

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
32nd Legislative Day  
Monday, March 29, 1993

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

Prayer by Reverend Keith E. Murray, First Baptist Church, Cherryfield.

National Anthem by the Jay Elementary School Choir.

The Journal of Thursday, March 25, 1993, was read and approved.

---

**SENATE PAPERS**

**Non-Concurrent Matter**

Joint Order (H.P. 732) relative to the Joint Standing Committee on Appropriations and Financial Affairs reporting out a bill or bills concerning supplemental appropriations or allocations for fiscal year 1992-93 which was read and passed in the House on March 22, 1993.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to recede and concur.

---

**COMMUNICATIONS**

The following Communication: (S.P. 338)

116th MAINE LEGISLATURE

March 23, 1993

Senator Mark W. Lawrence  
Rep. Paul F. Jacques  
Chairpersons  
Joint Standing Committee on  
Energy and Natural Resources  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Betty Lou Mitchell of Etna for appointment to the Low-Level Radioactive Waste Authority.

Pursuant to Title 38, MRSA Section 1512, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources 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 Energy and Natural Resources.

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

---

The following Communication: (S.P. 343)

116TH MAINE LEGISLATURE

March 24, 1993

Senator John J. O'Dea  
Rep. Elizabeth H. Mitchell  
Chairpersons  
Joint Standing Committee on Education  
116th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Walter H. Moulton of Brunswick, Frederic A. Reynolds of Machias, Ronald P. Milliken of Farmington for reappointment and Dr. David W. Brown of Bar Harbor and Natalie C. Graceffa of Augusta for appointment to the Maine Educational Loan Authority.

Pursuant to Title 20A, MRSA Section 11415, these nominations will require review by the Joint Standing Committee on Education 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 Education.

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

---

**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 to Clarify Mandatory Coverage Requirements for Participating Local Districts within the Maine State Retirement System" (H.P. 785) (L.D. 1058) (Presented by Representative SAXL of Bangor) (Cosponsored by Senator BALDACCI of Penobscot and Representatives: CATHCART of Orono, FAIRCLOTH of Bangor, GOULD of Greenville, HATCH of Skowhegan, KNEELAND of Easton, SULLIVAN of Bangor, Senator:

CLEVELAND of Androscoggin)

Bill "An Act Concerning Rights and Privileges for Maine Veterans of the Persian Gulf War" (H.P. 787) (L.D. 1060) (Presented by Representative ANDERSON of Woodland) (Cosponsored by Representative DONNELLY of Presque Isle, Senator McCORMICK of Kennebec and Representatives: AULT of Wayne, BRUNO of Raymond, CLARK of Millinocket, FARREN of Cherryfield, FOSS of Yarmouth, GOULD of Greenville, GREENLAW of Standish, JALBERT of Lisbon, KNEELAND of Easton, LIPMAN of Augusta, LOOK of Jonesboro, LORD of Waterboro, MacBRIDE of Presque Isle, PARADIS of Augusta, PENDEXTER of Scarborough, REED of Dexter, ROBICHAUD of Caribou, SULLIVAN of Bangor, TAYLOR of Cumberland, Senators: BALDACCI of Penobscot, KIEFFER of Aroostook, PARADIS of Aroostook, PEARSON of Penobscot, SUMMERS of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Establish a Mechanism for Ensuring Adequate Preservation and Maintenance of the State House" (H.P. 779) (L.D. 1052) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives: GWADOSKY of Fairfield, PARADIS of Augusta, ZIRNKILTON of Mount Desert)

Ordered Printed.  
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Authorize Maine Financial Institutions and Credit Unions to Sell Annuities" (H.P. 778) (L.D. 1051) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: ALIBERTI of Lewiston, BAILEY of Township 27, CARROLL of Gray, CLARK of Millinocket, DRISCOLL of Calais, ERWIN of Rumford, FAIRCLOTH of Bangor, GRAY of Sedgwick, GWADOSKY of Fairfield, HEINO of Boothbay, HOGLUND of Portland, KERR of Old Orchard Beach, KNEELAND of Easton, LARRIVEE of Gorham, LEMONT of Kittery, LIBBY of Buxton, MORRISON of Bangor, NICKERSON of Turner, OLIVER of Portland, PARADIS of Augusta, PINEAU of Jay, POULIOT of Lewiston, REED of Dexter, ROTONDI of Athens, RYDELL of Brunswick, SIMONEAU of Thomaston, SPEAR of Nobleboro, TARDY of Palmyra, TOWNSEND of Eastport, TRACY of Rome, YOUNG of Limestone, Senators: BEGLEY of Lincoln, BRANNIGAN of Cumberland, CAREY of Kennebec, CIANCHETTE of Somerset, ESTY of Cumberland, GOULD of Waldo, McCORMICK of Kennebec, SUMMERS of Cumberland)

