

# 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  
59th Legislative Day  
Thursday, May 27, 1993

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

Prayer by Reverend Doctor Judson I. Stone, First Baptist Church, Dexter.

The Journal of Wednesday, May 26, 1993, was read and approved.

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**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

May 26, 1993

The Honorable John L. Martin  
Speaker of the House  
116th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State & Local Government, Lt. Col. Alfred R. Skolfield of Oakfield for appointment as Chief of the Maine State Police.

Sincerely,

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

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

May 26, 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 appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning Limits on Security Deposits" (H.P. 898) (L.D. 1213):

Senator O'DEA of Penobscot  
Senator HANDY of Androscoggin  
Senator CAREY of Kennebec

Sincerely,

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

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

May 26, 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 appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Improve Communication between the Executive and Legislative Branches" (H.P. 419) (L.D. 538):

Senator BERUBE of Androscoggin  
Senator BUTLAND of Cumberland  
Senator HARRIMAN of Cumberland

Sincerely,

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

Was read and ordered placed on file.

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**Non-Concurrent Matter**

Bill "An Act Concerning the Operation of Aircraft under the Influence of Intoxicating Liquor or Drugs" (H.P. 1084) (L.D. 1450) (C. "A" H-400 and S. "A" S-222)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-400) on May 25, 1993.

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-400) on May 26, 1993 in concurrence.

- Recalled from Engrossing Department pursuant to Joint Order (S.P. 514)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-400) and Senate Amendment "A" (S-222) in non-concurrence.

The House voted to recede and concur.

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**ORDERS**

On motion of Representative HICHBORN of Howland, the following Order:

ORDERED, that Representative Robert B. Carr of Sanford be excused May 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary R. Cathcart of Orono be excused May 20, 24 and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Virginia Constantine of Bar Harbor be excused May 24 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Susan E. Dore of Auburn be excused May 20 and 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Phyllis R. Erwin of Rumford be excused May 19, 20 and 21 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Pamela H. Hatch of Skowhegan be excused May 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charles H. Heino of Boothbay be excused May 24 and 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Andrew Ketterer of Madison be excused May 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Marge L. Kilkelly of Wiscasset be excused May 20 and 21 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Anne M. Larrivee of Gorham be excused May 24 to 26 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Kenneth F. Lemont of Kittery be excused May 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Hugh A. Morrison of Bangor be excused May 24 to 26 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Guy R. Nadeau of Saco be excused May 19 to 21 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Omar P. Norton of Winthrop be excused May 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William B. O'Gara of Westbrook be excused May 20 and 21 for legislative business.

Was read and passed.

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**SECOND READER**

**As Amended**

**Later Today Assigned**

Bill "An Act to Clarify Maine Election Laws"

(S.P. 268) (L.D. 805) (C. "A" S-207)

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

On motion of Representative Paradis of Augusta, tabled pending passage to be engrossed and later today assigned.

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**SECOND READER**

**As Amended**

**Later Today Assigned**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Transfer the Responsibility for Recounts of Elections to the Judicial Branch (S.P. 475) (L.D. 1474) (C. "A" S-208)

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

On motion of Representative Paradis of Augusta, tabled pending passage to be engrossed and later today assigned.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Make Provisions of the Maine Human Rights Act Consistent with Federal Law (S.P. 235) (L.D. 728) (C. "A" S-195)

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. 102 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.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Professional Surveyors Licensing Requirements (S.P. 462) (L.D. 1454) (C. "A" S-201)

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 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 Increase Tourism Visits and Tourism Revenues for the State (S.P. 480) (L.D. 1478) (Governor's Bill) (C. "A" S-198)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Natural Resources Protection Laws (H.P. 936) (L.D. 1259) (C. "A" H-412)

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. 102 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.

**FINALLY PASSED**

**Emergency Measure**

Resolve, to Create the Healthy Start Task Force (H.P. 1049) (L.D. 1401) (C. "A" H-409)

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 15 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**ENACTOR**

**Mandate**

**(Reconsidered)**

An Act to Facilitate Municipal Road Construction (H.P. 144) (L.D. 189) (H. "A" H-422 to C. "A" H-299)

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

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby L.D. 189 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-299) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-422) to Committee Amendment "A" (H-299) thereto was adopted.

The same Representative moved that House Amendment "A" (H-422) to Committee Amendment "A" (H-299) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This particular amendment is the municipal mandate portion of this bill. We were just informed by Fiscal and Program Review that it no longer needs the mandate amendment so my motion is to strip it from the bill at this time. I urge you to support this motion.

Subsequently, House Amendment "A" (H-422) to Committee Amendment "A" (H-299) was indefinitely postponed.

Committee Amendment "A" (H-299) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-299) in non-concurrence and sent up for concurrence.

**PASSED TO BE ENACTED**

**Mandate**

An Act to Ensure Equitable Treatment of Manufactured Home Owners (H.P. 309) (L.D. 397) (C. "A" H-397)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of same and 21 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Mandate**

An Act to Encourage the Implementation of the Solid Waste Management Hierarchy (H.P. 525) (L.D. 709) (H. "A" H-420 to C. "A" H-297)

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

Representative Coles of Harpswell requested a roll call vote.

