

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
35th Legislative Day
Monday, April 5, 1993

The Speaker resumed the Chair.
The House met according to adjournment and was called to order by the Speaker.
Prayer by Father Gilbert Patenaude of Augusta, (retired).
Pledge of Allegiance.
The Journal of Thursday, April 1, 1993, was read and approved.

SENATE PAPER

Ought to Pass as Amended

Report of the Committee on Banking and Insurance reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-50) on Bill "An Act to Amend the Laws Related to Pawn Transactions" (S.P. 65) (L.D. 127)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-50).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-50) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, April 6, 1993.

COMMUNICATIONS

The following Communication: (S.P. 382)

116TH MAINE LEGISLATURE

March 31, 1993

Senator Harry Vose
Rep. Herbert E. Clark
Chairpersons
Joint Standing Committee on Utilities
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Thomas L. Welch of Harrisburg, PA for appointment as Chair of the Public Utilities Commission.

Pursuant to Title 35-A, MRSA Section 105, this nomination will require review by the Joint Standing Committee on Utilities 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 Utilities.

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

The following Communication:

MAINE DEPARTMENT OF AGRICULTURE
FOOD AND RURAL RESOURCES
STATE HOUSE STATION 28
AUGUSTA, MAINE 04333-0028

March 30, 1993

Senate President Dennis Dutremble
Speaker of the House John L. Martin, and
Members of the 116th Maine Legislature

Dear President Dutremble, Speaker Martin, and
Members of the Legislature:

I am pleased to submit to you today the 1992 Report of the Maine Department of Agriculture, Food, and Rural Resources, "Maine Agriculture: The Big Picture." All too often, in our effort to try to solve our day-to-day problems we lose sight of the impact that agriculture, and our other natural resource agencies, have on the State's economy.

This report is submitted pursuant to Title 7 MRSA, Section 2.

Copies of this Report are being distributed to each member of the Legislature. I would be happy to discuss it further with any of you who might be interested.

Sincerely,

S/Bernard W. Shaw
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE
Augusta, Maine 04333

APPORTIONMENT COMMISSION

April 1, 1993

Joseph W. Mayo
Clerk of the House
116th Maine Legislature
State House, Room 300
Augusta, Maine 04333

Dear Clerk Mayo,

In accordance with the requirements of the Constitution of Maine, Article 4, pt. 1, Sec. 2, I am

honored to present the enclosed "Report to the 116th Maine State Legislature of the Maine Apportionment Commission," which was prepared and adopted by the Apportionment Commission.

Sincerely,

S/Justice Jack O. Smith, Retired
Chairman, Apportionment Commission

Was read and with accompanying report ordered placed on file.

The following Communication:

COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
STATE HOUSE STATION 101
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333

April 2, 1993

The Honorable Joseph W. Mayo, Clerk
House of Representatives
State House Station #2
Augusta, Maine 04333

Dear Clerk Mayo:

In accordance with 21-A MRSA Section 744(3)(A), I submit herewith the findings of fact and opinion of the Commission on Governmental Ethics and Election Practices relating to the November 3, 1992 election in House District 35.

Sincerely,

S/Robert P. McArthur
Chair

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES

IN RE: APPEAL OF ELDEN MCKEEN,)
Election of House) FINDINGS OF FACT
Representatives) AND OPINION
District 35)

On March 31, 1993, the Commission on Governmental Ethics and Election Practices ("Commission") held a hearing to consider the election appeal and request for investigation filed by Mr. Elden McKeen, concerning the election held on November 3, 1992 for the position of Representative from District 35 to the Maine House of Representatives. The following are the Commission's findings of fact and conclusions of law, and its recommendations concerning the election, pursuant to 21-A M.R.S.A. section 744.

Present at the hearing were Commission Chairman Robert P. McArthur, and Commission members Virginia Chamberlin, Gregory G. Cyr, Joseph B. Ezhaya, Richard G. Morton, Richard L. Trafton, Paul E. Violette and Peter B. Webster. Also present were the Executive

Director of the Commission, Marilyn E. Canavan and Commission counsel, Deputy Attorney General Cabanne Howard. Mr. McKeen was represented by Mr. James W. Case, Esquire. The respondent, Representative Gerald A. Hillock, was represented by Mr. Sumner H. Lipman, Esquire.

