

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
16th Legislative Day
Wednesday, February 23, 1994

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

Prayer by Reverend Monsignor Charles M. Murphy, S.T.D., St. Pius X Catholic Church, Portland.

National Anthem by the Maine Youth Jazz Ensemble.

The Journal of Friday, February 18, 1994 was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

February 18, 1994

The Honorable Dan A. Gwadosky
Speaker of the House
116th Legislature
Augusta, Maine 04333

Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Agriculture:

Andrew B. Berry of North Whitefield for reappointment to the Board of Pesticides Control.

Gwynne F. Briggs of Kennebunk for appointment to the Board of Pesticides Control.

Gwynne F. Briggs is replacing Barbara Lounsbury.

Alan J. Lewis of Machias for reappointment to the Board of Pesticides Control.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

February 18, 1994

The Honorable Dan A. Gwadosky

Speaker of the House
116th Legislature
Augusta, Maine 04333

Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on Education:

Andrew E. Ayer of Caribou for appointment to the State Board of Education.

Andrew E. Ayer is replacing Richard Kennedy.

Jean K. Gulliver of Falmouth for appointment to the State Board of Education.

Jean K. Gulliver is replacing William Lawrence.

Shirley D. Oliver of Orono for appointment to the State Board of Education.

Shirley D. Oliver is replacing Lynn Goldfarb.

Sincerely,

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

Was read and ordered placed on file.

Ought to Pass as Amended

Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-397) on Bill "An Act to Amend the Structure of Veterans' Services" (S.P. 583) (L.D. 1627)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-397) and Senate Amendment "A" (S-411).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-397) was read by the Clerk and adopted. Senate Amendment "A" (S-411) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, February 24, 1994.

Ought to Pass as Amended

Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-402) on Bill "An Act to Protect Consumers in Loan Broker Transactions" (S.P. 610) (L.D. 1708)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-402).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-402) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, February 24, 1994.

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1993.

COMMUNICATIONS

The following Communication: (S.P. 702)

116TH MAINE LEGISLATURE

February 15, 1994

Senator Judy A. Paradis
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Richard D. Lamb of Springvale for reappointment and Colon E. Durrell of Farmington for appointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA Section 2952, these nominations will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/Dan A. Gwadosky
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Agriculture.

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

The following Communication:

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
BUREAU OF ACCOUNTS AND CONTROL
STATE HOUSE STATION 14
AUGUSTA, MAINE 04333

February 16, 1994

The Honorable Dan Gwadosky
Speaker of the House
116th Legislature

The Honorable Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles. Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to generally accepted accounting principles in these financial statements include accumulated unpaid vacation and sick leave which has not been recorded, and interest on general long-term debt which is recognized when due.

The second section is reported, as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 2 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of State finances are always welcome.

Sincerely,

S/David A. Bourne
State Controller

S/Victor E. Fleury
Deputy State Controller

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Aging, Retirement and Veterans

Bill "An Act to Amend the Maine State Retirement System Laws to Authorize the Buy-back of Time Served in the Peace Corps or VISTA Programs" (H.P. 1412) (L.D. 1922) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representatives: JALBERT of Lisbon, MORRISON of Bangor, SULLIVAN of Bangor, TUFTS of Stockton Springs) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Agriculture

Bill "An Act to Amend the Equine Licensing Laws" (H.P. 1415) (L.D. 1925) (Presented by Representative

TARDY of Palmyra) (Cosponsored by Representative: SMALL of Bath, Senators: CAHILL of Sagadahoc, ESTY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Banking and Insurance

Bill "An Act to Improve Licensing Procedures at the Bureau of Insurance" (H.P. 1414) (L.D. 1924) (Presented by Representative CARLETON of Wells) (Cosponsored by Representative: HALE of Sanford) (Governor's Bill)

Taxation

Bill "An Act to Provide Equity in the Laws Concerning Tax Exemptions for Veterans" (H.P. 1413) (L.D. 1923) (Presented by Representative LIBBY of Kennebunk) (Cosponsored by Representatives: CAMERON of Rumford, JACQUES of Waterville, JALBERT of Lisbon, REED of Dexter, SKOGLUND of St. George, Senator: BALDACCI of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

By unanimous consent, all reference matters having been acted upon were 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. 548) (L.D. 1573) Bill "An Act Governing Special Purpose Investment Subsidiaries" Committee on **Taxation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-403)

(S.P. 550) (L.D. 1574) Bill "An Act to Ensure Appropriate Resource and Referral Services for Families Needing Child Care" (EMERGENCY) Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-396)

(S.P. 563) (L.D. 1598) Bill "An Act to Protect Cable Television Consumers from Excessive Late Fees" Committee on **Utilities** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-398)

