, GOULD of Greenville, GREENLAW of Standish, GWADOSKY of Fairfield, HEINO of Boothbay, HOGGLUND of Portland, HOLT of Bath, HUSSEY of Milo, JACQUES of Waterville, KONTOS of Windham, LINDAHL of Northport, LORD of Waterboro, MARTIN of Eagle Lake, MICHAUD of East Millinocket, MITCHELL of Freeport, NORTON of Winthrop, PENDEXTER of Scarborough, PINEAU of Jay, POULIN of Oakland, QUINT of Paris, RAND of Portland, RUHLIN of Brewer, SIMONEAU of Thomaston, SKOGLUND of St. George, SPEAR of Nobleboro, ST. ONGE of Greene, STEVENS of

Sabattus, TAYLOR of Cumberland, TRUE of Fryeburg, Senators: AMERO of Cumberland, CAREY of Kennebec, CONLEY of Cumberland, GOULD of Waldo, HALL of Piscataquis, HARRIMAN of Cumberland, LAWRENCE of York, SUMMERS of Cumberland, TITCOMB of Cumberland, WEBSTER of Franklin)

Bill "An Act to Clarify That the Existing Sales Tax Exemption for the Aquaculture Industry Extends to Seaweed and Other Marine Plant Growers" (H.P. 518) (L.D. 702) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Representative: DRISCOLL of Calais, Senator: VOSE of Washington)

Bill "An Act to Require Job Impact Statements and Cost Benefit Analyses for Business Tax Incentives" (H.P. 522) (L.D. 706) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representative FARNSWORTH of Hallowell, Senator McCORMICK of Kennebec and Representatives: ADAMS of Portland, BOWERS of Washington, COLES of Harpswell, GOULD of Greenville, HOGGLUND of Portland, KONTOS of Windham, RAND of Portland, WENTWORTH of Arundel, Senators: CLEVELAND of Androscoggin, PINGREE of Knox)

Resolve, to Establish a Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals (H.P. 513) (L.D. 671) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, LOOK of Jonesboro, RUHLIN of Brewer, SPEAR of Nobleboro, STEVENS of Sabattus, SULLIVAN of Bangor, VIGUE of Winslow)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Promote Safety of School Buses" (H.P. 493) (L.D. 651) (Presented by Representative TRACY of Rome) (Cosponsored by Representatives: AULT of Wayne, BOWERS of Washington, GRAY of Sedgwick, HUSSEY of Milo, LEMKE of Westbrook)

Bill "An Act to Amend the Laws Governing the Dimming of Lights When Following Vehicles" (H.P. 498) (L.D. 656) (Presented by Representative LINDAHL of Northport) (Cosponsored by Representatives: BAILEY of Township 27, BENNETT of Norway, DONNELLY of Presque Isle, PLOWMAN of Hampden, SIMONEAU of Thomaston, STEVENS of Sabattus, TUFTS of Stockton Springs, Senators: BEGLEY of Lincoln, GOULD of Waldo)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act Related to Hook-up Fees for New Installations of Electric Heat" (H.P. 500) (L.D. 658) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representatives: HOLT of Bath, KUTASI of Bridgton, Senator: HANDY of Androscoggin)

Bill "An Act to Provide Protection for Mortgagees

Under the Utility Laws" (H.P. 501) (L.D. 659)
(Presented by Representative CARLETON of Wells)
(Cosponsored by Representative: BRUNO of Raymond)

Bill "An Act to Amend the Charter of the
Passamaquoddy Water District" (H.P. 503) (L.D. 661)
(Presented by Representative CLARK of Millinocket)
(By Request) (Cosponsored by Senator CLEVELAND of
Androscoggin and Representative: HOLT of Bath,
Senator: HANDY of Androscoggin)

Bill "An Act to Amend the Civil Violation and
Civil Forfeiture Laws for Natural Gas and Natural Gas
Pipeline Utilities" (H.P. 519) (L.D. 703) (Presented
by Representative ADAMS of Portland) (Cosponsored by
Senator: CLEVELAND of Androscoggin) (Submitted by the
Public Utilities Commission pursuant to Joint Rule
24.)

Ordered Printed.
Sent up for Concurrence.

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

ORDERS

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

ORDERED, that Representative Anne M. Larrivee of
Gorham be excused February 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative
Sumner H. Lipman of Augusta be excused February 23 to
26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative
Peggy A. Pendleton of Scarborough be excused February
11, 16 and 17 for health reasons.

AND BE IT FURTHER ORDERED, that Representative
Debra D. Plowman of Hampden be excused February 17
for personal reasons.

AND BE IT FURTHER ORDERED, that Representative
Fred L. Richardson of Portland be excused February 16
for personal reasons and February 17 and 18 for
health reasons.

AND BE IT FURTHER ORDERED, that Representative
George A. Townsend of Eastport be excused February 16
for health reasons.

Was read and passed.

CONSENT CALENDAR

First Day

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

(H.P. 102) (L.D. 144) Bill "An Act to Amend the
Laws Governing the Publication of Municipal Annual
Reports" Committee on State and Local Government
reporting "Ought to Pass"

There being no objections, the above item was
ordered to appear on the Consent Calendar of Tuesday,
March 2, 1993, 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:

(H.P. 241) (L.D. 320) Bill "An Act to Extend the
Reporting Date of the Task Force on Mental Health
Education and Licensure" (EMERGENCY)

(H.P. 74) (L.D. 104) Bill "An Act to Expand the
Membership of the National Conference of
Commissioners on Uniform State Laws" (C. "A" H-26)

(H.P. 9) (L.D. 16) Bill "An Act to Authorize
Financing of Solid Waste Districts on a Per Capita or
a State Valuation Basis" (EMERGENCY) (C. "A" H-27)

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

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

SENATE PAPER

The following Joint Order: (S.P. 231)

ORDERED, the House concurring, that when the
House and Senate adjourn, they do so until Tuesday,
March 2, 1993, at ten o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond
Issue in the Amount of \$10,000,000 for Lake
Restoration" (S.P. 215) (L.D. 686)

Came from the Senate, referred to the Committee
on Appropriations and Financial Affairs and Ordered
Printed.

