

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
33rd Legislative Day
Tuesday, March 30, 1993

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

Prayer by Reverend Vicki L. Woods, Orono United Methodist Church.

The Journal of Monday, March 29, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 25, 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 Aging, Retirement and Veterans, Grover B. MacLaughlin of Orono for reappointment to the Maine State Retirement Board of Trustees.

Sincerely,

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

Was read and ordered placed on file.

Bill "An Act to Regulate Credit Insurance and to Require Disclosure to Borrowers" (S.P. 354) (L.D. 1068)

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

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

Bill "An Act to Amend the Laws Concerning Requirements for Licensure of Counseling Professionals" (S.P. 349) (L.D. 1063)

Bill "An Act to Clarify the Laws Regarding Interior Design Services" (S.P. 351) (L.D. 1065)

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 Plastic Holding Devices Used in Packaging" (S.P. 350) (L.D. 1064)

Bill "An Act to Allow the Use of Polystyrene Cups in Schools" (S.P. 353) (L.D. 1067)

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

Were referred to the Committee on **Energy and Natural Resources** in concurrence.

Bill "An Act to Establish the Regional Revolving Loan Fund" (S.P. 357) (L.D. 1071)

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

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

Bill "An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights" (S.P. 355) (L.D. 1069)

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 Concerning Recounts of State Election Results" (S.P. 352) (L.D. 1066)

Bill "An Act to Reform Campaign Practices" (S.P. 358) (L.D. 1072)

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 Expedite Maintenance of Utility Facilities" (S.P. 346) (L.D. 1041)

Bill "An Act to Provide Equitable Treatment of Electric Utility Conservation Costs" (EMERGENCY) (S.P. 347) (L.D. 1042)

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

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

Reported Pursuant to Public Law

Report of the Department of Agriculture, Food and Rural Resources, pursuant to Public Law 1991, chapter 779 ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Consistency in the Animal Welfare Laws" (S.P. 345) (L.D. 1040) be referred to the Joint Standing Committee on Agriculture for public hearing and printed pursuant to Joint Rule 20.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Agriculture and ordered printed.

Report was read and accepted and the bill referred to the Committee on Agriculture and ordered printed in concurrence.

Non-Concurrent Matter

Bill "An Act to Provide Greater Access to Private Roads during Emergencies" (H.P. 359) (L.D. 462) which was passed to be engrossed as amended by Committee Amendment "A" (H-63) in the House on March 22, 1993.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Transportation in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 348)

116TH MAINE LEGISLATURE

March 25, 1993

Senator Alton E. Cianchette
Rep. Annette M. Hoglund
Chairpersons
Joint Standing Committee on Business Legislation
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated David C. Kitchen of Yarmouth and Lowell T. Sherwood, Jr. of Bangor for appointments to the Maine Real Estate Commission.

Pursuant to Title 32, MRSa Section 13062, these nominations will require review by the Joint Standing Committee on Business Legislation 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 Business Legislation.

Was Read and Referred to the Committee on Business Legislation in concurrence.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON AGING, RETIREMENT AND VETERANS

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Aging, Retirement and Veterans has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 30 An Act to Permit Arthur Rogers to Change His Retirement Option
- L.D. 90 Resolve, Instructing the Commissioner of the Department of Defense and Veterans' Services to Transfer a Surplus Facility to the Town of Rumford
- L.D. 91 An Act to Amend the Retirement Laws
- L.D. 128 An Act Regarding Survivor Benefits

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bonnie L. Titcomb S/Rep. John Jalbert
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

LEGISLATIVE RECORD - HOUSE, MARCH 30, 1992

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Agriculture has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 94 An Act to Impose a Fine on Owners of Dogs That Disturb the Peace
- L.D. 378 An Act to Improve Milk Quality
- L.D. 414 An Act to Permit Animal Shelters to Administer Rabies Vaccine
- L.D. 420 An Act to Require Licensing of Cats

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy A. Paradis S/Rep. Robert J. Tardy
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 26 An Act to Ensure the Viability of the Maine Employers' Mutual Insurance Company
- L.D. 199 An Act to Provide Discounted Workers' Compensation Rates for Certain Employers
- L.D. 344 An Act Concerning Insurance Rate Increase Requests
- L.D. 360 An Act Regarding Escrow Accounts of Taxes and Insurance by Mortgagees
- L.D. 375 An Act Regarding the Workers' Compensation Residual Market Mechanism
- L.D. 504 An Act to Encourage Small Businesses to Provide Health Insurance to Employees
- L.D. 642 An Act to Strengthen Laws Against

Uninsured Motorists

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dale McCormick S/Rep. Edward L. Pineau
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON BUSINESS LEGISLATION

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business Legislation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 210 An Act to Increase the Availability of Emergency Information
- L.D. 281 An Act Relating to the Licensing of Counselors
- L.D. 362 An Act to Provide for the Registration and Licensing of Motor Vehicle Body Shops
- L.D. 434 An Act to Amend the Real Estate Brokerage Laws
- L.D. 452 An Act to Amend the Maine Returnable Bottle Bill

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Alton E. Cianchette S/Rep. Annette M. Hoglund
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON EDUCATION

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
 Honorable John L. Martin, Speaker of the House
 116th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Education has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 77 An Act to Provide Funds for School Lunches
- L.D. 118 An Act to Preserve Existing Elementary Guidance Services in Public Schools
- L.D. 205 An Act to Enhance the Effectiveness of the Quality Incentive Adjustment Allocation

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John J. O'Dea, S/Rep. Elizabeth M. Mitchell
 Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE
 COMMITTEE ON ENERGY AND NATURAL RESOURCES

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
 Honorable John L. Martin, Speaker of the House
 116th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Energy and Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 258 An Act to Clarify the Municipal Role in Growth Management
- L.D. 369 An Act to Amend the Composition of the Maine Land Use Regulation Commission
- L.D. 411 An Act to Promote Uniformity of Pricing among Municipalities Serviced by Privately Owned Waste-to-energy Facilities
- L.D. 428 An Act Concerning Rules of the Department of Environmental Protection

- L.D. 438 An Act to Protect the Public Health
- L.D. 443 An Act Concerning Water Conservation
- L.D. 487 An Act Concerning Closure of Municipal Landfills
- L.D. 505 An Act to Set a Moratorium on Issuing Permits for Septic Tanks
- L.D. 539 An Act to Ensure That Senior Citizens Have Access to Parks Purchased with State Funds
- L.D. 556 An Act to Establish Greater Consistency among Federal and State Environmental Regulations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mark W. Lawrence S/Rep. Paul F. Jacques
 Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND SIXTEENTH LEGISLATURE
 COMMITTEE ON FISHERIES AND WILDLIFE