(S.P. 579) (L.D. 1623) Bill "An Act to Amend the Credit Reporting Laws" Committee on **Banking & Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-400)

(S.P. 588) (L.D. 1648) Bill "An Act to Amend Conditions of the Supervised Community Confinement Program" **Joint Select Committee on Corrections** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-405)

(S.P. 589) (L.D. 1649) Bill "An Act to Promote Equitable Penalties for Unlicensed Consumer Lending" Committee on **Banking & Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-401)

(S.P. 604) (L.D. 1702) Bill "An Act to Conform the Maine Tax Laws for 1993 With the United States Internal Revenue Code" (EMERGENCY) Committee on **Taxation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-404)

(H.P. 1237) (L.D. 1664) Bill "An Act to Increase the Debt Limit for the Richmond Utilities District" (EMERGENCY) Committee on **Utilities** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-753)

(H.P. 1241) (L.D. 1668) Bill "An Act to Ensure Accessibility to Mental Retardation Services for Persons Who are Deaf or Hard of Hearing" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-750)

(H.P. 1335) (L.D. 1798) Bill "An Act to Clarify the Laws Relating to Permits to Carry Concealed Firearms" (EMERGENCY) Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-755)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 24, 1994 under the listing of Second Day.

(S.P. 573) (L.D. 1617) Bill "An Act to Clarify the Display of Social Security Numbers on Insurance-related Identification Cards" (EMERGENCY) Committee on **Banking & Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-399)

On motion of Representative HEESCHEN of Wilton, was removed from First Day Consent Calendar.

Report was read.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heeschchen.

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I would like to ask a question of members of the Banking and Insurance Committee as to whether any consideration was given to the very real privacy problems surrounding the use and misuse of Social Security numbers as identification numbers on cards these days?

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

The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: We did consider that problem. Of course that was the reason why the bill was passed last year in the first place, because the Banking and Insurance Committee, along with many other people, generally does not like to have Social Security numbers spread out because they can be misused. However, in this particular case to require various

health organizations in this state to go along with this bill would require a major effort — the numbers were already on the cards and we felt the disruption in this particular case would be too great.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: A further question. Is there any provision for someone who wishes not to be carrying another card with a Social Security number to get a different identification number?

The SPEAKER: Representative Heesch of Wilton has posed an additional question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Portland, Representative Rand.

Representative RAND: Mr. Speaker, Men and Women of the House: To my knowledge, no.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: In view of the fact that there does not appear to be any protection as there exists with the University System, who does use a Social Security number as an identifier, but an individual may request a different number. They scream and holler about that but it is possible to do. In this computer age, we don't have to have a Social Security number as the identifying number on every card that we carry, things can be cross-referenced fairly easily. I think it is important that we assure privacy in this computer age and make it difficult for individuals or entities, agencies, to misuse this number.

As you may recall from discussions last year, there is a very real problem of proliferation of Social Security card number and the potential for fraud. Sometimes it is inadvertent, there are mix-ups, often times there is a deliberate attempt at credit fraud and the more places we have a social security number carried around and used for public purposes, the more chance there is for problems.

I think we should really be very careful about increasing the use of Social Security numbers as identifying cards. We will end up with a single national identity card because at some point someone is going to say, well heck, we have got it on this, we have got it on that, we have got it on this card, what is your worry? If you are good, nothing is going to happen to you.

Mr. Speaker, I move indefinite postponement of this bill and all its accompanying papers. I request a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Heesch of Wilton that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Heesch of Wilton requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Heesch of Wilton that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 243

YEA - Adams, Ahearne, Bailey, H.; Bailey, R.; Bennett, Bowers, Cameron, Caron, Carroll, Cashman, Chonko, Clark, Clement, Coffman, Cote, Cross, Dexter, Dore, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Farren, Gean, Gould, R. A.; Gray, Hatch, Heesch, Heino, Holt, Hussey, Jalbert, Johnson, Joy, Kilkelly, Kontos, Larrivee, Libby Jack, Libby James, Look, Marshall, Martin, J.; Michael, Michaud, Mitchell, J.; Murphy, Nash, Oliver, Pendleton, Pfeiffer, Pinette, Reed, W.; Richardson, Rotondi, Saint Onge, Saxl, Simonds, Skoglund, Stevens, A.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Treat, Vigue, Walker, Wentworth, Winn.

