

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
29th Legislative Day
Monday, March 22, 1993

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

Prayer by Father William S. Winston, St. John's Episcopal Church, Bangor.

National Anthem by the Dexter Regional High School Band.

The Journal of Thursday, March 18, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 18, 1993

The Honorable John L. Martin
Speaker of the House
116th 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 Legal Affairs, Mary Anne Smith of Norway for reappointment to the Maine State Liquor Commission.

Sincerely,

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

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication: (S.P. 317)

116TH MAINE LEGISLATURE

March 17, 1993

Senator Judy A. Paradis
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated John H. Cox of Bangor and Gerard M. Lamarre of Brunswick for reappointments to the Harness Racing Commission.

Pursuant to Title 8, MRSA Section 261-A, these

nominations will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

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

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

The following Communication:

Bureau of Corporations, Elections, and Commissions
Department of
the Secretary of State
State House Station #101
Augusta, Maine 04333-0101

March 18, 1993

Hon. Joseph W. Mayo
Clerk of the House
One Hundred and Sixteenth Legislature
State House Station 2
Augusta, Maine 04333

Dear Clerk Mayo:

A recount was begun on December 10, 1992 and completed on March 18, 1993 in Representative District 38 between Deborah Shaw Rice (D) of Cumberland and Joseph B. Taylor (R) of Cumberland.

After the recount Mr. Taylor remained the winner. An agreement signed by Ms. Rice and Mr. Taylor is attached.

Sincerely,

S/Gary Cooper
Deputy Secretary of State

Bureau of Corporations, Elections, and Commissions
Department of
the Secretary of State
State House Station #101
Augusta, Maine 04333-0101

Date: March 18, 1993

Hon. G. William Diamond
Secretary of State
State House Station 148
Augusta, Maine 04333

We, Deborah Shaw Rice and Joseph B. Taylor both of Cumberland, having participated in a recount of the votes cast in the General Election of November 3,

1992, in Representative District 38, agree that, Deborah Shaw Rice received 2827 instead of 2811 votes; and Joseph B. Taylor received 2840 votes instead of 2836 votes. Ballots in dispute 0. Blank 269

S/Deborah Shaw Rice

S/Joseph B. Taylor

Was read and ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Appropriations and Financial Affairs

Bill "An Act to Adjust the Percentage of State Revenues Credited to the Local Government Fund to Replace the Loss of the Inventory Tax Reimbursement" (H.P. 720) (L.D. 979) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, GOULD of Greenville, HUSSEY of Milo, KERR of Old Orchard Beach, MARTIN of Eagle Lake, MELENDY of Rockland, MORRISON of Bangor, MURPHY of Berwick, PLOURDE of Biddeford, POULIOT of Lewiston, SAXL of Bangor, SULLIVAN of Bangor)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act Relating to Compulsory Insurance Limits for Hired Vehicles Used to Transport Passengers" (EMERGENCY) (H.P. 728) (L.D. 987) (Presented by Representative RAND of Portland) (Cosponsored by Representatives: COFFMAN of Old Town, HATCH of Skowhegan, HOGlund of Portland, JOSEPH of Waterville, PINEAU of Jay, RAND of Portland, TRACY of Rome, Senators: KIEFFER of Aroostook, MCCORMICK of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Allow the Commissioner of Conservation to Adopt Rules That Encourage Conservation of Shore Plants" (H.P. 710) (L.D. 961) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Representative: HOLT of Bath, Senator: VOSE of Washington)

Bill "An Act to Establish a Moratorium on the Search for a Maine Site for Low-level Radioactive

Waste Disposal, to Impose Additional Duties on the Low-level Radioactive Waste Authority and to Provide for a Review of the State's Role in the Storage and Disposal of Low-level Radioactive Waste" (EMERGENCY) (H.P. 717) (L.D. 968) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representatives: GRAY of Sedgwick, HOLT of Bath, TRACY of Rome)

Bill "An Act to Supplement Environmental Enforcement" (H.P. 731) (L.D. 990) (Presented by Representative COLES of Harpswell) (Cosponsored by Representatives: CONSTANTINE of Bar Harbor, MARSH of West Gardiner, MITCHELL of Freeport, RYDELL of Brunswick, WENTWORTH of Arundel)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine" (EMERGENCY) (H.P. 716) (L.D. 967) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative: KONTOS of Windham, Senators: FOSTER of Hancock, HARRIMAN of Cumberland, PINGREE of Knox)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act Preventing Trial Judges from Hearing Motions for a New Trial" (H.P. 707) (L.D. 958) (Presented by Representative HOLT of Bath) (Cosponsored by Representative: OLIVER of Portland)