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

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

ordered.

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

Representative SAXL: Mr. Speaker, Men and Women of the House: Let me just explain to the members that this bill is really a rather simple bill which allows communities to be given credit for items that they have recycled, which have not necessarily been in the recycling hierarchy before. For example, in Bangor sewage sludge is composted and that is an item which will now be considered under waste management, the implementation of the waste management hierarchy.

Hierarchy begins with a reduction of waste, as you all know, then reuse and recycling and goes on down through the hierarchy. Each one of those will be given credit in terms of the hierarchy as it applies to each municipality.

So, I would ask you — it costs nothing, I don't really know why the mandate is on it except for the fact that it asks the municipality to keep track of this information. It is a simple bill and I would ask for your support.

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 21 of Article IX of the Constitution, 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. 147

YEA - Adams, Ahearne, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Beam, Bennett, Bowers, Brennan, Bruno, Cameron, Campbell, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Clukey, Coffman, Coles, Constantine, Cote, Daggett, Dexter, DiPietro, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Heino, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Kilkelly, Kneeland, Larrivee, Lemke, Lemont, Libby James, Lindahl, Lipman, Lord, Marsh, Marshall, Martin, H.; Michael, Mitchell, E.; Mitchell, J.; Murphy, Nickerson, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Plowman, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Simoneau, Skoglund, Spear, Stevens, A.; Stevens, K.; Strout, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, True, Tufts, Vigue, Walker, Wentworth, Young, Zirkilton, The Speaker.

NAY - Birney, Carleton, Carr, Donnelly, Farren, Foss, Gray, Greenlaw, Hillock, Joy, Kutasi, Libby Jack, Look, MacBride, Nash, Reed, G.; Saxl, Small, Taylor, Thompson.

ABSENT - Cross, Dore, Farnsworth, Hichborn, Ketterer, Kontos, Melendy, Michaud, Morrison, Nadeau, Sullivan, Tardy, Whitcomb, Winn.

Yes, 117; No, 20; Absent, 14; Paired, 0; Excused, 0.

117 having voted in the affirmative and 20 in the negative with 14 absent, L.D. 709 was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Enact a New Article on Negotiable Instruments in and to Make Necessary Conforming Amendments to the Uniform Commercial Code (S.P. 129) (L.D. 381) (C. "A" S-191)

An Act to Amend Maine's Unclaimed Property Act (S.P. 185) (L.D. 621) (H. "A" H-405 to C. "A" S-132)

An Act to Expand the Definition of Escape (S.P. 248) (L.D. 767) (C. "A" S-197)

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

Later Today Assigned

An Act to Provide Immunity for Private Physicians in Public Hospitals (S.P. 266) (L.D. 803) (C. "A" S-196)

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

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

PASSED TO BE ENACTED

An Act Relating to Activities Coordinators (S.P. 329) (L.D. 1005) (C. "A" S-194)

An Act to Amend the Maine Business Corporation Act (S.P. 381) (L.D. 1137) (C. "A" S-192)

An Act Regarding Child Molestation (S.P. 404) (L.D. 1262) (C. "A" S-193)

An Act to Amend Certain Corporate Laws (S.P. 455) (L.D. 1422)

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1994 (S.P. 464) (L.D. 1456) (C. "A" S-186)

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

Later Today Assigned

An Act Authorizing Presidential Preference Primary Elections in the State (H.P. 114) (L.D. 156) (C. "A" H-401)

Were 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 Further Discourage the Smoking of Cigarettes by Minors (H.P. 454) (L.D. 580) (C. "A" H-396)

An Act to Provide for Affordable Cooperative Housing in the State (H.P. 553) (L.D. 749) (C. "A" H-398)

An Act to Maintain Confidentiality of Medical Information Reported to the Department of Human Services (H.P. 945) (L.D. 1274)

An Act to Amend the Laws Concerning Medicare Supplement Insurance (H.P. 1013) (L.D. 1359) (C. "A" H-413)

An Act to Establish Multidisciplinary Reviews of Child Abuse and Neglect Fatalities and Serious Injuries and to Provide Access to Confidential Information for the Multidisciplinary Reviews (H.P. 1031) (L.D. 1383) (C. "A" H-410)

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, Creating the Maine State 175th Anniversary Commemoration Commission (H.P. 877) (L.D. 1191) (C. "A" H-404)

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) (C. "A" S-199)

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

**BILL HELD**

Bill "An Act to Promote Proper Animal Health Care and to Regulate the Purchase and Sale of Hypodermic Needles and Syringes" (H.P. 740) (L.D. 998) - In House, Bill and Accompanying Papers Indefinitely Postponed. HELD at the Request of Representative DAGGETT of Augusta.