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
 Honorable John L. Martin, Speaker of the House
 116th Maine Legislature
 State House
 Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 349 An Act to Give Preference to Landowners in the Drawing of "Any Deer" Permits
- L.D. 386 An Act to Protect the Smelt Population in Jordan Pond
- L.D. 415 An Act Concerning Registration Stations
- L.D. 440 An Act Concerning an Experimental Brook Trout Stocking in Somes Pond, Mount Desert, Maine
- L.D. 566 An Act to Allow Bow Hunters to Take Antlerless Deer During the Open Firearms Season
- L.D. 663 An Act Regarding Doe Permits

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. M. Ida Luther S/Rep. Dorothy A. Rotondi
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Housing and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 436 An Act to Create a Small Business Energy Conservation Program through the Finance Authority of Maine

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Rochelle M. Pingree, S/Rep. Rita B. Melendy
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the

following bills out "Ought Not to Pass":

L.D. 5 An Act Concerning Private Agencies That Have Contracts with the Department of Human Services

L.D. 56 An Act to Establish a Psychiatric Component for Component for Community Health and Counseling Services in Washington County

L.D. 87 An Act to Provide Mental Health Services to the Elderly

L.D. 137 An Act Regarding Substance Abuse Treatment Programs to Provide Nutrition Counseling

L.D. 259 An Act to Reduce Hospital Costs

L.D. 265 An Act to Restore the Availability of Prescription Drugs to Persons With HIV or AIDS

L.D. 289 An Act Concerning Medicaid Services for People with Mental Illness

L.D. 338 An Act to Require the Department of Human Services to Provide Hepatitis Vaccines for Volunteer Firefighters

L.D. 342 An Act to Ensure Equal Medicaid Coverage for Hearing Aids to Boarding Home Residents

L.D. 422 An Act to Create an Emergency Services System for Persons with Mental Illness in Kennebec County

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy A. Paradis, S/Rep. Sharon Anglin Treat
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the

following bills out "Ought Not to Pass":

- L.D. 42 An Act to Reestablish Capital Punishment in the State
- L.D. 89 An Act to Clarify the Standard for Punitive Damages in Negligence Cases
- L.D. 124 An Act to Improve Enforcement of Small Claims Actions
- L.D. 142 An Act to Impose a Cap on Awards of Damages in Tort Actions
- L.D. 147 An Act to Provide for Enhanced Penalties for Crimes Committed against Elderly or Handicapped Persons
- L.D. 221 An Act to Clarify the Liability of Fire Chiefs
- L.D. 261 An Act Protecting the Assets of Persons Accused of Crimes as Needed to Hire Legal Counsel
- L.D. 280 An Act to Amend the Child Protection Laws
- L.D. 290 An Act to Amend the Laws Governing Child Protection Orders
- L.D. 577 An Act to Amend the Wrongful Death Laws
- L.D. 835 An Act to Enhance Collection of Child Support

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Gerard P. Conley, Jr. S/Rep. Constance D. Cote
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON LABOR

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 45 An Act to Require Recovery of

Unemployment Benefit Overpayments

- L.D. 219 An Act to Require Health Insurance for Laborers on Public Works Projects
- L.D. 229 An Act to Clarify an Exemption in the Laws Governing Unemployment Compensation
- L.D. 303 An Act to Amend the Exclusivity Provisions of the Workers' Compensation Laws
- L.D. 340 An Act to Require That Compensable Workers' Compensation Injuries Be the Result of an Accident
- L.D. 667 An Act Restoring the Right to Sue to Workers Injured Due to Gross Negligence
- L.D. 676 An Act to Limit Attorney's Fees in Workers' Compensation Cases

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. James R. Handy S/Rep. Richard P. Ruhlin
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON LEGAL AFFAIRS

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 146 An Act to Amend the Election Laws
- L.D. 190 An Act Concerning Absentee Ballot Voting Procedures
- L.D. 234 An Act to Prevent Intoxication-related Injuries, Deaths and Damages
- L.D. 263 An Act to Reduce Access by Minors to Alcoholic Beverages in Agency Stores
- L.D. 326 An Act to Improve Election Day Voter Registration

LEGISLATIVE RECORD - HOUSE, MARCH 30, 1992

- L.D. 339 An Act to Ensure Accountability in the Election Process
- L.D. 398 An Act to Limit the Size of Agency Liquor Stores
- L.D. 478 An Act to Amend the Laws Governing the Method of Recounting Ballots in Elections
- L.D. 489 An Act Relating to Credit Terms for Retail Liquor Licensees
- L.D. 515 An Act to Amend the State Election Laws
- L.D. 675 An Act to Amend Election Laws

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey S/Rep. Beverly C. Daggett
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 11 An Act to Abolish the Atlantic Sea Run Salmon Commission
- L.D. 33 An Act to Establish a Date for Removal of Fishing Shacks from Tidal Waters
- L.D. 96 An Act Concerning Lobster Licensing
- L.D. 110 An Act to Change the Legal Harvesting Size of Clams
- L.D. 148 An Act to Regulate the Season and Drag Size for Scallop in Cobscook Bay and Passamaquoddy Bay
- L.D. 196 An Act Concerning the Use of Stabilizers on Fishing Vessels
- L.D. 311 An Act Concerning Shellfish Licenses

- L.D. 424 An Act to Establish Scallop Drag Sizes for Waters within the 3-mile Limit
- L.D. 439 An Act Concerning Atlantic Salmon in the Union River

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Harry L. Vose S/Rep. James Mitchell
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 138 An Act Related to the Code Enforcement Officer Certification Program
- L.D. 238 An Act to Amend the Laws Governing Paper Streets
- L.D. 275 An Act to Amend the Employee Suggestion System
- L.D. 409 Resolve, to Increase Efficiency and Reduce Costs for State Agencies
- L.D. 463 An Act to Require the Provision of Local Law Enforcement

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Georgette B. Berube S/Rep. Ruth Joseph
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

COMMITTEE ON TAXATION

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 99 An Act to Amend the Laws Governing Real Estate Transactions
- L.D. 181 An Act to Implement the Recommendations of the Joint Standing Committee on Taxation Pursuant to Its Annual Tax Expenditure Review
- L.D. 277 An Act to Aid in the Administration of the Motor Vehicle Excise Tax
- L.D. 332 An Act to Amend the Lobster Promotion Fund
- L.D. 490 An Act to Repeal the Requirement for Registration of Truck Campers
- L.D. 511 An Act to Authorize Farmland Protection Impact Fees