Bill "An Act to Allow for the Joint Filing for Divorce" (H.P. 715) (L.D. 966) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative: CLARK of Millinocket)

Bill "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise Pollution" (H.P. 724) (L.D. 983) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative: MORRISON of Bangor)

Bill "An Act to Prohibit Persons from Allowing Youths to Use Illegal Drugs" (H.P. 729) (L.D. 988) (Presented by Representative SWAZEY of Bucksport) (Cosponsored by Senator ESTY of Cumberland and Representatives: CATHCART of Orono, COTE of Auburn, FAIRCLOTH of Bangor, JACQUES of Waterville, KERR of Old Orchard Beach, LEMKE of Westbrook, OTT of York, PINEAU of Jay, STEVENS of Sabattus, WALKER of Blue Hill)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Repeal the Child Labor Laws" (H.P. 719) (L.D. 970) (Presented by Representative CLARK of Millinocket)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Correct the Boundary Description of the Town of Long Island" (H.P. 721) (L.D. 980) (Presented by Representative RAND of Portland) (Cosponsored by Representative: ADAMS of Portland)

Bill "An Act to Increase Reimbursement to the State Police for Services Provided to Federal Agencies" (H.P. 723) (L.D. 982) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representatives: CARROLL of Gray, REED of Falmouth) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Bill "An Act to Limit to 5 Years Certain State Contracts" (H.P. 730) (L.D. 989) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: AHEARNE of Madawaska, CAMPBELL of Holden, CARR of Sanford, CLARK of Millinocket, DIPIETRO of South Portland, GEAN of Alfred, JOSEPH of Waterville, MICHAUD of East Millinocket, POULIOT of Lewiston, TARDY of Palmyra)

Resolve, Approving the 1993 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (EMERGENCY) (H.P. 726) (L.D. 985) (Presented by Representative GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Authorize Special Property Tax Districts" (H.P. 708) (L.D. 959) (Presented by Representative ADAMS of Portland) (Cosponsored by Representative: SKOGLUND of St. George, Senator: PINGREE of Knox)

Bill "An Act to Establish a Job Creation and Retention Tax Credit" (H.P. 711) (L.D. 962) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsored by Representative CLUKEY of Houlton, Senator CIANCHETTE of Somerset and Representative: CAMPBELL of Holden)

Bill "An Act to Promote the Use of Reusable Bags in the Purchase of Groceries" (H.P. 712) (L.D. 963) (Presented by Representative PENDEXTER of Scarborough) (Cosponsored by Representatives: ADAMS of Portland, MARSH of West Gardiner, SIMONDS of Cape Elizabeth, TREAT of Gardiner, Senator: AMERO of Cumberland)

Bill "An Act to Allow Municipalities to Collect Service Charges on Certain Properties Exempt from Property Taxes" (H.P. 713) (L.D. 964) (Presented by Representative SULLIVAN of Bangor) (Cosponsored by Representatives: CAMPBELL of Holden, CATHCART of Orono, FAIRCLOTH of Bangor, HEESCHEN of Wilton, KERR of Old Orchard Beach, MORRISON of Bangor, PLOURDE of Biddeford, ROWE of Portland, SAXL of Bangor, TUFTS of Stockton Springs, Senators: BALDACCI of Penobscot, HANDY of Androscoggin)

Bill "An Act to Facilitate the Identification of Mortgagees of Record in Certain Transactions" (H.P. 714) (L.D. 965) (Presented by Representative CARR of Sanford) (Cosponsored by Representative: CARON of Biddeford)

Bill "An Act to Amend State Tax Increment Financing" (H.P. 718) (L.D. 969) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: HOGlund of Portland, KERR of Old Orchard Beach, KONTOS of Windham, LORD of Waterboro, RAND of Portland, ROWE of Portland, SIMONEAU of Thomaston, Senators: BALDACCI of Penobscot, CAREY of Kennebec, TITCOMB of Cumberland)

Bill "An Act to Improve the Circuit Breaker Program" (H.P. 722) (L.D. 981) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representatives: GWADOSKY of Fairfield, MELENDY of Rockland, OLIVER of Portland, Senator: VOSE of Washington)

Bill "An Act Concerning Disbursement of Property Tax Relief Payments" (H.P. 725) (L.D. 984) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Senator: TITCOMB of Cumberland)