I. BALLOT COUNT

The parties stipulated, and the Commission finds, that at the election on November 3, 1992 in House District 35, Representative Hillock received 2,297 votes, Mr. McKeen received 2,294 votes (a difference of 3 votes) and 5 ballots were in dispute.

II. DISPUTED BALLOTS

With regard to the 5 disputed ballots, the Commission makes the following determinations:

A. One voter in Windham placed a dot in between the arrows next to Mr. McKeen's name, and made no other mark in the box provided for House District 35. The Commission found, by a 6-2 vote, that the voter's action was insufficient to permit the Commission to determine his choice, and that this ballot should not be counted for either candidate. Commission Chairman McArthur, and Commission members Chamberlin, Cyr, Morton, Trafton, and Webster voted in favor of not counting this ballot, and Commission members Ezhaya and Violette voted in opposition.

B. One voter in Westbrook placed an "X" in the box next to Mr. McKeen's name, and placed an extra "X" to the right of Mr. McKeen's name as well. The Commission voted unanimously to count this ballot for Mr. McKeen.

C. One voter in Westbrook placed a mark in the box for Representative Hillock that was fainter than the other marks for other candidates on the same ballot. The Commission voted unanimously (Commission member Ezhaya absent) to count this ballot for Mr. Hillock.

D. One voter in Westbrook apparently placed an "X" in the box for Mr. McKeen, then crossed out that mark, and wrote in the name "O'Gara, Bill" in the space for write-in candidates, but did not check the box provided for write-in votes. The Commission voted, by a 6-1 vote, with one member abstaining, not to count this ballot for either candidate. Commission Chairman McArthur, and Commission members Chamberlin, Ezhaya, Morton, Trafton, and Webster voting in favor, Commission member Cyr voting opposed, and Commission member Violette abstaining.

E. One voter in Westbrook placed a mark on the edge of the box for Representative Hillock. The Commission voted unanimously to count this ballot for Mr. Hillock.

* * *

As a result of these determinations, the Commission found that the adjusted vote totals for the candidates were 2,299 votes for Representative Hillock, and 2,295 votes for Mr. McKeen (a difference of 4 votes).

III. CONTESTED ISSUES

The Commission then received documentary evidence and heard argument with regard to a single issue raised by Mr. McKeen with regard to the validity of the election. Essentially, Mr. McKeen contended that there was an undisputed discrepancy of 41 ballots between the number of ballots counted that had been cast for the candidates in House District 35 in precinct 3-2 of the city of Westbrook and the number of ballots cast in the same precinct in a local referendum. The Commission voted, by a 7-1 vote, that this alleged discrepancy was not a sufficient reason for finding that a violation of law affecting the outcome of the election, within the meaning of 21-A M.R.S.A, section 743(2), had occurred, and therefore denied Mr. McKeen's request that a new election be held. Commission Chairman McArthur, and Commission members Chamberlin, Ezhaya, Morton, Trafton, Violette, and Webster voting in favor, and Commission member Cyr voting opposed.

IV. RECOMMENDATION

In view of the foregoing determinations, the Commission recommends that the House of Representatives declare that Representatives declare that Representative Gerald A. Hillock was duly elected to represent District 35 in the Maine House of Representatives.

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Dated: April 2, 1993 S/ROBERT P. McARTHUR
Chairman

Was read and referred to the House Committee on Elections.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolve and Resolution 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 Amend the Group Life Insurance Laws Administered by the Maine State Retirement System" (H.P. 871) (L.D. 1180) (Presented by Representative VIGUE of Winslow) (Submitted by the Maine State Retirement System pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Regulate the Practice of Cosmetology and Barbering Outside of Licensed Shops" (H.P. 856) (L.D. 1161) (Presented by Representative

PENDLETON of Scarborough) (Cosponsored by Representatives: CHONKO of Topsham, CROSS of Dover-Foxcroft, HILLOCK of Gorham, MELENDY of Rockland, REED of Dexter, RUHLIN of Brewer)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Establish a Demonstration Project Transferring County Jail Operations to the State" (H.P. 872) (L.D. 1181) (Presented by Representative PLOURDE of Biddeford) (Cosponsored by President DUTREMBLE of York and Representatives: AHEARNE of Madawaska, BAILEY of Township 27, CAMERON of Rumford, CARON of Biddeford, CARR of Sanford, DiPIETRO of South Portland, DUTREMBLE of Biddeford, FARNUM of South Berwick, GOULD of Greenville, HALE of Sanford, MARTIN of Eagle Lake, MURPHY of Berwick, NADEAU of Saco, O'GARA of Westbrook, REED of Dexter, STROUT of Corinth, TARDY of Palmyra, VIGUE of Winslow, Senators: CIANCHETTE of Somerset, SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Regarding the Department of Environmental Protection Rulemaking" (H.P. 861) (L.D. 1170) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representatives: ANDERSON of Woodland, GOULD of Greenville, LORD of Waterboro, TRACY of Rome, Senators: CIANCHETTE of Somerset, DUTREMBLE of York, LUDWIG of Aroostook)