Bill "An Act Related to Documentation of Transaction Fees at Automatic Teller Machines" (H.P. 782) (L.D. 1055) (Presented by Representative PARADIS of Augusta) (Cosponsored by Representatives: CHONKO of Topsham, CLOUTIER of South Portland, GWADOSKY of Fairfield, LIPMAN of Augusta, MORRISON of Bangor, PINEAU of Jay, RAND of Portland)

Bill "An Act to Ensure Equitable Insurance Practices" (H.P. 789) (L.D. 1062) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representatives: BOWERS of Washington, CARROLL of Gray, DAGGETT of Augusta, LARRIVEE of Gorham, MORRISON of Bangor, PINEAU of Jay, Senators: HARRIMAN of Cumberland, PARADIS of Aroostook)

Resolve, Requiring an Audit of the Functions and Records of Workers' Compensation Insurers (H.P. 781) (L.D. 1054) (Presented by Representative COFFMAN of Old Town)

Ordered Printed.  
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Require the Department of Corrections to Pay Certain Juvenile Detention Costs" (H.P. 780) (L.D. 1053) (Presented by Representative AULT of Wayne)

Ordered Printed.  
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Increase the Number of Moose Hunting Permits from 1,000 to 1,500" (H.P. 774) (L.D. 1047) (Presented by Representative ANDERSON of Woodland) (Cosponsored by Senator PARADIS of Aroostook and Representatives: BAILEY of Township 27, BRUNO of Raymond, CARR of Sanford, CLARK of Millinocket, DEXTER of Kingfield, GOULD of Greenville, GREENLAW of Standish, HEINO of Boothbay, HUSSEY of Milo, JACQUES of Waterville, JOHNSON of South Portland, JOY of Island Falls, KNEELAND of Easton, LEMONT of Kittery, LOOK of Jonesboro, LORD of Waterboro, MORRISON of Bangor, NICKERSON of Turner, PLOURDE of Biddeford, POULIN of Oakland, POULIOT of Lewiston, REED of Dexter, ROBICHAUD of Caribou, ROTONDI of Athens, SULLIVAN of Bangor, SWAZEY of Bucksport, TOWNSEND of Eastport, TRACY of Rome, TUFTS of Stockton Springs, Senators: KIEFFER of Aroostook, LAWRENCE of York, LUDWIG of Aroostook)

Ordered Printed.  
Sent up for Concurrence.

Human Resources

Bill "An Act to Permit the Inclusion of Occupational Injury as a Reportable Condition under the Occupational Disease Reporting System" (H.P. 776) (L.D. 1049) (Presented by Representative PENDEXTER of Scarborough) (Cosponsored by Representative: GEAN of Alfred, Senators: CAHILL of Sagadahoc, CONLEY of Cumberland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

---

**Legal Affairs**

Bill "An Act to Amend the State Reporting Requirements for State Party Committees" (H.P. 772) (L.D. 1045) (Presented by Representative BOWERS of Washington) (Cosponsored by Senator HANDY of Androscoggin and Representatives: CARROLL of Gray, DORE of Auburn)

Ordered Printed.  
Sent up for Concurrence.

---

**Marine Resources**

Bill "An Act Revising the Shellfish-harvesting Laws" (H.P. 773) (L.D. 1046) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representatives: COLES of Harpswell, HOLT of Bath, KERR of Old Orchard Beach, PFEIFFER of Brunswick, Senator: HARRIMAN of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

---

**State and Local Government**

Bill "An Act to Repeal the Laws Allowing State Agencies to Adopt Rules Having the Force of Law" (H.P. 777) (L.D. 1050) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Representatives: CAMPBELL of Holden, JOSEPH of Waterville, Senator: BERUBE of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

---

**Taxation**

Bill "An Act to Fund Court Security within County Government" (H.P. 775) (L.D. 1048) (Presented by Representative DORE of Auburn) (Cosponsored by Senator BALDACCI of Penobscot)

Bill "An Act to Amend the Distribution of State-municipal Revenue Sharing" (H.P. 784) (L.D. 1057) (Presented by Representative PLOURDE of Biddeford) (Cosponsored by Representatives: ADAMS of Portland, CARON of Biddeford, DiPIETRO of South Portland, HUSSEY of Milo, KERR of Old Orchard Beach, LORD of Waterboro, REED of Dexter, RUHLIN of Brewer, Senators: CONLEY of Cumberland, HARRIMAN of Cumberland)

Bill "An Act to Clarify Various Tax Procedures and to Protect Taxpayer Rights" (H.P. 788) (L.D. 1061) (Presented by Representative MADEAU of Saco) (Cosponsored by Representatives: CARROLL of Gray, DORE of Auburn, NICKERSON of Turner, POULIOT of Lewiston, ST. ONGE of Greene, Senators: BALDACCI of Penobscot, SUMMERS of Cumberland)

Resolve, Providing for a Study of Taxation Issues

Involving Seasonal Residents (H.P. 771) (L.D. 1044) (Presented by Representative RICHARDSON of Portland)

Ordered Printed.  
Sent up for Concurrence.

