

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 17, 1993 to July 14, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
51st Legislative Day
Monday, May 17, 1993

Senator CAREY of Kennebec
Senator BEGLEY of Lincoln

Sincerely,

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

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

Prayer by the Honorable Patrick Paradis of Augusta.

National Anthem by the Dimensions, a Saxophone Quartet of students from the University of Southern Maine, Gorham.

The Journal of Thursday, May 13, 1993, was read and approved.

Was read and ordered placed on file.

Reference is made to (H.P. 318) (L.D. 406) Bill "An Act Regarding Family Leave"

In reference to the action of the House on May 11, 1993, whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative OLIVER of Portland
Representative KONTOS of Windham
Representative LIBBY of Buxton

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Require Written Reason for Discharge, Demotion or Discipline" (S.P. 106) (L.D. 309) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Senator HANDY of Androscoggin, Senator ESTY of Cumberland and Senator BEGLEY of Lincoln - of the Senate

Representative PARADIS of Augusta, Representative RUHLIN of Brewer, Representative LIBBY of Buxton - of the House.

Came from the Senate with the Committee of Conference Report read and accepted.

Subsequently, the Committee of Conference Report was read and accepted in concurrence.

Ought to Pass as Amended

Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-122) on Bill "An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine" (S.P. 120) (L.D. 358)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-122) and Senate Amendment "A" (S-142).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-122) was read by the Clerk and adopted.

Senate Amendment "A" (S-142) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, May 18, 1993.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Concerning Requirements for Licensure of Counseling Professionals" (S.P. 349) (L.D. 1063)

Signed:

Senators: CIANCHETTE of Somerset
MARDEN of Kennebec

Representatives: THOMPSON of Lincoln
REED of Dexter
WINN of Glenburn
CLEMENT of Clinton
VIGUE of Winslow
HILLOCK of Gorham
CAMERON of Rumford

May 13, 1993

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

Dear Clerk Mayo:

Please be advised that the Senate today Insisted and Joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act Regarding Family Leave" (H.P. 318) (L.D. 406).

The President appointed on the part of the Senate the following:

Senator CIANCHETTE of Somerset

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-137) on same Bill.

Signed:

Senator: BUSTIN of Kennebec

Representatives: HOGLUND of Portland
ST. ONGE of Greene

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

Reports were read.

Subsequently, the House accepted the Majority "Ought Not to Pass" Report in concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning the Out-of-State Purchase of Alcoholic Beverages for Noncommercial Uses" (S.P. 443) (L.D. 1410)

Signed:

Senators: CAREY of Kennebec
HANDY of Androscoggin
HALL of Piscataquis

Representatives: DAGGETT of Augusta
BOWERS of Washington
GAMACHE of Lewiston
STEVENS of Sabattus
BENNETT of Norway
NASH of Camden
ROBICHAUD of Caribou
TRUE of Fryeburg

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

Signed:

Representatives: MICHAEL of Auburn
LEMKE of Westbrook

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

Reports were read.

On motion of Representative Daggett of Augusta, the House accepted the Majority "Ought Not to Pass" Report in concurrence.

Non-Concurrent Matter

An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents (S.P. 87) (L.D. 241) (H. "A" H-171) which was passed to be enacted in the House on May 3, 1993.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-171) as amended by Senate Amendment "A" (S-143) thereto in non-concurrence.

The House voted to recede and concur.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills 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:

Banking and Insurance

Bill "An Act Related to Multiple-employer Welfare Arrangements" (H.P. 1122) (L.D. 1521) (Presented by Representative CARLETON of Wells) (Cosponsored by Representative: PINEAU of Jay) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Bring State Water Quality Law into Compliance with Federal Requirements" (H.P. 1119) (L.D. 1518) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator LAWRENCE of York and Representatives: ANDERSON of Woodland, COLES of Harpswell, CONSTANTINE of Bar Harbor, GOULD of Greenville, LORD of Waterboro, MARSH of West Gardiner, MITCHELL of Freeport, POULIN of Oakland, WENTWORTH of Arundel, Senators: CIANCHETTE of Somerset, LUDWIG of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Promote Financial Responsibility and Family Planning" (H.P. 1115) (L.D. 1510) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsored by Senator KIEFFER of Aroostook and Representatives: KUTASI of Bridgton, QUINT of Paris) (Governor's Bill).

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Legalize Marijuana for Medicinal Purposes" (H.P. 1116) (L.D. 1511) (Presented by Representative LARRIVEE of Gorham) (Cosponsored by Senator: CONLEY of Cumberland)

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

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

Human Resources

Bill "An Act to Amend the ASPIRE Program" (H.P. 1118) (L.D. 1513) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: AIKMAN of Poland, CARON of Biddeford, CARR of Sanford, KERR of Old Orchard Beach, MICHAEL of Auburn, Senators: BALDACCI of Penobscot, KIEFFER of Aroostook) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Establish Limited Liability Corporations and Set Their Tax Rate as Other Corporations" (H.P. 1123) (L.D. 1522) (Presented by Representative DORE of Auburn) (Cosponsored by Senator CONLEY of Cumberland and Representatives: COTE of Auburn, GWADOSKY of Fairfield, KERR of Old Orchard Beach, KUTASI of Bridgton, LARRIVEE of Gorham, MARTIN of Eagle Lake, NADEAU of Saco, O'GARA of Westbrook, PINEAU of Jay, SIMONEAU of Thomaston, Senators: CAHILL of Sagadahoc, CIANCHETTE of Somerset, DUTREMBLE of York, ESTY of Cumberland, SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Make Allocations for the Necessary Administration of the Workers' Compensation Laws for the State for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (H.P. 1120) (L.D. 1519) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Senator: BEGLEY of Lincoln) (Governor's Bill)

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

On motion of Representative Gwadosky of Fairfield, tabled pending reference and later today assigned.

Taxation

Bill "An Act to Authorize Optional County Sales

Taxes on Certain Sales" (H.P. 1117) (L.D. 1512) (Presented by Representative HOGLUND of Portland)

Bill "An Act Making Maine Income Tax a Set Percentage of the Federal Income Tax" (H.P. 1121) (L.D. 1520) (Presented by Representative SIMONEAU of Thomaston) (Cosponsored by Representative: BOWERS of Washington, Senators: PARADIS of Aroostook, SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative TRUE from the Committee on **Legal Affairs** on Bill "An Act Amending the Liquor License Laws" (H.P. 792) (L.D. 1078) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-306)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-306) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, May 18, 1993.

Ought to Pass as Amended

Representative TARDY from the Committee on **Taxation** on Bill "An Act to Better Preserve and Protect Endangered and Threatened Wildlife in Maine" (H.P. 512) (L.D. 670) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-308)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-308) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, May 18, 1993.

Ought to Pass as Amended

Representative COTE from the Committee on **Judiciary** on Bill "An Act to Increase the Fee for Taking Fingerprints and Palm Prints of Citizens upon Request" (H.P. 793) (L.D. 1079) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-315)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-315) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, May 18, 1993.

Divided Report

Tabled and Assigned

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature (H.P. 432) (L.D. 551)

KILKELLY of Wiscasset

Signed:

Senators: BERUBE of Androscoggin
ESTY of Cumberland

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

Report were read.