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John E. Baldacci S/Rep. Susan E. Dore
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 143 An Act to Establish Physical Qualifications for Insulin-controlled Diabetics and People with Visual Impairments to Operate Commercial Motor Vehicles
- L.D. 307 An Act Regarding Diesel Truck Registration
- L.D. 359 An Act to Amend the Laws Governing Use of Handicap Placards in Motor Vehicles
- L.D. 377 An Act Concerning the Transfer of Motor Vehicle Registration Plates
- L.D. 383 An Act to Establish Signs for Points of Historic Interest
- L.D. 496 An Act to Increase the Penalty for Failure to Use Car Safety Seats
- L.D. 533 An Act Concerning the Inspection Standards for Buses
- L.D. 535 An Act to Amend the Laws Governing the Use of Emergency Lights on Vehicles
- L.D. 552 An Act to Amend the Laws Pertaining to the Inspection and Registration of Automobiles
- L.D. 568 An Act to Create a Pilot Project at the Yarmouth Information Center

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan S/Rep. William B. O'Gara
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON UTILITIES

March 26, 1993

Honorable Dennis L. Dutremble, President of the Senate
Honorable John L. Martin, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 387 An Act to Require Accountability for Bulk-billed Telephone Services

L.D. 448 An Act to Exempt Small Businesses from Demand Charges on Electric Rates

L.D. 678 An Act to Make Additional Allocations to the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1993

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Harry L. Vose
Senate Chair

S/Rep. Herbert E. Clark
House Chair

Was read and ordered placed on file.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative PINEAU from the Committee on Banking and Insurance on Bill "An Act Relating to Compulsory Insurance Limits for Hired Vehicles Used to Transport Passengers" (EMERGENCY) (H.P. 728) (L.D. 987) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-89)

The Committee Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-89) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended by Committee Amendment "A" (H-89) and sent up for concurrence.

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

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:

Energy and Natural Resources

Bill "An Act to Establish the Fund Insurance Review Board" (EMERGENCY) (H.P. 797) (L.D. 1083) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator CIANCHETTE of Somerset and Representatives: ANDERSON of Woodland, COLES of Harpswell, GOULD of Greenville, MITCHELL of Freeport)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Laws Governing Adverse Possession of Real Estate" (H.P. 790) (L.D. 1076) (Presented by Representative OTT of York)

Bill "An Act to Increase the Fee for Taking Fingerprints and Palm Prints of Citizens upon Request" (H.P. 793) (L.D. 1079) (Presented by Representative COTE of Auburn) (Cosponsored by Representatives: LIPMAN of Augusta, MELENDY of Rockland, Senator: BERUBE of Androscoggin)

Bill "An Act to Clarify Mandatory Accessible Waiver Authority" (H.P. 794) (L.D. 1080) (Presented by Representative COTE of Auburn) (Cosponsored by Senator CONLEY of Cumberland and Representatives: FARNSWORTH of Hallowell, KETTERER of Madison, Senator: BERUBE of Androscoggin)

Bill "An Act Adopting the Uniform Management of Institutional Funds Act" (H.P. 796) (L.D. 1082) (Presented by Representative OTT of York)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act Amending the Liquor License Laws" (H.P. 792) (L.D. 1078) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senators: CAREY of Kennebec, HANDY of Androscoggin)

Resolve, Authorizing the State to Pay Elizabeth Penney an Amount Not to Exceed \$2,000 (H.P. 791) (L.D. 1077) (Presented by Representative MELENDY of Rockland)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Promote Stronger Interdepartmental Cooperation" (H.P. 795) (L.D. 1081) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senators: CIANCHETTE of Somerset, HANDY of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

In Memory Of:

C. Jack Reynolds, of Buxton, our respected colleague, who served as a member of the House of Representatives during the 101st Legislature. An

avid sportsman and ex-Maine Guide, he provided a voice for conservation and sporting interests. Among his numerous contributions to the good of the community was the founding of the Reynolds Sports Center. He will be deeply missed by family and friends; (HLS 210) by Representative LIBBY of Buxton. (Cosponsor: Senator ESTY of Cumberland)

On motion of Representative Libby of Buxton, was removed from the Special Sentiment Calendar.

Was read.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: A former member of our body, the Honorable C. Jack Reynolds, has passed away and I would like to take just a moment to discuss some of the accomplishments of this great individual who occupied seat #93 and served Buxton and Hollis so well.

First, Jack was a neighbor and friend of mine for most of my life. He, his son, and grandson all supported me during my campaign for the legislature and I am very honored to have had Jack's final vote as a Representative. As Jack was a life-long Democrat, his support for my Republican campaign was very important and greatly appreciated.

I remember Jack as a kindhearted individual who loved the outdoors. He was the founder of Maine's largest and most well known motorcycle, snowmobile and outdoor recreational vehicle dealership, known as Reynolds Sports Center which I have referred to before on this very floor.

Jack also loved animals and in fact he owned a pet black bear for a few years which he kept in a very roomy cage at the Honda Shop, which it was called back then. People came from all over the region to see the bear and test drive a motorcycle or a snowmobile. For me, it was very easy because I lived right down the road.

As an ex-Maine guide and avid sportsman, Jack served this body well as a member of the Inland Fisheries and Game Committee. Representative Reynolds was on Record against any tampering with fish and wildlife or the commercial polluting of their natural habitat.

He also pushed to bring cheaper power to Maine and was in favor of more vocational schools for southern Maine. This call in 1963 sounds very familiar to this legislator in 1993.

Representative Reynolds served the town of Buxton as its building inspector and a member of its budget committee. He was also a charter member of the Buxton/Hollis Rod and Gun Club, Chancellor Commander of the Narragansett Lodge and Treasurer of the Fire Department.

It was once stated in the Portland Press Herald that Jack probably dragged out more deer and snagged more trout than any other local resident. Jack also enjoyed hunting bobcat with his father Leon. In 1948, he helped to set a world crosscut saw record.

He won his very first run for legislature in 1962 and was the first Democrat in 30 years to hold that seat.

Jack remained tall, agile, and very angular for his entire 76 years and to us in Buxton and here in this body, he will be missed.

Subsequently, HLS 210 was adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative PINEAU from the Committee on Banking and Insurance on Bill "An Act to Improve Compliance with the Laws Governing Financial Responsibility" (H.P. 312) (L.D. 400) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-81)

Report was read and accepted. the bill read once. Committee Amendment "A" (H-81) was read by the Clerk and adopted and the bill assigned for second reading Thursday, April 1, 1993.