Bill "An Act Related to the Adoption of Municipal Ordinances and Comprehensive Plans and to Revise Notice Requirements for Certain Zoning Changes" (H.P. 864) (L.D. 1173) (Presented by Representative SULLIVAN of Bangor) (Cosponsored by Representatives: AHEARNE of Madawaska, CARR of Sanford, CLARK of Millinocket, DUTREMBLE of Biddeford, GOULD of Greenville, HICHBORN of Howland, JOSEPH of Waterville, KERR of Old Orchard Beach, KILKELLY of Wiscasset, LORD of Waterboro, MORRISON of Bangor, STROUT of Corinth, VIGUE of Winslow, YOUNG of Limestone, Senator: ESTY of Cumberland)

Bill "An Act to Determine the Direct Economic Costs of Implementation of Environmental Regulations" (H.P. 867) (L.D. 1176) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representatives: ANDERSON of Woodland, LORD of Waterboro, TRACY of Rome, Senators: CIANCHETTE of Somerset, DUTREMBLE of York, LUDWIG of Aroostook)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Provide Permits to Take Any Deer for People Hunting on Their Own Land" (H.P. 852) (L.D. 1157) (Presented by Representative BENNETT of Norway) (Cosponsored by Representatives: BOWERS of Washington, CAMERON of Rumford, DUTREMBLE of Biddeford, FARNUM of South Berwick, HILLOCK of Gorham, JOY of Island Falls, WALKER of Blue Hill, Senator: HANLEY of Oxford)

Bill "An Act to Amend the Hunting Laws" (H.P. 862) (L.D. 1171) (Presented by Representative VIGUE of Winslow) (Cosponsored by Representatives: BARTH of Bethel, GOULD of Greenville, JALBERT of Lisbon)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Resolve, to Foster the Development of a Range of Alternatives in Long-term Care (EMERGENCY) (H.P. 869) (L.D. 1178) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representative TREAT of Gardiner and Representatives: CLARK of Millinocket, HICHBORN of Howland, POULIOT of Lewiston, Senators: PARADIS of Aroostook, TITCOMB of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Increase Accountability of the Department of Environmental Protection" (H.P. 854) (L.D. 1159) (Presented by Representative BENNETT of Norway) (Cosponsored by Representatives: AHEARNE of Madawaska, CAMERON of Rumford, DUTREMBLE of Biddeford, FARNUM of South Berwick, FOSS of Yarmouth, GOULD of Greenville, GRAY of Sedgwick, JOY of Island Falls, KNEELAND of Easton, KUTASI of Bridgton, LIBBY of Buxton, TAYLOR of Cumberland, ZIRNKILTON of Mount Desert, Senators: BERUBE of Androscoggin, HANLEY of Oxford)

Bill "An Act to Help Clarify the Application of the Maine Rules of Criminal Procedure to Probation Revocation Proceedings, Including the Appeal Process" (H.P. 857) (L.D. 1162) (Presented by Representative COTE of Auburn) (Cosponsored by Representative: FARNSWORTH of Hallowell, Senator: CONLEY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Ensure Fairness in the Use of Radar by Law Enforcement Officers" (H.P. 866) (L.D. 1175) (Presented by Representative BENNETT of Norway) (Cosponsored by Representatives: AHEARNE of Madawaska, BOWERS of Washington, CAMERON of Rumford, DUTREMBLE of Biddeford, FARNUM of South Berwick, HILLOCK of Gorham, JOSEPH of Waterville, JOY of