On motion of Representative Daggett of Augusta, the House reconsidered its action whereby L.D. 998 was indefinitely postponed.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I hope we will not vote to indefinitely postpone so I can offer an amendment to remove the conflict with another bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is indefinite postponement of L.D. 998. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

4 having voted in the affirmative and 81 in the negative, the motion to indefinitely postpone did not prevail.

Subsequently, the Committee Report was read and accepted, the bill read once.

Committee Amendment "A" (H-449) was read by the Clerk.

On motion of Representative Daggett of Augusta, Committee Amendment "A" (H-449) was indefinitely postponed.

Under suspension of the rules, the bill was read a second time.

Representative Daggett of Augusta offered House Amendment "A" (H-462) and moved its adoption.

House Amendment "A" (H-462) was read by the Clerk.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: House Amendment "A" which I am now presenting would remove all reference to the sale and distribution etcetera of the regulation of syringes.

When the bill was originally presented and written, there had not been legislation in front of the body that removed the prescription requirements from syringes. So, that section of the bill made it in conflict with other legislation and the amendment would remove that. It also amends the title to delete the reference to the sale and regulation of syringes.

Subsequently, House Amendment "A" (H-462) was adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-462) and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

**SPECIAL SENTIMENT CALENDAR**

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

Recognizing:

Col. Andrew Demers, on the occasion of his retirement after 25 years of dedicated service and leadership for the people of Maine as a law enforcement official who, during his outstanding career, has served as Chief of the Maine State Police and earned recognition as a "Top-Cop"; (HLS 414) by

Representative CARROLL of Gray. (Cosponsors: Senator CLEVELAND of Androscoggin, Representative BAILEY of Township 27, Representative LINDAHL of Northport, Representative CLUKEY of Houlton, Representative LEMKE of Westbrook, Representative ST. ONGE of Greene, Senator BRANNIGAN of Cumberland, Senator PARADIS of Aroostook, Senator GOULD of Waldo, Representative O'GARA of Westbrook, Representative MARTIN of Van Buren, Representative HUSSEY of Milo, Representative RICKER of Lewiston, Representative MELENDY of Rockland, Representative PLOURDE of Biddeford, Representative DRISCOLL of Calais, Representative STROUT of Corinth, Representative BAILEY of Farmington)

On motion of Representative Carroll of Gray, the House reconsidered its action of earlier in the day whereby HLS (414) was passed.

Was read, passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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**BILL HELD**

An Act to Enhance Voters' Rights in Budget Approval of School Districts (EMERGENCY) (MANDATE) (S.P. 252) (L.D. 771) (H. "A" H-407 and H. "B" H-416 to C. "A" S-163)

- In House, Failed of Passage to be Enacted.

HELD at the request of Representative GWADOSKY of Fairfield.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 771 failed of enactment.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Friday, May 28, 1993.

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**ORDERS OF THE DAY**

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, 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:

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-432) - Minority (2) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General (H.P. 960) (L.D. 1291)  
 TABLED - May 26, 1993 (Till Later Today) by Representative JOSEPH of Waterville.  
 PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-433) - Minority (5) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Treasurer of State (H.P. 961) (L.D. 1292)  
 TABLED - May 26, 1993 (Till Later Today) by Representative JOSEPH of Waterville.  
 PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

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

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-434) - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Secretary of State (H.P. 965) (L.D. 1296)  
 TABLED - May 26, 1993 (Till Later Today) by Representative JOSEPH of Waterville.  
 PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

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

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

Bill "An Act to Minimize Electric Rates" (S.P. 307) (L.D. 940) (C. "A" S-159)  
 TABLED - May 26, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
 PENDING - Passage to be Engrossed.

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

The Chair laid before the House the fifth item of



Unfinished Business:

Bill "An Act to Centralize Licensing for Retail Businesses" (H.P. 399) (L.D. 512) (H. "A" H-408 to C. "A" H-367)  
TABLED - May 26, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Engrossed.

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

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

An Act to Reform and Reestablish the Commission on Governmental Ethics and Election Practices (S.P. 225) (L.D. 696) (C. "A" S-168)  
TABLED - May 26, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

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

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

An Act to Clarify the Days During Which Prisoners May Be Delivered to the Custody of the Department of Corrections (H.P. 443) (L.D. 569)  
TABLED - May 26, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

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

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

An Act to Amend the Group Life Insurance Laws Administered by the Maine State Retirement System (H.P. 871) (L.D. 1180) (C. "A" H-368)  
TABLED - May 26, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Friday, May 28, 1993.

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

Resolve, to Establish the Academy for Public Service Study Committee (H.P. 874) (L.D. 1188) (C. "A" H-362)  
TABLED - May 26, 1993 (Till Later Today) by

Representative GWADOSKY of Fairfield.  
PENDING - Final Passage.

On motion of Representative Gwadosky of Fairfield, retabled pending final passage and later today assigned.

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

Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (EMERGENCY) (H.P. 572) (L.D. 777) (C. "A" H-301 and H. "A" H-328)  
TABLED - May 26, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Final Passage.