CONSENT CALENDAR

First Day

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

(H.P. 200) (L.D. 262) Bill "An Act to Amend the Membership of the State Employee Health Commission" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-82)

(H.P. 150) (L.D. 202) Bill "An Act to Deter Felons from Carrying Firearms during the Maine Hunting Season" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-83)

(H.P. 385) (L.D. 498) Bill "An Act to Transfer the Predetermination of Independent Contractor Status Responsibility in the Workers' Compensation Laws" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-84)

(H.P. 83) (L.D. 113) Bill "An Act to Create a Program to Promote the Purchase of State-grown Produce by Needy Persons" (EMERGENCY) Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-86)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 1, 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. 248) (L.D. 327) Bill "An Act to Repeal the

Mandatory First-aid Requirement for Licensed Maine Guides" (C. "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" (C. "A" H-78)

(H.P. 258) (L.D. 336) Bill "An Act Relating to Interspousal Immunity"

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 Prohibiting Political Activity by Members of the Workers' Compensation Board" (S.P. 19) (L.D. 9) (C. "A" S-37)

Resolve, Creating the Kennebec County Law Enforcement Examination Commission (H.P. 365) (L.D. 468) (C. "A" H-68)

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.

PASSED TO BE ENACTED

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

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

An Act to Correct Inconsistencies in the Shoreland Zoning Laws (H.P. 428) (L.D. 547)

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.

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Prohibit People from Riding in the Back of Open Pickup Trucks" (H.P. 22) (L.D. 24) TABLED - March 29, 1993 by Representative TRACY of Rome.

PENDING - Adoption of Committee Amendment "A" (H-72) as amended by House Amendments "A" (H-79) and "B" (H-80) thereto.

Subsequently, Committee Amendment "A" (H-72) as amended by House Amendments "A" (H-79) and "B" (H-80) thereto was adopted.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, I move indefinite postponement of this bill and all accompanying papers.

Why I am asking for indefinite postponement of this bill and all its accompanying papers is because I have problems with it. Here we go again — we are legislating a little common sense to parents that may only have one vehicle which may be a pickup truck and have three or four kids, not always riding in that vehicle during the winter in the back of the pickup but what happens in the summer or the spring when they want to go on a family jaunt somewhere or go to the beach? To say that we have to put seatbelt restrainers in there is, I think, getting a little ridiculous because the back of the pickup truck is used for hauling and stuff.

I would urge you to go along with me and indefinitely postpone this bill.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would submit that we had a long, lengthy public hearing on it. We had several work sessions to discuss this very issue. We are trying very desperately to put safety above a minor issue that the Representative just mentioned. We tried to accommodate everybody that we possibly could in this particular regard, it is a very serious issue. I don't know how many people in this House are aware of just how serious the issue is. It is becoming more so, the state police and other law enforcement agencies, ambulance, rescue, medical people testified that this is a very serious issue.

I am determined I am not going to get into a long debate over this issue. We have tried to explain the purpose of it. I am trying to make you understand right now that the committee weighed it very, very carefully. The amendments reflect a couple of what we consider to be valid exceptions in and around a farm, in and around the docks, as Representative Kilkelly submitted the other day. But to indefinitely postpone this bill, based on the statement made by the Representative, frankly, in my judgment and the judgment of the Committee, is not a valid one.

I would urge the House to defeat this motion, go on and let this bill pass.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: We have killed over 100 bills today and I think this would be a great opportunity for us to maybe kill one more.

First though, I want to thank the members of the committee for taking the time to look over this bill

so thoroughly. I know they spent a lot of time with it, so I appreciate the work of the committee members. However, I have a little problem myself with this bill. I have discussed it with some other legislators here and I know they do too.

I think, first of all, many members of this House — I am not going to speak for everybody — but I think you all have probably ridden in the back of a pickup truck before. I think at the time you probably thought that that was just fine. In fact, if you had to think about it for a minute, maybe you would think that it should be the right of the individual who owns the pickup truck to take somebody in the back of that pickup truck if they would like to do that. I know when I was a young person, I used to take trips up to Kingfield where my family had a camp and boy, when you are a young kid, you can't wait to get in the back of that pickup truck and go up there and have a heck of a time, and we did.

I also know from my youth going to Beachridge Speedway, where my father is a race director, that the majority — I won't say the majority of people that came in there — but a lot of people came to the speedway on about a five or ten mile jaunt in the back of a pickup truck. It is just a fact, it still happens today. People drive to the speedway in the back of those pickup trucks so they can get there. There is only room for two or three passengers in a pickup and the rest of the people jump in the back and they go to the speedway. I assure you that, while I am sure there is a little bit of additional risk, I don't think that it is such a tremendous risk that we should be telling the owners of those pickup trucks what to do.

Sometimes when I look at the State of Maine, I look at it as a great big pie and sometimes when I look at the House, I look at 151 members in the House as having a finger in that pie, and I am hoping that in this case that we can keep the pie whole and not have a finger in that pie because it is part of, I think, a quality of life question. You know, that's one thing about Maine, we really value the quality of life here in Maine. I am hoping that some of you people will agree with me.

So, in summary, I think that we should not try to tell people what to do with their property if we can possibly avoid it. I am afraid that might be what we are trying to do here in this case.

I hope you will vote with me to indefinitely postpone this bill.

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

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

Could I find out from Representative O'Gara, are there some statistics from accidents, what is behind the need for this bill?

The SPEAKER: The Representative from Limestone, Representative Young, has posed a question through the Chair to Representative O'Gara of Westbrook who may respond if he so desires.

The Chair recognizes that Representative.

Representative O'GARA: Mr. Speaker, Men and Women of the House: I do not have the numbers here with me but they were presented, enough cases in our judgment, enough concern in our judgment, that in fact, this is a serious issue. I have observed it more than one time in my capacity, which you are familiar with. No, I don't have the numbers right at this time, I am sure I could get them for the

Representative.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to thank the committee for the time they spent on this bill. But, in my opinion, this is another example of, and pardon the expression, "big brother watching out for everybody." As much as I am concerned about the safety of the people of the State of Maine, I do not feel that I have any God given right to stand here and determine what is right for everybody in the State of Maine. I consider the people of the State of Maine, for the most part, to be very sensible and will do what is right in the case of their children or anybody else that they are responsible for.

I, too, would urge you to vote for the indefinite postponement of this bill based on the reasons that you have heard before me and my feeling that it is up to the individual, not us.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: As the sponsor of L.D. 24, I felt that it was appropriate to rise and at least give you a little explanation of why this bill was put in. Are there statistics as Representative Young asked? Yes, there are. The exact number I don't have because in the State of Maine, unfortunately, we don't keep statistics on the number of people that are injured in the back of pickup trucks, it is not on the ticket. In Old Orchard Beach and other communities during the summer, people do ride in the back of pickup trucks.