Bill "An Act to Expand Eligibility and to Assure that Payments Made Under the Maine Residents Property Tax Program are Applied to the Payment of Local Property Taxes" (H.P. 727) (L.D. 986) (Presented by Representative COLES of Harpswell) (Cosponsored by Senator BALDACCI of Penobscot and Representatives: NADEAU of Saco, RAND of Portland, TOWNSEND of Eastport, Senators: DUTREMBLE of York, LAWRENCE of York)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Impose a Moratorium on Certain Sources of Energy until a State Energy Policy Is Adopted" (EMERGENCY) (H.P. 709) (L.D. 960) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Representatives: ADAMS of Portland, BOWERS of Washington, COFFMAN of Old Town, HOLT of Bath, SAXL of Bangor, SWAZEY of Bucksport, WALKER of Blue Hill, Senators: FOSTER of Hancock, GOULD of Waldo)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative TOWNSEND of Eastport, the following Joint Resolution: (H.P. 706) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: ADAMS of Portland, AHEARNE of Madawaska, AIKMAN of Poland, AULT of Wayne, BAILEY of Township 27, BARTH of Bethel, BEAM of Lewiston, BOWERS of Washington, CAMERON of Rumford, CARR of Sanford, CARROLL of Gray, CASHMAN of Old Town, CATHCART of Orono, CHASE of China, CLARK of Millinocket, CLEMENT of Clinton, CLOUTIER of South Portland, COFFMAN of Old Town, CONSTANTINE of Bar Harbor, COTE of Auburn, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DONNELLY of Presque Isle, DRISCOLL of Calais, ERWIN of Rumford, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, FARREN of Cherryfield, GEAN of Alfred, GOULD of Greenville, GRAY of Sedgwick, GWADOSKY of Fairfield, HALE of Sanford, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of Howland, HOLT of Bath, HUSSEY of Milo, JACQUES of Waterville, JOSEPH of Waterville, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KONTOS of Windham, LARRIVEE of Gorham, LEMKE of Westbrook, LEMONT of Kittery, LINDAHL of Northport, LIPMAN of Augusta, LOOK of Jonesboro, LORD of Waterboro, MARSH of West Gardiner, MARTIN of Van Buren, MARTIN of Eagle Lake, MELENDY of Rockland, MICHAEL of Auburn, MICHAUD of East Millinocket, MITCHELL of Vassalboro, MITCHELL of Freeport, MORRISON of Bangor, NADEAU of Saco, NORTON of Winthrop, O'GARA of Westbrook, OLIVER of Portland, PARADIS of Augusta, PFEIFFER of Brunswick, PINETTE of Fort Kent, PLOURDE of Biddeford, POULIN of Oakland, POULIOT of Lewiston, QUINT of Paris, RAND of Portland, RICKER of Lewiston, ROWE of Portland, RUHLIN of Brewer, RYDELL of Brunswick, SAXL of Bangor, SIMONDS of Cape Elizabeth, SKOGLUND of St. George, SPEAR of Nobleboro, ST. ONGE of Greene, STEVENS of Orono, STROUT of Corinth, SULLIVAN of Bangor, SWAZEY of Bucksport, TAYLOR of Cumberland, TOWNSEND of Portland, TOWNSEND of Canaan, TRACY of Rome, TREAT of Gardiner, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow, WALKER of Blue Hill, WHITCOMB of Waldo, WINN of Glenburn, ZIRNKILTON of Mount Desert, Senators: BALDACCI of Penobscot, BRANNIGAN of Cumberland, CAREY of Kennebec, CARPENTER of York, CONLEY of Cumberland, DUTREMBLE of York, FOSTER of Hancock, GOULD of Waldo, HANDY of Androscoggin, LAWRENCE of York, PEARSON of Penobscot, PINGREE of Knox, TITCOMB of Cumberland, VOSE of Washington)

JOINT RESOLUTION RECOGNIZING THE 50TH ANNIVERSARY OF THE MAINE STATE EMPLOYEES ASSOCIATION

WHEREAS, the Maine State Employees Association began when 200 employees of the State of Maine gathered in the House of Representatives on March 18, 1943 to establish a labor organization that would represent their interests before the Legislature; and

WHEREAS, throughout its history, the Maine State Employees Association has been a strong advocate on behalf of state workers and other public employees; and

WHEREAS, the Maine State Employees Association was a pioneer in gaining collective bargaining rights for workers in the executive and judicial branches of State Government; and

