

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
20th Legislative Day
Thursday, March 3, 1994

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

Prayer by Reverend Keith Murray, Cherryfield First Baptist Church.

The Journal of yesterday was read and approved.

SENATE PAPERS

Refer to the Committee on Banking and Insurance

Report of the Committee on **Business Legislation** on Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services" (S.P. 356) (L.D. 1070) reporting that it be referred to the Committee on **Banking and Insurance**.

Came from the Senate with the report read and accepted and the Bill referred to the Committee on **Banking and Insurance**.

Report was read and accepted and the Bill referred to the Committee on **Banking and Insurance** in concurrence.

COMMUNICATIONS

The following Communication:

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

March 1, 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. 232 An Act to Increase the Earnings Cap of a Disability Retirement Benefit
- L.D. 1117 An Act to Improve the Functions and Operations of the Maine State Retirement System
- L.D. 1245 An Act Related to Disability Retirement under the Maine State Retirement System
- L.D. 1308 An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System

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**

March 1, 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. 1848 Resolve, Concerning the Licensure of Off-track Betting Facilities

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 APPROPRIATIONS AND FINANCIAL AFFAIRS
ONE HUNDRED AND SIXTEENTH LEGISLATURE**

March 1, 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 Appropriations & Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1505 An Act to Encourage More Efficient

Spending of State Tax Dollars

L.D. 1652 An Act to Authorize the Maine State
Prison and the Maine Correctional
Institution - Warren to Combine
Accounts

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

Sincerely,

S/Sen. Michael D. Pearson S/Rep. Lorraine N. Chonko
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON AUDIT AND PROGRAM REVIEW
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 1, 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 Audit
& Program Review has voted unanimously to report the
following bills out "Ought Not to Pass":

L.D. 972 An Act to Support the Natural Areas
Program

L.D. 1840 An Act to Ensure Adequate
Administrative Support for Professional
Regulatory Boards

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

Sincerely,

S/Sen. John J. Cleveland S/Rep. Phyllis R. Erwin
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON BUSINESS LEGISLATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 1, 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. 1151 An Act to Amend the Laws Regulating the
Practice of Optometry

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. Hoglund
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON EDUCATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 1, 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
Education has voted unanimously to report the
following bills out "Ought Not to Pass":

L.D. 1729 An Act to Ensure Rehabilitation
Services for People with Severe
Disabilities

L.D. 1768 An Act to Develop a Voluntary Firearm
Safety Program for Use in Schools in
the State

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

Sincerely,

S/Sen. John J. O'Dea S/Rep. Elizabeth H. Mitchell
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

March 1, 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

S/Sen. M. Ida Luther
Senate Chair

S/Rep. Dorothy A. Rotondi
House Chair

Was read and ordered placed on file.

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. 975 An Act to Allow for the Use of Multi-layered Packages
- L.D. 1752 An Act Concerning Protective Structures along the Coast in Biddeford
- L.D. 1769 An Act to Protect Maine's Lakes and Ponds

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. John L. Martin
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON FISHERIES AND WILDLIFE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 1, 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 Fisheries & Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1211 An Act Concerning Habitual Offenders under the Fish and Wildlife Laws
- L.D. 1382 An Act to Strengthen the Landowner Relations Program
- L.D. 1603 An Act to Restrict the Type of Fishing Allowed on Long Pond, or Beaver Mountain Lake, to Artificial Lures and Flies

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

Sincerely,

The following Communication:

COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 1, 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. 1385 An Act to Provide One Centralized Location for Obtaining Permits
- L.D. 1777 An Act to Make Economic Development Funds More Readily Available for Improving Existing Equipment and Facilities

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

March 1, 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. 1740 An Act to Clarify Medicaid Reimbursement for New Psychiatric Hospitals

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

March 1, 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. 1773 An Act to Reinstate Involuntary Commitment for Chronic and Life-threatening Substance Abuse
- L.D. 1780 An Act to Require That Medical Personnel Report Suspected Domestic Abuse
- L.D. 1808 An Act Imposing a Mandatory Arrest Period in Cases of Domestic Violence

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 LABOR
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 1, 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 Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1730 An Act to Establish Preapprenticeship Programs
- L.D. 1745 An Act Concerning Independent Contractors
- L.D. 1847 An Act Concerning Agency Service Fees

