

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

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
15th Legislative Day
Friday, February 18, 1994

Advisory Commission on
Radioactive Waste

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

Prayer by Reverend Ernest Johnson, Manchester Community Church.

At this point, a message came from the Senate, borne by Sen. ESTY of that Body, proposing a Joint Convention to be held in the Hall of the House at 10:30 in the morning for the purpose of extending to the Honorable J. Michael Orenduff, Chancellor of the University of Maine, an invitation to attend the Joint Convention and to make such communication as pleases him.

Thereupon, the House voted to concur in the proposal for a Joint Convention to be held at 10:30 in the morning and the Speaker appointed Representative JACQUES of Waterville to convey this message to the Senate.

The Journal of Tuesday, February 15, 1994 was read and approved.

COMMUNICATIONS

The following Communication:

ADVISORY COMMISSION ON RADIOACTIVE WASTE
STATE HOUSE STATION #120
AUGUSTA, MAINE 04333

February 15, 1994

Hon. Dan A. Gwadosky
Speaker of the House
State House Station #2
Augusta, ME 04333

Dear Speaker Gwadosky:

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1993. This report is submitted to you in accordance with 38 M. R. S. A. 1453 (4), which requires the Advisory Commission to "report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary."

If you have any questions, please don't hesitate to call me.

Sincerely,

S/Rep. James Mitchell
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
State House Station 78
Augusta, Maine 04333

February 15, 1994

The Honorable Dan A. Gwadosky
Speaker of the House
House of Representatives
State House Station #2
Augusta, ME 04333

Dear Speaker Gwadosky:

Pursuant to Chapter 15, Resolves of 1993, I am submitting the Report for Amending the Laws Pertaining to Job Classification Specifications.

Please do not hesitate to call if you have any questions regarding the materials contained in the report.

Sincerely,

S/H. Sawin Millett, Jr.
Commissioner

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON AGING, RETIREMENT AND VETERANS
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1389 An Act to Restructure the Department of Defense and Veterans' Services

L.D. 1411 An Act Concerning the Eligibility of Children of Disabled Veterans to Obtain Education Benefits

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON AGRICULTURE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 664 An Act to Amend the Authority of the
State Harness Racing Commission to
Contract for Certain Services

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON BANKING AND INSURANCE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1444 An Act to Provide Choice within the
Maine State Employee Health Insurance
Program

L.D. 1583 An Act to Clarify Automobile Insurance
Laws

L.D. 1734 An Act Regarding the Use of Social
Security Numbers on Health Care Cards

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON BUSINESS LEGISLATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1312 An Act to Regulate Nonsewered Toilet
Systems

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

JOINT SELECT COMMITTEE ON CORRECTIONS
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Select Committee on

Corrections has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 421 An Act Concerning Split Sentences

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

Sincerely,

S/Sen. Beverly M. Bustin S/Rep. Anne M. Larrivee
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON ENERGY AND NATURAL RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1290 An Act to Amend the Shoreland Zoning Laws

L.D. 1582 An Act to Amend Road Dust Nuisance Laws

L.D. 1686 An Act to Exempt Publicly Owned Treatment Works from Certain Rules Adopted by the Board of Environmental Protection

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature

State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1071 An Act to Establish the Regional Revolving Loan Fund

L.D. 1461 An Act to Establish a Capital Access Program

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON HUMAN RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 690 An Act Related to Special Education Costs

L.D. 1503 An Act to Encourage People in the State to Plan for Long-term Care

L.D. 1725 An Act to Ensure Accountability in Community Services for People with Mental Retardation

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON JUDICIARY
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1371 An Act to Implement the Recommendations of the Special Commission on Governmental Restructuring Pertaining to the Judicial Branch

L.D. 1647 An Act to Have Mandatory HIV Testing for Assailants of Law Enforcement Officers

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1495 An Act to Amend the Laws Governing Inspection of Ballots

L.D. 1571 Resolve, Authorizing Charles and Rachel Dellea to Sue the Department of Human Services for Negligence

L.D. 1581 An Act to Decrease the Number of Sleeping Rooms a Hotel Must Have in Order to Obtain a Liquor License

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON STATE AND LOCAL GOVERNMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 1678 An Act to Amend the Law Regarding Patrolling Small Towns by the County Sheriff

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON TAXATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on

Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

February 15, 1994

- L.D. 1143 An Act Concerning the Definition of Telecommunications Under the Tax Laws
- L.D. 1199 An Act to Redefine Nonprofit Status in the Sales and Use Tax Law
- L.D. 1476 An Act to Establish Economic Recovery Tax Credits

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

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

Dear President Dutremble and Speaker Gwadosky:

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

Sincerely,

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

Was read and ordered placed on file.

L.D. 1007 An Act to Enhance Competition in Electric Utilities

L.D. 1119 An Act to Deregulate Consumer-owned Electric Utilities

L.D. 1406 An Act Pertaining to Pole Attachment Rate Disputes

L.D. 1475 An Act to Deregulate Consumer-owned Water Utilities

L.D. 1685 An Act to Inform Telephone Consumers of Options for Deterring Unwanted Telephone Solicitation

L.D. 1760 An Act to Amend the Utility Location Permit Laws

L.D. 1765 An Act to Protect Ratepayer Investments

The following Communication:

COMMITTEE ON TRANSPORTATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

February 15, 1994

Honorable Dennis L. Dutremble, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
116th Maine Legislature
State House
Augusta, Maine 04333

Dear President Dutremble and Speaker Gwadosky:

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

L.D. 324 An Act to Clarify the Rights of Water Utilities with Respect to Water Lines Passing in or through Railroad Rights-of-way

L.D. 1586 An Act to Raise the Motor Vehicle Registration Fee to Aid in the Construction of Salt and Sand Storage Facilities

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

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

Sincerely,

S/Sen. Harry L. Vose S/Rep. Herbert E. Clark
Senate Chair House Chair

Was read and ordered placed on file.

Sincerely,

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

Was read and ordered placed on file.

Subsequently, Representative JACQUES of Waterville reported that he had delivered the message with which he was charged.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

The following Communication:

COMMITTEE ON UTILITIES
ONE HUNDRED AND SIXTEENTH LEGISLATURE

IN CONVENTION

The President of the Senate, DENNIS L. DUTREMBLE, in the Chair.

On motion of Senator ESTY of Cumberland, it was

ORDERED, that a Committee be appointed to wait upon the Chancellor of the University of Maine, J. Michael Orenduff, and invite him to attend the Convention and make such communication as pleases him.