NAY - Aikman, Aliberti, Anderson, Ault, Barth, Beam, Birney, Brennan, Bruno, Carleton, Carr, Chase, Cloutier, Clukey, Coles, Daggett, DiPietro, Donnelly, Erwin, Farnum, Fitzpatrick, Foss, Gamache, Greenlaw, Hale, Hichborn, Hillock, Jacques, Joseph, Kerr, Kneeland, Lemont, Lindahl, Lord, MacBride, Marsh, Mitchell, E.; Morrison, O'Gara, Ott, Paradis, P.; Pendexter, Plourde, Plowman, Pouliot, Rand, Reed, G.; Ricker, Robichaud, Rowe, Ruhlin, Rydell, Simoneau, Small, Tardy, Taylor, Thompson, Townsend, L.; Tracy, True, Tufts, Whitcomb, Young, The Speaker.

ABSENT - Campbell, Cathcart, Constantine, Hoglund, Ketterer, Kutasi, Lemke, Lipman, Martin, H.; Melendy, Nadeau, Nickerson, Norton, Pineau, Poulin, Spear, Stevens, K.; Zirkilton.

Yes, 69; No, 64; Absent, 18; Paired, 0; Excused, 0.

69 having voted in the affirmative and 64 in the negative, with 18 being absent, L.D. 1617 and all its accompanying papers were indefinitely postponed and sent up for concurrence.

CONSENT CALENDAR

Second Day

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

(S.P. 556) (L.D. 1592) Bill "An Act to Amend the Maine Self-Insurance Guarantee Association Assessment Base" (C. "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" (C. "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) (C. "A" S-393)

(H.P. 1200) (L.D. 1608) Bill "An Act to Amend the Motor Vehicle Laws" (C. "A" H-749)

(H.P. 1285) (L.D. 1733) Bill "An Act to Apportion Districts for the Election of County Commissioners"

(C. "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" (C. "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" (C. "A" H-746)

(H.P. 1317) (L.D. 1779) Resolve, to Designate Route 196 through Lisbon in Memory of Staff Sergeant Thomas Field (C. "A" H-743)

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

(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) (C. "A" H-740)

On motion of Representative WHITCOMB of Waldo, was removed from Second Day Consent Calendar.

Report was read and accepted. Bill read once. Committee Amendment "A" (H-740) was read by the Clerk.

Representative WHITCOMB of Waldo presented House Amendment "A" (H-752) to Committee Amendment "A" (H-740) which was read by the Clerk and adopted.

Committee Amendment "A" (H-740) as amended by House Amendment "A" (H-752) thereto was adopted.

The Bill assigned for second reading Thursday, February 24, 1994.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Establish Mediation to More Efficiently and Fairly Enforce the State's Environmental Laws" (H.P. 435) (L.D. 554) (C. "A" H-745)

Bill "An Act Concerning Business Directional Signs on Certain Controlled Access Highways" (H.P. 1205) (L.D. 1613) (C. "A" H-748)

Bill "An Act to Amend the Community Correction Law" (H.P. 1213) (L.D. 1632) (C. "A" H-738)

Bill "An Act to Exempt Eye Banks from Sales Tax" (H.P. 1247) (L.D. 1674) (C. "A" H-739)

Bill "An Act to Promote Child Safety" (H.P. 1248) (L.D. 1675) (C. "A" H-736)

Bill "An Act to Correct an Error in the Sand Dune Laws" (EMERGENCY) (H.P. 1260) (L.D. 1687) (C. "A" H-744)

Were reported by the Committee on Bills in the Second Reading, read the second time, the House

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

Bill "An Act to Eliminate Seasonal Liquor Stores" (EMERGENCY) (H.P. 738) (L.D. 996) (C. "A" H-747)

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

On motion of Representative DAGGETT of Augusta, was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

ENACTORS

An Act to Allow Nonresidents to Possess Antique License Plates (H.P. 1177) (L.D. 1568) (C. "A" H-716)

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

On motion of Representative PARADIS of Augusta, tabled pending passage to be enacted and specially assigned for Thursday, February 24, 1994.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, February 18, 1994, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

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

TABLED - February 18, 1994 (Till Later Today) by Representative JACQUES of Waterville.
PENDING - Passage to be Enacted.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 3 against, and accordingly the Mandate 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:

Bill "An Act to Create a Franchise Practices Act" (H.P. 1407) (L.D. 1916)

(Committee on Business Legislation suggested)
TABLED - February 18, 1994 by Representative HOGLUND of Portland.

PENDING - Reference.

On motion of Representative JACQUES of Waterville,

tabled pending reference and later today assigned.

HOUSE ORDER - Relative to amending House Rule 23.
 - In House, Read on January 5, 1994.
 TABLED - February 18, 1994 by Representative KILKELLY of Wiscasset.
 PENDING - Passage. (2/3 Vote Required)

On motion of Representative KILKELLY of Wiscasset, tabled pending passage and later today assigned.

