

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

House of Representatives
January 5, 1994 to April 14, 1994

AUGUSTA, ME 04333

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
3rd Legislative Day
Tuesday, January 11, 1994

January 5, 1994

Representative John L. Martin
Speaker of the House of Representatives
State House Station #2
Augusta, Maine 04333

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

Prayer by Father Gilbert Patenaude, Augusta (retired).

Pledge of Allegiance.

The Journal of Thursday, January 6, 1994 was read and approved.

Dear Speaker Martin:

I submit herewith the Eighty-Fifth Annual Report of the State Auditor as required by Title 5, Section 244 of the Maine Revised Statutes.

I would like to express my special appreciation to the managers and staff of the Department of Audit for their continued support of quality audits and to the officials and employees of the various state departments, courts, counties and municipalities for their cooperation with this department.

Respectfully submitted,

S/Rodney L. Scribner, CPA
State Auditor

Was read and with accompanying report ordered placed on file.

COMMUNICATIONS

The following Communication:

MARGARET CHASE SMITH CENTER
UNIVERSITY OF MAINE
5715 COBURN HALL
ORONO, ME 04469-5715

The Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, ME 04333

Dear Speaker Martin:

In accordance with 1967 Public Law, Chapter 493, I am pleased to enclose copies of the report for the 1993 Maine State Government Internship Program.

The 1993 Internship Program placed twenty-seven Maine College Students in six State Agencies for a 12-week paid work experience. Evaluations from both Interns and Supervisors reaffirmed the value of this experience for both students and State Government.

We are pleased to be associated with the Program and would be happy to answer any questions you might have.

Sincerely,

S/Steven Ballard
Director

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Agriculture

Bill "An Act to Allow the Growth and Sale of Cultivated Ginseng in Maine" (H.P. 1236) (L.D. 1663) (Presented by Representative NORTON of Winthrop) (Cosponsored by Representatives: ERWIN of Rumford, HEESCHEN of Wilton, HICHBORN of LaGrange, JOY of Island Falls, LORD of Waterboro, NORTON of Winthrop, SPEAR of Nobleboro, TARDY of Palmyra, TUFTS of Stockton Springs, YOUNG of Limestone, Senator: CARPENTER of York) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Bill "An Act to Amend the Harness Racing Laws" (H.P. 1243) (L.D. 1670) (Presented by Representative ALIBERTI of Lewiston) (Cosponsored by Representatives: AHEARNE of Madawaska, BEAM of Lewiston, BRUNO of Raymond, CAMERON of Rumford, CARROLL of Gray, COTE of Auburn, DIPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, GWADOSKY of Fairfield, HATCH of Skowhegan, HICHBORN of LaGrange, HOGLUND of Portland, JACQUES of Waterville, JALBERT of Lisbon, JOSEPH of Waterville, KETTERER of Madison, KUTASI of Bridgton, LARRIVEE of Gorham, LEMKE of Westbrook, MICHAEL of Auburn, MICHAUD of East Millinocket, MORRISON of Bangor, MURPHY of Berwick, PLOURDE of Biddeford, PLOWMAN of

At this point the Speaker recognized the Representative from Bath, Representative HOLT, who was added to the quorum call of the Second Regular Session.

The following Communication:

STATE OF MAINE
DEPARTMENT OF THE AUDIT
STATE HOUSE STATION 66

Hampden, POULIOT of Lewiston, RAND of Portland, RICKER of Lewiston, ST. ONGE of Greene, STEVENS of Orono, STROUT of Corinth, TOWNSEND of Eastport, TRACY of Rome, VIGUE of Winslow, Senators: BERUBE of Androscoggin, CIANCHETTE of Somerset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Change the Membership of the Maine Pull Events Commission" (H.P. 1249) (L.D. 1676) (Presented by Representative CROSS of Dover-Foxcroft) (Cosponsored by Representatives: DEXTER of Kingfield, HICHBORN of LaGrange, LORD of Waterboro) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Business Legislation