On motion of Representative Gwadosky of Fairfield, retabled pending final passage and later today assigned.

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

An Act to Authorize Special Property Tax Districts (H.P. 708) (L.D. 959) (C. "A" H-309)  
TABLED - May 26, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

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

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

An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees (H.P. 613) (L.D. 828) (C. "A" H-242)  
TABLED - May 26, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

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

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

An Act Regarding County Contingent Account Limits (S.P. 286) (L.D. 856) (C. "A" S-116)  
TABLED - May 26, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Enacted.

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

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

An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism (EMERGENCY) (H.P. 292) (L.D. 379) (C. "A" H-304)  
 TABLED - May 26, 1993 (Till Later Today) by Representative GWADOSKY of Fairfield.  
 PENDING - Passage to be Enacted.

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

**TABLED AND TODAY ASSIGNED**

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

An Act to Revise the Correctional Facility Board of Visitors Laws (H.P. 212) (L.D. 274) (C. "A" H-186)  
 TABLED - May 25, 1993 by Representative GWADOSKY of Fairfield.  
 PENDING - Reconsideration (Returned by the Governor without his approval)

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.  
 Representative LARRIVEE: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the indulgence of the House in taking care of this matter at this time.

I would ask you today to join me in voting to override the Governor's veto on this matter. The issue in question is a change in the Board of Visitors laws for our correctional facilities. The committee has recommended that this Board of Visitors, at each one of the facilities, be expanded from five members to seven members. Currently, all five members are appointed by the Governor. The bill proposes that four members be appointed by the Governor, three members be appointed by the Speaker and the President.

I reject the Governor's assertion that this undermines the Executive Branch's authority. In fact, this bill seeks to share both the authority and responsibility and the information between the Executive and the Legislative Branch; in other words, to work cooperatively with the legislature to address the very serious issues that face our correctional facilities.

This request to increase the size actually springs from within the Visitors Board in order to increase their own effectiveness and their own representation. Others will speak more about that.

The crux of the committee's deliberation sought to improve the communications between the boards and the legislature, specifically by requiring that the boards visit the facility for which they are assigned as the Board of Visitors. Currently, that is optional for the Board of Visitors. The committee felt very strongly that that should be mandatory, that you shouldn't be making recommendations or reports about a facility that you had not visited.

We also made mandatory the report that would come to the Governor as well as to the legislature. Currently, that is also optional and we believe that in order to fully attend to their duties and responsibilities that they should be making this report and specifically to the legislature. That is currently required in current law that these Boards of Visitors report to the legislature. That is not happening at this time. It is very important for us as the Oversight Committee to know and understand what those Boards of Visitors are thinking and are recommending in regard to those facilities. So, we very specifically are opting to include the legislature in this process where the Visitors are concerned, not to exclude anybody's authority about who gets appointed, but to include and share the information with both branches of government so we can work together on these issues.

In conclusion, I will ask you to vote to override this because, number one, the sharing of the appointment responsibility does not diminish the Governor's position, sharing can only strengthen that board.

Number two, both the composition and the efficiency can be improved with a larger representation. We can improve the diversity of both geographic and of viewpoints and, believe me, there are many viewpoints regarding correctional issues.

Third, Committee Amendment "A" specifically removes the requirement for additional staffing and makes it at the discretion of the department. We did that intentionally so as not to cause the department additional costs and we did that in concert with the department who sat with us during that public hearing.

Fourth, we will lose some other elements of this bill which are significant improvements and that is the requirement for visiting the facilities and the requirement for reporting which are not in current law.

So, I ask you to vote with me on this matter.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative JOHNSON.

Representative JOHNSON: Mr. Speaker, Men and Women of the House: I urge your support on L.D. 274.

May I review for you the purpose of a Board of Visitors. The Board of Visitors is to review the physical condition of a specific correctional facility. It is to review the programs in that facility designed to rehabilitate the incarcerated. It is to review the security of a facility to ensure public safety. Then a report is to be sent to the Governor and to the Commissioner of the Department of Corrections. The new legislation, should it be passed, would involve us as a legislature in responding to these reviews and recommendations.

Secondly, the proposed changes in membership, the reason for going from five to seven calling for a larger membership, that came from the Board themselves, from the Board of Visitors themselves, particularly at the Maine Youth Center. According to that board, the number five was too small for an efficient operation. Too often the members of the board, who all were active business persons, were absent due to their personal business that they had to take care of, leaving too often only two members present to do the business.

Further, if we do increase the membership, that membership should reflect the geographical origins of those persons incarcerated in the particular facility.

At the Maine Youth Center today, there is no representation of the children at that place above the greater Portland area, so to speak, most southern Maine. All of the members of the board now come from within a short distance of the Youth Center. The northern counties, the middle counties, are left out. Surely, we who are responsible for these correctional facilities would want to have persons representing their areas on that board.

I urge your support to override.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I stand and rise to ask you not to override the veto.