Representative Joseph of Waterville moved that the House accept the Minority "Ought to Pass" Report. On further motion of the same Representative, tabled pending her motion that the House accept the Minority "Ought to pass" Report and specially assigned for Tuesday, May 18, 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. 563) (L.D. 760) Bill "An Act to Require Additional Landlord Disclosures" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-290)

(H.P. 236) (L.D. 304) Bill "An Act to Provide for Expedited Evictions in Cases of Imminent Danger to Persons or Property" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-291)

(H.P. 1028) (L.D. 1380) Bill "An Act Regarding Registration of Nursing Assistants" Committee on Business Legislation reporting "Ought to Pass"

(H.P. 850) (L.D. 1155) Bill "An Act Repealing Advisory Boards on Corrections Matters" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-293)

(H.P. 1026) (L.D. 1378) Bill "An Act Regarding the Holding of Juveniles in the Penobscot County Jail" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-294)

(H.P. 739) (L.D. 997) Bill "An Act to Expand the Membership of the Interagency Task Force on Homelessness and Housing Opportunities" Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-295)

(H.P. 525) (L.D. 709) Bill "An Act to Encourage the Implementation of the Solid Waste Management Hierarchy" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-297)

(H.P. 756) (L.D. 1023) Bill "An Act to Amend and Clarify the Solid Waste Management Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-298)

(H.P. 144) (L.D. 189) Bill "An Act to Facilitate Municipal Road Construction" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-299)

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-276) on same RESOLUTION.

Signed:

Senator: BUTLAND of Cumberland

Representatives: BENNETT of Norway
YOUNG of Limestone

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, May 18, 1993.

Divided Report

Tabled and Assigned

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create a Unicameral Legislature (H.P. 768) (L.D. 1035)

Signed:

Senators: BERUBE of Androscoggin
BUTLAND of Cumberland
ESTY of Cumberland

Representatives: LOOK of Jonesboro
WALKER of Blue Hill
BENNETT of Norway
DUTREMBLE of Biddeford

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-277) on same RESOLUTION.

Signed:

Representatives: AHEARNE of Madawaska
GRAY of Sedgwick
YOUNG of Limestone
ROWE of Portland
JOSEPH of Waterville

(H.P. 804) (L.D. 1090) Bill "An Act Repealing Advisory Boards on Energy and Natural Resource Matters" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-300)

(H.P. 572) (L.D. 777) Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-301)

(H.P. 799) (L.D. 1085) Bill "An Act Repealing Advisory Boards on Agriculture Matters" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-302)

(H.P. 591) (L.D. 806) Bill "An Act to Extend the Maine Dairy Farm Stabilization Act" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-303)

(H.P. 292) (L.D. 379) Bill "An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-304)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 18, 1993, under the listing of Second Day.

(H.P. 477) (L.D. 614) Bill "An Act to Amend the Mutual Holding Company Laws" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-305)

On motion of Representative Gwadosky of Fairfield, was removed from Consent Calendar, First Day.

Report was read and accepted, the bill read once. Committee Amendment "A" (H-305) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, May 18, 1993.

(H.P. 1012) (L.D. 1358) Bill "An Act to Require Employee Leasing Companies to Post Security Bonds or Deposit Securities" Committee on Business Legislation reporting "Ought to Pass"

On motion of Representative Hogleund of Portland, was removed from Consent Calendar, First Day.

Report was read and accepted, the bill read once and assigned for second reading Tuesday, May 18, 1993.

(H.P. 708) (L.D. 959) Bill "An Act to Authorize Special Property Tax Districts" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-309)

(H.P. 859) (L.D. 1168) Bill "An Act to Establish Municipal Cost Components for Unorganized Territory

Services to be Rendered in Fiscal Year 1993-94" (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-310)

(H.P. 586) (L.D. 790) Bill "An Act to Clarify the Tax-exempt Status of Community Mental Health Service Facilities" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-311)

(H.P. 322) (L.D. 410) Bill "An Act Concerning the Payment of Assessed Property Taxes" (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-312)

(H.P. 734) (L.D. 992) Bill "An Act to Prohibit Valuation of Real Property in Excess of 100 Percent" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-313)

(H.P. 790) (L.D. 1076) Bill "An Act to Amend the Laws Governing Adverse Possession of Real Estate" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-314)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 18, 1993, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 430) (L.D. 1340) Bill "An Act to Amend the Selection Process for the Administration of the Mexico Water District"

(S.P. 178) (L.D. 592) Bill "An Act to Clarify the Appointment, Powers and Duties of Building Committees" (C. "A" S-119)

(H.P. 109) (L.D. 151) Bill "An Act to Amend the Laws Governing Termination of Parental Rights and Placement of Children" (C. "A" H-279)

(H.P. 621) (L.D. 845) Bill "An Act to Create a Cause of Action Against the State for Wrongful Imprisonment" (C. "A" H-280)

(H.P. 803) (L.D. 1089) Bill "An Act Repealing Advisory Boards on Education Matters" (C. "A" H-281)

(H.P. 819) (L.D. 1105) Bill "An Act to Authorize State Agencies to Accept Funds for a Natural Gas Vehicle Demonstration Project" (C. "A" H-283)

(H.P. 976) (L.D. 1307) Bill "An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities" (EMERGENCY) (C. "A" H-285)

(H.P. 481) (L.D. 618) Bill "An Act Regarding Vessels Stored at Marinas" (C. "A" H-286)

(H.P. 649) (L.D. 887) Bill "An Act to Permit Owners of Property to Seek Indemnification from Parties Responsible for Violations of Clear-cutting Laws" (C. "A" H-288)

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

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Maine Pharmacy Act" (H.P. 944) (L.D. 1273)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Clarify the Law Concerning Complimentary Licenses for Disabled War Veterans" (EMERGENCY) (H.P. 1029) (L.D. 1381)

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

Representative Rotondi of Athens offered House Amendment "A" (H-282) and moved its adoption.

House Amendment "A" (H-282) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-282) and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Provide Local Control for the Job-start Program" (S.P. 246) (L.D. 765) (S. "A" S-128 to C. "A" S-126)

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

PASSED TO BE ENGROSSED

Bill "An Act Concerning the Mandatory Use of Car Safety Seat Belts" (S.P. 155) (L.D. 486) (C. "A" S-88)

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

Representative Tracy of Rome moved that L.D. 486 and all its accompanying papers be indefinitely

postponed.

The same Representative requested a roll call vote on the motion to indefinitely postpone.

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 Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I urge you to vote against the motion before you to indefinitely postpone L.D. 486.

The debate sometimes has centered around whether our insurance rates would go down. I have been able to find out some information that in the State of Michigan their auto policies did reflect a decrease in premiums after they had a belt law and the superintendent of insurance, I understand, ordered that the insurance companies lower their rates after Michigan had a law in. We can't guarantee you that that will happen here because we don't know what effect this law will have getting people to wear their seat belts, but I think the scenario is entirely possible. However, we can't predict and assure you today that that is exactly what will happen.

Some of you are having problems in deciding how to vote for this so I have another suggestion for you. It is interesting as I was putting some thoughts down on paper that another Representative circulated a note written by a child which fits right into the comments I was going to say which was, do it for the kids.

I have an interesting question that I ask kids who come into my office. Those kids are certainly able to relate to the issue because we are always talking about safety with children when they come in for their well visits because we are in the business of keeping kids healthy and well. One of my favorite questions I always ask them is, do you think it should be a law that adults buckle up? I have yet to find one tell me no. They all say, yes, we think adults should buckle up. They want you to buckle up, their mothers, their fathers, their grandparents, they are doing the best they can in spreading the word and some of them have been very effective in getting their parents to buckle up but they do need our help. I don't think that we should put it on the backs of kids to enact a policy for our state. I think that it is entirely within this parameter to legislate this safety issue and we should help the kids.

There is a national crisis on our highways which is perhaps why Congress is putting the squeeze on some of the states who don't have mandatory seat belt laws but you have to realize that 40,000 people die on our highways every year. If you can't relate to 40,000 lives, let me put it to you this way — it is equivalent to three wide body jets crashing every week. If that was literally going on, three wide body jet crashes every week, I think that we would all be up in arms and say, gee, we have to do something about this problem. It interests me that we just expect people to die on our highways and we

just don't do anything about it. I dare say to you that 40,000 lives is worth saving and Maine needs to play its role in trying to put an end to the epidemic that is going on on our highways.