Bill "An Act to Inform Telephone Consumers of Options for Deterring Unwanted Telephone Solicitation" (H.P. 1258) (L.D. 1685) (Presented by Representative KONTOS of Windham) (Cosponsored by Representative: ADAMS of Portland, Senator: CLEVELAND of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Joint Select Committee on Corrections

Bill "An Act Authorizing Assessments against Income Earned in Prison as Payments to the Victims' Compensation Fund" (H.P. 1250) (L.D. 1677) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: BAILEY of Township 27, LINDAHL of Northport, Senator: HANLEY of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Education

Bill "An Act to Amend the Charter of Kents Hill School" (H.P. 1246) (L.D. 1673) (Presented by Representative NORTON of Winthrop) (Cosponsored by Senator McCORMICK of Kennebec and Representatives: LEMKE of Westbrook, LIBBY of Buxton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Encourage Efficiency in School Spending" (H.P. 1253) (L.D. 1680) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Senator PARADIS of Aroostook and Representatives: CLEMENT of Clinton, DiPIETRO of South Portland, GWADOSKY of Fairfield, LEMKE of Westbrook, PENDLETON of Scarborough, PLOURDE of Biddeford, TARDY of Palmyra, VIGUE of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Concerning Unusual Enrollment Increases in Schools" (EMERGENCY) (H.P. 1263) (L.D. 1690) (Presented by Representative BOWERS of Washington) (Cosponsored by Representatives: DRISCOLL of Calais, TRUE of Fryeburg, WALKER of Blue Hill)

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Energy and Natural Resources

Bill "An Act to Provide for Review of Certain Northeast Ozone Transport Commission Activities" (H.P. 1255) (L.D. 1682) (Presented by Representative LORD of Waterboro) (Cosponsored by Representatives: ANDERSON of Woodland, JACQUES of Waterville, Senators: CIANCHETTE of Somerset, LUDWIG of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Exempt Publicly Owned Treatment Works from Certain Rules Adopted by the Board of Environmental Protection" (EMERGENCY) (H.P. 1259) (L.D. 1686) (Presented by Representative BIRNEY of Paris) (Cosponsored by Senator HANLEY of Oxford and Representatives: AIKMAN of Poland, BAILEY of Farmington, CAMPBELL of Holden, FARNUM of South Berwick, KETTERER of Madison, LIBBY of Kennebunk, MURPHY of Berwick, RUHLIN of Brewer, TARDY of Palmyra, Senators: CARPENTER of York, CIANCHETTE of Somerset, DUTREMBLE of York, KIEFFER of Aroostook, WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Correct an Error in the Sand Dune Laws" (EMERGENCY) (H.P. 1260) (L.D. 1687) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representatives: COLES of Harpswell, MITCHELL of Freeport, Senator: TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Implement the Technical and Environmental Assistance Program" (H.P. 1264) (L.D. 1691) (Presented by Representative MARSH of West Gardiner) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Bill "An Act to Clarify Permitting Requirements for Cranberry Growing Operations" (H.P. 1267) (L.D. 1694) (Presented by Representative GEAN of Alfred) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Fisheries and Wildlife

Bill "An Act to Study Eagle Mortality in Maine and Its Relationship to Human Health" (H.P. 1235) (L.D. 1662) (Presented by Representative FAIRCLOTH of Bangor) (Cosponsored by Representative JACQUES of Waterville, Senator LUTHER of Oxford and Representatives: COLES of Harpswell, ROTONDI of Athens, Senators: HALL of Piscataquis, O'DEA of Penobscot, PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Resolve, to Direct the Department of Inland Fisheries and Wildlife to Simplify Fishing Rules (EMERGENCY) (H.P. 1234) (L.D. 1661) (Presented by Representative JACQUES of Waterville) (Cosponsored by

Senator LUTHER of Oxford and Representatives: GREENLAW of Standish, HEINO of Boothbay, SWAZEY of Bucksport, TRACY of Rome) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Housing and Economic Development