First of all, I want to mention that I don't disagree that the bill has merit, the problem we have is a technical problem. I would like to refer, if I could, to the Constitution of the State of Maine, "Article III, Distribution of Powers, Section 1. Powers distributed. The powers of this government shall be divided into 3 distinct departments, the legislative, executive and judicial.

Section 2. To be kept separate." What we have here is the crossing of the line and in addition to that, another reason that you do not want to override the veto, is that we are creating additional expense, however not great, but we are creating additional expense in terms of meals and travel.

For both of those reasons, primarily the fact that this is a power of the Executive Branch that should not be invaded upon under the Constitution of the State of Maine. I ask you to vote to sustain the veto.

The SPEAKER: After reconsideration, the pending question before the House is, "Shall this bill become law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote shall be taken by the yeas and nays (a 2/3 vote being necessary). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 148V

YEA - Adams, Ahearne, Beam, Bowers, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Cote, Daggett, Driscoll, Dutremble, L.; Erwin, Faircloth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heeschen, Hoglund, Holt, Jacques, Johnson, Joseph, Kerr, Ketterer, Kontos, Larrivee, Lemke, Martin, H.; Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Clukey, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Greenlaw, Heino, Hillock, Hussey, Joy, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Murphy, Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, True, Tufts, Vigue, Whitcomb, Young, Zirnkilton.

ABSENT - Aliberti, Brennan, Constantine, DiPietro, Dore, Farnsworth, Hichborn, Jalbert, Kilkelly, Melendy, Michaud, Sullivan, Tardy.

Yes, 77; No, 61; Absent, 13; Paired, 0; Excused, 0.

77 having voted in the affirmative and 61 in the negative with 13 being absent and accordingly, the veto was sustained.

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

SENATE PAPER

The following Joint Order: (S.P. 515)

ORDERED, the House concurring, that Bill "An Act to Improve Child Care Services in the State" (H.P. 565) (L.D. 762) and all accompanying papers be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 307) (L.D. 395) Bill "An Act to Grandfather Property under Certain Environmental Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-460)

(H.P. 33) (L.D. 36) Bill "An Act Concerning Fees Imposed by the Department of Environmental Protection Regarding Hazardous Waste" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-461)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Require an Employer Majority on the Board of Governors of the Workers' Compensation Residual Market Mechanism (EMERGENCY) (H.P. 292) (L.D. 379) (C. "A" H-304), which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Pineau of Jay, under suspension of the rules, the House reconsidered its action whereby L.D. 379 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-304)

was adopted.

The same Representative offered House Amendment "A" (H-463) to Committee Amendment "A" (H-304) and moved its adoption.

House Amendment "A" (H-463) to Committee Amendment "A" (H-304) was read by the Clerk and adopted.

Committee Amendment "A" (H-304) as amended by House Amendment "A" (H-463) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-304) as amended by House Amendment "A" (H-463) thereto in non-concurrence and sent up for concurrence.

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(At Ease)

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The House was called to order by the Speaker.

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The Chair laid before the House the following matter: Bill "An Act to Minimize Electric Rates" (S.P. 307) (L.D. 940) (C. "A" S-159) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Clark of Millinocket, the House reconsidered its action whereby Committee Amendment "A" (S-159) was adopted.

The same Representative offered House Amendment "A" (H-468) to Committee Amendment "A" (S-159) and moved its adoption.

House Amendment "A" (H-468) to Committee Amendment "A" (S-159) was read by the Clerk and adopted.

Committee Amendment "A" (S-159) as amended by House Amendment "A" (H-468) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-159) as amended by House Amendment "A" (H-468) thereto in non-concurrence and sent up for concurrence.

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The Chair laid before the House the following matter: An Act to Clarify the Days During Which Prisoners May Be Delivered to the Custody of the Department of Corrections (H.P. 443) (L.D. 569) 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. 569 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-465) and moved its adoption.

House Amendment "A" (H-465) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-465) and sent up for concurrence.

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The Chair laid before the House the following

matter: Resolve, to Establish the Academy for Public Service Study Committee (H.P. 874) (L.D. 1188) (C. "A" H-362) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Chonko of Topsham, retabled pending final passage and later today assigned.

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The Chair laid before the House the following matter: Resolve, to Establish the Academy for Public Service Study Committee (H.P. 874) (L.D. 1188) (C. "A" H-362) which was tabled earlier in the day and later today assigned pending final passage.

Subsequently, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Resolve, to Establish a Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals (EMERGENCY) (H.P. 513) (L.D. 671) (C. "A" H-355)

TABLED - May 26, 1993 by Representative NADEAU of Saco.

PENDING - Final Passage.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: There was a question posed yesterday afternoon and, quite frankly, I was caught off guard and I didn't have the information readily available.

There is a Committee Amendment to aid this bill, filing number H-355 for those of you who have managed to keep up with your filing. The fiscal note on this bill is \$24,000 and the Speaker was correct in his mentioning that this is a direct appropriation.