The Order was read and passed.

The Chairman appointed:

Senators:

O'DEA of Penobscot
LAWRENCE of York
AMERO of Cumberland

Representatives:

MITCHELL of Vassalboro
OLIVER of Portland
PFEIFFER of Brunswick
SIMONDS of Cape Elizabeth
CLOUTIER of South Portland
PINETTE of Fort Kent
STEVENS of Orono
NORTON of Winthrop
AULT of Wayne
SMALL of Bath

Subsequently, Senator O'DEA of Penobscot for the Committee, reported that the Committee had discharged the duty with which it was assigned and the Chancellor was pleased to say that he would attend the Convention forthwith.

Whereupon, the Chair welcomed the Board of Trustees: Patricia Collins, David Flanagan, Sally Vamvakias, Penny Harris, Ralph "Woody" Hodgkins, John DiMatteo, Nancy Masterton, Frederic Reynolds, Peter Crocket (Student Trustee).

Campus Presidents: George P. Connick, President of the University of Maine at Augusta; Richard P. Dumont, President of the University of Maine at Fort Kent; Paul Norstrom, President of the University of Maine at Machias.

At this point, J. Michael Orenduff, Chancellor of the University of Maine, entered the Convention Hall amid prolonged applause, the audience rising.

Chancellor J. Michael Orenduff then addressed the Convention as follows:

Good morning! Before I begin my prepared remarks, I would just like to take a moment, since I wasn't here when it happened, and extend my thanks to you for providing level funding for the University for this year. It was done, I know, under adverse circumstances and difficulty but it has made a big difference to us and we thank you very much.

President Dutremble, Speaker Gwadosky, Members of the 116th Maine State Legislature: I thank you for this opportunity to address you concerning the state of your University, for it is your University. It belongs to you and to the people that you represent.

Sometimes we too often pass over the phrase "of Maine" but we call it the University of Maine System or we refer to a campus, say, the University of Maine at Presque Isle because it is a public University. It belongs to the people of Maine and wonderful people they are, wonderful students they are, bright earnest, honest, straightforward, sometimes even blunt.

I remember my first visit when I started making rounds of the campuses after being selected and I went to the University of Southern Maine and I talked to the student government. After I finished, I asked them if there were any questions and there was the expected pause, they didn't quite know what to ask a Chancellor. Finally, one of the student's raised his hand and said, "What does a Chancellor do anyway?" A few of you may have asked yourself the same question.

Well, perhaps I can explain what a Chancellor does by using a story that I heard while I was in Bulgaria. Some of you know that I spent the 1992-93 year at the American University there on leave from the System.

Bulgaria has many shepherds. One of them had three sons, he was very proud of those three sons. Even though none of the sons became shepherds, they all went into the sheep business. After many years, they returned and there was a joyful reunion and the father was so happy about this that he offered to give each of the sons one of his prized sheep.

The first son selected one of the sheep and the father said to him, "You must be in the wool side of the business." The son said, "That's right, but how did you know?" He said, "Well, you selected the one animal in the flock that has the best fleece."

The second son made a selection and the father said to him, "You must be in the meat side of the business." The sons, at this point were quite surprised, and he said, "That's right, how did you know?" He said, "Because you selected the animal that has the best mutton."

Finally, the third son made his selection and the father said, "You must be in the administration side of it." The son said, "Yes, but how did you know?" He said, "Because the animal you selected is my dog."

It does sometimes seem that administrators can't tell sheep from dogs. Certainly at the Chancellor's level, I am not familiar with every detail of the organization, but we have very good people who are. What makes your University work are the 4,000 dedicated faculty and staff who operate the libraries, advise the students, maintain the buildings, run the labs, cook the food, conduct the research, teach the classes and so forth.

My job is to build cohesion around the vision for the future for that University. I do this more by questioning and encouraging than by answering and deciding. It occurs to me that President Dutremble, Speaker Gwadosky and I face the same challenge, uniting a group of independent-minded individuals with inadequate resources to achieve a complex set of goals about which there is only partial agreement.

It is often said that administering a university is like herding cats — you are fortunate if you can get a few of them headed in the same direction.

Let me tell you the direction we are headed in. In the course of my remarks today, I will draw up a few hints about some significant changes that I see on the horizon.

Our direction, our vision, is set by our Trustees, sixteen citizens of Maine who volunteer their time

and talent to advance public higher education. Several of them are here in the gallery and were introduced to you just moments ago. They are bankers, homemakers, business people, attorneys, retirees, and indeed one of them is a retired University President. Having Fred Reynolds on the Board gives us the benefit of his 38 years of distinguished service to the Machias campus and it also keeps the current Presidents on their toes.

Working with citizens from every part of the state, our Board constructed a strategic plan which will guide us into the 21st Century. You already know that Project 2002 calls for each campus to focus its mission to reduce program duplication and to emphasize student service, community involvement, and quality rather than quantity.

Let me translate that preference quality over quantity into concrete terms by making a statement which may sound surprising coming from a Chancellor. We do not need more University students in Maine, we do need more successful students, we do need more graduates. To succeed in the current environment of scarce resources and intense international competition, all of us must reorient our thinking to measuring outputs rather than inputs. For the University, entering students are an input. We can increase enrollment by simply opening the doors, but that does not make good use of your resources. What you want is output, results. For the University, that means graduates.

Nationally, fewer than half of the students who enter college earn degrees. Either higher education is not very good at deciding whom to admit or we are not very good at supporting them once we let them in. Either way, we have to improve.

We at the University of Maine System are embracing public accountability. As part of our annual checkup, we propose to set graduation goals that exceed national standards and we propose to meet those goals. Your University System spends, literally, millions of dollars every year teaching courses to students that those students should have completed in high school. The most recent survey of high school students shows that 84 percent of them plan to go to a University; only 50 percent of them are in college-prep tracks. We cannot continue in that fashion. Teaching basic skills in a University is like treating the common cold in the emergency room of a hospital. It works, but it is very expensive.

The Commissioner of Education, Leo Martin and I, agree that setting higher University entrance requirements is the right thing to do. It will make the University more efficient and it will encourage broader and more diverse college-prep programs in our high schools throughout the state. Fortunately, we are already moving in that direction with Maine's common core of learning, which focuses on an outcomes-based curriculum of solid academic courses.

When I talk about higher admission standards, I am not talking about S.A.T. scores. I mean taking challenging courses, studying hard, and passing them.