WHEREAS, the citizens of the State benefit daily from the hard work and conscientious service of Maine State Employee Association members; and

WHEREAS, March 18, 1993 marks the 50th anniversary of the founding of the Maine State Employees Association; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixteenth Legislature now assembled in the First Regular Session, take this occasion to recognize the Maine State Employees Association, a member of the Service Employees International Union and the AFL-CIO, on its 50th anniversary and commend the union for its dedicated representation of public employees; and be it further

RESOLVED: That when the Legislature adjourns for the day, it does so in honor of the Maine State Employees Association, a member of the Service Employees International Union and the AFL-CIO; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President and Executive Director of the Maine State Employees Association.

Was read and adopted and sent up for concurrence.

On motion of Representative GWADOSKY of Fairfield, the following Order:

Ordered, that the House of Representatives rescind its action provisionally seating Joseph B. Taylor as the State Representative from House District 38; and be it further

Ordered, that Joseph B. Taylor be seated in the House of Representatives as the duly elected State Representative from House District 38.

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. 286) (L.D. 373) Bill "An Act Regarding Reimbursement for Sand and Salt Storage Facility Construction" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-67)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, March 23, 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. 428) (L.D. 547) Bill "An Act to Correct Inconsistencies in the Shoreland Zoning Laws"

(H.P. 359) (L.D. 462) Bill "An Act to Provide Greater Access to Private Roads during Emergencies" (C. "A" H-63)

(H.P. 128) (L.D. 169) Bill "An Act to Amend the Laws Concerning Beano and Games of Chance" (C. "A" H-65)

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.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Extend the Deadline for Construction of Salt and Sand Storage Buildings" (H.P. 422) (L.D. 541) (C. "A" H-62)

Bill "An Act to Prohibit Greyhound Racing in Maine" (S.P. 46) (L.D. 68) (C. "A" S-43)

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

ENACTOR

Emergency Measure

(Reconsidered)

Later Today Assigned

An Act to Clarify the Procedures by Which Fees Are Collected under the Petroleum Market Share Act (S.P. 94) (L.D. 248) (C. "A" S-41)

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

On motion of Representative Hoglund of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 248 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" (S-41) was adopted.

The same Representative offered House Amendment "A" (H-71) to Committee Amendment "A" (S-41) and moved its adoption.

On further motion of the same Representative,

tabled pending adoption of House Amendment "A" (H-71) to Committee Amendment "A" (S-41) and later today assigned.

ENACTOR

Emergency Measure

(Reconsidered)

Later Today Assigned

An Act to Extend the Commission to Study the Future of Maine's Courts (S.P. 303) (L.D. 919)

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

On motion of Representative Chonko of Topsham, under suspension of the rules, the House reconsidered its action whereby L.D. 919 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-66) and moved its adoption.

On further motion of the same Representative, tabled pending adoption of House Amendment "A" (H-66) and later today assigned.

PASSED TO BE ENACTED

An Act to Amend the Requirements for Notice of Public Proceedings of the Public Utilities Commission (S.P. 38) (L.D. 50) (C. "A" S-36)

An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods (S.P. 53) (L.D. 74) (C. "A" S-35)

An Act to Prohibit the Board of Land Surveyors from Enacting Continuing Education Rules (S.P. 63) (L.D. 125) (C. "A" S-34)

An Act to Amend Certain Laws Affecting Waste Discharges by Quasi-municipal Agencies (S.P. 76) (L.D. 177) (C. "A" S-32)

An Act to Amend the Public Works Contractors' Surety Bond Law of 1971 (H.P. 51) (L.D. 67) (C. "A" H-35)

An Act to Utilize Local Enforcement Mechanisms for Land Use Violations (H.P. 73) (L.D. 103) (H. "A" H-39 to C. "A" H-28)

An Act Relating to the Protection of Public Water Supplies (H.P. 91) (L.D. 121) (C. "A" H-37)

An Act to Amend the Archery Hunting Requirements (H.P. 93) (L.D. 123) (C. "A" H-36)

An Act to Permit Professional Review Committees to Work with Impaired Physician Assistants (H.P. 103) (L.D. 145) (C. "A" H-33)

An Act to Amend the Municipal Public Employees Labor Relations Laws (H.P. 165) (L.D. 217) (H. "A"

H-38)

An Act to Allow Game Wardens to Receive Remuneration for Serving in Elected Municipal or County Positions (H.P. 174) (L.D. 226)