Essentially what this bill does is set up a commission to look at all areas of assessing practices. Unfortunately, it is becoming extremely clear that assessing practices aren't the most consistent operation in the State of Maine right now. There are problems so we are proposing to look at the various areas involved. Within the bill itself, you can see exactly the areas that will be addressed, not necessarily exclusive, but many of these issues will be touched.

I urge your affirmative vote for this measure. I request 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 final passage. This being an emergency measure, a two-thirds vote of all the elected members is necessary. Those in favor will vote yes; those

opposed will vote no.

ROLL CALL NO. 149

YEA - Adams, Ahearne, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Beam, Bennett, Bowers, Campbell, Carleton, Caron, Carroll, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Clukey, Coles, Cote, Cross, Daggett, Donnelly, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gwadosky, Hatch, Heeschen, Heino, Hillock, Hoggund, Holt, Hussey, Jacques, Johnson, Joseph, Ketterer, Kneeland, Kontos, Lemke, Lemont, Libby Jack, Lindahl, Lipman, Lord, MacBride, Martin, H.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Ott, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Robichaud, Rotondi, Ruhlman, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Small, Spear, Stevens, A.; Stevens, K.; Strout, Swazey, Tardy, Taylor, Townsend, G.; Townsend, L.; Treat, Tufts, Walker, Wentworth, Whitcomb, Winn, Young, Zirkilton, The Speaker.

NAY - Aikman, Barth, Birney, Bruno, Cameron, Carr, Dexter, Farren, Gray, Greenlaw, Joy, Kutasi, Libby James, Look, Marsh, Marshall, Nash, Nickerson, True.

ABSENT - Brennan, Chase, Coffman, Constantine, DiPietro, Dore, Dutremble, L.; Foss, Hale, Hichborn, Jalbert, Kerr, Kilkelly, Larrivee, Michaud, Murphy, Plowman, Rowe, Skoglund, Sullivan, Thompson, Townsend, E.; Tracy, Vigue.

Yes, 108; No, 19; Absent, 24; Paired, 0; Excused, 0.

108 having voted in the affirmative and 19 in the negative with 24 being absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Joint Order - Relative to Joint Rule 13-B - Joint Select Committee on Rules (H.P. 1114)

- In House, Read and Passed on May 21, 1993.

- In Senate, Read and Indefinitely Postponed in non-concurrence.

TABLED - May 26, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative GOULD of Greenville to Adhere.

On motion of Representative Gould of Greenville, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 517)

ORDERED, the House concurring, that 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" S.P. 497, L.D. 1517, and all its accompanying papers, be recalled from the Engraving Department to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1092) (L.D. 1470) Bill "An Act to Establish a Risk-sharing Mechanism for Small Group Health Insurance Plans" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-464)

Under suspension of the rules, Consent Calendar Second Day notification was given, the House Paper was passed to be engrossed as amended by Committee Amendment "A" (H-464) and sent up for concurrence.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 516)

ORDERED, the House concurring, that the Joint Standing Committee on Banking and Insurance is authorized to report to the Senate a bill entitled "An Act to Amend the Laws Regarding Health Insurance and Health Care Services."

Came from the Senate, read and passed.

Was read and passed in concurrence.

The following Joint Order: (S.P. 519)

ORDERED, the House concurring, that Joint Rule 28 be amended to read:

28. Sponsorship and Identification of Agency. A sponsor of legislation may authorize an unlimited number of members of either House to cosponsor a bill, resolve, order, resolution or memorial. For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests. A bill, resolve, order, resolution or memorial having cosponsors shall originate in the House of the sponsor. Each bill or resolve requested by the Governor or a department, agency or commission shall indicate the requestor below the title. This rule is repealed on September

1, 1993.

; and be it further

ORDERED, that the Joint Rules be amended by adding a new Joint Rule to read:

28-A. Sponsorship and Identification of Agency. The primary sponsors of legislation may authorize up to 4 additional members of either House to cosponsor a bill, resolve, order, resolution or memorial. The primary sponsors may designate a lead cosponsor in each House. For duplicate or closely related bills or resolves, the Legislative Council may establish a policy for combination of requests and the number of cosponsors permitted on combined requests. A bill, resolve, order, resolution or memorial having cosponsors shall originate in the House of the sponsor. Each bill or resolve requested by the Governor or a department, agency or commission shall indicate the requestor below the title. This rule takes effect on September 1, 1993.

Came from the Senate, Read and Referred to the Joint Select Committee on Rules.

Was Read and Referred to the Joint Select Committee on Rules in concurrence.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

**SENATE PAPERS**

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-209) on Bill "An Act Establishing Weapons License Reciprocity" (S.P. 388) (L.D. 1183)

Signed:

Senators: CAREY of Kennebec  
HALL of Piscataquis

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

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: HANDY of Androscoggin

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee

Amendment "A" (S-209)

Reports were read.

On motion of Representative Daggett of Augusta, the House accepted the Majority "Ought to Pass" Report, the bill read once.