We should base admission to the University on a concept that Mainers are familiar with — hard work. Predicting success in college is not rocket science, students who take college-prep courses, study hard, and make decent grades almost always succeed in college. Students who do not, do not, but the University cannot merely shift the burden to the public schools, we need to be their partner in

working to produce high school graduates who are ready for the challenges of a University education.

It is for this reason to broaden school offerings that we have suggested putting some of our best System graduates into the public schools as post-baccalaureate interns — at University expense.

Of course, many of our students cannot benefit from changes in our high school programs because they are already out of high school — in some cases, for many years.

I refer to our non-traditional students, some of whom, like our traditional students, also need developmental work to prepare for the University. We will provide developmental courses to some extent, but much of what we do could be handled by the adult education programs we are fortunate to have around the state.

There are many providers of education in Maine: public and private, primary and secondary schools, our technical colleges, adult education programs, the Maritime Academy, private colleges, quasi-public agencies, such as hospitals, professional organizations, such as the Bar, and the companies that provide education and training for their employees.

We must, all of us, work together to ensure that our limited resources are wisely employed. Accomplishing this goal will require cooperation among us all at a minimum; in some cases, even realignment and shifts of our mission and responsibility and it may even require realignment of our organizations. We should not shrink from bold solutions merely because they depart from the status quo.

One week from today, John Fitzsimmons, President of the Technical College System and I, will begin discussing how the technical colleges and the University can effect a "division of labor" so that our limited resources can be aligned to provide the maximum array of educational opportunities for Maine citizens. That discussion must ultimately involve other providers as well.

To that list of providers, let me add the newest entrant, the Education Network of Maine. As you know, the ITV System has brought Maine into the national spotlight as a leader in distance education with more than 3,000 students in over 100 locations around the state. We are literally bringing the University to its owners, the people of Maine. What we are beginning to realize that the ITV System is more than merely a new way of delivering our programs off campus; in effect, it is a campus itself, albeit a new kind of campus, a campus without walls.

Starting this fall, pending approval by the State Board of Education, we will be bringing a long needed master of library science program to Maine and to the many professional librarians around the state who have wanted an opportunity to use. We are doing it without spending one tax dollar on creating a new academic program, we are importing that program from South Carolina.

I predict that we will also soon be exporting programs. Like any export, educational programs from the University of Maine System will bring much needed outside revenue into our state.

In addition to breaking down the traditional geographic areas, ITV will hasten ongoing changes in the way we teach and learn. Teaching will become more, not less, interactive. Students will share

responsibility for their learning and time constraints will be reduced, if not eliminated.

For some of you, all of this will be available perhaps as early as September in your livingrooms through cable television. It will also be available in Maine's public schools, thus helping them to meet the challenge I alluded to earlier of preparing students for a first-class University System.

The use of ITV and other new technologies, combined with realistic admission standards, will enable the University to continue its efforts to serve the state more efficiently.

You know that we have been downsizing, what you may not know is how successful we have been with that process. At the University of Maine at Fort Kent, a more efficient approach to administration has reduced the non-teaching staff there by 15 percent while the number of people teaching in the academic programs have been preserved.

In 1988, the College of Engineering at the University of Maine had 81 faculty members; today it has 73, a decline of 11 percent. It also had its operating budget cut by \$324,000, a 31 percent reduction.

Most of you are involved in businesses or organizations of some sort so you can imagine what it would be like to have your workforce cut by 11 percent and your budget by 31 percent. But look at what the people in that college have done -- they teach the same number of undergraduate students that they were teaching before the cuts and twice as many graduate students. Their research grants are up by 54 percent. This year, those 73 faculties have brought in \$3.4 million in outside funding, dollars brought into the Maine economy.

Ladies and gentlemen, when I thought about our faculty and staff and what they have accomplished during these difficult times, I had no hesitancy whatsoever in asking the Governor for a supplemental appropriation to fund a salary adjustment for our people.

I use the word "adjustment" because it is not a salary increase, we are asking for an amount equivalent to what state workers are currently receiving in their annual steps, an amount less than the rate of inflation.

If your University cannot compete to attract and retain top faculty now, then Maine will not compete to attract and retain jobs in the future.

It is just that simple. If we do not invest in the University now, we are forfeiting economic opportunity in the future.

Consider two examples. For many years, red-tail disease was the scourge of the lobster industry. Some small operations were actually wiped out by infestation. One of our professors, Bob Bear, found a cure for red-tail disease which was approved by the U.S. Food and Drug Administration. It is the only medicine in history that the FDA has ever approved for lobsters.

We didn't stop there. We trained pound operators to take smears and examine them under a microscope, we even gave them old microscopes from the University labs. Now they can diagnose the problem and administer the medicated feed in lobster pounds, thus saving millions of dollars of one of Maine's most important economic resources.

Last year, a student working on a senior project developed a use for small pieces of salmon, which are perfectly good, but too small to market. These

pieces, by-products of the processing of salmon, were treated as waste. Now they are being made into sausage. I know what you are thinking -- salmon sausage -- I have asked to have a taste of it, if it is good, I will a piece of each of you so you will have a first-hand notion of this project.

This student, who has since graduated, is working with the Passamaquoddy Tribe to market the sausage. In fact, your own colleague, Senator Harry Vose, has been helpful in getting this project under way, a project which will create jobs and economic growth for Maine in general and Washington County in particular.

Important as these and other current activities are, a strong University System will be even more necessary in the future. The survey of high school seniors I alluded to earlier reveals some striking trends when compared with the high school seniors of twenty years earlier.

With regard to occupational goals, the number of students aspiring to become tradespeople or craftspeople has declined 60 percent. The number pursuing the professions has increased 30 percent. The number aspiring to be managers has doubled.

Consistent with those aspirations, the number of high school students expecting to attend the University or graduate schools has increased 35 percent, while those wanting a vocational education has declined by 40 percent.

Our children are sending us a message. They don't want to compete for one-dimensional job based on specific skills, the sort of jobs that we are seeing flow out of this country into places like Mexico or Malaysia. They know that high quality education, (whether they receive it in a community college, technical college, private college or the University) designed to foster good judgment and creative problem solving skills, is the key to their future. They are willing to work hard to get that education. Your University System is working hard to make sure that we will be ready when they are.

It is a privilege for me to address you today and it is a privilege to serve as Chancellor of your University of Maine System. Thank you very much. (Applause)

At the conclusion of the Chancellor's address, the Chancellor withdrew amid applause, the audience rising.

The purpose for which the Joint Convention was formed having been accomplished, the Chair declared the same dissolved and the Senate then retired to its Chamber, amid applause of the House, the members rising.