---

**Transportation**

Bill "An Act Concerning the Definition of Compact Area for Municipalities" (H.P. 770) (L.D. 1043) (Presented by Representative BAILEY of Farmington) (Submitted by the Department of Transportation pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

---

**Utilities**

Bill "An Act to Expand the Use of Telecommunications by Hearing-impaired and Speech-impaired Customers" (H.P. 783) (L.D. 1056) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representatives: ADAMS of Portland, AIKMAN of Poland, CASHMAN of Old Town, HOLT of Bath, MORRISON of Bangor, Senators: CLEVELAND of Androscoggin, VOSE of Washington)

Ordered Printed.  
Sent up for Concurrence.

---

**Later Today Assigned**

Bill "An Act to Establish the Public Advocate Regulatory Fund Assessment for the Next Biennium" (EMERGENCY) (H.P. 786) (L.D. 1059) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representatives: AIKMAN of Poland, CASHMAN of Old Town, HOLT of Bath, MORRISON of Bangor, Senators: CLEVELAND of Androscoggin, VOSE of Washington)

(The Committee on Reference of Bills had suggested reference to the Committee on Utilities.)

On motion of Representative Clark of Millinocket, tabled pending reference and later today assigned.

---

**CONSENT CALENDAR**

**First Day**

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

(H.P. 248) (L.D. 327) Bill "An Act to Repeal the Mandatory First-aid Requirement for Licensed Maine Guides" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-76)

(H.P. 208) (L.D. 270) Bill "An Act to Mandate

Suspension of a Minor's Operator's License for Possession of Alcohol in a Motor Vehicle" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-78)

(H.P. 258) (L.D. 336) Bill "An Act Relating to Interspousal Immunity" Committee on Banking and Insurance reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 30, 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:

(S.P. 87) (L.D. 241) Bill "An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents"

(H.P. 445) (L.D. 571) Bill "An Act to Regulate the Safety of Off-system Railroads" (C. "A" H-74)

(S.P. 48) (L.D. 70) Bill "An Act to Make Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1993" (EMERGENCY) (Governor's Bill) (C. "A" S-46)

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

**SECOND READER**

**As Amended**

**Tabled and Assigned**

Bill "An Act to Prohibit People from Riding in the Back of Open Pickup Trucks" (H.P. 22) (L.D. 24) (C. "A" H-72)

Was reported by the Committee on Bills in the Second Reading and read a second time.

On motion of Representative Kilkelly of Wiscasset, the House reconsidered its action whereby Committee Amendment "A" (H-72) was adopted.

The same Representative offered House Amendment "A" (H-79) to Committee Amendment "A" (H-72) and moved its adoption.

House Amendment "A" (H-79) to Committee Amendment "A" (H-72) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I certainly support this bill in

the same way that for agricultural purposes it may be necessary at times for people under 19 to ride in the back of a truck, it is also sometimes important for folks working in the marine industry, whether it is hauling nets or traps, to ride in the back of a truck, so for the same purpose that agriculture was specifically outlined, I request that marine be specifically outlined.

Subsequently, House Amendment "A" (H-79) to Committee Amendment "A" (H-72) was adopted.

Representative Kontos of Windham offered House Amendment "B" (H-80) to Committee Amendment "A" (H-72) and moved its adoption.

House Amendment "B" (H-80) to Committee Amendment "A" (H-72) was read by the Clerk and adopted.

On motion of Representative Tracy of Rome, tabled pending adoption of Committee Amendment "A" (H-72) as amended by House Amendments "A" (H-79) and "B" (H-80) thereto and specially assigned for Tuesday, March 30, 1993.

**PASSED TO BE ENGROSSED**

Bill "An Act Concerning Maine Wineries and Microbreweries" (EMERGENCY) (H.P. 190) (L.D. 253) (C. "A" H-69)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Clarify the Procedures by Which Fees Are Collected under the Petroleum Market Share Act (S.P. 94) (L.D. 248) (H. "A" H-71 to C. "A" S-41)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Extend the Commission to Study the Future of Maine's Courts (S.P. 303) (L.D. 919) (H. "A" H-66)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Laws Regarding Motor Vehicle Air Conditioning (H.P. 346) (L.D. 449) (C. "A" H-59)

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

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I would urge you to vote against this particular bill. I would like to give you a little history. In 1990, the legislature took an important step in passing legislation which would prohibit the use of chlorinated fluorohydrocarbon in auto air conditioners starting with the 1994 model year.

This bill in essence would gut that particular bill. It is essentially repealing it. Two years ago, we also had an attempt to repeal it.

It is somewhat misleading because the title of the bill last time leads you to think that there is a real problem. If you look at the whereas's in this particular amendment, it says "whereas model years are now being produced by manufacturers but will not be available for sale unless the law is changed" — it's not really true. In fact, only about 15 percent of General Motors' 1994 models is not in compliance. Ford is the other large auto manufacturer which has a very small percentage of cars that will not be in compliance.

Essentially what we have got and what we had before is a so-called phase-in schedule — corresponds to the phase-in schedule of the slowest auto manufacturer, General Motors.