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

SENATE PAPERS

Bill "An Act to Require Labeling on Genetically Engineered Food" (S.P. 713) (L.D. 1928)

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

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

Resolve, to Create the Blue Ribbon Commission on Hunger and Food Security (S.P. 715) (L.D. 1930)

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

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

Bill "An Act to Remove the Sunset Provision from the Limitation on Liability for Recycling Activities by Municipalities and Regional Associations" (EMERGENCY) (S.P. 712) (L.D. 1927)

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

Was referred to the Committee on **Energy and Natural Resources** in concurrence.

SENATE PAPERS

Resolve, to Effect the Health and Social Services Transition Team's Recommended Reorganization of the Department of Human Services and the Department of Mental Health and Mental Retardation into a Single Department of Health, Children and Family Services (EMERGENCY) (S.P. 714) (L.D. 1929) (Governor's Bill)

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

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

Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient" (S.P. 711) (L.D. 1926) (Governor's Bill)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

On motion of Representative JACQUES of Waterville, tabled pending reference and later today assigned.

ORDERS

On motion of Representative FARNSWORTH of Hallowell, the following Joint Order: (H.P. 1416) (Cosponsored by Representatives: BAILEY of Township 27, BOWERS of Washington, COTE of Auburn, DRISCOLL of Calais, TOWNSEND of Eastport, TRUE of Fryeburg, Senators: CONLEY of Cumberland, VOSE of Washington)

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary report out a bill, "An Act Authorizing a Tribally Owned Casino in the City of Calais" to the House.

Was read and passed and sent up for concurrence. Ordered sent forthwith.

The Chair laid before the House the following items which were tabled earlier in today's session:

Bill "An Act to Eliminate Seasonal Liquor Stores" (EMERGENCY) (H.P. 738) (L.D. 996) (C. "A" H-747) which was tabled by Representative DAGGETT of Augusta pending passage to be engrossed.

On motion of Representative DAGGETT of Augusta, the House reconsidered its action whereby Committee Amendment "A" (H-747) was adopted.

The same Representative presented House Amendment "A" (H-756) to Committee Amendment "A" (H-747) which was read by the Clerk and adopted.

Committee Amendment "A" (H-747) as amended by House Amendment "A" (H-756) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-747) as amended by House Amendment "A" (H-756) thereto and sent up for concurrence.

Bill "An Act to Create a Franchise Practices Act" (H.P. 1407) (L.D. 1916) which was tabled by Representative JACQUES of Waterville pending reference.

Subsequently, the Bill was referred to the Committee on **Business Legislation**, ordered printed and sent up for concurrence.

HOUSE ORDER - Relative to amending House Rule 23 which was tabled by Representative KILKELLY of

Wiscasset pending passage.

Representative KILKELLY of Wiscasset presented House Amendment "B" (H-757) which was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: This issue has been around since the very first day of the session and to some degree actually before. The purpose and the intent behind amending this rule is to assure that when a member gives an Order to the Clerk that the Order is then placed on the next available calendar. There has been some discussion about how to clarify that and not lose the ability to have, for example, Orders put on supplements so that they can come before us in that way. Hopefully this language will in fact accomplish that. This language talks about the calendar and the fact that the Clerk is responsible for putting the calendar together and that the calendar will also include Orders that have been presented to the Clerk to be included on that calendar.

If you are presenting an Order one of the advantages of having this clarification is that you have a better idea of when that Order is going to be available for action so that if you are getting ready for that, getting information prepared, then you know that if you put it out today and there is a calendar being put together tonight, it will in fact show up on tomorrow's calendar.

If it is a rule change, obviously it would need to be tabled for one day before action could be taken just as any rule change is. If it is something else, then that may not be the case.

The idea is to just give all members true access to the calendar with Orders that are important to them and also to assure that it is going to show up in a timely fashion.

I would ask for your support on this issue.

Subsequently, House Amendment "B" (H-757) was adopted.

The SPEAKER: The pending question before the House is adoption of the House Order as amended by House Amendment "B" (H-757). Those in favor will vote yes; those opposed will vote no.

A two-thirds vote of members present being necessary, a total was taken. 112 voted in favor of the same and 0 against, and accordingly, the House Order was passed.

Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient" (S.P. 711) (L.D. 1926) (Governor's Bill) which was tabled by Representative JACQUES of Waterville pending reference.

Subsequently, the Bill was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

On motion of Representative ROWE of Portland, adjourned at 11:30 a.m., until 9:00 a.m., Thursday, February 24, 1994.