Bill "An Act to Provide Assistance to Homeowners Who Have Faulty Septic Systems" (H.P. 1245) (L.D. 1672) (Presented by Representative KONTOS of Windham) (Cosponsored by Senator PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Revise the Eastport Port Authority Charter" (H.P. 1266) (L.D. 1693) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Senator VOSE of Washington and Representatives: BAILEY of Township 27, CLOUTIER of South Portland, CONSTANTINE of Bar Harbor, DRISCOLL of Calais, ERWIN of Rumford, GWADOSKY of Fairfield, MORRISON of Bangor, NORTON of Winthrop, PARADIS of Augusta, Senators: BRANNIGAN of Cumberland, FOSTER of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Human Resources

Bill "An Act to Establish a System of Community Regional Mental Health Boards" (EMERGENCY) (H.P. 1240) (L.D. 1667) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: BRENNAN of Portland, BRUNO of Raymond, DORE of Auburn, GEAN of Alfred) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Ensure Accessibility to Mental Retardation Services for Persons Who are Deaf or Hard of Hearing" (H.P. 1241) (L.D. 1668) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representative ADAMS of Portland and Representatives: CARROLL of Gray, CHASE of China, FITZPATRICK of Durham, HOGGLUND of Portland, PENDLETON of Scarborough, RAND of Portland, ST. ONGE of Greene, Senator: McCORMICK of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Encourage the Establishment or Expansion of Certain Residency Programs Relating to Emergency Medicine Physicians" (H.P. 1254) (L.D. 1681) (Presented by Representative PENDEXTER of Scarborough) (Cosponsored by Senator HARRIMAN of Cumberland and Representative: BRENNAN of Portland, Senator: BRANNIGAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Resolve, Regarding the Development of a Medicare Volume Performance Standard Demonstration Project (H.P. 1256) (L.D. 1683) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representative TREAT of Gardiner and Representatives: CARLETON of Wells, MARTIN of Eagle Lake, PINEAU of Jay) (Approved

for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Judiciary

Bill "An Act to Establish a Complaint Procedure under the Maine Human Rights Act When a Conflict of Interest Exists" (H.P. 1242) (L.D. 1669) (Presented by Representative TREAT of Gardiner) (Cosponsored by Senator CONLEY of Cumberland and Representatives: ADAMS of Portland, CHASE of China, FAIRCLOTH of Bangor, HOGGLUND of Portland, PFEIFFER of Brunswick, RAND of Portland, Senator: ESTY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Legal Affairs

Bill "An Act to Clarify Reporting Requirements for Party Committees" (H.P. 1244) (L.D. 1671) (Presented by Representative PARADIS of Augusta) (Cosponsored by Representative DAGGETT of Augusta, Senator HANDY of Androscoggin and Representatives: BOWERS of Washington, CLOUTIER of South Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Prohibit Electronic Video Machines" (H.P. 1252) (L.D. 1679) (Presented by Representative TRUE of Fryeburg) (Cosponsored by Representatives: BOWERS of Washington, ROBICHAUD of Caribou, Senator: HALL of Piscataquis) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Bill "An Act to Clarify the Certification Procedures of the Maine Criminal Justice Academy" (H.P. 1265) (L.D. 1692) (Presented by Representative KONTOS of Windham) (Cosponsored by Representative: BOWERS of Washington) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Bill "An Act to Amend the Law Regarding Patrolling Small Towns by the County Sheriff" (H.P. 1251) (L.D. 1678) (Presented by Representative FARNUM of South Berwick) (Cosponsored by Representative CARLETON of Wells, Senator LAWRENCE of York and Representatives: CARR of Sanford, DUTREMBLE of Biddeford, LEMONT of Kittery, LIBBY of Kennebunk, MARSHALL of Eliot, OTT of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Reference to the Committee on Legal Affairs suggested.