The scientists have already determined the damage to the ozone layer in the atmosphere is much worse than we previously believed but auto manufacturers are complaining they can't meet our laws. The truth is they can meet the law for almost all the vehicles and the truth is that life itself depends on the ozone layer. The manufacturers don't really want to go any faster and don't want the states, especially small states like Maine, to tell them what to do.

In Vermont recently, a couple of years ago, manufacturers used the same tactics they so successfully used to stall legislation in Congress, threats and intimidation. The manufacturers weren't telling the truth about how the phase-in schedule of different manufacturers vary and typical Detroit tactics were used.

I think it is worth noting that General Motors is the largest auto manufacturer and dominates the industry. I am sure you are all aware of how General Motors, under the enlightened leadership of folks like Roger Smith, chose to go on its own way on a lot of issues. We are now asked to bail it out by protecting its market share with this bill, to protect it from its own bad decisions and to ensure it from any risk at all. Since G.M. dominates the manufacturers association, despite the fact that many other manufacturers are already ready with their CFC free vehicles, they have been bullied by G.M. into not disputing G.M.'s contentions on this. It seems like General Motors didn't really have an intention of complying with this. It is really purely and

simply a market share bill and G.M. wants to continue to dump its own outdated and non-complying vehicles despite the urgency of our ozone hole problem.

Dr. Michael Oppenheimer, an atmospheric scientist with the Environmental Defense Fund, notes there are two important reasons why the committee's action and the legislature's action on our law in 1990 is so significant and why rolling it back is so bad. "First, the actions of government with regard to regulation or impending regulation have really brought the industry to bring on substitutes a lot quicker than they would have otherwise. And second, the symbolic value is of critical importance to backtrack will seem peculiar in light of the new evidence that the ozone layer is disappearing all the more fast."

Members of the House, I respectfully urge you to join me in defeating this bill.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I would hope that you would not vote to defeat this measure. This was a unanimous Committee Report of the Energy and Natural Resources Committee and I assure you it is not an attempt on our part to be part of any plot to continue the allowable use of air conditioning in cars that utilize CFC's. The simple fact of the matter is the way that model year cars came out, it was made very clear to us that with the current law, the 1994 deadline, that many, many types of vehicles would not be available to you and your constituents in the State of Maine with air conditioning if we did not extend this for one year.

When I agreed to cosponsor this, I made it very clear that this was the only time that I would vote to give an extension with the understanding that they had better get their people in line and have those model cars in the State of Maine without CFC's in their air conditioning. It is not an attempt by them or by the committee — the fact of the matter was that the model year cars for the 1994 deadline would not have been available for a majority of the people who want air conditioning. We extended to 1995, giving that extra year, and they promised us and I intend to hold their feet to the fire and hold them to their word, that they would do just what they told us they would do. I think it is a matter of importance as far as your constituents who want cars with air conditioning, I know I do, and I certainly don't want one that is going to be damaging our ozone layer. I think this bill just reaffirms, reassures, and does give some flexibility to make sure we do have the model cars available. I would strongly urge your support.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Members of the House: I would remind you that we are not talking about many cars not being available. We are talking about General Motors which is the most out of compliance. Fifteen percent of their models will not be available if they put the air conditioning in them. With Ford, it is a very small amount.

A dealer has apparently said that Detroit wouldn't (not in this hearing but in a previous hearing) — dealers said that Detroit won't send them cars without air conditioning but it is not true. Nearly all cars can be ordered without air

conditioning. They have also maintained that in some cars they had no choice because the system was part of the defrost system. A Detroit engineer for Ford, before he was essentially shut up by lobbyists in the Vermont case, noted that it would be easy to remove the compressor so the air conditioning would not function but the defrost itself would work.

I would also remind you that I, too, expect that in the next model year all the cars are going to be CFC free because in fact that is supposedly G.M.'s intention and we are essentially just concurring with the G.M. phase-in schedule. In fact, almost all manufacturers now are CFC free or very nearly so at this time and it's talking about G.M. and Ford and I guess we can protect their market share.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 25 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

---

**FINALLY PASSED**

**Emergency Measure**

Resolve, Requiring All State Departments and Agencies to Analyze Unfunded Mandates (H.P. 418) (L.D. 537) (C. "A" H-55)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

---

**PASSED TO BE ENACTED**

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

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

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

Representative DAGGETT: Mr. Speaker, I move that L.D. 68 and all accompanying papers be indefinitely postponed.

Mr. Speaker, Ladies and Gentlemen of the House: I have asked that an article be passed out and put on your desks. Some of you indicated to me that you were somewhat confused over the last vote on this issue.

I would just like to remind you that this bill which would prohibit greyhound racing in Maine prohibits something which is already illegal. The bill is virtually unnecessary.