Committee Amendment "A" (S-209) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-209) in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Protect Maine Citizens From the Effects of Environmental Tobacco Smoke" (H.P. 666) (L.D. 904) which was passed to be engrossed as amended by Committee Amendment "A" (H-358) in the House on May 24, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-358) as amended by Senate Amendment "B" (S-232) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Establish a Full Employment Program as a Pilot Project in Certain Counties of the State" (S.P. 212) (L.D. 683) on which the Minority "Ought Not to Pass" Report of the Committee on Labor was read and accepted in the House on May 26, 1993.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-204) and asked for a Committee of Conference in non-concurrence.

On motion of Representative Ruhlin of Brewer, the House voted to Insist and join in a Committee of Conference in concurrence.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 229) (L.D. 700) Bill "An Act to Develop and Expand Markets for Recycled Materials" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-226)

Under suspension of the rules, Consent Calendar Second Day notification was given, the Senate Paper

was passed to be engrossed as amended by Committee Amendment "A" (S-226) in concurrence.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

Representative HOGLUND from the Committee on Business Legislation on Bill "An Act to Restrict the Referral of Patients by a Physician to Certain Facilities in Which the Physician Has a Financial Interest" (H.P. 585) (L.D. 789) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-467)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-467) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-467) and sent up for concurrence.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 816) (L.D. 1102) Bill "An Act Related to Suppliers of Compressed Air for Breathing" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-466)

Under suspension of the rules, Consent Calendar Second Day notification was given, the House Paper was passed to be engrossed as amended by Committee Amendment "A" (H-466) and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Authorize Special Property Tax Districts (H.P. 708) (L.D. 959) (C. "A" H-309) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Subsequently, L.D. 959 was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

**SENATE PAPER**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

May 27, 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 to Amend the Laws Governing Vending Machine Sales of Cigarettes" (H.P. 1060) (L.D. 1428).

Sincerely,

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

Was read and ordered placed on file.

**Non-Concurrent Matter**

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993-94 (EMERGENCY) (H.P. 859) (L.D. 1168) (C. "A" H-310) which was passed to be enacted in the House on May 24, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-310) as amended by Senate Amendment "A" (S-237) thereto in non-concurrence.

The House voted to recede and concur.

Subsequently, was ordered sent forthwith to engrossing.

The Chair laid before the House the following matter: Bill "An Act to Clarify Maine Election Laws" (S.P. 268) (L.D. 805) (C. "A" S-207) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Subsequently, was passed to be engrossed as amended by Committee Amendment "A" (S-207) and sent up for concurrence.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Divided Report**

Majority Report of the Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-472) on Bill "An Act to Modify the Fuel Clause for Electric Utilities" (H.P. 603) (L.D. 818)

Signed:

Senators: CLEVELAND of Androscoggin  
VOSE of Washington

Representatives: CLARK of Millinocket  
AIKMAN of Poland  
CASHMAN of Old Town  
HOLT of Bath  
KONTOS of Windham  
TAYLOR of Cumberland  
DONNELLY of Presque Isle  
ADAMS of Portland

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: CARPENTER of York

Representatives: MORRISON of Bangor

Reports were read.

On motion of Representative Clark of Millinocket, the House accepted the Majority "Ought to Pass" Report, the bill read once.

Committee Amendment "A" (H-472) was read by the Clerk and adopted and the Bill assigned for second reading Friday, May 28, 1993.

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a 2/3 Affirmative Vote of the Entire Elected Membership of the Legislature to Increase State Income or Sales Tax (H.P. 1019) (L.D. 1365)

Signed:

Senators: BALDACCI of Penobscot  
CAREY of Kennebec

Representatives: DORE of Auburn  
NADEAU of Saco  
TARDY of Palmyra  
DiPIETRO of South Portland  
RAND of Portland  
HOGLUND of Portland  
FARNSWORTH of Hallowell

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-474) on same RESOLUTION.

Signed:

Senator: SUMMERS of Cumberland

Representatives: MURPHY of Berwick  
SIMONEAU of Thomaston  
SPEAR of Nobleboro

Reports were read.

Representative Nadeau of Saco moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of Representative Zirnkilton of Mount Desert, tabled pending the motion of Representative Nadeau of Saco that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Friday, May 28, 1993.

Reference is made to (H.P. 1060) (L.D. 1428) Bill "An Act to Amend the Laws Governing Vending Machine Sales of Cigarettes"

In reference to the action of the House on May 26, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Confereres:

Representative ROWE of Portland  
Representative ST. ONGE of Greene  
Representative CAMERON of Rumford

The Chair laid before the House the following matter: An Act Authorizing Presidential Preference Primary Elections in the State (H.P. 114) (L.D. 156) (C. "A" H-401) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1993-94 (H.P. 859) (L.D. 1168) (S. "A" S-237 to C. "A" H-310)

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

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

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**



Bill "An Act to Authorize Maine Financial Institutions and Credit Unions to Sell Annuities" (H.P. 778) (L.D. 1051) which was passed to be engrossed as amended by Committee Amendment "A" (H-399) in the House on May 25, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-399) as amended by Senate Amendments "A" (S-227) and "B" (S-231) thereto in non-concurrence.