The House was called to order by the Speaker.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolve and Resolutions were received and, upon the recommendation of the

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

Aging, Retirement and Veterans

Bill "An Act to Authorize an Increase in the Holdings of the Farmington Home for Aged People" (EMERGENCY) (H.P. 1398) (L.D. 1907) (Presented by Representative BAILEY of Farmington) (Cosponsored by Senator: WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Appropriations and Financial Affairs

Bill "An Act to Provide Supplemental Appropriations for the Loring Development Authority of Maine for Fiscal Year 1994-95" (H.P. 1399) (L.D. 1908) (Presented by Representative MARTIN of Eagle Lake) (Cosponsored by Senator PARADIS of Aroostook and Representatives: AHEARNE of Madawaska, ANDERSON of Woodland, CLUKEY of Houlton, DONNELLY of Presque Isle, JOY of Island Falls, KNEELAND of Easton, MacBRIDE of Presque Isle, MARTIN of Van Buren, PINETTE of Fort Kent, ROBICHAUD of Caribou, YOUNG of Limestone, Senators: KIEFFER of Aroostook, LUDWIG of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Banking and Insurance

Bill "An Act to Clarify the Opportunity for Small Employers to Purchase Health Insurance" (EMERGENCY) (H.P. 1405) (L.D. 1914) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representatives: CARLETON of Wells, COLES of Harpswell, KERR of Old Orchard Beach, MARTIN of Eagle Lake, MELENDY of Rockland, RAND of Portland, WALKER of Blue Hill, Senator: McCORMICK of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Business Legislation

Bill "An Act to Allow for Reciprocal Licensure for Electricians in the State" (H.P. 1400) (L.D. 1909) (Presented by Representative BRUNO of Raymond) (Cosponsored by Representatives: MARSHALL of Eliot, MURPHY of Berwick, Senator: TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Create a Franchise Practices Act" (H.P. 1407) (L.D. 1916) (Presented by Representative HOGLUND of Portland) (Cosponsored by Representatives: AHEARNE of Madawaska, CARROLL of Gray, CLEMENT of Clinton, CLOUTIER of South Portland, DEXTER of Kingfield, DONNELLY of Presque Isle, DORE of Auburn,

FARNSWORTH of Hallowell, GEAN of Alfred, GOULD of Greenville, GWADOSKY of Fairfield, JACQUES of Waterville, KERR of Old Orchard Beach, MacBRIDE of Presque Isle, MITCHELL of Vassalboro, PARADIS of Augusta, PINEAU of Jay, PINETTE of Fort Kent, RAND of Portland, ROTONDI of Athens, RUHLIN of Brewer, TARDY of Palmyra, Senators: BALDACCI of Penobscot, BUSTIN of Kennebec, CAHILL of Sagadahoc, CARPENTER of York, ESTY of Cumberland, KIEFFER of Aroostook, PARADIS of Aroostook, TITCOMB of Cumberland, WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Reference to the Committee on Business Legislation suggested and ordered printed.

On motion of Representative HOGLUND of Portland, tabled pending reference and specially assigned for Wednesday, February 23, 1994.

Energy and Natural Resources

Bill "An Act to Establish Reasonably Available Control Technology Standards for Nitrous Oxides" (H.P. 1395) (L.D. 1892) (Presented by Speaker GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Laws Governing Refuse Disposal Districts" (H.P. 1401) (L.D. 1910) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: CASHMAN of Old Town, CLARK of Millinocket, COFFMAN of Old Town, CROSS of Dover-Foxcroft, HUSSEY of Milo, RUHLIN of Brewer, STROUT of Corinth, SULLIVAN of Bangor, TARDY of Palmyra, TAYLOR of Cumberland, Senators: BALDACCI of Penobscot, PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Housing and Economic Development

Bill "An Act to Provide for the 1994 and 1995 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (H.P. 1404) (L.D. 1913) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representatives: KNEELAND of Easton, KONTOS of Windham, Senators: FOSTER of Hancock, HARRIMAN of Cumberland, PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Human Resources

Bill "An Act to Amend the General Assistance Standard of Need" (H.P. 1396) (L.D. 1905) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Representatives: BRUNO of Raymond, GEAN of Alfred, MURPHY of Berwick, Senators: DUTREMBLE of York, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

State and Local Government

Bill "An Act to Establish the Somerset County Advisory Budget Committee" (H.P. 1406) (L.D. 1915) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representatives: GOULD of Greenville, JOSEPH of Waterville, REED of Dexter, TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Resolve, Authorizing the State to Release its Interest in Certain Real Property in Belfast (H.P. 1397) (L.D. 1906) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representative LINDAHL of Northport, Senator: GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of Persons Holding Elective Civil Offices (H.P. 1402) (L.D. 1911) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Senator HANDY of Androscoggin and Representatives: ADAMS of Portland, AHEARNE of Madawaska, CARROLL of Gray, COFFMAN of Old Town, DEXTER of Kingfield, GOULD of Greenville, GRAY of Sedgwick, JACQUES of Waterville, MICHAEL of Auburn, MORRISON of Bangor, POULIOT of Lewiston, RAND of Portland, TRACY of Rome, Senators: CONLEY of Cumberland, LUTHER of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Providing for the Direct Election of the Secretary of State (H.P. 1394) (L.D. 1891) (Presented by Representative BENNETT of Norway) (Cosponsored by Representatives: FOSS of Yarmouth, LIBBY of Buxton, LOOK of Jonesboro, ROBICHAUD of Caribou, TAYLOR of Cumberland, WHITCOMB of Waldo, ZIRNKILTON of Mount Desert, Senators: AMERO of Cumberland, BEGLEY of Lincoln, BUTLAND of Cumberland, CAHILL of Sagadahoc, CARPENTER of York, GOULD of Waldo, HALL of Piscataquis, HANLEY of Oxford, SUMMERS of Cumberland, WEBSTER of Franklin) (Governor's Bill)

Reference to the Committee on State and Local Government suggested.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, pursuant to Joint Rule 37, is this bill properly before the body? Subsequently, the Resolution was tabled by the Speaker pending a ruling from the Chair.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require That the Attorney General Be Appointed by the Governor (H.P. 1403) (L.D. 1912) (Presented by Representative OTT of York) (Cosponsored by Representatives: FOSS of Yarmouth, LIBBY of Buxton, LOOK of Jonesboro, ROBICHAUD of Caribou, TAYLOR of Cumberland, ZIRNKILTON of Mount

Desert, Senators: AMERO of Cumberland, BEGLEY of Lincoln, CARPENTER of York, GOULD of Waldo, HALL of Piscataquis, HANLEY of Oxford, WEBSTER of Franklin) (Governor's Bill)

Reference to the Committee on State and Local Government suggested.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, pursuant to Joint Rule 37, is this bill properly before the body? Subsequently, the Resolution was tabled by the Speaker pending a ruling from the Chair.