On motion of Representative DAGGETT of Augusta, the Bill was referred to the Committee State and Local Government, ordered printed and sent up for concurrence.

Marine Resources

Bill "An Act to Establish a Limit on Lobster Trap Trawls for Certain Coastal Waters" (EMERGENCY) (H.P. 1232) (L.D. 1659) (Presented by Representative MITCHELL of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Increase Penalties for Violation of Lobster Fishing Laws" (H.P. 1261) (L.D. 1688) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: FARNUM of South Berwick, LINDAHL of Northport, MARSHALL of Eliot, OTT of York, SIMONEAU of Thomaston, ZIRNKILTON of Mount Desert, Senator: GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Rejuvenate the Lobster Population in the Gulf of Maine" (H.P. 1262) (L.D. 1689) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: FARNUM of South Berwick, LINDAHL of Northport, MARSHALL of Eliot, OTT of York, SIMONEAU of Thomaston, ZIRNKILTON of Mount Desert, Senator: GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Taxation

Bill "An Act to Redefine Certain Articles Classified as Personal Property" (H.P. 1233) (L.D. 1660) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: CASHMAN of Old Town, SULLIVAN of Bangor, Senator: CARPENTER of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Exempt Eye Banks from Sales Tax" (H.P. 1247) (L.D. 1674) (Presented by Representative LARRIVEE of Gorham) (Cosponsored by Representative: DORE of Auburn) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act to Promote Child Safety" (H.P. 1248) (L.D. 1675) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representatives: PLOWMAN of Hampden, STROUT of Corinth, TOWNSEND of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 1270) (L.D. 1697) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: BAILEY of Farmington, DRISCOLL of Calais, HUSSEY of Milo, LINDAHL of Northport, O'GARA of Westbrook, PLOURDE of Biddeford, RICKER of Lewiston, Senator: GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Regarding Access to Property via Discontinued Roads" (H.P. 1238) (L.D. 1665) (Presented by Representative LIBBY of Kennebunk) (Cosponsored by Representatives: CARLETON of Wells, HUSSEY of Milo, LIPMAN of Augusta, LORD of Waterboro, MARSHALL of Eliot, REED of Dexter, SKOGLUND of St. George) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Reference to the Committee on Transportation suggested.

On motion of Representative O'GARA of Westbrook, the Bill was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

Utilities

Bill "An Act to Increase the Debt Limit for the Richmond Utilities District" (EMERGENCY) (H.P. 1237) (L.D. 1664) (Presented by Representative STEVENS of Sabattus) (Cosponsored by Senator: CAHILL of Sagadahoc) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Permit Electric Utilities Greater Flexibility in Adjusting Electric Utility Prices to Meet Changing Market Conditions" (H.P. 1239) (L.D. 1666) (Presented by Representative TAYLOR of Cumberland) (Cosponsored by Representative: CLARK of Millinocket, Senators: BUTLAND of Cumberland, DUTREMBLE of York, KIEFFER of Aroostook, VOSE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Charter of the Brewer Water District" (H.P. 1257) (L.D. 1684) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Senator O'DEA of Penobscot and Representatives: CAMPBELL of Holden, CASHMAN of Old Town) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Waldoboro Utility District Charter" (EMERGENCY) (H.P. 1268) (L.D. 1695) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Senator BEGLEY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Create the Seal Harbor Water District" (H.P. 1269) (L.D. 1696) (Presented by Representative ZIRNKILTON of Mount Desert) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Reported Pursuant to Resolve

Representative TREAT for the Department of Human Services, pursuant to Resolve 1993, chapter 22 ask leave to submit its findings and to report that the accompanying Resolve, to Extend the Reporting Date of the Study to Identify the Extent of Violence among Children (EMERGENCY) (H.P. 1271) (L.D. 1715) be referred to the Joint Standing Committee on Human

Resources for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on **Human Resources**, ordered printed and sent up for concurrence.