When I spoke before, I didn't mention the other option that the legislature has and that is the option of expressing our collective sentiment and that is appropriately done in a Joint Resolution. That is the place for the feeling of the legislature — if we feel as a group that something should or

shouldn't happen, that we feel strongly about something — we have the option of presenting a Joint Resolution. The statutes are not the place to express legislative sentiment. I hope you will join me in indefinitely postponing this bill.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I am going to ask you to please vote against the pending motion. I ask for the yeas and nays.

Many of you did receive the article by Hank Burns and I just wanted to offer a few thoughts on the article. The logic behind the column opposing the new ban on greyhound racing frankly escapes me. If I understand Mr. Burns correctly, he is saying because 8 to 10 million unwanted dogs and cats are put down at animal shelters each year, we shouldn't be concerned with the 50,000 greyhounds that are neglected, abused and eventually put to death each year. There is no question that carelessness and indiscriminate breeding have created a terrible and tragic problem in unwanted animals. It is a nationwide problem. That is not the point of the ban on greyhound racing. The problem with greyhound racing is it not only compounds the problem of unwanted animals but it fosters the breeding of these dogs for a short career for which only a very few will make the grade. That means of the 60,000 greyhounds born each year, only a fraction make it to the track. About one-third are culled in the first year. If they do show potential for racing, the best they can hope for is an 18 month career after which time they become nothing more than an overhead expense to their owners who see them as nothing more than an investment.

Mr. Burns' argument rings hollow. Why must we ignore a problem because other problems may be bigger?

As to Mr. Burns' notion that we don't need to ban something that is not currently being done, perhaps he should pay attention to what has happened in other states. In Kansas, for example, no one thought to ban greyhound racing because it had never been done there. Gradually exhibition races began to sprout up and support for greyhound racing increased. After a year, the legislature was asked to declare it a legal form of gambling, and they did so. In Maine, we have seen the same "foot in the door" effort underway in Old Orchard Beach and Scarborough.

I am happy to cosponsor this bill because I do not want greyhound racing to ever find its way in Maine. In addition to the animal abuse, greyhound racing, wherever it has appeared, has hurt the harness racing industry. I also do not think that increasing gambling options is the right way for the state to solve our financial problems.

Friends, I think we have spoken on this when we voted on the Committee Report. The Committee Report was bipartisan, it was overwhelming, the vote in accepting the Committee Report was overwhelming.

I ask you to please stick by your original position and vote for the bill and vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Colleagues of the House: I would like to refresh your memory with the statements I made when the Committee Report was accepted. I will honestly say that my concerns were nowhere expressed in this



particular article that was passed around.

My reason in supporting this measure was that we were creating a comprehensive package of legislation. The law, as it states now, any gambling activity is prohibited unless expressly allowed by the legislature. So, what we have done is, if there is any gambling in association with greyhound racing, yes, that is already illegal, but if greyhound were to exist by itself as an activity, say in exhibition form, that is an acceptable operation. So, what we are doing with this particular piece of legislation and I will admit the title is a little deceiving and does not, I believe, accurately relate to what we are trying to do with this piece of legislation. We are trying to create a strong package so that anyone who wants to bring this activity into the state knows that it must come before the legislature to have anything associated with that activity approved. Based on that reasoning, I would request that you vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Members of the House: It isn't too often that I join in on a bill with Representative Bennett but on this one I am pleased to.

I am a little surprised that we are even talking about this bill again. It seemed like a fairly wide margin when we voted on it last week, but I guess I shouldn't be surprised at anything that happens in this House.

If I change my vote, just according to what the Press Herald says here, what Hank Burns says, I guess there wouldn't be much need to even have a legislature if we are just going to let the press run what we are going to do. I think we had a pretty clear debate last week. I think that the present law that bans gambling or doesn't allow gambling on greyhounds isn't quite enough. I think the Kansas incident was a pretty clear reason that we should keep this bill. So, I urge you all to vote against the indefinite postponement.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I agree with Representative Robichaud and I would also like to respond to this — whatever you call it — that was passed out to you. It ends by saying "Where was the rational discussion of this issue, but what were you treated to in this handout?"

Evidently you have a series of reasons why you should be against the bill, one is that even Al Barth, a Republican, and John Martin, a Democrat, agree. I will admit that is a bit surprising but that is no reason to vote against the bill.

Secondly, the small group of frenzied supporters swayed a lot of members. I was in that room — people in there didn't seem frenzied, there was a dog in there, even he wasn't frenzied. I don't think we were in reacting to this piece of legislation.

It also mentions that the cosponsor, Representative Bennett, has never seen a dog race — is that a reason why he can't take a position on it? I haven't seen a lot of things in this world and I assume a lot of you haven't that we vote on but we can make a decision on it. For the Record, I have seen a dog race, and ladies and gentlemen, they stink.

So, I hope I have added to the rationality of the discussion of this. Maybe I haven't, but I certainly urge you to vote against indefinite postponement.