Reported Pursuant to Statutes

Representative JOSEPH for the Secretary of State pursuant to the Maine Revised Statutes, Title 30-A, section 757 ask leave to submit its findings and to report that the accompanying Bill "An Act to Redistrict the Knox County Budget Committee District" (EMERGENCY) (H.P. 1411) (L.D. 1921) be referred to the Joint Standing Committee on Banking & Insurance for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the Bill referred to the Committee on Banking & Insurance, ordered printed and sent up for concurrence.

On motion of Representative JOSEPH of Waterville, the House reconsidered its action whereby Bill "An Act to Redistrict the Knox County Budget Committee District" (EMERGENCY) (H.P. 1411) (L.D. 1921) was referred to the Committee on Banking & Insurance.

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

Reported Pursuant to Statutes

Representative DORE for the Administrator of the Unorganized Territory pursuant to the Maine Revised Statutes, Title 36, section 1604 ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish the Municipal Cost Component for Unorganized Territory Services to Be Rendered in Fiscal Year 1994-95" (EMERGENCY) (H.P. 1410) (L.D. 1920) be referred to the Joint Standing Committee on Taxation for Public Hearing and printed pursuant to Joint Rule 18.

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

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

ORDERS

On motion of Representative TAYLOR of Cumberland, the following Joint Resolution: (H.P. 1408) (Cosponsored by Representative PARADIS of Augusta, Senator BUSTIN of Kennebec and Representatives: ADAMS of Portland, AIKMAN of Poland, AULT of Wayne, BAILEY of Township 27, BARTH of Bethel, BENNETT of Norway, BIRNEY of Paris, BRUNO of Raymond, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CARR of Sanford, CARROLL of Gray, CASHMAN of Old Town, CLARK of Millinocket, CLUKEY of Houlton, COFFMAN of Old Town, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DONNELLY of Presque Isle, FARNSWORTH of Hallowell, FARREN of Cherryfield, GWADOSKY of Fairfield, HEINO of Boothbay, HILLOCK of Gorham, JOY of Island Falls, KONTOS of Windham, LARRIVEE of Gorham, LEMONT of Kittery, LIBBY of Kennebunk, LINDAHL of Northport, LIPMAN of Augusta, MARSH of West Gardiner, MURPHY of Berwick, NORTON of Winthrop, PENDEXTER of Scarborough, PLOWMAN of Hampden, REED of Falmouth, REED of Dexter, RUHLIN of Brewer, SMALL of Bath, SULLIVAN of Bangor, TAYLOR of Cumberland, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow, WHITCOMB of Waldo, Senators: BUTLAND of Cumberland, CARPENTER of York, HARRIMAN of Cumberland, SUMMERS of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE HONORABLE REPRESENTATIVES OLYMPIA SNOWE AND THOMAS ANDREWS TO BECOME COSPONSORS OF HOUSE REPORT 3392, THE SAFE DRINKING WATER ACT AMENDMENTS OF 1993

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the Representatives of the Maine Congressional Delegation, as follows:

WHEREAS, community water systems in the State are required to spend in excess of \$400,000,000 to comply with federal regulations resulting from the Safe Drinking Water Act Amendments of 1986; and

WHEREAS, the Safe Drinking Water Act Amendments of 1986 require the arbitrary establishment of 25 new drinking water standards every 3 years, resulting in increased monitoring costs; and

WHEREAS, the Safe Drinking Water Act Amendments of 1986 will result in regulation requiring the removal of contaminants to levels well below that required to protect human health, resulting in millions of dollars being spent unnecessarily on new physical plants and their operation; and

WHEREAS, the Safe Drinking Water Act Amendments of 1986 do not provide any flexibility in monitoring requirements based on community location, thus requiring the monitoring and expenses for that monitoring for contaminants that are not now and never were in this State; and

WHEREAS, the reforms proposed in House Report 3392 will rectify these problems, resulting in millions of

dollars of savings for the people of this State, while at the same time advancing public health protection through effective and efficient regulation of public water systems; and

WHEREAS, House Report 3392 has the support of the Maine Water Utilities Association, the Maine Rural Water Association, the National Governors Association, the National League of Cities, the United States Conference of Mayors, the National Association of Counties, the National Conference of State Legislatures, the National Association of Regulatory Utility Commissioners, the Association of Metropolitan Water Agencies, the National Association of Water Companies, the Natural Rural Water Association, the National Water Resources Association, the American Water Works Association and the Association of State Drinking Water Administrators; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Honorable Representatives Olympia Snowe and Thomas Andrews to not only support, but also cosponsor House Report 3392; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

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

ORDERED, that Representative Robert A. Cameron of Rumford be excused February 24 and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard H. Campbell of Holden be excused February 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary R. Cathcart of Orono be excused February 10 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Arthur H. Clement of Clinton be excused February 15 for health reasons.

AND BE IT FURTHER ORDERED, that Representative William Lemke of Westbrook be excused February 15 for health reasons.

AND BE IT FURTHER ORDERED, that Representative James D. Libby of Buxton be excused February 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused February 8 and 10 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Vivian St. Onge of Greene be excused February 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sharon Anglin Treat of Gardiner be excused February 18 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Marc J. Vigue of Winslow be excused February 18 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative COLES from the Committee on Energy & Natural Resources on Bill "An Act to Establish Mediation to More Efficiently and Fairly Enforce the State's Environmental Laws" (H.P. 435) (L.D. 554) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-745)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-745) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, February 23, 1994.

Ought to Pass as Amended

Representative BOWERS from the Committee on Legal Affairs on Bill "An Act to Eliminate Seasonal Liquor Stores" (EMERGENCY) (H.P. 738) (L.D. 996) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-747)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-747) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, February 23, 1994.

Ought to Pass as Amended

Representative RICKER from the Committee on Transportation on Bill "An Act Concerning Business Directional Signs on Certain Controlled Access Highways" (H.P. 1205) (L.D. 1613) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-748)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-748) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, February 23, 1994.

Ought to Pass as Amended

Representative LARRIVEE from the Joint Select Committee on Corrections on Bill "An Act to Amend the Community Correction Law" (H.P. 1213) (L.D. 1632) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-738)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-738) was read by

the Clerk and adopted and the bill assigned for second reading Wednesday, February 23, 1994.