Was referred to the Committee on Appropriations
and Financial Affairs in concurrence.

Bill "An Act to Require That Purchasers of Used Cars Be Informed Whether the Cars Were the Subjects of Lemon Law Decisions" (S.P. 223) (L.D. 694)

Bill "An Act to Regulate Home Repair by Transient Contractors" (S.P. 228) (L.D. 699)

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

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

Bill "An Act Concerning School Building Plans" (S.P. 208) (L.D. 679)

Bill "An Act to Enhance the Role of the State Board of Education" (S.P. 209) (L.D. 680)

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

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

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

SENATE PAPERS

Bill "An Act to Prohibit Commercial Hunting on Unlicensed Land" (S.P. 210) (L.D. 681)

Bill "An Act to Increase Fees Charged by Agents to Issue Sporting Licenses" (S.P. 218) (L.D. 689)

Bill "An Act to Require the Issuance of Antlerless Deer Permits to All Individuals Receiving Free Hunting Licenses" (S.P. 224) (L.D. 695)

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

Were referred to the Committee on **Fisheries and Wildlife** in concurrence.

Bill "An Act Related to Special Education Costs" (S.P. 219) (L.D. 690)

Bill "An Act to Remove Home Health Care Agencies from the Maine Certificate of Need Act of 1978 Requirement for Initial Licensure" (S.P. 226) (L.D. 697)

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

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

The following items appearing on Supplement No. 4

were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Amend the Maine Human Rights Act to Include Provisions Concerning Employment Discrimination" (S.P. 214) (L.D. 685)

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

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

Bill "An Act to Limit Attorney's Fees in Workers' Compensation Cases" (S.P. 205) (L.D. 676)

Bill "An Act to Amend the Occupational Disease Law" (S.P. 216) (L.D. 687)

Bill "An Act Requiring Certification for the Payment of Subminimum Wages to Disabled Workers" (S.P. 217) (L.D. 688)

Bill "An Act to Require Good Cause for Employment Termination" (S.P. 230) (L.D. 701)

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

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

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act Concerning the Purchase of Liquor by Establishments Licensed to Sell Liquor on Premises" (S.P. 213) (L.D. 684)

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

Was referred to the Committee on **Legal Affairs** in concurrence.

Bill "An Act to Require Safety Identification for Sea Kayaks" (S.P. 211) (L.D. 682)

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 Develop and Expand Markets for Recycled Materials" (S.P. 229) (L.D. 700)

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

Was referred to the Committee on **Taxation** in

concurrence.

Bill "An Act to Make Additional Allocations to the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1993" (EMERGENCY) (S.P. 207) (L.D. 678)

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

Was referred to the Committee on **Utilities** in concurrence.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Provide for Interstate Cooperation Agreements between Neighboring Municipalities" (S.P. 206) (L.D. 677)

Bill "An Act to Limit to 4 the Number of Consecutive Terms a Legislator May Serve" (S.P. 221) (L.D. 692)

Bill "An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices" (S.P. 225) (L.D. 696)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Availability of Legislative Participation (S.P. 220) (L.D. 691)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That Certain Officers Be Appointed by the Governor (S.P. 227) (L.D. 698)

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.

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Establish the Maine Parks and Recreation Fund" (H.P. 472) (L.D. 609) which was referred to the Committee on **Energy and Natural Resources** in the House on February 23, 1993.

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

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and specially assigned for Tuesday, March 2, 1993.

Non-Concurrent Matter

Bill "An Act to Further Discourage the Smoking of Cigarettes by Minors" (H.P. 454) (L.D. 580) which was referred to the Committee on **Legal Affairs** in the House on February 23, 1993.

Came from the Senate referred to the Committee on **Human Resources** in non-concurrence.

On motion of Representative Daggett of Augusta, the House voted to Insist. Sent up for concurrence.

The following item appearing on Supplement No. 8 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Establish the Maine Environmental Trust Fund Commemorative Motor Vehicle Plate" (S.P. 222) (L.D. 693)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **Energy and Natural Resources**.)

Was referred to the Committee on **Transportation** in concurrence.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

JOINT ORDER - Relative to amending the Joint Rules by adding a new Joint Rule 12-D (H.P. 256) Read in House February 4, 1993.

TABLED - February 23, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative Gwadosky of Fairfield, tabled Unassigned pending passage. (2/3 Vote Required)

The Chair laid before the House the following matter: Bill "An Act to Limit Conflicts of Interest and Ensure Objective and Qualified State Consultants" (S.P. 188) (L.D. 624) (came from the Senate, referred to the Committee on **State and Local Government**) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Joseph of Waterville, was referred to the Committee on **Energy and Natural Resources** in non-concurrence and sent up for concurrence.

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

(Off Record Remarks)

On motion of Representative Morrison of Bangor, Adjourned at 11:30 a.m. until Tuesday, March 2, 1993, at ten o'clock in the morning pursuant to Joint Order (S.P. 231).