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

Sincerely,

S/Sen. James R. Handy S/Rep. Richard P. Ruhlin
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON LEGAL AFFAIRS
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 1, 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. 1251 Resolve, Authorizing Stephanie Burton to Sue the Town of Freeport
- L.D. 1790 An Act to Remove the Distance Requirement Relating to Replacement Agency Stores

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 MARINE RESOURCES
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 1, 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 Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1781 An Act to Amend the Sea Urchin
Harvesting and Licensing Laws and to
Establish the Sea Urchin Fund

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. James Mitchell
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

March 1, 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. 1212 An Act to Require the Bureau of the
Budget to Monitor Federal Legislation
to Determine the Cost of Implementing
Legislation at Local and State Levels

L.D. 1719 An Act to Provide Job-site Inspectors
Representing the Owner on Public
Improvements

L.D. 1743 An Act Regarding Municipal Code
Enforcement Officers and Enforcement of
Penalties

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

March 1, 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":

L.D. 1660 An Act to Redefine Certain Articles
Classified as Personal Property

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

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

COMMITTEE ON TRANSPORTATION
ONE HUNDRED AND SIXTEENTH LEGISLATURE

March 1, 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. 1778 An Act to Increase Safety in Highway
Construction and Maintenance Work Areas

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

Sincerely,

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

Senate Chair

House Chair

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Agriculture

Resolve, to Enhance the Development of Alternative Uses of Maine Agriculture and Forestry Products (H.P. 1437) (L.D. 1963) (Presented by Representative WHITCOMB of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Banking and Insurance

Bill "An Act to Facilitate Government Investment in Mutual Funds" (H.P. 1439) (L.D. 1965) (Presented by Representative PINEAU of Jay) (Cosponsored by Representative: CARLETON of Wells) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Human Resources

Bill "An Act to Provide for a Comprehensive Investigation of the Death of Children by Homicide or through Other Suspicious Circumstances" (H.P. 1436) (L.D. 1962) (Presented by Representative CATHCART of Orono) (Cosponsored by Representatives: MORRISON of Bangor, SAXL of Bangor, Senator: BERUBE of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Legal Affairs

Bill "An Act to Continue Election Reform Efforts" (H.P. 1438) (L.D. 1964) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representatives: BENNETT of Norway, ROBICHAUD of Caribou) (Governor's Bill)

ORDERS

On motion of Representative MARTIN of Eagle Lake, the following Joint Order: (H.P. 1435)

ORDERED, the Senate concurring, that the Joint Standing Committee on Energy and Natural Resources report out a bill authorizing the issuance of bonds

for municipal infrastructure improvements to the House.

Was read.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker and Members of the House: This particular Order is the direct result of a study that was conducted by the Land Use Regulatory Reform Committee that was created by this legislature. It would be the intention of the Energy and Natural Resources Committee to review, make recommendations and then forward the bond issue request to the Appropriations and Financial Affairs Committee.

Subsequently, was passed and sent up for concurrence.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on State & Local Government reporting "Ought Not to Pass" on RESOLUTION, Pursuant to Article IV, Part Third, Section 15 of the Constitution of Maine Calling a Constitutional Convention to Propose Amendments to the Constitution (H.P. 873) (L.D. 1187)

Signed:

Senators: BERUBE of Androscoggin
ESTY of Cumberland
BUTLAND of Cumberland

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-773) on same RESOLUTION.

Signed:

Representatives: JOSEPH of Waterville
AHEARNE of Madawaska
YOUNG of Limestone
BENNETT of Norway

Reports were read.

Representative AHEARNE of Madawaska moved that the House accept the Minority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion to accept the Minority "Ought to Pass" Report and specially assigned for Friday, March 4, 1994.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-774) on Bill "An Act to Establish the Lobster Promotion Council as a Public Instrumentality" (EMERGENCY) (H.P. 1199) (L.D. 1607)

Signed:

Senators: VOSE of Washington
GOULD of Waldo
PINGREE of Knox

Representatives: MITCHELL of Freeport
COLES of Harpswell
LEMONT of Kittery
CONSTANTINE of Bar Harbor
SKOGLUND of St. George
TOWNSEND of Eastport
SWAZEY of Bucksport
HEINO of Boothbay

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

Signed:

Representatives: LOOK of Jonesboro
FARREN of Cherryfield

Reports were read.

Representative MITCHELL of Freeport moved that the House accept the Majority "Ought to Pass" Report.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: I would urge you not to accept this motion. My name is on this as "Ought Not to Pass." I represent many, many fishermen in downeast Maine.