Ought to Pass as Amended

Representative HOGGLUND from the Committee on Taxation on Bill "An Act to Exempt Eye Banks from Sales Tax" (H.P. 1247) (L.D. 1674) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-739)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-739) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, February 23, 1994.

Ought to Pass as Amended

Representative HUSSEY from the Committee on Transportation on Bill "An Act to Promote Child Safety" (H.P. 1248) (L.D. 1675) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-736)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-736) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, February 23, 1994.

Ought to Pass as Amended

Representative COLES from the Committee on Energy & Natural Resources on Bill "An Act to Correct an Error in the Sand Dune Laws" (EMERGENCY) (H.P. 1260) (L.D. 1687) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-744)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-744) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, February 23, 1994.

Ought to Pass Pursuant to Joint Order (H.P. 1376)

Representative CHONKO from the Committee on Appropriations & Financial Affairs on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1994" (EMERGENCY) (H.P. 1409) (L.D. 1919) reporting "Ought to Pass" Pursuant to Joint Order (H.P. 1376)

Report was read and accepted. The bill read once. Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed and sent up for concurrence. Ordered sent forthwith.

CONSENT CALENDAR

First Day

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

(S.P. 556) (L.D. 1592) Bill "An Act to Amend the Maine Self-Insurance Guarantee Association Assessment Base" Committee on **Banking & Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-394)

(S.P. 569) (L.D. 1610) Bill "An Act to Clarify the State's Implementing Regulations to Provide for Schedules of Compliance" Committee on **Energy & Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-395)

(S.P. 606) (L.D. 1704) Bill "An Act Regarding the Implementation of the Provisions of the Higher Education Act of 1965 as Amended" (EMERGENCY) Committee on **Education** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-393)

(H.P. 1200) (L.D. 1608) Bill "An Act to Amend the Motor Vehicle Laws" Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-749)

(H.P. 1221) (L.D. 1640) Bill "An Act to Authorize the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District" (EMERGENCY) Committee on **Education** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-740)

(H.P. 1285) (L.D. 1733) Bill "An Act to Apportion Districts for the Election of County Commissioners" Committee on **State & Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-741)

(H.P. 1288) (L.D. 1736) Bill "An Act to Change Statutory References to the Maine Teachers Association to the Maine Education Association" Committee on **State & Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-742)

(H.P. 1289) (L.D. 1737) Bill "An Act to Amend the Classification of Part of the Presumpscot River and One of Its Tributaries" Committee on **Energy & Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-746)

(H.P. 1317) (L.D. 1779) Resolve, to Designate Route 196 through Lisbon in Memory of Staff Sergeant Thomas Field Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-743)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, February 23, 1994 under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 565) (L.D. 1600) Bill "An Act to Amend the Liquor Laws Pertaining to the Delivery of Beer and Wine"

(S.P. 577) (L.D. 1621) Bill "An Act to Protect Utility Consumers from Bearing Responsibility for Utility Mismanagement" (C. "A" S-392)

(H.P. 1081) (L.D. 1447) Bill "An Act to Conform Maine Income Tax Laws and Rules to the Internal Revenue Code" (C. "A" H-733)

(H.P. 1196) (L.D. 1604) Bill "An Act to Clarify the Status of the Maine Indian Tribal-State Commission" (C. "A" H-729)

(H.P. 1220) (L.D. 1639) Bill "An Act to Enhance Assessment and Collection Powers of the Boothbay Harbor Sewer District" (EMERGENCY) (C. "A" H-732)

(H.P. 1257) (L.D. 1684) Bill "An Act to Amend the Charter of the Brewer Water District" (C. "A" H-731)

(H.P. 1264) (L.D. 1691) Bill "An Act to Implement the Technical and Environmental Assistance Program" (C. "A" H-734)

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

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease" (H.P. 1204) (L.D. 1612) (C. "A" H-735)

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

ENACTORS

Emergency Measure

An Act Concerning the Hauling of Mobile Homes on the Roads and Highways of the State (S.P. 564) (L.D. 1599) (C. "A" S-389)

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. 125 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Mandate

An Act to Amend the Charter of the Portland Water District (H.P. 1198) (L.D. 1606) (C. "A" H-715)

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

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

An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate (S.P. 417) (L.D. 1326) (C. "B" S-387; H. "A" H-730)

An Act Concerning the Mahogany Quahog Tax (S.P. 571) (L.D. 1619) (C. "A" S-388)

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

An Act to Exempt Employees of the Public Utilities Commission from Furlough and Shutdown Days (S.P. 119) (L.D. 357) (C. "B" S-390)

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

On motion of Representative AIKMAN of Poland, was set aside.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Men and Women of the House: This is just a reminder that this bill would exempt the PUC staff from furlough and shutdown days. Other departments also have heavy workloads and are managing despite furlough and shutdown days. Next Tuesday is a shutdown day, the total will now come to seven out of ten. The Governor has the power to exempt departments from furlough and shutdown days if it is deemed an emergency. I submit that this issue should go through that process. We need to keep the playing field level with other state departments and I would urge you to vote against enactment of this bill.

Mr. Speaker, 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 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 Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: You understand that with three strikes, you are out. We have had this bill with three different votes on it and the House and the other body gave it an outstanding vote every time we have had it. There is no question in my mind that this bill ought to be passed. The emergency has been taken off and we ought to move forthwith. Why are we wasting time dealing with this little bill that ought to be going forth and taking care of the consumer?

I hope that when you vote again today that you will vote like you did the last two times you voted and vote to enact it.

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

ROLL CALL NO. 242

YEA - Adams, Ahearne, Beam, Bowers, Brennan, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coles, Cote, Daggett, Dore, Driscoll, Erwin, Faircloth, Fitzpatrick, Gean, Hale, Hatch, Heeschen, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lipman, Marsh, Melendy, Michaud, Mitchell, E.; Morrison, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pinette, Poulin, Pouliot, Rand, Ricker, Rotondi, Ruhlin, Rydell, Saxl, Simonds, Skoglund, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Townsend, L.; Tracy, Walker, Wentworth, Winn.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Birney, Bruno, Cameron, Carleton, Caron, Carr, Clukey, Coffman, Cross, Dexter, DiPietro, Dutremble, L.; Farnum, Farren, Foss, Gamache, Gray, Greenlaw, Heino, Hillock, Joy, Kneeland, Lemke, Lemont, Libby Jack, Libby James, Lindahl, Look, Lord, MacBride, Marshall, Murphy, Nash, Nickerson, Pendexter, Plourde, Plowman, Reed, G.; Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Strout, Tardy, Taylor, Thompson, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Campbell, Constantine, Donnelly, Farnsworth, Gould, R. A.; Kutasi, Martin, H.; Martin, J.; Michael, Mitchell, J.; Nadeau, Ott, Pineau, Richardson, Rowe, Saint Onge, Treat, Vigue, The Speaker.