Island Falls, LIBBY of Buxton, LOOK of Jonesboro, MICHAEL of Auburn, QUINT of Paris, Senator: HANLEY of Oxford)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Pertaining to the Appointment of Code Enforcement Officers" (H.P. 855) (L.D. 1160) (Presented by Representative PLOURDE of Biddeford) (Cosponsored by Representatives: BRUNO of Raymond, DiPIETRO of South Portland, STROUT of Corinth, Senators: CONLEY of Cumberland, KIEFFER of Aroostook)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit Terms of Certain State Office Holders (H.P. 870) (L.D. 1179) (Presented by Representative BENNETT of Norway) (Cosponsored by Representatives: AIKMAN of Poland, AULT of Wayne, CAMERON of Rumford, DUTREMBLE of Biddeford, FARNUM of South Berwick, KUTASI of Bridgton, OTT of York, QUINT of Paris, TAYLOR of Cumberland, WHITCOMB of Waldo, Senators: HALL of Piscataquis, HANLEY of Oxford)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Change the Date County Taxes Are Due" (H.P. 865) (L.D. 1174) (Presented by Representative VIGUE of Winslow) (Cosponsored by Representatives: BARTH of Bethel, JALBERT of Lisbon)

Bill "An Act to Exempt from State Taxation the Income of Businesses Realized by Using Waste Material in New Ways" (H.P. 868) (L.D. 1177) (Presented by Representative VIGUE of Winslow)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act Regarding the Issuance of Registration Plates" (H.P. 863) (L.D. 1172) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Representatives: CLOUTIER of South Portland, DONNELLY of Presque Isle, FITZPATRICK of Durham, Senators: BALDACCI of Penobscot, PEARSON of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act Concerning the Installation of Cable and Other Utility Lines" (H.P. 853) (L.D. 1158) (Presented by Representative RUHLIN of Brewer)

(Cosponsored by Representative: STROUT of Corinth)

Ordered Printed.
Sent up for Concurrence.

Reported Pursuant to Public Law

Representative RUHLIN for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Labor Matters" (H.P. 858) (L.D. 1163) be referred to the Joint Standing Committee on **Labor** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Labor**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative LARRIVEE for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Corrections Matters" (H.P. 850) (L.D. 1155) be referred to the Joint **Select Committee on Corrections** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the **Joint Select Committee on Corrections**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative JOSEPH for the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Boards That Have Not Filed Annual Reports with the Secretary of State" (H.P. 860) (L.D. 1169) be referred to the Joint Standing Committee on **State and Local Government** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **State and Local Government**, ordered printed and sent up for concurrence.

Reported Pursuant to Private and Special Law

Representative PARADIS for the Commission to Implement the Computerization of Criminal History Record Information, pursuant to Private and Special Law 1985, chapter 135 ask leave to submit its findings and to report that the accompanying Bill "An Act to Create the Maine Criminal Justice Information System" (H.P. 851) (L.D. 1156) be referred to the

Joint Standing Committee on **Judiciary** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Judiciary**, ordered printed and sent up for concurrence.

Reported Pursuant to Statutes

Representative DORE for the Administrators of the Unorganized Territories, pursuant to the Maine Revised Statutes, Title 36, section 1604 ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993-94" (EMERGENCY) (H.P. 859) (L.D. 1168) be referred to the Joint Standing Committee on **Taxation** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Taxation**, ordered printed and sent up for concurrence.

REPORTS OF COMMITTEES

Divided Report

Later Today Assigned

Majority Report of the Committee on **Judiciary** reporting "**Ought Not to Pass**" on Bill "An Act to Ensure a Woman's Right to Know" (H.P. 604) (L.D. 819)

Signed:

Senators: CONLEY of Cumberland
BERUBE of Androscoggin

Representatives: CATHCART of Orono
CARON of Biddeford
LIPMAN of Augusta
OTT of York
KETTERER of Madison
SAXL of Bangor
FARNSWORTH of Hallowell
FAIRCLOTH of Bangor
COTE of Auburn

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-97) on same Bill.

Signed:

Senator: HANLEY of Oxford

Representative: PLOWMAN of Hampden

Reports were read.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Ensure a Parent's Right to Know" (H.P. 605) (L.D. 820)

Signed:

Senators: CONLEY of Cumberland
BERUBE of Androscoggin

Representatives: CARON of Biddeford
CATHCART of Orono
LIPMAN of Augusta
OTT of York
KETTERER of Madison
SAXL of Bangor
FARNSWORTH of Hallowell
FAIRCLOTH of Bangor
COTE of Auburn

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-98) on same Bill.

Signed:

Senator: HANLEY of Oxford

Representative: PLOWMAN of Hampden

Reports were read.