Reported Pursuant to Resolve

Representative MITCHELL for the Health and Social Services Transition Team, pursuant to Resolve 1993, chapter 36 ask leave to submit its findings and to report that the accompanying Resolve, to Extend the Reporting Deadline of the Health and Social Services Transition Team (EMERGENCY) (H.P. 1272) (L.D. 1716) be referred to the Joint Standing Committee on **Human Resources** for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on **Human Resources**, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative LIPMAN of Augusta, the following Joint Order: (H.P. 1231)

Ordered, the Senate concurring, that "Resolve, Directing Release of Investigative Records Related to Ballot Tampering," H.P. 1003, L.D.1349, and all its accompanying papers, be recalled from the legislative files to the House.

Was read.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that you vote for this Order in order to allow us to recall the bill. It does not pass the bill, it only allow us to consider it.

The bill that we are talking about is a bill that came out of Judiciary as a Unanimous "Ought to Pass" as amended Report. This was after a public hearing, work sessions, and compromise within the committee who worked with our legal counsel. It was a carefully carfted bill to exclude irrelevant materials. This bill will allow us to shed the light on the relevent and pertinent documents, the statements and testimony regarding what is described as Ballotgate. It is part of the healing process to fully disclose what has happened. We can never really close this chapter on our darkest days until the lights are allowed to shine.

I would ask you to support the motion and I would ask for a roll call Mr. Speaker.

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. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 235

YEA - Adams, Aikman, Anderson, Ault, Barth, Bennett, Birney, Bowers, Brennan, Campbell, Carr, Chase, Clukey, Coffman, Cross, Dexter, Donnelly, Faircloth, Farnsworth, Farnum, Farren, Foss, Gray, Greenlaw, Heino, Joy, Kilkelly, Kneeland, Kutasi, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Michael, Nash, Nickerson, Norton, Ott, Pendexter, Pendleton, Plowman, Reed, G.; Reed, W.; Robichaud, Rowe, Simoneau, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, Townsend, E.; Tracy, Treat, True, Tufts, Wentworth, Whitcomb, Winn, Young, Zirkilton.

NAY - Ahearne, Aliberti, Beam, Bruno, Cameron, Carleton, Caron, Cashman, Chonko, Clark, Clement, Cloutier, Coles, Constantine, Cote, Daggett, Dore, Driscoll, Dutremble, L.; Erwin, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gwadosky, Heeschen, Hichborn, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kontos, Larrivee, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Pouliot, Rand, Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, G.; Vigue, Walker.

ABSENT - Bailey, H.; Bailey, R.; Carroll, Cathcart, DiPietro, Hale, Hatch, Hillock, Hognlund, Marshall, Martin, H.; Poulin, Rydell, Townsend, L.; The Speaker.

Yes, 68; No, 68; Absent, 15; Paired, 0; Excused, 0. 68 having voted in the affirmative and 68 in the negative, with 15 being absent, a two-thirds vote being necessary, the Order failed of passage.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE ORDER - Relative to amending House Rule 23. In House, Read on January 5, 1994.
 TABLED - January 5, 1994 by Representative KILKELLY of Wiscasset. (Pursuant to House Rule #54)
 PENDING - Passage. (2/3 Vote Required)

On motion of Representative KILKELLY of Wiscasset, tabled pending passage and specially assigned for Thursday, January 13, 1994.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was Tabled and Today Assigned:

JOINT ORDER - Relative to recalling L.D. 1203 from the Legislative Files to the House (H.P. 1229) In House, Read on January 6, 1994.
 TABLED - January 6, 1994 by Representative GRAY of Sedgwick.
 PENDING - Passage. (2/3 Vote Required)

Representative GRAY of Sedgwick presented House Amendment "A" (H-714) which was read by the Clerk and adopted.

Representative GWADOSKY of Fairfield requested a roll call on passage.

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 Sedgwick, Representative Gray.

Representative GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to give a brief explanation of why this bill is before you.