I would like to quote from an editorial that was written in the K.J. on January 5th of this year. It is entitled "Maine Out of Step on Highway Safety" and I quote from that editorial. "Nationally, roads are getting safer, but not in Maine. The reasons why that is so should prompt swift legislative action to require seat belt use by all Maine drivers. The figures are compelling. As predicted here several months ago for the first time since 1962, traffic deaths were less than 40,000 nationally. Since far more people are driving many more miles, the reduction is doubly impressive. The rate of deaths for 100 million miles has dropped from 2.8 to 1.8 over the past ten years, but Maine has unfortunately not joined in this encouraging trend despite one of the nation's toughest drunken driving laws. In 1992, 215 people died on Maine highways, actually an increase from 205 in 1991 and unimproved since 1987. As the nation's roads have become safer, Maine's have not. This is unacceptable. It is certainly not because of OUI enforcement. Alcohol is involved in 46 percent of all fatal accidents nationally, but only 40 percent in Maine. The state's tough laws are having the desired effect but it is the nonuse of seat belts which makes driving in Maine more dangerous than it should be. Experts have known for years that seat belts save lives and now have the figures to prove it.

Nationally, 62 percent of all drivers buckle up and in 14 states, seat belt use tops 70 percent. Maine's is less than half that. The beginning of the downward trend in fatalities exactly coincides with the auto industry's campaign to convince states to enact laws requiring seat belt use. The industry was seeking to avoid the passive restrained requirements former Treasurer/Secretary Elizabeth Dole had ordered unless seat belt use increased. In this case, we've got the best of both worlds, not enough states passed tight enough laws to meet Dole's standards, so air bags will be standard on virtually all models by 1997 but the trend toward seat belt use proved catching with dramatic increases in buckling up everywhere from television cop shows to real life families on their way to the beach. States must have a comprehensive law requiring belt use and Maine does not. It is one of only five states with no official policy for all drivers, though it has raised to 19 the age for required use.

This is the year to reject silly arguments about freedom of choice and pass a seat belt law for all drivers and passengers. It should treat first-time violations with a modest fine and also launch a comprehensive public education program to get the word out. Requiring seat belts is a quick, safe, and effective way to improve public health and safety in Maine. Best of all, considering the state's current financial difficulties, it won't cost a dime. In fact, it will save money on hospital bills, auto insurance rates, state employee costs and medicaid, just to start. But most importantly, it will save lives. There are few bills before the legislature which would guarantee that, this is one that can." End of quote.

I think that this editorial really states the reason why we should pass this bill and I urge you to vote against indefinite postponement.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote for the pending motion on the floor. We have been told time and time again by our constituents they would like to make the choice. Perhaps it might seem like a silly argument as far as the K.J. editorial but it is certainly not a silly argument as far as the people that voted to get us here. They have said to us time and time again, give us the choice, we are adults, we are not children. Our children will do this automatically, our grandchildren will do this automatically, we feel we can do what we choose to do.

As far as insurance, you can bet your sweet life the insurance companies are not going to lower your rates, they never have, and I don't think they intend to. You pass this law and they are going to say to you, as they do in the State of Florida, if your seat belt is not on, we are not paying, and that is all they will be looking for, the excuse not to pay.

As far as the cost to health care, yes, there is undoubtedly a cost to health care and the people of the State of Maine, but we have other situations such as alcohol abuse — are we now going to say that we don't like the way you are drinking your alcohol or the amount that you consume so now we are going to regulate that too even if we have to go into your homes?

I say to you, ladies and gentlemen of the House, that this may be the straw that breaks the camel's back when it comes to John Q. Public, they have been regulated and regulated and regulated to death. They are not working, they cannot pay their taxes, they do not have money, we do not have money, so if we feel that we know better than they do, we can pass it, but they may do like Massachusetts and vote to rescind it.

I urge you to vote for the pending motion on the floor.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I would first like to complement a very eloquent speech by the Representative from Sanford, Representative Hale. I also want to bring back the point that some of you I know have considered, the point of the driver of the car and the liability involved in this new seat belt law. You just wait until the first accident where somebody doesn't have their seat belt on and they are on the passenger side of that car, there will be lawsuits and lawsuits.

This is a ridiculous bill because it is tying the hands of people who want to make a choice. It comes down to civil liberties. I think we need to start thinking about people instead of giving the legislature a bad name and telling them what to do. It is as simple as that and I hope you will vote for indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ketterer.

Representative KETTERER: Mr. Speaker, Ladies and Gentlemen of the House: I want to address a couple of issues and tell you why I intend to vote against the motion for indefinite postponement and I am going to urge you to do the same thing.

In the Fall of 1992, when I was running for a seat in the House of Representatives, I had my fourth grade son, who is a student at Madison Elementary

School, out campaigning with me. While we were out campaigning, he asked me if I would sponsor or cosponsor a mandatory seat belt law. I talked to him about that and I said, well, if that is something that you really think is important as my number one constituent, I certainly would consider it and would probably do it. I asked him what will we do if it turns out I don't win the election? He shrugged his shoulders and said, I'll simply get your Republican opponent to sponsor that bill. He was determined to do that. In any event, as you can see I am here and that is my reason in part for voting for this important legislation, but there are other compelling reasons why you should as well.

I won't bore you with some of the issues that we have been through the number of times that this has been debated on the floor of the House but, simply stated, seat belts save lives, lots and lots of lives. People who sustain medical injuries as a result of automobile collisions have less severe medical consequences when they wear a seat belt. Those facts are undeniably true.

There are also economic reasons why this legislation should be supported by you and why you should vote against the motion that is before you to indefinitely postpone. We hear a lot today about the crisis in the delivery of health care and the fact that people simply cannot afford health care in this state or frankly in many of the states in this country. An increasing number of citizens including citizens in the State of Maine do not have health care. Those who don't have health care get injuries when involved in automobile collisions just like those of us who do. When people who don't have health insurance get involved in those collisions, somebody has to pay the medical bill for the people who are injured, whether or not they are wearing seat belts. I am going to tell you who pays that bill, it is the people in your district who have jobs and pay taxes, they are the people who end up paying for people who don't have health insurance and have injuries.

In conclusion, I would like to state that, as many of you may well know, current Maine law addresses the issue of whether or not passengers in an automobile are wearing seat belts on the issue of liability in civil actions. We have heard about lawyers and all the lawsuits that they file, current Maine law indicates that in no civil or criminal action can the use or nonuse of a seat belt be admissible in a proceeding. That is current law, the proposed bill does not change that current law whatsoever. So, the admissibility of the use of a seat belt is not a factor in your debate today.

I am going to vote against the motion to indefinitely postpone. For the reasons I just stated, I urge you to take the same action.

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

Representative YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: I, too, rise to ask you to defeat this motion for indefinite postponement. I think it is incorrect to characterize this issue as one of civil rights. It is true that the reason this debate is difficult is that there is a tension here between private rights and public obligations. When there are such challenges or such tensions, it is often very difficult to determine on what grounds we should discern correct judgment.

The simple fact is though that driving a car is

an act that, while undertaken undeniably by a private being, a private being who is unique, unduplicable, free, nevertheless driving a car is a public act. When you walk out the door of your house, you are in our world. You are going to drive your car on our highways. When you get in an accident, our police force is going to have to respond, our paramedics are going to have to (I always upset nursing people and health care people because I am not sure what the terminology is here) service you, I guess, administer — it is a public act, undeniably, so therefore, I hope you will vote with me to defeat this motion.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Mr. Speaker, Ladies and Gentlemen of the House: Last week I distributed a letter from a Dr. Moreno who is an emergency room physician at Eastern Maine Medical Center. Today, I have a letter from his daughter, Tiffany, it is a real letter. I would like you to just take a look at it before you make your decision. I urge you to vote against the pending motion.

Use of seat belts is a lot like brushing your teeth, once you get used to doing it, you don't feel right unless you have.