This bill sends a message that should be sent from the State of Maine.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I know there is a fair amount of humor regarding this whole issue. I would just call our attention to a remark that is at the very end of the article, a quote by me that says "it bothers me that we are doing something pointless." The entire sentence was not in there, the entire sentence was "It bothers me that we are doing something pointless and we know that ahead of time." Lots of times we do things that turn out to have been pointless, but to do something ahead of time knowing it was pointless, seems very sad to me.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Daggett of Augusta that L. D. 68 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 19

YEA - Barth, Chonko, Clement, Cote, Daggett, DiPietro, Driscoll, Dutremble, L.; Gamache, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Høglund, Joseph, Larrivee, Mitchell, E.; Morrison, Murphy, Nadeau, O'Gara, Paradis, P.; Plourde, Poulin, Rand, Ricker, Rotondi, Ruhlin, Saint Onge, Spear, Stevens, A.; Sullivan, Swazey, Tardy, Vigue, Young.

NAY - Adams, Ahearne, Aikman, Anderson, Ault, Bailey, H.; Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Campbell, Caron, Carroll, Cashman, Cathcart, Chase, Clark, Cloutier, Clukey, Coffman, Constantine, Cross, Dexter, Donnelly, Dore, Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gray, Greenlaw, Heesch, Heino, Hichborn, Hillock, Holt, Hussey, Jacques, Johnson, Joy, Kerr, Ketterer, Kil Kelly, Kneeland, Kontos, Lemke, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Martin, H.; Melendy, Michael, Mitchell, J.; Nash, Nickerson, Norton, Oliver, Ott, Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plowman, Quint, Reed, G.; Reed, W.; Richardson, Robichaud, Rowe, Rydell, Simonds, Simoneau, Skoglund, Stevens, K.; Strout, Taylor, Thompson, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Tufts, Walker, Wentworth, Whitcomb, Winn, Zirkilton.

ABSENT - Aliberti, Bailey, R.; Carleton, Carr, Coles, Jalbert, Kutasi, Libby Jack, Michaud, Pouliot, Saxl, Small, The Speaker.

Yes, 37; No, 101; Absent, 13; Paired, 0; Excused, 0.

37 having voted in the affirmative and 101 in the negative with 13 being absent, the motion to indefinitely postpone L.D. 68 and all accompanying papers did not prevail.

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

---

**PASSED TO BE ENACTED**

An Act to Permit Retired Teachers to Rejoin the Teachers Health Insurance Plan after Serving in the Legislature (H.P. 26) (L.D. 29) (C. "A" H-49)

An Act to Require the Use of Standardized Evidence Kits for Cases of Gross Sexual Assault (H.P. 198) (L.D. 260) (C. "A" H-50)

An Act to Make the Minimum Age for a Muzzle-loading License the Same as the Minimum Age for a Hunting License (H.P. 294) (L.D. 382) (C. "A" H-57)

An Act to Coordinate Public Sector Occupational Health and Safety Regulations (H.P. 362) (L.D. 465) (C. "A" H-54)

An Act to Facilitate the Payment and Collection of Safety Education and Training Fund Assessments (H.P. 369) (L.D. 472) (C. "A" H-53)

An Act to Establish a Part of the Boundary Between Enfield and Lowell (S.P. 132) (L.D. 423) (H. "A" H-70)

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**

**Tabled and Assigned**

An Act Regarding Motorized Wheelchairs (H.P. 202) (L.D. 264) (C. "B" H-52)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Tuesday, March 30, 1993.

---

**PASSED TO BE ENACTED**

An Act Allowing the Bureau of Labor Standards to Enter into Reciprocal Agreements in the Area of Employment Standards with Other States (H.P. 363) (L.D. 466) (C. "A" H-58)

An Act Regarding the Selection of Arbitrators in Labor Disputes (H.P. 394) (L.D. 507)

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, To Authorize the Director of the Bureau

of General Services to Transfer in the Name of the State a Certain State Built Water Pipeline in the Town of Boothbay Harbor (H.P. 308) (L.D. 396) (C. "A" H-56)

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

---

**ORDERS OF THE DAY**

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 25, 1993 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-37) - Minority (5) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act Prohibiting Political Activity by Members of the Workers' Compensation Board" (S.P. 19) (L.D. 9) - In Senate, Majority "Ought to Pass" as amended Report read and accepted and Bill passed to be Engrossed as amended by Committee Amendment "A" (S-37) TABLED - March 25, 1993 (Till Later Today) by Representative JOSEPH of Waterville. PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Joseph of Waterville that the House accept the Majority "Ought to Pass" as amended Report and later today assigned.

---

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

SENATE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (S-44) - Committee on Legal Affairs on Resolve, to Allow Neal and Linda Chute to Bring an Action against the State (S.P. 17) (L.D. 7) - In Senate, Majority "Ought Not to Pass" Report read and accepted. TABLED - March 25, 1993 (Till Later Today) by Representative DAGGETT of Augusta. PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

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

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-68) - Minority (2) "Ought Not to Pass" - Committee on State and Local Government on Resolve, Creating the Kennebec County Law Enforcement Examination Commission (H.P. 365) (L.D. 468)  
 TABLED - March 25, 1993 (Till Later Today) by Representative JOSEPH of Waterville.  
 PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadlosky of Fairfield, retabled pending the motion of Representative Joseph of Waterville that the House accept the Majority "Ought to Pass" as amended Report and later today assigned.