Since this Lobster Promotion Council was instituted, it has not been beneficial to the fishermen, as they see it. They each pay an amount on their license to keep this going and in the past year they have asked repeatedly for some information, some reporting on the usage of their money and it had not been forthcoming until about two weeks ago. When it was, there were some very weak excuses for not getting back to them and giving them the information.

I think there are some needs within that organization that need to be taken care of before we grant them any instrumentality. The budget has escalated severely in my opinion from \$90,000 to \$400,000 projected for the coming year. In that budget, there is a \$28,000 line-item for travel. There is much to be looked at and the fishermen have not received in proportion a higher amount for the lobsters. This has been a very low season for them and they are very disturbed, to say the least.

I feel that before we grant instrumentality which will perhaps not give the oversight that we now have, we better look at the situation and consider it a bit more.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I also represent fishermen in the downeast area and it is a true statement that they are, I would say, at best, suspicious of this whole Lobster Promotion Council. However, I will point out, as I mentioned to you on the floor of the

House in the last session, that the organization downeast refused to even hear from these folks as to what they might be able to do for them. Times are tough, I will remind you that the lobster prices have been suppressed for ten years now, it is not a new thing the last couple of years.

I don't feel that the Lobster Promotion Council has had a fair shake as far as time to get their job done. At the last lobster forum in Portland this past year, the Australian lobster industry is considered the best in the world and we asked what were the two things that we could do in the State of Maine to try to catch up. The two things they told us we were doing wrong was, one, we were over fishing and the other thing that we needed to do was to promote our product.

As far as \$28,000 goes for travel, I realize that is a lot of money; however, if you are going to promote our Maine product in other parts of the world, you have to get there. Viewing that, \$28,000 is actually a small amount of money to be used. Personally I would like to see them out there promoting this product and other Maine products more.

I feel they have been very aggressive in promoting Maine lobsters. I think we have other problems other than promotion that is helping keep the price down.

In all due respect to the fishermen downeast in Washington County, they are very hard working, very independent folks and I am a little sorry they don't see the importance of promoting their product.

However, I must stand up for what I think is right and I feel promoting a product is in any business the number one thing that you have to do.

Representative Simoneau of Thomaston requested a roll call vote.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: I represent quite a few lobster fishermen in the mid-coast area. I don't know that I have ever found a time when you say to somebody, well we are going to put a surcharge onto your license and they glad-hand you or pat your back.

We all know that it pays to advertise, pick up any magazine or daily paper it is filled with advertising. It works, but you have got to give this organization some time. This organization is an infant, you can't expect it to be up and running momentarily.

How does one measure whether or not this years average price for lobster was or was not affected by the Lobster Promotion Council? Last year, I heard a gentleman, I believe from Kittery, who spoke to me at one of the hearings and he said that his lobster catch averaged about 20 to 25 percent more than the previous year and he said he felt that part of that was due to the Lobster Promotion Council. You can't really put your thumb on it, but I think it is an organization that we ought to give some time to grow.

The budget has not changed so far as their income is concerned. When this was established, there was a certain amount of income that came through the licensing, that has not increased. Massachusetts spends a lot of money promoting their lobsters. Canada spends as much if not more money than we do promoting their product and if we are going to maintain a position in the world market, I think that it is in the best interest of the State of Maine and the fishermen of Maine that we support this Lobster Promotion Council and pass this.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I think there is one point that has been missed here. We are talking about making the Lobster Promotion Council an instrumentality of the state, we are not talking about whether the council should continue. My concern about making them an instrumentality of the state is the fact that they are in their infancy, they haven't proved themselves that they can handle all of this stuff by themselves. Maybe down the road, once they prove that, then it might be a different story.

What the instrumentality will do is make them, for all practical purposes, with the exception of auditing (which we put back in there that they wanted out) — they are independent, they are not under the budget process, they are not under anything other than just a straight across the board appropriation. They can go out and purchase whatever they want to purchase without anybody but the council itself making that decision. That is the reason why I am on the opposite side, even though I don't support the council, didn't in the beginning and I don't now but above all else, I don't support it as an instrumentality of the state.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: There are good reasons for making the Lobster Promotion Council an instrumentality of the state in stead of its present status as an agency. The major reason is that it enables them to spend money much more efficiently. This money is raised (as has been noted) by surcharges on lobster harvesters and dealers. In my opinion, the money that the industry raises for its own purposes ought to be allowed to be spent by the industry for its own purposes and not spent on meeting state red tape requirements, not segregated by state allotments and across-the-board cutbacks which is unfair to the people who are paying this surcharge. We, in fact, will retain exactly the same control over the expenditure of that money because every two years the legislature will have to allocate in the budget the money for the council to spend. The allocation right now is \$400,000 but in fact they are going to spend about \$250,000 because that is about all they expect to raise. The allocation is there just in case they raise more than they expect.