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

Representative LOOK: Mr. Speaker, I would like to pose a question to Representative Pendexter. For a point of clarification, does this seat belt law mandate usage in all vehicles on the highway? I am specifically interested in all types of buses, school buses, public buses and all other methods of transportation, trucks and etcetera?

The SPEAKER: Representative Look of Jonesboro has posed a question through the Chair to Representative Pendexter of Scarborough who may respond if she so desires.

The Chair recognizes that Representative.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I might defer the question to a member of the Transportation Committee, but I am looking at the bill and my sense is that it is passenger motor vehicles, vans and light trucks — it does not definitely pertain to a school bus at all.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: Since the question was directed to the Representative, I didn't get up, but in fact that is exactly the case, it is concerned just with passenger cars.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: The good Representative from Rome has asked you to indefinitely postpone this bill and its accompanying papers. In common language, he is saying kill, kill the bill. In doing so, it becomes a double kill, a maim type of legislation.

I feel very strongly about it. I am quite stubborn at times, I overcame the syndrome of not buckling up. I have never had the experience to say, great, that saved my life, I hope I never do.

Statistical data and other information from our safety officials indicates over and over again that many lives are saved by the use of seat belts. Sure, this is a great American democracy and we don't like to be told and mandated what we have to do but there are times when we just will not listen. Please, give

us a chance to get this legislation through and sophisticate it if we have to, but give us a chance to address the legislation.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Seeing that I was the one that switched his vote, I would urge you to oppose the pending motion.

Isn't it ironic that we are sitting here and the kids that buckle up — my grandchildren get in the car and they say, "Pep, aren't you going to buckle up?" It is ironic that they are more or less leading what we should be doing and we wonder what in the world — we are supposed to be leading them, but they are really leading us.

I think we should rethink this, the time has come when we should face up to the fact that we should buckle up. There is no other way, we should. It is a safety feature, it is something that should be done, it has been done for many years. Is somebody going to try to prevent people from having air bags because they interfere with your right to hit the windshield? Basically, you've got the same thing.

I urge you to oppose the pending motion and hope that you will vote to reduce harm to the people that do not buckle up.

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

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

The question is, if I decide or anybody else decides to take a trip down to the local store to buy a loaf of bread and I am on my way back and I happen to get into an accident and I didn't have my seat belt on, does that put me at fault as the driver? What will be the insurance situation under those circumstances? That concerns me greatly because there are a lot of my constituents out there who are saying, I don't care if the legislature tells me if I have to buckle up or not, I am not going to buckle up. So, what is going to happen to them when they get in an accident and they weren't buckled up?

The SPEAKER: Representative Libby of Buxton has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: There is nothing in this legislation that holds anybody legally liable for anything. Not wearing your seat belt is considered a traffic violation and that is all it is.

I can state a scenario to you which is real life. A five year old who was traveling with a friend of the family was not wearing her seat belt (this was several years ago) and they got into a crash and the five year old was killed. Nothing ever happened to the driver of that motor vehicle, she was not held liable for anything. She was not legally prosecuted for anything. I suppose if the parents had wanted to sue her, that would have been their legal prerogative but there is nothing in this legislation that holds anybody liable for anything if you do not have a belt on. It is merely a traffic violation and it is served as such.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I urge you to vote nay on this

pending motion. Earlier in the debate, Representative Hale told about kids and grandkids buckling up, they will do the right thing. What she neglected to tell you is that the kids want their parents and grandparents to live and be able to grow up with them too. I think Tiffany M., whose letter is sitting on your desks that was distributed by Representative Lindahl, I would like to take the time to read it, he didn't. I think she says it exactly as kids would want it said. "My daddy didn't think he was going to be in an accident. He would be dead now if he didn't have his seat belt on. Don't let other little girls daddy's die just because they don't think that they will be in an accident or because they think that it won't affect anyone else's life by not wearing a seat belt like us kids."

I urge you to vote nay on the pending motion.

Two other things that I would just like to remind you about, questions that continue to come up and that is, "I absolutely can't stand a seat belt, it just drives me crazy and I wouldn't be able to sit in that car with a seat belt on." If you are a person with claustrophobic reactions and so forth, there are medical conditions under which you can get a permit or certificate from your physician saying that you cannot wear a seat belt. Let me remind you of that.

Also, the enforcement section, there are people who continue to say the police will just harass us — the way it reads, "enforcement, this section may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another traffic offense. And, that operator is not subject to the penalty established in this section unless the operator is required to pay a fine for the primary offense that he or she was stopped for." So, this is not as bad as you think it is.

Please, take the time, vote nay on the pending motion so we can pass this legislation and save the lives of many parents of little kids.

In past years as we have continued to put in legislation to protect the children, how many times have you read of an accident where the child came out unscathed but yet they have lost a parent, they were buckled into their little seats. Please, save the parents.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Tracy of Rome that L.D. 486 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 92

YEA - Ahearne, Aikman, Anderson, Ault, Bennett, Birney, Bowers, Campbell, Caron, Carr, Cashman, Chonko, Clark, Clement, Clukey, Coffman, Coles, Cote, Cross, Dexter, Donnelly, Erwin, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heino, Hichborn, Hussey, Jacques, Jalbert, Joseph, Joy, Lemont, Libby Jack, Libby James, Lipman, Look, Lord, Marshall, Martin, H.; Michael, Michaud, Murphy, Nash, Nickerson, Norton, Pendleton, Plowman, Poulin, Pouliot, Ricker, Robichaud, Rotondi, Saint Onge, Saxl, Skoglund, Small, Spear, Strout, Swazey, Tardy, Thompson, Townsend, G.; Tracy, Tufts.

NAY - Adams, Aliberti, Bailey, H.; Bailey, R.; Barth, Beam, Brennan, Bruno, Cameron, Carleton, Carroll, Cathcart, Chase, Cloutier, Constantine,

Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Faircloth, Farnum, Fitzpatrick, Gamache, Gean, Gwadosky, Heeschen, Hillock, Hogleund, Johnson, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lemke, Lindahl, MacBride, Marsh, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pineau, Pinette, Plourde, Rand, Reed, G.; Reed, W.; Richardson, Rowe, Rydell, Simonds, Simoneau, Stevens, A.; Stevens, K.; Sullivan, Taylor, Townsend, E.; Townsend, L.; Treat, True, Vigue, Walker, Wentworth, Whitcomb, Winn, Young, Zirnkilton, The Speaker.

ABSENT - Farnsworth, Holt, Kilkelly, Kneeland, Ruhlin.

Yes, 69; No, 77; Absent, 5; Paired, 0; Excused, 0.

69 having voted in the affirmative and 77 in the negative with 5 being absent, the motion to indefinitely postpone did not prevail.

Representative Strout of Corinth requested a roll call vote on passage to be engrossed.

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.

Representative Libby of Buxton moved that L.D. 486 be tabled until later in today's session.

Representative Pendexter of Scarborough requested a roll call vote on the motion to table.

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 Libby of Buxton that L.D. 486 be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 93

YEA - Ahearne, Bailey, H.; Bennett, Bowers, Campbell, Caron, Chonko, Clark, Coffman, Coles, Cross, Dexter, Donnelly, Erwin, Farren, Foss, Gould, R. A.; Gray, Hatch, Joseph, Kontos, Kutasi, Larrivee, Lemont, Libby James, Lipman, Look, Lord, Marshall, Michael, Michaud, Murphy, Nash, Nickerson, Norton, Ott, Pineau, Plourde, Plowman, Poulin, Robichaud, Saxl, Swazey, Tardy, Townsend, G.; Tracy, Tufts, Wentworth, Whitcomb, Young, Zirnkilton.