**TABLED AND TODAY ASSIGNED**

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

Expression of Legislative Sentiment recognizing Elaine Fuller (HLS 186)  
 TABLED - March 25, 1993 by Representative RYDELL of Brunswick.  
 PENDING - Passage.

Was read in its entirety by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: It is with great pleasure that today we honor Elaine Fuller. In addition to what we have said in the Sentiment, I would like to add that Elaine has actually national renown. Among Medicaid directors around the nation, Elaine was long considered one of the most knowledgeable and one of the most experts. She was always ready to assist her newer colleagues and she was called upon many times by Medicaid directors in other states to assist them.

I am sure that under Elaine's direction, Maine's Bureau of Medical Services was always one of the most sought after cite visits because Elaine never allowed a project director or a bureaucrat from Washington to complete the assignment in Maine without enjoying a lobster dinner, usually at Elaine's house.

Now other states will have an opportunity to benefit from her considerable expertise as she embarks upon a new venture in helping the National Academy of State House Policy to deal with Medicaid managed care.

I know you will all join with me in wishing Elaine the best of luck and good wishes in her future endeavors.

Subsequently, HLS 186 was passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**BILL HELD**

Bill "An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (EMERGENCY) (S.P. 320) (L.D. 973)

-In House, Passed to be engrossed.  
 HELD at the Request of Representative KILKELLY of Wiscasset.

On motion of Representative Kilkelly of Wiscasset, the House reconsidered its action whereby L.D. 973 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-77) and moved its adoption.

House Amendment "A" (H-77) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-77) in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Establish the Public Advocate Regulatory Fund Assessment for the Next Biennium" (EMERGENCY) (H.P. 786) (L.D. 1059) which was tabled earlier in the day and later today assigned pending reference.

(The Committee on Reference of Bills had suggested reference to the Committee on Utilities.)

Subsequently, was referred to the Committee on Utilities, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter: SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-37) - Minority (5) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act Prohibiting Political Activity by Members of the Workers' Compensation Board" (S.P. 19) (L.D. 9); In Senate, Majority "Ought to Pass" as amended Report read and accepted and Bill passed to be Engrossed as amended by Committee Amendment "A" (S-37), which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought to Pass" report.

Subsequently, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (S-37) was read by the Assistant Clerk.

Representative Bennett of Norway offered House Amendment "A" (H-75) to Committee Amendment "A" (H-37) and moved its adoption.

House Amendment "A" (H-75) to Committee Amendment "A" (H-37) was read by the Assistant Clerk.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: L.D. 9 raises some very important issues as we as a legislature struggle to overcome an increasingly negative perception of government but, in singling out one board out of the myriad in state government, adopts a piecemeal approach to an important issue. We should always proceed cautiously whenever we restrict an individual's right to full political expression and participation.

L.D. 9 does begin to address a problem but let's use this bill as a vehicle to take a comprehensive look at restrictions on political activities. Surely these same standards could apply to the Public Utilities Commission, the Board of Environmental Protection, the Land Use Regulation Commission, the State Board of Education, perhaps even the Commission on Governmental Ethics and Election Practices and a host of other boards and commissions that tackle politically sensitive issues. In fact, there are 298 boards and commissions in state government that this bill in its current form does not address. What does L.D. 9 do now? It does not apply to anyone currently serving on the Workers' Compensation Board and so I would argue that the sense of urgency has been perhaps exaggerated. Clearly we can use the time we have between sessions to develop a cohesive policy, a comprehensive policy, that addresses the big picture and ensures that we are applying our laws in an even-handed manner.

The amendment I proposed would establish a study commission charged with studying and considering a comprehensive policy for all state boards. The board will be comprised of seven members consisting of legislators and members of the public and will report back with its recommendations in time for consideration by the Second Regular Session.

There is a precedence for this type of process, the 113th Legislature dealt with a similar issue concerning conflict of interest laws. That legislature considered L.D. 1219 at the time, which was initially aimed at the Department of Environmental Protection. That bill was tabled, a study ordered and, as a result, the legislature developed a comprehensive approach to conflict of interest laws throughout state government.

Let's avoid making the mistake of a piecemeal approach and instead take the opportunity to look comprehensively at restrictions on political activities in the state. I think we as a legislature will benefit from this approach. I think the boards and commissions of state government will benefit from this approach and, most importantly, I am confident the citizens of Maine will benefit from this approach.

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

Representative JOSEPH: Mr. Speaker, I would like to pose a question to the Chair.

Mr. Speaker, is House Amendment "A" to Committee Amendment "A" with the filing number of (H-75) germane to the bill?