To repeat, the amount of control we have over their budget does not change one iota with this bill and at the same time the council will then be able to spend the money much more efficiently than they spend it now because it will not be subject to all the state's red tape.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The first thing you will say is, what does he know about lobsters? There are no lobsters in the Sabattus River or the Androscoggin. But, I do love lobsters.

There are two words in there that scares me. I have approached some of the members of the committee and told them public instrumentality — do people actually know what that means? That is bad.

Two years ago, we did the same thing with the Maine State Retirement System, we made them a public instrumentality, oh gosh! That was the end of any control we had over them. We asked them for a budget this year, we received two sheets of paper for a \$7 million budget. If we hadn't determined and put our foot down and said we want more, we wouldn't have gotten it. Remember when you establish a public instrumentality, you might as well let go of it forever. As my father said, you can have all the freedom you want as long as I can lay my hands on you. That is what I want. When you establish a public instrumentality, this is just the beginning, this may be the lobster council, it may be perfectly harmless but what else is coming?

Under this public instrumentality, we have less control of the Maine State Retirement System than the Department of Transportation has over the turnpike. The Maine Turnpike budget is about that thick for the DOT to peruse, we received two sheets. Remember one thing, when you establish a public instrumentality, you might as well say good-bye, we have no more control over you.

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

Representative ALIBERTI: Mr. Speaker, Fellow Colleagues of the House: I consider this a marketing responsibility. I had the great privilege again of attending the Big E as a part of the Agriculture Committee and I communicated with a young lady who is responsible for attempting to market the lobster in a competitive way. I said to her, "Why don't you also provide these participants that come to the Big E and purchase the very fine Maine potatoes in quality and quantity and stand in line for hours, why don't you continue to market in the same manner as the potato industry?" She said, "We are just beginning, if you are that interested, you are going to have an opportunity to help us do that very thing in marketing the lobster." Lo and behold, here it is today and I felt obligated to comment on that and assure you that I will support the additional marketing of a fine Maine product.

The SPEAKER: The Chair recognizes the Representative from Sedgwick, Representative Gray.

Representative GRAY: Mr. Speaker, Men and Women of the House: I spoke against this bill when they asked for the money last year. It is a little bit different now. Not only do they want to be a public instrumentality, they want to be not liable for anything. I think it is something to look into and I would hope one of our corners would table this bill so we could look into it a little bit more.

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 Mitchell of Freeport that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 247

YEA - Adams, Ahearne, Aliberti, Beam, Bennett, Bowers, Brennan, Carleton, Caron, Carroll, Cashman, Chonko, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Fitzpatrick, Foss, Gamache, Gean, Gould, R. A.; Hale, Hatch, Heesch, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Johnson, Kerr, Kontos, Larrivee, Lemont, Libby Jack, Libby James, Lindahl, Lipman, Marsh, Marshall, Martin, J.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pineau, Pinette, Plourde, Plowman, Rand, Reed, G.; Richardson, Ricker, Rotondi, Rowe, Ruhlin, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, K.; Strout, Sullivan, Swazey, Tardy, Taylor, Townsend, E.; Townsend, G.; Townsend, L.; Treat, Tufts, Walker, Wentworth, Winn, Zirkilton, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Birney, Bruno, Cameron, Carr, Chase, Clukey, Cross, Dexter, Dutremble, L.; Farren, Gray, Greenlaw, Jalbert, Joy, Kneeland, Look, Lord, MacBride, Michael, Murphy, Nash, Nickerson, Norton, Poulin, Pouliot, Reed, W.; Robichaud, Stevens, A.; Thompson, Tracy, True, Vigue, Whitcomb.

ABSENT - Ault, Campbell, Cathcart, Clark, Dore, Hillock, Joseph, Ketterer, Kilkelly, Kutasi, Lemke, Martin, H.; Paradis, P.; Pfeiffer, Rydell, Saint Onge, Young.

Yes, 96; No, 38; Absent, 17; Paired, 0; Excused, 0. 96 having voted in the affirmative and 38 in the negative, with 17 being absent, the Majority "Ought to Pass" Report was accepted.