NAY - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Birney, Brennan, Bruno, Cameron, Carleton, Carr, Carroll, Cashman, Cathcart, Chase, Cloutier, Clukey, Constantine, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Faircloth, Farnum, Fitzpatrick, Gamache, Gean, Greenlaw, Gwadosky, Hale, Heeschen, Heino, Hichborn, Hillock, Hogleund, Hussey, Johnson, Joy, Kerr, Ketterer, Lemke, Lindahl, MacBride, Marsh, Martin, H.; Melendy, Mitchell, E.; Morrison, Nadeau, O'Gara, Oliver,

Paradis, P.; Pendexter, Pfeiffer, Pinette, Pouliot, Reed, G.; Reed, W.; Richardson, Ricker, Rotondi, Rowe, Saint Onge, Simonds, Simoneau, Skoglund, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Taylor, Thompson, Townsend, E.; Treat, True, Vigue, Walker, Winn, The Speaker.

ABSENT - Clement, Cote, Farnsworth, Holt, Jacques, Jalbert, Kilkelly, Kneeland, Libby Jack, Mitchell, J.; Pendleton, Rand, Ruhlin, Rydell, Small, Townsend, L.

Yes, 51; No, 84; Absent, 16; Paired, 0; Excused, 0.

51 having voted in the affirmative and 84 in the negative with 16 being absent, the motion to table did not prevail.

The SPEAKER: The pending question before the House is passage to be engrossed, a roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 94

YEA - Adams, Aliberti, Bailey, H.; Bailey, R.; Barth, Beam, Brennan, Bruno, Cameron, Carleton, Carroll, Cathcart, Chase, Cloutier, Constantine, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Faircloth, Fitzpatrick, Gamache, Gean, Gwadosky, Heeschen, Hillock, Hogleund, Johnson, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lemke, Lindahl, MacBride, Marsh, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pfeiffer, Pineau, Pinette, Plourde, Rand, Reed, G.; Reed, W.; Richardson, Rowe, Rydell, Saxl, Simonds, Simoneau, Stevens, A.; Stevens, K.; Sullivan, Taylor, Thompson, Townsend, E.; Townsend, L.; Treat, True, Vigue, Walker, Wentworth, Winn, Young, Zirnkilton, The Speaker.

NAY - Ahearne, Aikman, Anderson, Ault, Bennett, Birney, Bowers, Campbell, Caron, Carr, Cashman, Chonko, Clark, Clement, Clukey, Coffman, Coles, Cote, Cross, Dexter, Donnelly, Erwin, Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Hale, Hatch, Heino, Hichborn, Hussey, Jalbert, Joseph, Joy, Lemont, Libby Jack, Libby James, Lipman, Look, Lord, Marshall, Martin, H.; Michael, Michaud, Murphy, Nash, Nickerson, Norton, Pendleton, Plowman, Poulin, Pouliot, Ricker, Robichaud, Rotondi, Saint Onge, Skoglund, Spear, Strout, Swazey, Tardy, Townsend, G.; Tracy, Tufts, Whitcomb.

ABSENT - Farnsworth, Holt, Jacques, Kilkelly, Kneeland, Ruhlin, Small.

Yes, 77; No, 67; Absent, 7; Paired, 0; Excused, 0.

77 having voted in the affirmative and 67 in the negative with 7 being absent, L.D. 486 was passed to be engrossed as amended by Committee Amendment "A" (S-88) and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act Related to Mortgage Companies" (S.P. 177) (L.D. 591) (C. "A" S-121)

Bill "An Act to Amend the Maine Hunting Laws to Prohibit Discharges of Firearms across Paved Ways" (S.P. 282) (L.D. 853) (C. "A" S-120)

Bill "An Act to Increase the Number of Moose

Permits" (H.P. 758) (L.D. 1025) (C. "A" H-284)

Bill "An Act to Extend Criminal Sanctions to Certain Child Protective Orders" (H.P. 654) (L.D. 892) (C. "A" H-287)

Were reported by the Committee on Bills in the **Second Reading**, read the second time, the Senate Papers were 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 Regarding the Holding of Juveniles in the Androscoggin County Jail (S.P. 26) (L.D. 19) (C. "A" S-97)

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. 106 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide for the 1993 and 1994 Allocations of the State Ceiling on Private Activity Bonds (S.P. 138) (L.D. 429) (C. "A" S-112)

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

Representative Martin of Eagle Lake requested a roll call.

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 passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 95

YEA - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Beam, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Constantine, Cote, Cross, Daggett, Donnelly, Driscoll, Dutremble, L.; Erwin, Farren, Fitzpatrick, Gould, R. A.; Gray, Greenlaw,

Gwadosky, Hatch, Heeschen, Hillock, Hoglund, Hussey, Johnson, Joseph, Joy, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lemke, Lemont, Libby Jack, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nash, Nickerson, Norton, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Pouliot, Rand, Richardson, Robichaud, Rotondi, Rowe, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Spear, Stevens, A.; Sullivan, Tardy, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Treat, True, Tufts, Walker, Wentworth, Whitcomb, Zirkilton, The Speaker.

NAY - Libby James.

ABSENT - Bailey, H.; Bennett, Birney, Coffman, Coles, Dexter, Dipietro, Dore, Faircloth, Farnsworth, Farnum, Foss, Gamache, Gean, Hale, Heino, Hichborn, Holt, Jacques, Jalbert, Kilkelly, Kneeland, Martin, H.; Melendy, Michael, Murphy, Nadeau, Paradis, P.; Poulin, Reed, G.; Reed, W.; Ricker, Ruhlin, Skoglund, Small, Stevens, K.; Strout, Swazey, Thompson, Tracy, Vigue, Winn, Young.

Yes, 107; No, 1; Absent, 43; Paired, 0; Excused, 0.

107 having voted in the affirmative and 1 in the negative with 43 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Clarify Criteria for Allowing Unlicensed Municipal Solid Waste Landfills to Accept Waste After December 31, 1992 (H.P. 191) (L.D. 254) (C. "A" H-217)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Reapportion Maine School Administrative District No. 72 (H.P. 511) (L.D. 669)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Foster the Bringing Together of Venture Capital and Innovative Business Ideas (H.P. 531) (L.D. 715) (C. "A" H-231)

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. 106 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Introduce Greater Efficiency in the Provision of Certain State Services (H.P. 577) (L.D. 781) (C. "A" H-227)

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. 108 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish the Public Advocate Regulatory Fund Assessment for the Next Biennium (H.P. 786) (L.D. 1059) (C. "A" H-226)

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. 103 voted in favor of the same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Reduce the Administrative Costs of State Government (H.P. 487) (L.D. 645) (C. "A" H-228)

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. 113 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, Authorizing the Merger of MCD Residential Care, Inc., a Maine For-profit Corporation, with Medical Care Development, Inc., a Nonprofit Corporation (H.P. 562) (L.D. 759) (C. "A" H-229)

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. 115 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Extend the Commission to Study the Feasibility of a Capital Cultural Center and to Establish an Advisory Committee to the Commission (H.P. 827) (L.D. 1113)

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. 101 voted in favor of the same and 14 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR

Mandate

Later Today Assigned

An Act to Establish an Automobile Recycling Permit (H.P. 255) (L.D. 334) (C. "A" H-143 and H. "A" H-239)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

ENACTOR

Mandate

Later Today Assigned

An Act to Amend the Waldoboro Utility District Charter (H.P. 745) (L.D. 1012) (C. "A" H-225)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Provide Additional Powers to the Public Utilities Commission (S.P. 100) (L.D. 278) (C. "A" S-101)

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.

PASSED TO BE ENACTED

An Act Related to Mobile Home Parks (S.P. 112) (L.D. 313) (S. "A" S-107)

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

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I move that L.D. 313 and all its accompanying papers be indefinitely postponed. I hope that you will join me in indefinitely postponing L.D. 313.