An Act to Repeal the Statutory Provisions Formerly Governing Unfunded State Mandates (H.P. 303) (L.D. 391)

An Act to Establish the Boundary Between Enfield and Passadumkeag (S.P. 49) (L.D. 71)

An Act to Abolish the Board of Licensure of Railroad Personnel (S.P. 98) (L.D. 251) (C. "A" S-40)

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

(Indefinitely Postponed)

An Act to Require the State to Pay for Mediation Sessions (S.P. 107) (L.D. 310) (C. "A" S-39)

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

On motion of Representative Libby of Buxton, L.D. 310 and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

ENACTOR

(Set Aside)

An Act to Establish a Part of the Boundary Between Enfield and Lowell (S.P. 132) (L.D. 423)

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

On motion of Representative Joseph of Waterville, set aside.

ENACTORS

An Act to Allow Young People to Accompany Their Parents When Voting (S.P. 136) (L.D. 427)

An Act to Revise the Grandfathering Provisions for Acupuncturists (H.P. 111) (L.D. 153) (C. "A" H-40)

An Act to Allow Emergency Interruption of Telephone Service for Law Enforcement Purposes (H.P. 364) (L.D. 467) (C. "A" H-42)

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.

FINALLY PASSED

Resolve, Renaming Ames Cove of Friendship as Flood's Cove (H.P. 368) (L.D. 471)

Resolve, to Require the Department of Education to Develop Education Guidelines for Public Schools (S.P. 40) (L.D. 52) (C. "A" S-42)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Clarify the Procedures by Which Fees Are Collected under the Petroleum Market Share Act (S.P. 94) (L.D. 248) (C. "A" S-41) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-71) to Committee Amendment "A" (S-41).

Subsequently, House Amendment "A" (H-71) to Committee Amendment "A" (S-41) was read by the Clerk and adopted.

Committee Amendment "A" (S-41) as amended by House Amendment "A" (H-71) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-41) as amended by House Amendment "A" (H-71) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Extend the Commission to Study the Future of Maine's Courts (S.P. 303) (L.D. 919) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-66).

Subsequently, House Amendment "A" (H-66) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-66) in non-concurrence and sent up for concurrence.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, I move that the House reconsider its action whereby An Act to Require the State to Pay for Mediation Sessions (S.P. 107) (L.D. 310) (C. "A" S-39) was indefinitely postponed.

Mr. Speaker, Ladies and Gentlemen of the House: I have an apology to make to you, I have been getting quite a ribbing here. I looked at the program, I didn't see it there, I was working on another project and really I guess you could call it "taking a nap."

This was a measure which was voted by the majority members of this House, a measure that had a 10 to 1 approval in committee and I think if we want to have an extensive debate tonight to restate those reasons why we took those actions, we can do that. Certainly this legislation deserves a better fate

than my sleepiness entitled it to. I would, therefore, ask that you give us the right for reconsideration.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: Good Representative Ruhlin, I didn't mean to wake you up.

I respectfully would like to debate this move to reconsider. I know that you have already heard me debate this motion before a couple of weeks ago but I think it is about time that we started to say, look, this \$44,000 for mediation services, we are not paying. We didn't pay it last year so why are we going to pick up the tab this year? It is a simple question in my mind — when are we going to put our foot down and say, look, we have more important things on the agenda. It is something that I feel strongly about or else I wouldn't have brought it up. I think it is about time we killed some of these types of bills and that is what my effort is obviously here today.

So, I appreciate your patience with this and I hope you will understand that it is about time we killed some of these bills that cost the taxpayers money, especially when we have more important things to consider and we will have many more important things to consider as you all know in the remainder of this session.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to encourage your support for Representative Libby. I think the time has come when we have to put our foot down and decide that we are not going to spend money. Here we are cutting money for important services, for education, and we are going to spend money on mediation. I think this is the time when we have to stand up and be counted.

I would urge you to follow Representative Libby's light.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Ladies and Gentlemen of the House: I must commend my colleague on the Labor Committee, Representative Libby, for being so eloquent the other day to even take this to the vote it went to.

I would like to reconsider the Representative's motion to indefinitely postpone because we are not in fact saving the state money, we are doing what we do so well, which is cost-shifting, that is to say that mediation will be paid for, it will be paid for by the municipalities, it will be paid for by the school boards, it will be paid for by the taxpayers. We are not saving taxpayers any money, we are simply taking an easy route out, taking a small item from our state budget but passing it on to the taxpayers much more directly.