The SPEAKER: In reference to the question posed by the Representative from Waterville, Representative Joseph, the Chair would make note that the Bill deals with (in the title) political activity by members of the Workers' Compensation Board. The contents of the legislation also deals with that question and nothing else. The intent of Representative Bennett of

Norway's amendment is to create a commission. The Chair would therefore have to rule that House Amendment "A" (H-75) is not germane.

Subsequently, Committee Amendment "A" (H-37) was adopted and the Bill assigned for second reading, Tuesday, March 30, 1993.

The Chair laid before the House the following matter: SENATE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (S-44) - Committee on Legal Affairs on Resolve, to Allow Neal and Linda Chute to Bring an Action against the State (S.P. 17) (L.D. 7); in Senate, Majority "Ought Not to Pass" Report read and accepted, which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought Not to Pass" Report.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I hope you will join me in accepting the Majority "Ought Not to Pass" Report on this suit against the state. I would just briefly summarize it for those of you who are unfamiliar with this.

The Legal Affairs Committee gets from time to time legislation which would ask for us to lift the state's sovereign immunity and allow a suit to proceed against it.

The Supreme Court has recognized that not only do lawsuits against governmental officials have significant social costs, including the expenses, obligation and the diversion of official energy from other public issues, but there is also the danger that the fear of being sued will affect the ability and/or desire of governmental officers to exercise independent judgment.

In order for a suit to go forward, it should rise to some extraordinary circumstances and this suit simply does not rise to those. The facts of the case, and that is some bad advice given by an agent of the state, is simply not strong enough to cause us to lift our sovereign immunity. The facts of the case are not in dispute, it is agreed upon that there was bad advice but at all times it is felt that Mr. Chute had legal remedies available to him and he chose not to take advantage of those. At any time, he could have gone into court to seek the legal remedy which he is now asking us to lift the sovereign immunity of the state.

I would just mention that he had had a long history of dealings with the court regarding this support order that started in 1978, twice in 1979, twice in 1981, again in 1983, 1984, again in 1989 — so he was very familiar with the court procedure and could have gotten a remedy there. There does not seem to be a reason why he should come to the state instead of following the court order which he had been under.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, My Learned Colleagues: We have been over this pretty much but I would like to just go over it once more with my understanding of what happened.

Everything went along all right until the time that the mother told the son that he could not come

back home. He wanted to go back home and graduate from South Portland High School. She would not allow it, no place for him to come home. That is when Mr. Chute went to Mr. (inaudible) and they told him what to do and he did exactly what he told him. They admit that they told him. They even wrote a letter to Mrs. Chute telling that they would not withdraw anymore money from his earnings.

Now, it has been brought up that he bought a car with some of the money. He bought a car with some of the money because he had a job and needed transportation.

Another thing that has come to my attention since I read this over again, there was \$695 in medical bills that could have been reimbursed by the insurance company but Mrs. Chute never turned them over to Mr. Chute so they could pay — so the poor guy had to pay that also.

It appears to me that evidently it must have been a hard divorce and I guess a lot of hard feelings and nobody seems to be cooperating with one another.

I think that Mr. Chute did everything that he could and he followed the advice of the Department of Human Services. That's what happened.

It would seem to me that they made a mistake, they made a grave mistake and Mr. Chute should be allowed to sue the state. Maybe he will win, maybe he won't. When Mrs. Chute filed suit against him, he filed a cross-suit. If he had had advice ahead of time, he would have never done that. I don't believe that he had the time — all this transpired from the time that the boy was not accepted home that he had any legal advice whatsoever and he relied solely on the part of Human Services.

I hope you will not accept the Majority "Ought Not to Pass" Report and accept the Minority "Ought to Pass" Report.

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

A vote of the House was taken.

64 having voted in the affirmative and 40 in the negative, the Majority "Ought Not to Pass" Report was accepted in concurrence.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-68) - Minority (2) "Ought Not to Pass" - Committee on State and Local Government on Resolve, Creating the Kennebec County Law Enforcement Examination Commission (H.P. 365) (L.D. 468), which was tabled earlier in the day and later today assigned pending the motion of the Representative from Waterville, Representative Joseph, that the House accept the Majority "Ought to Pass" Report.

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

A vote of the House was taken.

72 having voted in the affirmative and 32 in the

negative, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-68) was read by the Assistant Clerk and adopted and the Bill assigned for second reading Tuesday, March 30, 1993.

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

**ORDERS**

On motion of Representative MITCHELL of Vassalboro, the following Order:

Ordered, that the House Rules be amended by adding a new House Rule to read:

2-A. The Speaker, the majority leader, the majority whip, the minority leader and the assistant minority leader may not serve more than 4 consecutive terms in the same position. Any person serving in one of those positions in the 116th Legislature is considered to be serving a first term in that position.

; and be it further

Ordered, that any duplicate Rule numbers be amended to read alphanumerically.

Was read.

Pursuant to House Rule 54, tabled pending passage and specially assigned for Tuesday, March 30, 1993.

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 Larrivee of Gorham, Adjourned at 6:24 p.m. until Tuesday, March 30, 1993, at ten o'clock in the morning.