Just to remind you of what this bill is, it is an Act that is related to mobile home park fees. My opposition to this bill is based on the fact that the committee process was bypassed, there was never a compromise that was able to be reached. I think it was presented to you that this was a compromise. It is not a compromise, the interests who put the bill in had a remedy that was available to them, which was the Manufactured Housing Mediation Service. The issue of fees was never brought before the mediation service and I think it is a very poor precedent to encourage interests to come to the legislature first instead of going through an appropriate process of mediation which was set up to handle problems which appear to be individual problems with individual parks, as opposed to a full-scaled problem represented across the state of Maine.

In previous debates, the question was raised about the actual dollar amount of these fees. I do have that information at this time. The average rent across the state range between about \$85 and \$275. All of the parks do not charge this fee, some of them do. One of the services covered by this in particular is a credit check and background check. This one service, if provided by an institution such as a bank, could cost close to \$500 but because the investment of park owners and the length of time it takes to deal with a resident of a mobile home who is unable to pay bills, it is such a significant amount of time it is important for all mobile home park owners to provide a credit check, this is simply one charge.

I want to remind you that the fees have been a standard part of the revenue stream for mobile home park owners for years and would remind you that there is a remedy without coming to the legislature first. I hope you all join me in indefinitely postponing

this bill.

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

Representative BOWERS: Mr. Speaker, Men and Women of the House: I thought that this bill, as we amended it, was a compromise. A number of us worked on trying to come up with language of compromise and many of you recall the debate where I said that the family-owned parks that are well run are not going to have any problems with this bill because they don't have the high turnover that the parks we are trying to deal with have.

I might be wrong but I am making a bit of a presumption that some of these parks that have high turnovers have that high turnover solely so they can collect these — exorbitant transfer fees is what they are. Just because somebody owns a mobile home and they want to sell it and the mobile home park operator is allowed to collect four times the monthly rent as a surcharge seems a bit much to me. I don't really understand the service that they are rendering. Apartment owners aren't allowed to charge that kind of surcharge when they change renters in their apartments. I urge you to vote against this motion.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: The question was raised whether or not this bill represents in fact a compromise. It is my recollection, and it is my belief, that it does represent a compromise. Now, in the classic sense both sides want it all of their way, perhaps to both sides it doesn't seem to be a compromise, but from my perspective where both sides in effect give something, you come down in the middle, it is a compromise.

The original bill would have put the park fees allowable up to three times, three months on entrance and would have included pet fees, would have included guest fees. The bill that you now have doesn't include the dogs and cats and parakeets, it doesn't include the guest fees but it does lower it to two times, two times two months worth of entrance fee but not up to the four times that is presently allowable. I think this is, as I said, a workable compromise which is fair to park owners and, at the same time, recognizes the position of tenants within these mobile home parks.

As the good Representative from Washington mentioned, this particularly addresses the large parks and the types of onerous things that they do perform at present. It is not a major challenge to the free market system or what have you. As the good Representative Hillock mentioned before, the way people are treated in some of these parks surely doesn't conform to what we usually consider free enterprise or the free market system. This moves us more in that direction.

I urge you definitely to vote against the indefinite postponement on the floor.

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

Representative ROBICHAUD: Mr. Speaker, Men and Women of the House: I would ask you to please support the motion on the floor to indefinitely postpone. My reason for supporting this motion, as well as my reasons for supporting the "Ought Not to Pass" Report from committee, involves not only the somewhat convoluted process that this bill went

through when our committee dealt with it on several occasions, but the fact that, as Representative Bowers and Lemke both said, this deals with a specific number of parks, certain parks. The witnesses who came to testify in front of our committee in support of this bill all said they were trying to remedy specific problems in their own parks. My problem with that logic is that they have not gone through any of the preliminary processes that one could use before turning to legislation. I think the legislation is a premature move.

Another thing to consider is not only the mediation process available that Representative Daggett pointed out, but a lease agreement. An agreement between a landlord and a tenant or between a park owner and a park resident is a legal agreement and there are avenues that someone can use to work out measures of conflict in such legal agreements. The Committee's majority did not feel that these other avenues were sufficiently explored before the option of legislation was exercised.

Based on that reasoning, I would ask you to please support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Plourde.

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

Is this amendment earmarked for only one or two mobile parks that are having problems or is it a statewide problem?

The SPEAKER: Representative Plourde of Biddeford has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Men and Women of the House: I will attempt through my recollection of the meetings of the Legal Affairs Committee to answer that question. We did hear complaints, if you will, of problems from a few of the large parks owned by large corporations, those seemed to be the people that were presenting problems to the committee. However, this bill does address all mobile home parks across the state.

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

Representative TRACY: Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion to indefinitely postpone this bill. I would urge you to vote for the compromise.

While I am up, I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Plourde.

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I am not really sure if I got clarification because it mentioned a large corporation and I don't know if that means one or two mobile parks. However, while serving on Legal Affairs in the past years, we had this same problem. I will have to say and concur with Representative Robichaud that there are remedies already dealing with this issue. My suspicion is that it is only dealing with one or two mobile parks that are having these problems, especially where it has more than just the entrance fee problem. Therefore, I urge you to support the pending motion.

I feel we have a remedy. We have been dealing with this issue for the last six to eight years. It is a new environment as far as dealing with that particular entity. I think that the manufacturing

housing board and all other variety associations have dealt with this issue and I think it should be given time to deal with it. Therefore, once again, I plead with you to support the pending motion.

Representative Barth of Bethel requested the original Committee Report be read.

Subsequently, the Committee Report was read in its entirety by the Clerk.

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

Representative BENNETT: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to Representative Plourde for not answering his question perhaps as well as I should have.

Of the people testifying in behalf of this bill, it is fair to say, I believe, that there were three or four parks represented, all of which were owned by one company in the state.

I would also just like to point out what I pointed out before and that is that this bill does not do what it purports to do and that is help residents, current residents of mobile home parks. This bill may help people who want to move in a mobile home park by limiting the amount of money that can be charged for entrance fees but what this will do is interrupt the revenue stream from these small park owners, these family-owned parks and it will drive up rents. What this will do is cause higher rents on those people currently living in mobile home parks. So, I encourage you to please go along with the pending motion and indefinitely postpone this bill and accompanying papers.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: We debated this bill before because we had concerns about the people living in these mobile home parks. It may be true, and I believe it is, that it is the large parks that have the problems. Why do they have these problems? Presently you can charge no entry fee, one month, two months, three months, four months. It just happens to be in my area that there are over 600 families that are in parks that charge the full four months. Now, does that hurt the people in the park? I believe it does, when you sell a mobile home in a depressed real estate market and you come to closing and find out that you have to pay an extra \$1,200 on a \$10,000 mobile home, which is not all that out of the ordinary, that is over a 10 percent surcharge on the purchase price. So, clearly the seller is at a disadvantage there and the windfall goes to the park owner.

Just think of the outrage in this body if tenants had to pay an entry fee of this magnitude in addition to other fees when they move into an apartment. Think of the outrage that there would be.

As far as the cost, well, there are some costs, I suppose, a credit check, yes. Credit checks should be done on potential tenants. They are as low as \$5 a tenant. A \$1,200 fee is certainly exorbitant when you consider that for a credit check. Well over 90 percent of these mobile homes stay on the same lot and the only thing that is done is the new lease is drawn up and a new key to the mailbox. Clearly, if there is a new addition to the park, exceptions are made to cover the additional costs of those parks.

Let's get right back to why, what was the genesis of this, what caused this thing to happen over the last four years? In the 1980's, a lot of these large

parks were taken over by large corporations and they paid a dear price for them, they were inflated prices then and they had to get back money on their investment. Clearly this is a way to do it.

The rents are really exorbitant. In some of these parks, you are talking over almost \$300 a month and you add your insurance, utilities and taxes on top of that and a mortgage, what we have is a situation where people could live in a stick built ranch cheaper than they can in a mobile home park. They are caught between a rock and a hard place because they can't sell their parks because the margin is cut down because of this entry fee that has to be paid.