I would just like to take a second because I think the Committee on Transportation spent many long hours deliberating. It was an easy bill to kill. It has been before this House on many different occasions but we felt that safety should come first.

The bill says that passengers under 19 years of age being transported in the back of a pickup truck must ride in the front compartment. The present law states that if in fact there are three seats in the pickup truck, as long as those seats are taken, regardless of age, the individual riding in the back of the pickup truck could be a child. I didn't think that was appropriate. I felt that if in fact there was a seat open in the front, that at least the youngest individual should ride in the front. The elder should ride in the back.

Another exemption was passengers in a truck camper. If this isn't enclosed, not that it's safe, that we felt that if they were doing it during the wintertime, they could do it in the summertime, put the cap back on and ride.

Passengers in a pickup truck being used for Agricultural purpose — as we all know, there are different sections of the State of Maine where farming serves a very important purpose for this state as far as economics and growth. This bill does not hamper any of that. It also goes for parades. We felt that parades were very important. There are exemptions for that. This bill just deals with the safety issue. Sure, common sense should prevail in these issues, but I can only ask you to refer to what was just put on my desk by Representative Pendexter on highway safety. I will read to you just the black bold print — "Don't be a dummy."

I think this is a step in the right direction to provide safety. These people who cannot afford another vehicle — just remember who pays if and when there is an accident.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to Representative Kerr.

Representative Kerr, I understand you have a problem with the riding in back of pickup trucks particularly in Old Orchard, can you pass an ordinance to take care of that problem now?

The SPEAKER: Representative Clark of Millinocket has posed a question through the Chair to Representative Kerr of Old Orchard Beach who may respond if he so desires.

The Chair recognizes that Representative.

Representative KERR: Mr. Speaker, Men and Women of the House: This is not just a bill for Old Orchard Beach, this is a bill dealing with safety. I don't believe that a bill should be passed just for one community nor would I suggest it.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I will be very brief. The reason I asked that question was when you pass a bill like this, you are affecting everybody in the entire State of Maine. It seems like riding in the back of a pickup is almost like anything you do in the State of Maine, it's like a way of life. If you take a look, for a lot of people in the state, it might be the only means of travel they have.

Another thing too, we have a seatbelt law in this state, you are not supposed to have children in the back of a pickup as it stands right now under the Seatbelt Law.

So, I hope a lot of common sense is given by the Mom's and Dad's who have pickups that they don't allow their children to ride on back, but I don't think we ought to be passing laws for everybody in the State of Maine when they have a problem. You talk about safety, we have a lot of problems in this state. We have chain saws in the area I live — do you outlaw chain saws? There are a lot of things we could be doing here but I don't think it is right for us to pass laws for everybody to fall under that kind of law.

I hope when you vote, you vote with Representative Tracy to indefinitely postpone.

Representative Tracy of Rome requested a roll call vote.

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 Tracy of Rome that L.D. 24 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 20

YEA - Ahearne, Aliberti, Anderson, Barth, Beam, Bennett, Bowers, Cameron, Campbell, Carleton, Caron, Cashman, Cathcart, Chonko, Clark, Clement, Coffman, Coles, Cross, Dexter, Donnelly, Dore, Erwin, Farnsworth, Farnum, Farren, Fitzpatrick, Foss, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heesch, Heino, Hichborn, Hillock, Holt, Jacques, Jalbert, Johnson, Joy, Kilkelly, Kneeland, Kutasi, Lemke, Lemont, Libby James, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Michael, Mitchell, J.; Murphy, Nash, Nickerson, Norton, Ott, Pendleton, Pfeiffer, Plowman, Poulin, Quint, Rand, Reed, G.; Reed, W.; Richardson, Robichaud, Rotondi, Saxl, Skoglund, Small, Spear, Stevens, K.; Sullivan, Swazey, Tardy, Taylor, Townsend, G.; Townsend, L.; Tracy, Tufts, Wentworth, Whitcomb, Winn, Zirnkilton.

NAY - Adams, Aikman, Ault, Brennan, Bruno, Carr, Carroll, Cloutier, Clukey, Constantine, DiPietro, Driscoll, Dutremble, L.; Faircloth, Gamache, Gean, Gwadosky, Hoglund, Hussey, Joseph, Kerr, Kontos, Lipman, Martin, H.; Melendy, Mitchell, E.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pineau, Pinette, Plourde, Pouliot, Ricker, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Stevens, A.; Strout, Townsend, E.; Treat, True, Vigue, Walker, Young.

ABSENT - Bailey, H.; Bailey, R.; Chase, Cote, Daggett, Ketterer, Larrivee, Libby Jack, Michaud, Pendexter, Simoneau, Thompson, The Speaker.

Yes, 89; No, 49; Absent, 13; Paired, 0; Excused, 0.

89 having voted in the affirmative and 49 in the negative with 13 being absent, L.D. 24 and all its accompanying papers were indefinitely postponed. Sent up for concurrence.

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

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

TABLED - March 29, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

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

HOUSE ORDER - Relative to amending House Rules by adding a new House Rule 2-A.

TABLED - March 29, 1993 (Pursuant to House Rule #54)

PENDING - Passage. (2/3 Vote Required)

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, I move that this matter be tabled until later in today's session.

Representative Mitchell of Vassalboro requested a Division on the tabling motion.

The SPEAKER: A vote has been requested. The pending question before the House is the motion of Representative Nadeau of Saco that the House Order be tabled until later in today's session. Those in

favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 57 in the negative, the motion to table did not prevail.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I am sorry to cause this confusion among my colleagues, I simply wanted to speak to this Order. I have wanted to speak to this Order for a long time now and would request from you the consideration of presenting it to you and letting you deal with it on its merits.

It is not very complicated. If you don't like it, you will be given the opportunity to vote against it. If you have a better idea, you will be able to offer that. If I may, I would like to present to you what I have been trying to present to you for several days now. The fault initially was totally my own because I made a mistake in drafting and it had to be corrected. Then, as you know, because of our House Rules, a House Rule must be on the calendar for a day for people to have an ample opportunity to look at it. You were given that opportunity yesterday.

I want to speak first to the procedural issues and the other issues that I have heard from my colleagues on both sides of the aisle because there seems to be some concerns about process. I will speak to them very briefly. I know there are concerns from the members of the Committee on State and Local Government saying that they are working on a law. I applaud them for doing that and I encourage them to continue. The fact that there may or may not be a law did not stop the other body from dealing with its rules in terms of Senate limitations on leadership. I don't think that we should be precluded from dealing with our rules for any limitations on House leadership if that is the will of this body.