Representative Cote of Auburn moved that the House accept the Majority "Ought Not to Pass" Report.

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

Divided Report

Later Today Assigned

Six members of the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit the Use of Electronic Calling Devices While Hunting Moose" (H.P. 317) (L.D. 405) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-100)

Signed:

Senator: LUTHER of Oxford

Representatives: FARRIN of Cherryfield
GREENLAW of Standish
HEINO of Boothbay
JACQUES of Waterville
LARRIVEE of Gorham

Six members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Signed:

Senator: HALL of Piscataquis

Representatives: CLARK of Millinocket
NICKERSON of Turner
ROTONDI of Athens
SWAZEY of Bucksport
TRACY of Rome

Reports were read.

Representative Rotondi of Athens moved that the House accept Report "B", "Ought Not to Pass" Report.

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

CONSENT CALENDAR

Second Day

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

(H.P. 544) (L.D. 740) Bill "An Act to Amend the Laws Exempting Aseptic Packaging of Milk Substitutes"

(H.P. 176) (L.D. 228) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks (C. "A" H-92)

(H.P. 223) (L.D. 291) Bill "An Act to Prohibit Conflicts of Interest for Consultants Hired by the State" (C. "A" H-93)

(H.P. 493) (L.D. 651) Bill "An Act to Promote Safety of School Buses" (C. "A" H-94)

(H.P. 467) (L.D. 604) Bill "An Act to Reaffirm the Prohibition of Spaghetti-lots" (C. "A" H-95)

(H.P. 601) (L.D. 816) Bill "An Act to Eliminate the Bureau of Public Administration"

(H.P. 228) (L.D. 296) Bill "An Act to Amend the Hunting Laws" (C. "A" H-99)

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

Bill "An Act to Change the Manner in Which Debt Service on Jail Facility Bonds Is Repaid to Counties" (H.P. 43) (L.D. 59)

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

Representative Larrivee of Gorham offered House

Amendment "A" (H-106) and moved its adoption.

House Amendment "A" (H-106) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-106) and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the Laws Concerning Transfers of Commercial Moorings" (S.P. 166) (L.D. 558) (S. "A" S-51)

Bill "An Act to Amend the Laws Governing the Dimming of Lights When Following Vehicles" (H.P. 498) (L.D. 656) (C. "A" H-87)

Bill "An Act to Change the Definition of Beverage Container for the Purposes of Recycling" (H.P. 306) (L.D. 394) (C. "A" H-96)

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 Papers were Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

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

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. 134 voted in favor of the same and 4 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 Support the Natural Areas Program (S.P. 319) (L.D. 972) (H. "A" H-73)

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

ENACTOR

Emergency Measure

Tabled and Assigned

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (S.P. 320) (L.D. 973) (H. "A" H-77)

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

On motion of Representative Erwin of Rumford, tabled pending passage to be enacted and specially assigned for Tuesday, April 6, 1993.

ENACTOR

Tabled and Assigned

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

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

On motion of Representative Paradis of Augusta, tabled pending passage to be enacted and specially assigned for Tuesday, April 6, 1993.

PASSED TO BE ENACTED

An Act Regarding Reimbursement for Sand and Salt Storage Facility Construction (H.P. 286) (L.D. 373) (C. "A" H-67)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Establish the Public Advocate Regulatory Fund Assessment for the Next Biennium" (EMERGENCY) (H.P. 786) (L.D. 1059)

- In House, referred to the Committee on **Utilities**.
- In Senate, referred to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

TABLED - April 1, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

Subsequently, the House voted to recede and concur.

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

An Act to Preserve the Public Advocate's Participation in Residual Market Deficit Proceedings at the Bureau of Insurance (EMERGENCY) (H.P. 50) (L.D. 66) (C. "A" H-31)
- In House, Passed to be Enacted on March 25, 1993.
- In Senate, Failed of Passage to be Enacted in non-concurrence.
TABLED - April 1, 1993 by Representative GWADOSKY of Fairfield.
PENDING - Further Consideration.

On motion of Representative Pineau of Jay, the House voted to Adhere.

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

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-85) - Committee on Fisheries and Wildlife on Bill "An Act Regarding Bow Hunting" (H.P. 382) (L.D. 495)
TABLED - April 1, 1993 by Representative ROTONDI of Athens.
PENDING - Motion of same Representative to accept the Minority "Ought to Pass" as amended Report.