So, I believe we will help the people of these parks. I guess as far as the compromise, no matter how it came about, if it is half of what the original request was, that is fairly close. If we are all unhappy with that, that is a great compromise.

I am talking softly as its changed, I guess I am really soft right now. Thank you for listening to me. I hope you would vote to defeat this motion and then vote to help all these people that are really disadvantaged tenants in the marketplace.

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

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: May I pose a question through the Chair? Do we know what the makeup of the mediation board is, what interests are represented on it?

The SPEAKER: Representative Pfeiffer of Brunswick has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: The mobile home mediation service is provided by the Manufactured Housing Association.

I would just remind the members that I did speak earlier about some of the cases which have come for mediation. In fact, from the park in Brunswick, for example, there has not been a request regarding fees out of that park. In fact, their most successful work was done based on a complaint from Bay Bridge Estates which is in Brunswick. There was a proposed very large rent increase and the mediator was able to get that into formal mediation with a significant reduction. I think the point with the mediation service is that it is important for tenants to understand what options they have. There is a very viable option here which has simply not been used for the issue of fees.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: Two quick points. First of all, I think as a tenant I might be hard-pressed to consider going to a mediation board with a complaint about a fee four times the cost of my rent, if by law we allowed a fee four times the cost of my rent, so I think it creates a difficult situation for tenants to approach the mediation board with that issue.

The second point that I want to clarify, there has been some buzzing here in my corner of the House that this is like a deposit that you charge on an apartment and, when you move out, you get it back. I want to clarify, this is a fee, this is charged

upfront, this is charged when you buy a home that is already existing and already situated on a lot, it is a fee and you do not get it back when you move out.

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

Representative BOWERS: Mr. Speaker, Men and Women of the House: If I was to buy a condominium from somebody, I might pay a real estate transfer tax but I sure as heck don't have to pay four times the monthly maintenance fee in order to purchase that, I don't have to pay that to whatever housing association there is there.

I don't see these mobile home parks as being much different. I think this is an issue of fairness. I was already to go along with the original bill which called for the total elimination of entrance fees for mobile homes that are presently in a park. We are not infringing on any park operators' right to charge the necessary fees in order to prepare a site for a new mobile home. I urge you to vote against this motion.

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

Representative ROBICHAUD: Mr. Speaker, Men and Women of the House: I just wanted to respond to some comments that have been made since I rose last.

The Representative from Gorham, Representative Hillock, said that in many cases there were park owners who purchased their parks at very high costs and now they are forced to have high rents to recoup that cost. That very well could be the case, I am not going to debate that.

What I do take exception to is that, by passing this bill, that will solve the problems because I do not believe it will achieve that end. If those park owners are really trying to recoup a cost, then they will find other ways such as rent to get that money back. By reducing the entrance fee alone, which is currently a maximum of four times, it is not mandated at four times, it is a maximum so it is a ceiling. They are not restricted from charging the tenants or passing along that cost. I repeat that this bill will not stop those particular costs that the good Representative was addressing and this bill will not solve the problem for which the proponents are trying to address.

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 the Representative from Augusta, Representative Daggett, that L.D. 313 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 96

YEA - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Caron, Carr, Clark, Clukey, Cross, Daggett, Dexter, DiPietro, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gamache, Hale, Hatch, Hussey, Jalbert, Joy, Kerr, Ketterer, Kontos, Kutasi, Libby Jack,

Libby James, Lindahl, Look, Marsh, Marshall, Martin, H.; Mitchell, E.; Murphy, Nash, Nickerson, Norton, Ott, Paradis, P.; Pendexter, Pendleton, Plourde, Plowman, Poulin, Pouliot, Reed, G.; Reed, W.; Robichaud, Rotondi, Simonds, Simoneau, Small, Stevens, A.; Tardy, Taylor, Thompson, Townsend, L.; True, Vigue, Whitcomb.

NAY - Adams, Ahearne, Aikman, Aliberti, Beam, Bowers, Brennan, Cashman, Cathcart, Chase, Chonko, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Donnelly, Dore, Driscoll, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Heesch, Heino, Hichborn, Hillock, Hoglund, Jacques, Johnson, Joseph, Larrivee, Lemke, Lemont, Lipman, Lord, MacBride, Melendy, Michael, Michaud, Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Pfeiffer, Pineau, Pinette, Rand, Richardson, Ricker, Rowe, Rydell, Saint Onge, Saxl, Skoglund, Spear, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Tracy, Treat, Tufts, Walker, Wentworth, Young, Zirkilton.

ABSENT - Carroll, Holt, Kilkelly, Kneeland, Ruhlin, Winn, The Speaker.

Yes, 69; No, 75; Absent, 7; Paired, 0; Excused, 0.

69 having voted in the affirmative and 75 in the negative with 7 being absent, the motion to indefinitely postpone L.D. 313 and all its accompanying papers did not prevail.

Subsequently, L.D. 313 was passed to be enacted, signed by the Speaker and sent to the Senate.

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

ENACTOR

(Reconsidered)

An Act to Ensure Compliance with Existing Energy Efficiency Building Standards (S.P. 241) (L.D. 734) (C. "A" S-102)

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

On motion of Representative Chonko of Topsham, under suspension of the rules, the House reconsidered its action whereby L.D. 734 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-102) was adopted.

The same Representative offered House Amendment "A" (H-323) to Committee Amendment "A" (S-102) and moved its adoption.

House Amendment "A" (H-323) to Committee Amendment "A" (S-102) was read by the Clerk and adopted.

Committee Amendment "A" (S-102) as amended by House Amendment "A" (H-323) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-102) as amended by House Amendment "A" (H-323) thereto in non-concurrence and

sent up for concurrence.

PASSED TO BE ENACTED

An Act to Clarify the Grounds for Civil Action for Child Sexual Abuse (S.P. 250) (L.D. 769)

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

ENACTOR

Later Today Assigned

An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority (S.P. 263) (L.D. 801) (C. "A" S-103)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Amend the Provisions Related to the Supervised Community Confinement Program (S.P. 269) (L.D. 833) (C. "A" S-98)

An Act to Amend the Composition of the Port Authority for the Town of Kittery (S.P. 311) (L.D. 944) (C. "A" S-100)

An Act to Reform the Insurance Code Laws (S.P. 342) (L.D. 1039) (C. "A" S-99)

An Act to Implement the Recommendations of the Criminal Law Advisory Commission Regarding Revisions to the Maine Criminal Code (S.P. 377) (L.D. 1133)

An Act Providing a Limitation on Actions against Land Surveyors (H.P. 44) (L.D. 60) (H. "A" H-237 to C. "A" H-154)

An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund (H.P. 97) (L.D. 139) (H. "A" H-145 to C. "A" H-114)

An Act to Change the Scallop Harvesting Season (H.P. 117) (L.D. 158) (H. "A" H-270 to C. "A" H-146)

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

ENACTOR

(Reconsidered)

An Act to Permit Children 5 Years of Age to Enter Grade One (H.P. 184) (L.D. 236) (C. "A" H-221)

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

On motion of Representative Chonko of Topsham, under suspension of the rules, the House reconsidered its action whereby L.D. 236 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-221) was adopted.

The same Representative offered House Amendment "A" (H-326) to Committee Amendment "A" (H-221) and moved its adoption.

House Amendment "A" (H-326) to Committee Amendment "A" (H-221) was read by the Clerk and adopted.

Committee Amendment "A" (H-221) as amended by House Amendment "A" (H-326) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-221) as amended by House Amendment "A" (H-326) thereto in non-concurrence and sent up for concurrence.