The other statement is that laws are more permanent. I would like to point out that laws too can be changed and I took the time this morning to get the House Rules of the 115th Legislature and I compared them to the House Rules of the 116th Legislature and there were not a lot of changes. It is true they must be readopted by the next body but my submission to you is that I think the next body would be very reluctant to change a rule of this magnitude, given the history of the previous month.

If I could then, I would more properly focus you on the substance of my proposal. I would hope that your vote would be based on the substance, on the merits, not whether or not this is part of a comprehensive package, not whether or not it should be in the law, but is this an appropriate rule for this House to adopt? It is very simple and very straightforward.

I am the first to admit to you that I opposed such a rule earlier in the session. I did not think it was appropriate because I have not been a fan of term limits for anybody. But, given the many conversations that I had with my constituents, the concern for leadership being in office too long was absolutely overwhelming. I admit that it is much more difficult to change leadership than it is to change us on the outside. So, it is for that reason, and I admit it very freely, that I have changed my position and do support this rule.

It does take effect this session in that the

clock begins to run. So, anybody serving in leadership across the entire front row here and at the top, this is the first of the four terms that this rule change would allow. So, it does indeed begin to take effect this session.

The reason I chose four terms, and I have been asked why I didn't choose three as the Senate did, first, I think the House is more complex with the size that we have in here. I also think that an eight year term is similar to that of the Governor or the President of the United States and, frankly, it seemed like a reasonable term. There is nothing that says the House has to mimic the other body in anything.

So, I present to you for your consideration this rule change. As you know, it does require a two-thirds vote and I ask for your support or opposition to it based on its merits. I hope that you will find that you can support it. It is the only rule change proposed to you on term limits at this point. If you have something better to offer, you can always amend it later, but this is what I have to present to you. I would ask for your support.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative FAIRCLOTH: Mr. Speaker, Ladies and Gentlemen of the House: Very recently, this House rejected term limitations on leadership. To quote a great American from Hibbing, Minnesota, "You don't need to be a weatherman to know which way the wind blows." I understand a lot of the sentiment on this legislation in light of recent events, but to further quote Mr. Dylan, I am not going to be "blowing in the wind" on this issue. I wouldn't go so far as to quote Mr. Dylan again and say that the term limit movement is part of an idiot wind "blowing across this land" but I would say that this is a very ill-advised proposal.

Some have suggested that we have term limits for other positions in government, that is true, but I am against all of them. I am opposed to term limits for the President of the United States. In 1940, the people of this country had a choice and we had the option, thank God, and the right to choose the best man for the job, a guy in a wheelchair named Franklin Roosevelt who led us through a very terrible time. I shudder at the thought of having the people restricted from that option. After World War II, there were some people who so despised Franklin Roosevelt and were so afraid of his memory that, when the Republicans took control of Congress, they passed term limitations on the President of the United States, the 22nd Amendment.

Some of you may recall in recent years, after President Reagan's landslide victory in 1984 and before Iran-Contra came to public knowledge, the Republican Party had a very vigorous movement to repeal the 22nd Amendment. They wanted Ronald Reagan to run for a third term. Unfortunately, many Democrats opposed that move, I supported it. If the people wanted to elect Ronald Reagan to a third term, that is their choice. The people should have a right to choose.

This applies to Representatives too. For example, Representative Don Strout has been a State Representative for many years, he is a Republican, he is a good fellow and, if the people of his district want to re-elect him, that is their choice. To me, term limitations is the ultimate in arrogance. It says, we in the past are going to tell you in the

future what to do. We don't have a clue what the circumstances are in the future, we don't have the slightest idea what the circumstances will be but we are going to tell you in the future what to do and you can't choose Representative Strout in the future. That is one of the proposals out there on term limits.

The same principle again applies to leadership. In 1982, Speaker Martin was going for his fifth term as leader of this body, as Speaker of the House. I wasn't here then and of course it is obvious from the face of it that we don't need term limitations because the vast majority of us were not here in 1982 either. Those few who were here, they had the option to vote for Speaker Martin if they wanted. They could vote against him if they wanted, that was their choice. Had I been here, I would not want my choice restricted. If Representative Mitchell chooses to run for Speaker or Representative Gwadosky or Representative Rydell or whoever else chooses to run for Speaker and is elected and re-elected for a certain number of terms, I don't want somebody in the past telling me, if I happen to be here at that time and if they choose to run for a fifth term, I don't want anybody telling me that I can't vote for them. Only then under those circumstances in that particular situation should I be able to have the freedom to make an independent choice and this is a restriction on that choice and to me that is very wrong, I oppose it.

Furthermore, I see this entire process as questionable because this is a proposal to change the House Rules. House Rules can't bind future legislatures. We are not binding any future legislatures by this. To me, what this is is a short-term political reaction. We have had certain events in the past involving Speaker Martin but Speaker Martin is one person in a long history of this state. He is the only Speaker, the only one, who has served more than four terms as Speaker. I doubt in the future that there will be many Speaker's who serve more than four terms, but I don't want my choice restricted on that issue, ever, by anyone. That is the point of sovereignty on any one of these term limitation measures.

To me, this is just the opposite of the kind of measures that I was elected to consider. We should do these things in a slow, deliberative process and here we are doing this in an immediate short-term reaction which to my mind is really for a political purpose to placate the voters back home. What I want to do is go to the voters and say, I made a reasoned decision and my reasoned conclusion is that this is not a very good idea.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I would stand to agree with my good friend from Vassalboro and disagree with my good friend from Bangor. I think one of the statements that was made by the Representative from Bangor about we cannot see into the future so we should not restrict those choices in the future, I would say we have to learn from the past, to assure that the future will not repeat the same mistakes that we have made in the past. I want to say first (clearly) that this has nothing to do with Speaker Martin. The good Speaker has already said that he will not seek another term, so I don't want you to be led astray

and think that this is an anti-John Martin movement. This has nothing to do with him. I am on a bill that has nothing to do with him.

I think we have seen in the past that there was a tradition of not going beyond four terms, as we had with Presidents, there was a tradition of not going beyond two terms. That tradition no longer stands so we must (as a body) set a time limit on what we think is appropriate for these positions. Four terms is certainly appropriate and we have a history of setting terms in this manner.

Like the Representative from Vassalboro said, I have taken a long time to take this journey. I voted against a measure that would put this sort of thing into law two years ago because I thought it was aimed at a particular person at a particular time. I don't think that exists anymore. I think we have to move beyond that and we have to look to the future, what is the best exchange of power and I don't think there are many people in this body that will argue that leadership roles do not have a certain stature that gathers power. In America, we have a tendency to restrict anybody who can accumulate a great deal of power.