The Bill read once. Committee Amendment "A" (H-774) was read by the Clerk and adopted. The Bill assigned for second reading Friday, March 4, 1994.

CONSENT CALENDAR

First Day

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

(S.P. 644) (L.D. 1803) Bill "An Act to Allow the Dissolution of the Maine Capital Corporation" Committee on **Housing & Economic Development** reporting "Ought to Pass"

(S.P. 659) (L.D. 1827) Bill "An Act Concerning Authorization to Grow Certain Marine Species in Aquaculture" Committee on **Marine Resources** reporting "Ought to Pass"

(S.P. 551) (L.D. 1575) Bill "An Act to Amend Certain Provisions of Law Pertaining to Brewers' Licenses" Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-416)

(S.P. 553) (L.D. 1577) Bill "An Act Regarding the Custody of Remains of Deceased Persons" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-417)

(S.P. 618) (L.D. 1720) Bill "An Act to Encourage Innovation and Competitiveness by Electric Utilities"

Committee on **Utilities** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-415)

(S.P. 637) (L.D. 1771) Bill "An Act to Establish Terms of Appointments for Members of the Maine Education Training and Export Partnership" Committee on **Housing & Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-418)

(S.P. 646) (L.D. 1805) Bill "An Act to Make Certain Revisions to the Maine Emergency Medical Services Act of 1982" Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-420)

(H.P. 1265) (L.D. 1692) Bill "An Act to Clarify the Certification Procedures of the Maine Criminal Justice Academy" Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-784)

(H.P. 1280) (L.D. 1728) Bill "An Act to Establish Retirement Equity for Full-time Adult Education Teachers" Committee on **Aging, Retirement & Veterans** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-782)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, March 4, 1994 under the listing of Second Day.

(H.P. 1116) (L.D. 1511) Bill "An Act to Legalize Marijuana for Medicinal Purposes" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-785)

On motion of Representative CLUKEY of Houlton, the Bill was removed from First Day Consent Calendar.

The same Representative requested a roll call on acceptance of the Committee Report.

On motion of Representative LARRIVEE of Gorham, tabled pending acceptance of the Committee Report and specially assigned for Friday, March 4, 1994. (Roll Call requested)

CONSENT CALENDAR

Second Day

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

(H.P. 964) (L.D. 1295) Bill "An Act to Amend the Laws Pertaining to the Protestant Episcopal Church" (C. "A" H-776)

(H.P. 1187) (L.D. 1584) Bill "An Act to Amend the Laws Governing Foreclosure of Mortgages" (C. "A" H-780)

(H.P. 1249) (L.D. 1676) Bill "An Act to Change the Membership of the Maine Pull Events Commission" (C. "A" H-778)

(H.P. 1293) (L.D. 1741) Bill "An Act to Amend the

Maine Guide License" (C. "A" H-779)

(H.P. 1370) (L.D. 1854) Bill "An Act to Provide Funding to the Maine Criminal Justice Commission" (EMERGENCY) (C. "A" H-770)

(H.P. 1404) (L.D. 1913) Bill "An Act to Provide for the 1994 and 1995 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (C. "A" H-772)

No objections having been noted at the end of the Second Legislative Day, 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 Strengthen Penalties for the Unlawful Cutting of Lobster Traps" (EMERGENCY) (H.P. 1180) (L.D. 1578) (C. "A" H-771)

Bill "An Act Relating to the Ground Water Oil Clean-up Fund" (EMERGENCY) (H.P. 1283) (L.D. 1731) (C. "A" H-777)

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.

ENACTORS

An Act to Protect Cable Television Consumers from Excessive Late Fees (S.P. 563) (L.D. 1598) (C. "A" S-398)

An Act to Ensure That State Water Utility Rules Are Consistent with Federal Requirements (S.P. 566) (L.D. 1601) (C. "A" S-407)

An Act Concerning Commercial Fishing Licenses (S.P. 572) (L.D. 1618) (C. "A" S-410)

An Act to Clarify Certain Marine Resource Definitions (S.P. 581) (L.D. 1625)

An Act to Eliminate the Maine School Building Authority (S.P. 600) (L.D. 1698) (C. "A" S-406)

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

UNFINISHED BUSINESS

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

Bill "An Act to Clarify the Display of Social Security Numbers on Insurance-related Identification Cards" (EMERGENCY) (S.P. 573) (L.D. 1617)

- In House, Bill and accompanying papers indefinitely postponed on February 23, 1994.