ENACTOR

Later Today Assigned

An Act to Correct Errors and Inconsistencies in the Growth Management Laws (H.P. 388) (L.D. 501) (C. "A" H-218)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Amend the Maine Housing Authorities Act (H.P. 407) (L.D. 520) (C. "A" H-232)

An Act Concerning Mooring Permits (H.P. 469) (L.D. 606) (C. "A" H-219)

An Act Related to Hook-up Fees for New Installations of Electric Heat (H.P. 500) (L.D. 658) (C. "A" H-223)

An Act to Eliminate the Automatic Issuance of Conditional Withholding Orders (H.P. 593) (L.D. 808) (C. "A" H-234)

An Act Regarding Judicial Branch Publications (H.P. 596) (L.D. 811) (C. "A" H-233)

An Act to Establish Maximum Interest Rates for Automobile Financing (H.P. 656) (L.D. 894) (S. "A" S-118 to C. "A" H-212)

An Act to Allow Disclosure of Residential

Electrical Costs (H.P. 685) (L.D. 926) (C. "A" H-224)

An Act Concerning Suspension of Registrations under the Operating-under-the-influence Laws (H.P. 694) (L.D. 935)

An Act to Implement the Provision of Services Pursuant to the Augusta Mental Health Institute Consent Decree (H.P. 971) (L.D. 1302)

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

FINALLY PASSED

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 183) (L.D. 597) (C. "A" S-82 and S. "A" S-109)

Resolve, Concerning a Special Revenue Account for Emergency Medical Services (H.P. 527) (L.D. 711) (C. "A" H-230)

Resolve, to Establish a Land Swap in Carrabassett Valley (H.P. 632) (L.D. 863)

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

The Chair laid before the House the following matter: An Act to Clarify Criteria for Allowing Unlicensed Municipal Solid Waste Landfills to Accept Waste After December 31, 1992 (H.P. 191) (L.D. 254) (C. "A" H-217) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Chonko of Topsham, under suspension of the rules, the House reconsidered its action whereby L.D. 254 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-217) was adopted.

The same Representative offered House Amendment "A" (H-322) to Committee Amendment "A" (H-217) and moved its adoption.

House Amendment "A" (H-322) to Committee Amendment "A" (H-217) was read by the Clerk and adopted.

Committee Amendment "A" (H-217) as amended by House Amendment "A" (H-322) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-217) as amended by House Amendment "A" (H-322) thereto in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

Bill "An Act to Make Additional Appropriations and Allocations and to Make Technical Corrections to the Laws for the Fiscal Years Ending June 30, 1993 and June 30, 1994" (EMERGENCY) (S.P. 497) (L.D. 1517) (Governor's Bill)

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

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

Resolve, Authorizing the Conveyance of Certain Camp Lease Lots on Public Lands, the Exchange of Certain Rights-of-way for Fee Simple Interest in Land, the Conveyance of Certain Timber and Grass Rights through Release Deeds and the Extension of a Road Construction Use Permit Right-of-way for a Period of 99 Years (S.P. 495) (L.D. 1515) (Governor's Bill)

Resolve, Authorizing the Conveyance of Certain Public Lands in Gray (S.P. 496) (L.D. 1516) (Governor's Bill)

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 Promote Family Financial Responsibility through More Effective Child Support Enforcement" (S.P. 494) (L.D. 1514) (Governor's Bill)

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

Was referred to the Committee on Judiciary in concurrence.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 13, 1993, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

JOINT ORDER - Relative to Joint Rule 13-B - Joint Select Committee on Rules (H.P. 1114)
TABLED - May 13, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage. (2/3 Vote Required)

On motion of Representative Gwadosky of Fairfield, retabled pending passage and specially assigned for Tuesday, May 18, 1993.

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

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-259) - Committee on Banking and Insurance on Bill "An Act to Amend the Workers' Compensation Laws" (H.P. 530) (L.D. 714)
TABLED - May 13, 1993 (Till Later Today) by Representative PINEAU of Jay.
PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Pineau of Jay that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, May 18, 1993.

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

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-92) - Minority (5) "Ought Not to Pass" - Committee on Labor on Bill "An Act to Amend the Occupational Disease Law" (S.P. 216) (L.D. 687)
- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-92)
TABLED - May 13, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Motion of Representative CLEMENT of Clinton to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative CLEMENT of Clinton that the House accept the Majority "Ought to Pass" as amended Report and specially assigned for Tuesday, May 18, 1993.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Amend the Charter of the Northern Maine Regional Planning Commission" (S.P. 140) (L.D. 431) (C. "A" S-117 and S. "A" S-124)
TABLED - May 13, 1993 by Representative YOUNG of Limestone.
PENDING - Passage to be Engrossed.

Representative Joseph of Waterville offered House Amendment "A" (H-318) and moved its adoption.
House Amendment "A" (H-318) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-117) and Senate Amendment "A" (S-124) and House Amendment "A" (H-318) in non-concurrence and sent up for concurrence.

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

An Act to Prevent Unauthorized Use of the Name Passamaquoddy (H.P. 584) (L.D. 788) (C. "A" H-210)
 TABLED - May 13, 1993 by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Enacted.

On motion of Representative Hoglund of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 788 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-210) was adopted.

The same Representative offered House Amendment "A" (H-292) to Committee Amendment "A" (H-210) and moved its adoption.

House Amendment "A" (H-292) to Committee Amendment "A" (H-210) was read by the Clerk and adopted.

Committee Amendment "A" (H-210) as amended by House Amendment "A" (H-292) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-210) as amended by House Amendment "A" (H-292) thereto in non-concurrence and sent up for concurrence.

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

Bill "An Act to Protect Consumers when Disconnecting Cable Television Services" (EMERGENCY) (S.P. 195) (L.D. 631) (C. "A" S-58)
 TABLED - May 13, 1993 by Representative CLARK of Millinocket.
 PENDING - Passage to be Engrossed.

Subsequently, L.D. 631 was passed to be engrossed as amended by Committee Amendment "A" (S-58) and sent up for concurrence.

BILL HELD

Bill "An Act to Regulate Credit Insurance and to Require Disclosure to Borrowers" (S.P. 354) (L.D. 1068) (C. "A" S-115)
 - In House, Passed to be Engrossed.
 HELD at the Request of Representative KUTASI of Bridgton.

On motion of Representative Kutasi of Bridgton, the House reconsidered its action whereby L.D. 1068 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-296) to Committee Amendment "A" (S-115) and moved its adoption.

House Amendment "A" (H-296) to Committee Amendment "A" (S-115) was read by the Clerk and adopted.

Committee Amendment "A" (S-115) as amended by

House Amendment "A" (H-296) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-115) as amended by House Amendment "A" (H-296) thereto in non-concurrence and sent up for concurrence.

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

ORDERS OF THE DAY

BILL HELD

Bill "An Act to Improve Communication between the Executive and Legislative Branches" (H.P. 419) (L.D. 538) (C. "A" H-251)
 - In House, Failed of Passage to be Engrossed.
 HELD at the Request of Representative LARRIVEE of Gorham.

Representative Larrivee of Gorham, having voted on the prevailing side, moved that the House reconsider its action whereby L.D. 538 failed of passage to be engrossed.

Representative Tracy of Rome requested a roll call.

On motion of the same Representative, tabled pending the motion of Representative Larrivee of Gorham that the House reconsider its action whereby L.D. 538 failed of passage to be engrossed and specially assigned for Tuesday, May 18, 1993. (roll call requested)

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby Resolve, to Establish a Land Swap in Carrabassett Valley (H.P. 632) (L.D. 863) was passed to be enacted.

On further motion of the same Representative, the House reconsidered its action whereby L.D. 863 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-329) and moved its adoption.

House Amendment "A" (H-329) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-329) and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Reapportion Maine School Administrative District No. 72 (H.P. 511) (L.D. 669) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Chonko of Topsham, under suspension of the rules, the House reconsidered its action whereby L.D. 669 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-336) and moved its adoption.

House Amendment "A" (H-336) was ready by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-336) and sent up for

concurrence.

On motion of Representative Young of Limestone,
Adjourned at 6:10 p.m. until Tuesday, May 18,
1993, at nine o'clock in the morning.