I would like you to vote with the good Representative from Vassalboro and support this measure and further consider this when the law that the State and Local Government Committee is working on comes before us. That way, it won't be a change that is effected every two years. We will have something that is in statute and will take a full vote of the legislature to change and have a good public hearing like we did on the laws that are currently before us or will be before us.

I would ask that you support the Representative from Vassalboro and continue that support right onto the time that the bills come before us. Please, don't run after the favorite term of debate we had recently, red herring, don't run after the red herrings that this is against Speaker Martin or that we are crippling somehow anybody's future decision. This is a decision that we should make and can make and I urge you to make today.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: Over the last several minutes, I received a couple of notes from various members asking me why I wanted to table this thing in the first place.

I do have an amendment which is now at the printer's. What that amendment would do is try to make us consistent with the other body. I would simply suggest that I am not even debating the Resolution at this point, I am not even debating the rule change, all I am saying is, could I please have the opportunity to bring that amendment forward and then we can talk about the whole issue at that point and then straight to the vote?

On motion of Representative Mitchell of Vassalboro, tabled pending passage and later today assigned.

BILL HELD

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

- In House, Passed to be Engrossed.
HELD at the Request of Representative TREAT of Gardiner.

On motion of Representative Treat of Gardiner, having voted on the prevailing side, the House reconsidered its action whereby L.D. 241 was passed to be engrossed.

On further motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Thursday, April 1, 1993.

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

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Compulsory Insurance Limits for Hired Vehicles Used to Transport Passengers (H.P. 728) (L.D. 987) (C. "A" H-89)

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. 127 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act Regarding Motorized Wheelchairs (H.P. 202) (L.D. 264) (C. "B" H-52) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Rotondi of Athens, under suspension of the rules, the House reconsidered its action whereby L.D. 264 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 "B" (H-52) was adopted.

The same Representative offered House Amendment "A" (H-91) to Committee Amendment "B" (H-52) and moved its adoption.

House Amendment "A" (H-91) to Committee Amendment "B" (H-52) was read by the Clerk and adopted.

Committee Amendment "B" (H-52) as amended by House Amendment "A" (H-91) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "B" (H-52) as amended by House Amendment "A" (H-91) thereto in non-concurrence and

sent up for concurrence.

The Chair laid before the House the following matter: HOUSE ORDER - Relative to amending House Rules by adding a new House Rule 2-A which was tabled earlier in the day and later today assigned pending passage. (2/3 vote required)

Representative Nadeau of Saco offered House Amendment "A" (H-90) and moved its adoption.

House Amendment "A" (H-90) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: The first thing I want to do here is thank Representative Mitchell for graciously tabling in anticipation of this amendment.

Basically what this amendment does is it replaces the four terms with three terms and the rationale behind that is to make it consistent with the other body. They already have a self-imposed term limitation on leadership positions and I thought it would make a heck of a lot of sense to be consistent.

Subsequently, House Amendment "A" (H-90) was adopted.

The SPEAKER: The pending question before the House now is passage of the House Order relative to amending House Rules by adding a new House Rule 2-A.

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I rise today, not to argue for or against the ideas contained in this rule change, but rather in defense of the process that we have in place in the legislature.

A legislative process is designed to ensure that our actions will be taken in the full view and with the participation of our constituents, any of those who wish to be involved. Furthermore, committee work sessions take deliberative actions based on the dissemination of information and testimony of experts and, to take this action today, ignores this process in my opinion.

Several bills containing similar provisions are currently being discussed and debated in a fashion that we all understand to be the legislative committee process. Currently, in the State and Local Government Committee, there are 15 such bills that deal with term limitations in many offices and for different lengths of periods. Yes, it appears that this rule is politically viable and to vote against it would be to miss the bandwagon that has arisen over the debate and the issues that have inflamed this chamber in the past few weeks. But, I ask you, is it our responsibility to honor the process or the politics of this body? Certainly the public has spoken and these changes should not be done without careful thought and careful consideration, the very same features that our committee processes guarantee.

We, as a body, are empowered and obligated to act in the public's best interest and not to react to the politics of the day. To vote against this measure is not to vote against reforms but rather to reaffirm our belief in the legislative process that has governed this state effectively over one hundred years.

Circumventing the committee process is not how to accomplish change or improvement. It is incumbent

upon me to defend the committee process, especially the area of jurisdiction of the State and Local Government Committee.

I urge you to vote against this rule change and I believe within the next two weeks, you will have pieces of legislation to vote on as far as term limitations of leadership and other offices.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, under the amendment presented to us by Representative Nadeau, it would be possible for any member who is presently in leadership to remain in leadership until the year 2011. I think that is probably long enough.

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

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I feel compelled to rise and speak in support of this proposal for term limitations. I also want to make a couple of points about that.

In regards to Representative Faircloth who is my friend and seatmate, I think Bob Dylan would be absolutely appalled that his name was invoked in a way that stood in the way of progress. I had an opportunity to call him during the break and he assured me that he is for term limitations.

The second thing, to quote another group, Crosby, Stills and Nash, they said "the darkest hour is before the dawn" and I think we are on the dawn of the new age within the legislature.

By voting for term limitations, we are sending a message to the public and to ourselves about how we are going to conduct business. The dawn of that new age is very important, it is a dawn in a new age of reform.

I think also that Representative Faircloth confused the issue. I don't support term limitations on rank and file or for us. I think that is a very important value that should rest with voters. However, the way that we go about conducting business within this chamber is important to us and the message that we send about how we are going to conduct business is very important. So consequently, while I do not support term limitations on rank and file, I very much am for term limitations on this body.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: You can certainly charge it if I stand to speak of guarantees that the measure will fail and that is up to you to make up your own mind.

I did want to enter a couple of comments into the question and that is that I recognize that there is a change occurring in this process. We know that the Representative from Vassalboro was opposed to this measure as recently as January and now supports it. I think there is frankly some resentment about the change in certain individuals and maybe even in the person offering the Order. But, I think it is a very clear one that we need to speak to the public about — that we can pass this measure now as a change to the rules and pass the measure again as a change to the statutes, in which the Representative from Waterville will have an opportunity to proceed in her careful deliberations before her committee.

I think there has been in the past a process that

had been used to kill this measure. I think it would be unfortunate for this body to simply allow animosity between individuals or the unwillingness to let one ahead of the other in terms of grasping a concept interfere with what we need to send as a public message, which is we are in favor of limits for leadership.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the good Representative from Vassalboro and I agree with the good Representative from Bangor, Representative Faircloth. If you agree with both sides to an issue, you wonder where you are going. I believe that what we have here is a well-intended rule change perhaps but, by voting on the rule change, we are really not addressing the real issue of, do we want to have term limits? I believe that Representative Joseph is correct, that if we truly want to have term limits, then we need to pass legislation. As I understand it, each rule is adopted by its own legislature so we are not doing anything but paying lip service and that is something that we shouldn't be doing.