Representative Pineau of Jay moved that the House recede and concur.

Representative Joseph of Waterville requested a roll call vote.

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

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

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

Representative PINEAU: Mr. Speaker, Men and Women of the House: Just for the members in here who haven't heard what is going on — the Senate put these two amendments on. Amendment "B" was wording worked out with the insurance agents — don't get me wrong, they still don't like the bill but if it is going to pass, they feel that Amendment "B" makes it better for them and Amendment "A" they are neutral on. Therefore, I feel to recede and concur is more of a compromise position and a better bill. I appreciate you going with the motion.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: The honorable Chair of the Banking and Insurance Committee is absolutely correct, the bill with the amendment is better than the bill without the amendment but I would urge you to vote against the motion to recede and concur and, therefore, continue to be in non-concurrence with the other body.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Pineau of Jay that the House recede and concur.

The Chair will grant permission to be excused from voting on this issue to Representative Norton of Winthrop, Speaker Martin of Eagle Lake, Representative Constantine of Bar Harbor and Representative Donnelly of Presque Isle.

The SPEAKER: The pending question before the House is the motion of Representative Pineau of Jay that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 150

YEA - Ahearne, Aliberti, Anderson, Bailey, H.; Beam, Bennett, Birney, Bowers, Cameron, Campbell, Carleton, Carr, Carroll, Clark, Clukey, Coles, Cross, Dexter, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Gamache, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hatch, Heino, Hillock, Hoglund, Holt, Hussey, Ketterer, Kneeland, Lemont, Libby Jack,

Libby James, Lindahl, Lipman, Look, Marsh, Marshall, Melendy, Michael, Michaud, Mitchell, J.; Morrison, Nadeau, Nash, Nickerson, O'Gara, Oliver, Ott, Paradis, P.; Pendleton, Pineau, Pinette, Pouliot, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saxl, Simoneau, Spear, Strout, Tardy, Taylor, Townsend, G.; Tracy, Treat, Tufts, Winn, Zirkilton.

NAY - Adams, Aikman, Ault, Bailey, R.; Barth, Bruno, Cashman, Chonko, Cote, Daggett, Farren, Foss, Gean, Hale, Heesch, Jacques, Johnson, Joseph, Joy, Kontos, Kutasi, Lord, MacBride, Martin, H.; Pendexter, Plourde, Poulin, Rand, Reed, G.; Robichaud, Saint Onge, Simonds, Stevens, A.; Stevens, K.; Townsend, L.; True, Walker, Wentworth, Whitcomb, Young.

ABSENT - Brennan, Caron, Cathcart, Chase, Clement, Cloutier, Coffman, DiPietro, Dore, Dutremble, L.; Hichborn, Jalbert, Kerr, Kilkelly, Larrivee, Lemke, Mitchell, E.; Murphy, Pfeiffer, Plowman, Rowe, Skoglund, Small, Sullivan, Swazey, Thompson, Townsend, E.; Vigue.

EXCUSED - Constantine, Donnelly, Norton, The Speaker.

Yes, 79; No, 40; Absent, 28; Paired, 0; Excused, 4.

79 having voted in the affirmative and 40 in the negative with 28 being absent and 4 excused, the motion to recede and concur did prevail.

By unanimous consent, was ordered sent forthwith to Engrossing.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent.

CONSENT CALENDAR

First Day

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

(S.P. 350) (L.D. 1064) Bill "An Act Concerning Plastic Holding Devices Used in Packaging" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-228)

(H.P. 616) (L.D. 831) Resolve, to Direct the Economic Development and Business Assistance Coordinating Council to Develop a Statement of Principles and Standards for Sustainable Development (EMERGENCY) Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-470)

(H.P. 1127) (L.D. 1526) Bill "An Act to Amend the Charter of the Oxford Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-471)

(H.P. 806) (L.D. 1092) Bill "An Act Repealing Advisory Boards on Housing and Economic Development Matters" Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-473)

Under suspension of the rules, Consent Calendar Second Day notification was given, the Senate Paper was passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed as amended and sent up for concurrence.

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The Chair laid before the House the following matter: An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees (H.P. 613) (L.D. 828) (C. "A" H-242) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Marsh of West Gardiner, under suspension of the rules, the House reconsidered its action whereby L.D. 828 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-242) was adopted.

The same Representative offered House Amendment "A" (H-476) to Committee Amendment "A" (H-242) and moved its adoption.

House Amendment "A" (H-476) to Committee Amendment "A" (H-242) was read by the Clerk and adopted.

Committee Amendment "A" (H-242) as amended by House Amendment "A" (H-476) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-242) as amended by House Amendment "A" (H-476) thereto in non-concurrence and sent up for concurrence.

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(Off Record Remarks)

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On motion of Representative Jacques of Waterville, Adjourned at 7:37 p.m. until Friday, May 28, 1993, at eight-thirty in the morning.

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