Yes, 71; No, 61; Absent, 19; Paired, 0; Excused, 0.

71 having voted in the affirmative and 61 voted in the negative with 19 absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

HOUSE ORDER - Relative to amending House Rule 52.
 - In House, Read on February 15, 1994.
 TABLED - February 15, 1994 (Pursuant to House Rule #54)
 PENDING - Passage. (2/3 Vote Required)

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: This proposed Order replaces a somewhat similar Order that was previously introduced and which is number three on the Tabled and Today Assigned list. If the Order which is before us now passes, I will withdraw the other Order.

The Order relates to House Rule #52 which basically says that except for the written Rules of this House and the written Joint Rules, the rules that shall apply in the conduct of the business in this House shall be Reed's Rules or "any other standard authority." I have a problem with the wording of the present Rule #52 because it doesn't give members of this House advance notice of exactly what rules are going to be applied in any particular situation. The phrase "or any other standard authority" leaves in doubt exactly what the rule is going to be and my feeling is that the members of this body ought to know in advance just exactly what set of rules are going to govern the House.

Now, most of us know the ordinary rules of the House. If we have any question about them, we can ask somebody, there is usually no question about them. I don't want to overstate the effect of this proposed rule change.

The question comes up every once in awhile, perhaps on some of the finer points of parliamentary practice, and those of us who have been in a situation of trying to research the finer points of parliamentary practice, find ourselves under present Rule #52, of going to Reed's Rules and then perhaps looking at Mason's Rules and there are other standard authorities (perhaps a half a dozen of them) that could be considered standard authorities to research the point if we want to do a complete job.

The effect of this rule is to designate Mason's Rules as the primary source of rules aside from our written Joint Rules and written House Rules and then to provide that if Mason's Rules does not cover the parliamentary point in question, we go to Reed's Rules and then if neither of those covers the point in question, we go to any other standard authority. This will give some predictability to all of us who have to go and occasionally research the finer points.

Now, the effect of this rule is to change the primary source arguably from Reed's Rules to Mason's Rules and I would like to tell you a little bit about both authorities and then go on to discuss why I have changed the original Order.

Reed's Rules were written by a son of Maine, Thomas B. Reed. They were published in 1898. Thomas Reed was Speaker of the U.S. House of Representatives. I believe the book is no longer in print. I have copies and people get copies from the Law and Legislative Research Library to refer to it. It is about 200 pages long, it is adopted for use in Maine and only one other state, according to the Research Library and that state is Washington.

Mason's Rules is this reference which a lot of you have. It was published by the National Conference of State Legislatures in 1989, adapted from a rule book first written by a man named Paul Mason who, when he died, prior to 1984 willed his copyright to the National Conference. The National Conference referred the rules to a committee, I believe a committee of clerks of the various state legislatures for review and rewriting and the result is Mason's

Rules. It is about 600 pages, it is the only reference specifically written for state legislatures. According to the research library, 66 of our state legislative bodies in this country use it, 27 lower Houses of our state legislatures use it exclusively and six more use it in conjunction with some other rules. It is well written, it is exhaustively indexed, it is well annotated, it is up to date — 1989. I think that if there is any question about what the best rules are for use in a state legislature, no one can seriously argue that Mason's Rules is not it.

There has been some discussion in the caucuses about this proposed change. My original rule change would have completely eliminated reference to Reed's Rules, but after some discussion with the Representative from Portland, Representative Adams, and after hearing about some of the discussion in the Democratic Caucus, I have made a change in my proposed Order and that change would keep reference to Reed's Rules in our rule book as a secondary authority. I hope that this change will be acceptable to those who are concerned about eliminating Reed's Rules entirely.

I think if you ask any of our constituents whether or not members of this House should know what the rules are going to be in advance, most of them, 99 percent of them, would say, yes, of course you should. Then perhaps wondering why the question was even asked, they might ask you, that's the way it is, isn't it? Let's make it the way it is.

I urge your support for this Order.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: I, too, rise to urge you to support the Order that is before us today, which would in essence set up this order of rules for us to conduct our business, Mason's first, and where Mason's is silent, then Mr. Reed's Rules.

Many years ago, Thomas Brackett Reed represented in this chamber the same House District that I do now. His home, just up the street from me, is now on the National Historic Register, so in a sense, he is sort of a posthumous constituent. But, true to form in Portland politics, he still votes for me anyway, regularly in fact. So today, I shall be returning the complement by telling you that this Democrat shall indeed be voting for a proposal set forth by a Republican and that is to keep Reed's Rules as a part of the way we do business in this chamber along with Mason's. In a sense it will unite the first with the best. Reed would have understood that, I think. Mason's Rules are quite complete. As has been said, they are very detailed, they are updated and reprinted every ten years, but Reed's Rules were written from practical experience with a good dose of Maine common sense, experience and common sense which would be well to preserve, I think.

Reed himself was a huge man, about six three, and pushed about 300 pounds. He was a very pale man and his great round pale face rising above his black frock coat, said one newspaper correspondent, reminded one of a casaba melon flowering from a fat black stalk. It was one of the funniest sights in Washington, it was said, to see Thomas Reed chasing a street car.

When Reed became Speaker of the United States House of Representatives, his times, like ours, were times of great financial difficulty. Each party in

the House of Representatives then came within a few votes of the other in terms of numbers and both used a parliamentary tactic to block business and stop everything when it looked like their own numbers were in doubt. They developed a thing called a disappearing quorum, which meant that members would sit silently in their chairs and not answer roll calls depriving Congress of a quorum, stopping all the business dead in its tracks until a deal could be struck behind closed doors. Thomas Reed believed that it was pointless in an elected democratic body to do nothing. Well, that is an admirable thought, it is a very practical Maine observation, so on the first day that he became Speaker of the United States House of Representatives in 1889, the first vote where a disappearing quorum was attempted, Reed, from the podium, began to read into the Record everybody he could see, naming them as present, with the uproar resulting that you can read in the document that Representative Carleton has been so kind as to distribute us today. The quorum was counted, the work went on and it meant that the people's work will go on. Now, that set the precedent that we, ourselves, still observe in this House today. If you are in your seat, then you must vote. It is one of the very useful points in Reed's Rules that we would do well to hold on to. Reed believed that democracies were sort of like big dogs, they could be sometimes very friendly and sometimes not so. You never knew what they were going to do when they were stirred up.