I think if in fact the legislation, when it comes out of state and government goes through here and is passed, then this becomes moot and we don't need it. If, on the other hand, it comes out of state and government and the legislation does not pass, then we should reconsider this rule change at that time.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: Given that I have this bill pending in front of the State and Local Government Committee and I would like to move to table this Order Unassigned.

The SPEAKER: The Chair would advise the Representative that the motion is out of order.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I will be extremely brief because I think everyone here already knows where they are on this but just going over what we just heard in good testimony.

The rule change came up and we all know that a lot of it had to do with the goings on of last week, there was a previous speaker who said that this wasn't an anti-Martin sentiment — well, it kind of is if Speaker Martin is the only Speaker that has been here more than four terms — who does it address it to?

Another speaker I believe from this side of the aisle made the comment that there will probably never be another Speaker serve more than four terms. You know, there's not another one, I think he was saying like John, I think that's good news.

I think this is a decision that we can make but I think we ought to make it after the State and Local Government Committee does their deed. I think this is a knee-jerk reaction to the goings on to try to placate the voters.

Personally, I go for no term limits at all on anything. A perfect example was given — Representative Strout, Representative Pouliot, Representative Gwadosky, Speaker Martin — these people have served their constituencies really well for a long time. If their people want them back, they should have that choice. If this House membership chooses anyone as leader to lead them, I

believe it is up to the House to make that conscious choice. We are all big people here, we don't need someone looming down over us. I say for the people back home when they vote for a Representative, they ought to have a choice; for a Governor, they ought to have a choice of the person that they want. I say for a leadership position, it is up to the caucus of that party to do it — for Speaker or President of the other body, it is up to the membership for those bodies to make that decision, those that are presently serving.

I hope that you will not vote in favor of the rule in front of us.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. Frankly, I take exception to some of the remarks about my motive for offering this Order. I do not consider it anti-Speaker; in fact, that is why I voted against the first one that was offered at the beginning of the session because it clearly was in my view.

I also don't feel like it is a knee-jerk, I also don't feel like it is just a bandwagon anymore than the State and Local Government Committee probably will do as they respond to comments that they have heard from their constituents. I also don't feel like I am violating any committee process because we have a rules process. I am exercising that process as one Representative to offer a rule change, just as the other body was able to do in spite of all this.

So, I would ask you please vote on whether or not you favor this on its merits, not for any of the side issues.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I think if we are going to do this and do it correctly, we have to have the recommendations come from within. If they don't come from within, then we have a problem. Everybody here should be involved and not just coming from one small area.

I think we should table this, rethink it, everybody within the body should be able to work on this and I would ask for a tabling support.

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

Representative LEMKE: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Waterville.

You mentioned earlier that there were 15 bills revolving around this issue that were coming before your committee — was one of those bills specifically fulfilling the intent of this bill as amended by Representative Nadeau — three terms?

The SPEAKER: The Representative from Westbrook, Representative Lemke, has posed a question through the Chair to the Representative from Waterville, Representative Joseph, who may respond if she so desires.

The Chair recognizes that Representative.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that question, as I look at the list and one that I remember, the sponsor was a member of the other body and that title is imposing term limits on presiding officers of the legislature and there are many others. That one

stands out. I believe that that is three terms but I may be wrong after hearing all of these bills.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: To help the good Chairperson of the State and Local Government Committee, that proposal is from a member of the other body and is for two terms. As a cosponsor in the House lead on that bill, I certainly would not have a problem with extending that to the three terms to make it consistent with the will of this body. I am sure even if I did have a problem with it, and the majority of the people here decided they wanted it to be three terms, it would go through anyway.

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

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

The question is this, should a person come under this rule and becomes Speaker for the number of terms that were addressed by both Representative Nadeau and Representative Mitchell, what would happen if this scenario was like this — a Speaker was elected to serve a term, the Speaker steps down for a week, the Speaker becomes re-elected, does that start the scenario all over again, the three term or the four term?

I am surfacing that only to call to our attention that there are some areas that have to be investigated before we decide on this issue and, personally, I think the timing is very poor. I think the air was beginning to get cleared, now it is coming back again and it is a foul air.

The SPEAKER: The Chair would advise the Representative from Lewiston that the proposed rule change before us deals with consecutive terms. The Representative's point is well taken.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Just two points I want to make. One is that I am always interested when this kind of thing comes up, that while we trust the intelligence and the ability of the voters at-large to elect us, we somehow decide that we do not have that same ability to make a decision when we are faced with an election. I take issue with that. If the voters of Westbrook in my district feel that I am capable of coming up here and doing the best job that I can, I don't think I need a rule that prevents me from voting for whomever and how often I want to.

Secondly, it is no secret that the committee I happen to be House Chair of has had several issues before you in the last few days, all of which have gone down rather ingloriously because many of you felt, and I respect that feeling, that we were somehow chipping away at your individual rights to make decisions that you felt you were best qualified to make. I say I respect that, I haven't gotten angry with anybody, I haven't battled over those, I accept that, that's the way life is. I ask you to seriously consider whether or not this is chipping away at my right or the rights of future legislators, whomever they may be, to make that same decision? For years and years, the overwhelming majority of the Majority Party has decided that they wanted a particular person to be Speaker of the House. Now, and I agree with one of the former speaker's, under

the light of this situation that we have just gone past, and I thought was past, somehow we decided that this should be, and I hope that you will not react to that, I hope you will not give in to the temptation to do this at this point in time. You and the ones following us will be elected by the majority of the people in your district to come up here and do the best job you can and that includes picking your leadership. I do not believe anybody should be telling me or future legislators how they will vote.

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

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

Do I understand — I am a little confused — would this, not out of any personal interest, but would a person be able to serve three consecutive terms, for example, as Majority Leader and then serve three consecutive terms as Speaker?

The SPEAKER: The Chair would answer in the affirmative.

The Chair will order a vote. The pending question before the House is passage of House Order — relative to amending House Rules by adding a new House Rule 2-A, a 2/3 vote required. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 66 in the negative, the House Order failed of passage.

(Off Record Remarks)

At this point, Representative Michaud of East Millinocket was appointed to act as Speaker pro tem for Thursday, April 1, 1993.

On motion of Representative Erwin of Rumford,
Adjourned at 12:08 p.m. until Thursday, April 1,
1993, at four-thirty in the afternoon.