I urge you to vote against indefinite postponement of the bill.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Ladies and Gentlemen of the House: Thank you for letting me speak twice on this. I promise I will sit down after this one.

I want you all to realize that, hey, when you put mediation on the municipal budgets, they pay

attention. They pay attention and I think the tendency would be to try to settle and avoid mediation. I think we need to build some proper incentives into the mediation system, stopping some of these cases before they get to a situation where, again, it goes further — arbitration, of course or whatever it might be.

Believe me, when the state pays, sometimes local people don't have to pay attention but when it is a locality and it is in their budget, I think it is a whole other matter. I think those will lead to very good incentives. I don't know if I am eloquent enough to convince you all and let you know that I believe it is important but I hope I have been. I hope you give it your full consideration because, again, we are spending the state's money. This is taxpayer money and I believe the incentives in the long run will save the state money by pushing it back to where it belongs, at the local level. Local control, local decisions, that is the way it should be in mediation.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Carr.

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: Also as a member of the Labor Committee, I would like to remind all of you that the \$44,000 in mediation services discussed by the Representative from Buxton, if not paid for by the state would be co-equally paid for by the municipalities and the unions, consequently, these services are ultimately paid for by the taxpayer. Yet, mediation is a required service in all cases where there is an impasse and it is a state requirement, consequently, it should be stated funded.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate your indulgence one very short time.

The motion before us is reconsideration. We can debate the issue and the merits and I certainly think it is worthy debate but I do not intend this evening at six o'clock to add to that debate. I think perhaps tomorrow would be an appropriate time. I just want to point out to you that the motion before us is reconsideration.

You have voted this piece of legislation to the point of enactment. The committee has voted this particular piece of legislation out "Ought to Pass" 10 to 1 and I think it is only fair that this piece of legislation be entitled to a good debate at the point of enactment, not entitled to a chairman who is sleeping at the switch so I am going to go back to my motion to reconsider and bring that to your attention. That is the motion before you.

Should you agree to that motion, I would then make a suggestion that we have a nice full debate when we are all a little more rested.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Brewer, Representative Ruhlin, that the House reconsider its action whereby L.D. 310 and all its accompanying papers were indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 45 in the negative, the motion to reconsider did prevail.

On motion of Representative Ruhlin of Brewer, tabled pending the motion to indefinitely postpone

L.D. 310 and all its accompanying papers and specially assigned for Tuesday, March 23, 1993.

The Chair laid before the House the following matter: An Act to Establish a Part of the Boundary Between Enfield and Lowell (S.P. 132) (L.D. 423) which had been set aside.

On motion of Representative Joseph of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 423 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-70) and moved its adoption.

House Amendment "A" (H-70) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-70) in non-concurrence and sent up for concurrence.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, March 18, 1993, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

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

Bill "An Act to Amend the Law Pertaining to the Limitations on Simulcasting" (H.P. 691) (L.D. 932) (Committee on Legal Affairs suggested)
TABLED - March 18, 1993 (Till Later Today) by Representative DAGGETT of Augusta.
PENDING - Reference.

On motion of Representative Gwadosky of Fairfield, retabled pending reference and specially assigned for Tuesday, March 23, 1993.

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-61) - Committee on Legal Affairs on Bill "An Act to Increase Unenrolled Voter Participation in Primary Elections" (H.P. 280) (L.D. 367)
TABLED - March 18, 1993 by Representative DAGGETT of Augusta.
PENDING - Motion of same Representative to accept the Minority "Ought to Pass" as Amended Report.

On motion of Representative Whitcomb of Waldo, retabled pending the motion of Representative Daggett of Augusta that the House accept the Minority "Ought to Pass" as Amended Report and later today assigned.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-61) - Committee on Legal Affairs on Bill "An Act to Increase Unenrolled Voter Participation in Primary Elections" (H.P. 280) (L.D. 367) which was tabled earlier in the day and later today assigned pending acceptance of the Minority "Ought to Pass" as Amended Report.

Subsequently, the Minority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-61) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, March 23, 1993.

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

ORDERS

On motion of Representative CHONKO of Topsham, the following Joint Order: (H.P. 732)

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill or bills concerning supplemental appropriations or allocations for fiscal year 1992-93 to the House.

Was read and passed and sent up for concurrence.

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

(Off Record Remarks)

On motion of Representative MacBride of Presque Isle,

Adjourned at 6:26 p.m. until Tuesday, March 23, 1993, at ten o'clock in the morning.