- In Senate, Senate insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-399) in non-concurrence.

TABLED - March 2, 1994 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

On motion of Representative HEESCHEN of Wilton, the House voted to Recede.

The Committee Report was read and accepted. The Bill read once. Committee Amendment "A" (S-399) was read by the Clerk.

On motion of Representative HEESCHEN of Wilton, Committee Amendment "A" (S-399) was indefinitely postponed.

Under suspension of the rules, the Bill was given its second reading.

Representative HEESCHEN of Wilton presented House Amendment "A" (H-781) which was read by the Clerk.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: The amendment provides an exemption to the ban on display of Social Security Numbers on health insurance-related matters until July 1, 1995. The State Employee Health Insurance Program will review alternatives to that use of Social Security Numbers and report back to the Banking and Insurance Committee, February 1, 1995, so that we will have some answers as to what the alternatives are, what the real costs are and, in the meantime, it allows all health plans to continue to use those numbers as they are doing today.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: This amendment addresses one of the problems we are having up in Banking and Insurance dealing with a lot of the health issues going on. Everything is so much in flux, what this does is merely postpone until we can see what dust does settle in Washington on parts of what is going on there. However, it does give the State Employees Program the charge to come back to the Committee with alternatives other than the Social Security Number and, at that time, we believe we will be in a position to make a decision that will go for a longer time than this would have. Please support the amendment.

Subsequently, House Amendment "A" (H-781) was adopted. The Bill was passed to be engrossed as amended by House Amendment "A" (H-781) in non-concurrence and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Increase Penalties for Violation of Lobster Fishing Laws" (H.P. 1261) (L.D. 1688) (C. "A" H-767)

TABLED - March 2, 1994 by Representative MITCHELL of Freeport.
PENDING - Passage to be Engrossed.

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

Resolve, to Provide the Secretary of State with Additional Time to Validate Petitions for Initiated Legislation (EMERGENCY) (H.P. 1433) (L.D. 1959) (Reference to the Committee on Legal Affairs suggested)
TABLED - March 2, 1994 by Representative JACQUES of Waterville.
PENDING - Reference.

On motion of Representative JACQUES of Waterville, tabled unassigned pending reference.

BILL HELD

An Act to Repeal Sanctions against Businesses Doing Business in South Africa (H.P. 1290) (L.D. 1738)
- In House, Passed to be Enacted.
HELD at the Request of Representative ADAMS of Portland.

Representative ADAMS of Portland moved that the House reconsider its action whereby the Bill was passed to be enacted.

On further motion of the same Representative, tabled pending his motion to reconsider passage to be enacted and specially assigned for Friday, March 4, 1994.

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

REPORTS OF COMMITTEES

Refer to the Committee on Fisheries & Wildlife

Representative COTE from the Committee on Judiciary on Bill "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise Pollution" (H.P. 724) (L.D. 983) reporting that it be referred to the Committee on Fisheries & Wildlife.

Report was read and accepted and the bill referred to the Committee on Fisheries & Wildlife and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

SENATE PAPERS

Bill "An Act to Establish Maine Quality Centers" (S.P. 728) (L.D. 1949) (Governor's Bill)

Came from the Senate, referred to the Committee on Housing and Economic Development and Ordered Printed.

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

Was referred to the Committee on Housing and Economic Development in concurrence.

Non-Concurrent Matter

Bill "An Act Concerning Summer Work Permits" (EMERGENCY) (S.P. 725) (L.D. 1946) which was passed to be engrossed as amended by House Amendment "A" (H-775) in the House on March 1, 1994.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-775) and Senate Amendment "A" (S-423) in non-concurrence.

House voted to Recede and Concur.

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

Bill "An Act to Increase Penalties for Violation of Lobster Fishing Laws" (H.P. 1261) (L.D. 1688) (C. "A" H-767) which was tabled by Representative MITCHELL of Freeport pending passage to be engrossed.

On motion of Representative MITCHELL of Freeport, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-767) was adopted.

The same Representative presented House Amendment "A" (H-787) to Committee Amendment "A" (H-767) which was read by the Clerk and adopted.

Committee Amendment "A" (H-767) as amended by House Amendment "A" (H-787) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-767) as amended by House Amendment "A" (H-787) thereto and sent up for concurrence.

On motion of Representative LIBBY of Buxton, adjourned at 10:50 a.m., until Friday, March 4, 1994 at 2:00 p.m.