It was before the body last time and I believe there was a large number of people supporting this bill. I don't remember the outcome but I am sure it lost in the other body and I believe the House adopted it.

Locally in the last year or two, we have been dealing with a lot of problems with helicopter surveillance and people's rights. I have talked with the Chairman of the Legal Affairs Committee, Senator Carey and I have talked with the House Chair, Representative Daggett. I don't think anyone is opposed to revisiting the issue. If I had known there was such a violation of what I believe are people's rights, I would have fought this last time. I think it is something that needs to be addressed and I hope you will at least give the committee a chance to revisit it.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: Just to revise your memory, this is my helicopter bill I had in in the last session. It passed in the House I believe 81 to 50 and died in the other body.

If you remember at the time, I distributed a letter from Al Skolfield in support of the revised bill. Though I have not had a continued problem in my area — as a matter of fact, the State Police ran that program in my area this past summer and I sent them a letter commending them on the way they handled it, I am very pleased. However, they are still having problems in other areas so I would encourage you to pass this Order.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 236

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Caron, Cashman, Chase, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gean, Gould, R. A.; Gray,

Gwadosky, Heeschen, Holt, Johnson, Joseph, Ketterer, Kilkelly, Kontos, Lemke, Michael, Michaud, Mitchell, E.; Mitchell, J.; Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Rand, Richardson, Rotondi, Rowe, Saint Onge, Saxl, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, E.; Townsend, G.; Tracy, Treat, Walker, Wentworth, Winn.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bennett, Birney, Bruno, Cameron, Campbell, Carleton, Carr, Chonko, Clukey, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Gamache, Greenlaw, Heino, Hichborn, Hussey, Jacques, Jalbert, Joy, Kerr, Kneeland, Kutasi, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Morrison, Murphy, Nash, Nickerson, Norton, O'Gara, Ott, Pendexter, Plowman, Pouliot, Reed, G.; Reed, W.; Ricker, Robichaud, Ruhlin, Simoneau, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, True, Tufts, Vigue, Whitcomb, Young, Zirkilton.

ABSENT - Bailey, R.; Barth, Carroll, Cathcart, DiPietro, Hale, Hatch, Hillock, Hogleund, Larrivee, Martin, H.; Melendy, Nadeau, Poulin, Rydell, Townsend, L.; The Speaker.

Yes, 66; No, 68; Absent, 17; Paired, 0; Excused, 0. 66 having voted in the affirmative and 68 in the negative, with 17 being absent, a two-thirds vote being necessary, the Joint Order failed of passage.

Representative True of Fryeburg was granted unanimous consent to address the House:

Representative TRUE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring to your attention the fact that a former member of this body, Representative Bill Lawrence, passed away last week at the ripe old age of 84. I had the pleasure of being in his presence three or four days before this and he was certainly looking forward to continuing his service to the state as a member of the State Board. He did represent District #48 and resided (until just two months ago) in Newfield and his widow is now at the Gorham House in Gorham, Maine.

On motion of Representative CLARK of Millinocket, the House reconsidered its action whereby Bill "An Act to Inform Telephone Consumers of Options for Deterring Unwanted Telephone Solicitation" (H.P. 1258) (L.D. 1685) was referred to the Committee on Business Legislation.

On further motion of the same Representative, the Bill was referred to the Committee on Utilities, ordered printed and sent up for concurrence.

At this point, the Speaker appointed Representative MICHAUD of East Millinocket to serve as Speaker Pro Tem, for Thursday, January 13, 1994.

MATTER PENDING RULING

Bill "An Act to Begin the Scallop Season on November 30th Annually" (H.P. 1211) (L.D. 1630)

TABLED - January 5, 1994 by Speaker MARTIN of Eagle Lake.
PENDING - Ruling of the Chair.

The Chair ruled this Bill is not properly before the body pursuant to Joint Rule 37.

On motion of Representative STROUT of Corinth, adjourned at 4:50 p.m., until 4:00 p.m., Thursday, January 13, 1994.