Speaker Gwadosky might like to know what Reed's observation was about how he felt as a person standing in front of an angry group of elected officials with nothing but a gavel in his hand — Reed replied that he felt just like you and I would feel faced by a large angry creature with a chain. You knew the length and the strength of the creature's chain but you weren't altogether too sure about the strength of the one little gavel in your hand. The rules, he felt, put that power that he held in the gavel into everyone's hands if everyone took the time to learn them.

Reed did not always like change himself. He did, however, 30 years before it actually happened, endorsed votes for women. I think his barbed wit drew so much blood it prevented him from ever being President of the United States. As you may read upon the document passed out by Representative Carleton, once he went to visit a sick colleague, the colleague's wife met him downstairs and said that her husband was upstairs and so ill he was out of his mind he didn't know what he was saying. Reed sighed and said, tell him come back to the House, they are all that way up there.

I think he would appreciate very much the need for change and also appreciate the remembrance that we might give him today. "Ours," he said, "is a world of sin and sorrow, which is why we will always need a Democratic Party." I believe it is kind of a complement to the Democratic Party that statement coming from a Republican, who I do hope looks down upon us today from the great rule book in the sky and is happy to see a little less sin and a little less sorrow and a Democrat sitting in his old House seat in the Maine State Legislature, one who will vote and encourages you to vote for keeping his rules in our procedures today.

Long ago, a constituent once wrote to Speaker Reed and asked for a copy of Reed's Rules of the House, to

which Thomas Brackett Reed sent back the man an autographed picture of himself. Our signature that is on behalf of the people of the State of Maine will be on the rules that we pass today. I urge you to vote to adopt the motion before us.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Members of the House: I would also urge you to vote in support of this Order. I had supported the original Order which was to have the rules only referenced as Mason's Rules because I think inclusion and access are incredibly important in this process. There are currently only three copies of Reed's Rules in the Law Library and they are out more than they are in. It is a book that is out of print. Mason's rules, however, is very accessible, you can purchase it or get it downstairs in the library, you can take the time and learn and understand what the basis is for the rules that we use here in the House. I think that is very important.

The compromise in this particular Order is a balance between that access and the historical reference that has been discussed by the previous speakers and I think that is important also.

I think that adoption of this Order really does set a very positive tone in the House of coming to agreement, coming to a balance and dealing with the issues that are before us.

I would urge your support.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of the House Order. Those in favor will vote yes; those opposed will vote no. (A 2/3 vote necessary)

A vote of the House was taken.

104 having voted in the affirmative and 3 in the negative, the House Order was passed.

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO EXTEND THE MAINE TERRITORIAL SEA LIMITS FROM 3 MILES TO 12 MILES (H.P. 1389)

- In House, Read on February 15, 1994.

TABLED - February 15, 1994 by Representative JACQUES of Waterville.

PENDING - Adoption.

Subsequently, the Joint Resolution was adopted and sent up for concurrence.

HOUSE ORDER - Relative to amending House Rule 52.

- In House, Read on January 25, 1994.

TABLED - February 15, 1994 by Representative JACQUES of Waterville.

PENDING - Passage. (2/3 Vote Required)

Representative CARLETON of Wells withdrew the House Order.

HOUSE ORDER - Relative to amending House Rule 23.

- In House, Read on January 5, 1994.

TABLED - February 15, 1994 by Representative JACQUES of Waterville.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative KILKELLY of Wiscasset, tabled pending passage and specially assigned for Wednesday, February 23, 1994.

The following items were taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 708)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Wednesday, February 23, 1994, at nine o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

SENATE PAPERS

Bill "An Act to Correct the Implementation of Recent Changes to the Retirement Laws" (EMERGENCY) (S.P. 698) (L.D. 1896)

Came from the Senate, referred to the Committee on **Aging, Retirement and Veterans** and Ordered Printed.

Was referred to the Committee on **Aging, Retirement and Veterans** in concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for the Remediation and Closure of Municipal Solid Waste Landfills" (S.P. 696) (L.D. 1894) (Governor's Bill)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$21,000,000 to Provide Funds for Improved Access to State Facilities for Disabled Citizens and Employees, for Safety Improvements at the Baxter School for the Deaf and for Long-term Lease Cost Savings" (S.P. 700) (L.D. 1898) (Governor's Bill)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 to Improve National Guard Armories" (S.P. 706) (L.D. 1903) (Governor's Bill)

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

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

SENATE PAPERS

Bill "An Act to Require Risk-based Capital Standards and Standard Valuation to Ensure Continued

Accreditation for the Bureau of Insurance" (S.P. 701) (L.D. 1899)

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

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

Bill "An Act Regarding Registration for the Provision of Substance Abuse Counseling Services" (S.P. 705) (L.D. 1902)

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

Was referred to the Committee on **Business Legislation** in concurrence.

Bill "An Act to Clarify the Appropriate Secular Observance of Religious Holidays in Maine Schools" (S.P. 704) (L.D. 1901)

Bill "An Act to Correct the Legal Title to a Building at Southern Maine Technical College" (EMERGENCY) (S.P. 709) (L.D. 1917) (Governor's Bill)

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

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

SENATE PAPERS

Bill "An Act to Prohibit the Use of Gill Nets in the Kennebec and Androscoggin Rivers" (EMERGENCY) (S.P. 710) (L.D. 1918)

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

Was referred to the Committee on **Marine Resources** in concurrence.

Bill "An Act to Establish the Maine Surplus Energy Auction Program" (S.P. 707) (L.D. 1904) (Governor's Bill)

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

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

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

SENATE PAPERS

Bill "An Act to Establish a New Valuation on Sears Island" (EMERGENCY) (S.P. 703) (L.D. 1900)

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

Was referred to the Committee on **Taxation** in concurrence.

Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$19,800,000 to Improve Passenger and Freight Rail Facilities and Make Improvements at State and Municipal Transportation Facilities" (S.P. 697) (L.D. 1895) (Governor's Bill)

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995" (EMERGENCY) (S.P. 699) (L.D. 1897) (Governor's Bill)

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

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

On motion of Representative GAMACHE of Lewiston, adjourned at 12:00 noon, pursuant to Joint Order (S.P. 708).