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

Committee Amendment "A" (H-85) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, April 6, 1993.

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

Bill "An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents" (S.P. 87) (L.D. 241)
TABLED - April 1, 1993 by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Engrossed.

On motion of Representative Treat of Gardiner, retabled pending passage to be engrossed and specially assigned for Tuesday, April 6, 1993.

(Off Record Remarks)

Representative Aliberti of Lewiston was granted unanimous consent to address the House.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I solicited this unanimous consent for a very, very special concern.

Approximately a month ago, I felt I could address a crisis and a critically identified need, the unfunded liability of the Maine Retirement System.

The options were limited, the need critical.

Two months ago, I began an in-depth movement to address this shortfall. I consulted a most respected legislator of the Minority Party. He offered some encouragement and a willingness to help me.

Having addressed the preliminary concerns and satisfying an increased need for action, I solicited the approval of the Legislative Council for an after deadline approval of the legislation. This sensitive and fair body approved this request unanimously to activate this legislation for the standard and approved process of initiating this legislation. I am grateful to the council and their courteous fairness and unanimous approval.

This was just the beginning of a more complex process, one, I solicited and received the most professional and credible input of the executive personnel of the retirement system, namely Claude Perrier, Joe Gahagan and F.G. Nault, the Attorney General, his staff, especially Pam Hawley.

Two, the Revisor's Office, which for nine years has been my favorite service organization of the Legislature. Revisor Dave Kennedy who has led this office in a traditional creditable and fair manner responded to my wishes and concerns with great and dedicated responsibility. He drafted the bill L.R. 2142, the Unfunded Liability of the Maine State Retirement System. This draft was superior and credibly accurate in defining my concerns for introducing this legislation. Then the unexpected surfaced, the constitutionality of the legislation.

I will have copies available of the draft legislation and the Attorney General's Office opinion on the constitutional issue on request.

I deliberately delayed and put a "stop where you are" action.

My options:

1. Continue to activate this legislation, printing, reference, hearings etcetera, etcetera at additional specified costs.

2. Prepare this body for the constitutional challenges of the courts at additional costs.

My decision again was "stop where you are."

What messages have surfaced and prevailed by my intended legislation to address the Unfunded Liability of the Maine State Retirement System, one, the negative and irresponsible obligation to address the unfunded liability.

Two, the overall concern and responsibility of the unfunded obligation, the responsibility and concern of the legislature, the Maine State Retirement System, the Committee on Aging and Retirement and the Executive Branch that maintains the credibility and financial security of this unfunded commitment.

I also wish to thank Clerk Mayo for his advice and consent and Madeline Masselli of the Majority Office for her stenographic services.

With that Mr. Speaker, there is no doubt what the message is, I will not pursue this legislation. At your request, you made quite a strong message to identify these areas where we could save the legislature a great deal of time and money. So, I very humbly suggest that you give me the opportunity to withdraw this legislation.

Representative Lemke of Westbrook was granted unanimous consent to address the House:

Representative LEMKE: Mr. Speaker, Men and Women of the House: Twenty-five years ago today, a hundred American cities burned with fires of anger and frustration and dismay because twenty-five years ago yesterday, Reverend Martin Luther King, Jr. was assassinated in Memphis.

Dr. King was a man of conscience and compassion and courage. He became in the 1950's and 1960's, which some of us can remember, unquestionably the great spokesman of his people but he was much more. He was the dreamer who forced us to confront the American nightmare and the dream was the American dream of equal justice for all, regardless of race, creed, gender or ethnic background.

Twenty-five years later, today, that dream remains unfulfilled but if an assassin's bullet killed the dreamer, the dream does endure, the work continues.

On this awful anniversary, I ask the House of Representatives for a moment to remember Martin Luther King. Like his namesake 500 years earlier, he took a stand, actually several stands, and was indeed a most controversial person. Indeed, nearly 20 years after his death, Martin Luther King remains so controversial that debate on this floor regarded that lingering sense of controversy. There may be those who still question Dr. King's specific politics, but I would hope there are none who question his contribution to America, because in a time when others reach for the gun and the bomb, Martin Luther King preached peace and non-violent resolution of issues. For that, I hope we may all quietly today honor Martin Luther King Jr..

On motion of Representative Lemke of Westbrook,
Adjourned at 1:00 p.m. until Tuesday, April 6,
1993, at nine-thirty in the morning in memory of
Martin Luther King Jr..
