

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Seventeenth Legislature
OF THE
State Of Maine

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 7, 1994 to May 23, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
8th Legislative Day
Friday, January 20, 1995

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

Prayer by Lieutenant Ralph Fisher, Salvation Army, Bath.

The Journal of Tuesday, January 17, 1995 was read and approved.

COMMUNICATIONS

The following Communication: (H.C. 24)
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF BANKING
State House Station 36
Augusta, Maine 04333
January 13, 1995

The Honorable Dan A. Gwadosky
Speaker of the House
Maine House of Representatives
State House Station 2
Augusta, Maine 04333
Dear Speaker Gwadosky:

In accordance with Title 9-B MRSA section 217, as amended, I am submitting to the members of the Maine House and Senate a report entitled "The Status of Maine's Financial Institutions."

This report contains the number, type and legal structure of all financial institutions operating in the State of Maine, as well as the location of offices and total deposits held by these institutions. This past year continued to show improvement in the financial condition of the banking industry in Maine, with earnings exceeding prior year's record performance and future improvement in bank asset quality.

In recent months, major legislation has been passed by Congress authorizing nationwide interstate banking within one year and permitting interstate branching within three years. Maine must now reassess its structure of interstate bank regulation, particularly the Net New Funds provision, a basis element of this annual report and a safeguard against an outflow of our limited capital resources. The Bureau intends to present legislation this session to address these issues.

Copies of this report have been distributed to the Office of the Clerk of the House of Representatives in order to provide one copy for each member of the House.

Very truly yours,
S/H. Donald DeMatteis
Superintendent

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 155)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
MAJORITY OFFICE
AUGUSTA, MAINE 04333
January 5, 1995

Hon. Joseph W. Mayo
Clerk of the House
State House Station #2

Augusta, Maine 04333

Dear Clerk Mayo:

This is to notify you that pursuant to our authority under Joint Rule #39, the Majority Party is appointing Patricia Eltman as partisan Staff Assistant for Gubernatorial Nominations.

Sincerely,
S/Elizabeth H. Mitchell
Assistant House Majority
Leader

Was read and ordered placed on file and sent up for concurrence. Ordered sent forthwith.

The following Communication: (H.C. 25)
MAINE STATE RETIREMENT SYSTEM
State House Station 46
Augusta, Maine 04333
January 17, 1995

Senator Jeffrey H. Butland, President
Maine Senate
Representative Dan A. Gwadosky, Speaker
Maine House of Representatives
Maine State Legislature
State House Station #3
Augusta, Maine 04333
Dear President Butland and Speaker Gwadosky:

I am writing to you pursuant to 5 MRSA section 17103, sub-section 11, which requires that the Board of Trustees of the Maine State Retirement System make a written report to the Legislature each year. The statute provides that the report be submitted "to the appropriate legislative committee on or before January 15 of each year." Because the "appropriate committee" and its membership have not yet been identified, I have decided to submit the report to you, with 15 additional copies being sent to the Executive Director of the Legislative Council for distribution to the "appropriate committee" chairs and members when known.

This report is to cover areas of policy and administration which in the Board's opinion should be brought to the attention of the Committee, any proposed legislation which the Board recommends to improve the Retirement System, a review of the operations of the Retirement System, including a summary of administrative expenses and the status of these expenses relative to the operating budget, and changes in the delivery of services to the members.

Overview

The Board of Trustees continues to hold the opinion that the Retirement System is in need of substantial plan simplification and a sound, consistent funding policy. Although the System's funding status has improved to date, the System's current financial condition is not satisfactory and is in need of further improvements which are directly related to the State's continued willingness to pay contributions in accordance with a sound and rational funding policy.

The Board remains concerned that the level of service to both the membership and employers is not yet adequate, though recent improvements have been made and more are scheduled. In the past, change has been difficult. The change in the System's organization to a public instrumentality is the opportunity of the System to redesign its operations and services to carry out its particular role. Aspects of the change have been more difficult than anticipated, but service improvements are already

evident.

As previously indicated, the Board is committed to the notion of plan simplification. The System's plan provisions continue to be extremely complex, making them difficult both to administer and understand. The Board continues to hold the opinion that the resolution of these issues is critical to the long term success and viability of the System and will continue to devote effort and resources to plan simplification and ongoing operational reforms.

Legislation

Currently known or anticipated legislation will deal with the System's operating budget and its legal representation. Consideration should be given to the nature of the legislative role in plan design and simplification. The System continues to work with constituent organizations on matters of common interest and concern.

Investments

The Board of Trustees is charged with the responsibility to invest all assets of the Maine State Retirement System in accordance with the prudent person standard. The Board is assisted in this task by the Executive Director and Investment Advisory Committee comprised of selected Board members, staff and individuals who have investment expertise.

The Board continued to invest the System's assets in accordance with the investment program first adopted in 1987, revised in 1991 and 1992 and continuously reviewed and monitored by the Board, the staff, the Investment Advisory Committee and the System's investment consultants. Overall, the long term investment returns generated by the portfolio have exceeded expectations. Investment returns are as follows:

Annualized Returns

(Preliminary, as of December 31, 1994)

1994	1992-94	1990-94	1985-94
<u>One Year</u>	<u>Three Years</u>	<u>Five Years</u>	<u>Ten Years</u>
-0.13%	6.83%	8.51%	11.44%

In general, the capital markets have been favorable for the past decade resulting in better than expected returns. The Board continues to monitor the capital markets and evaluate the need for change as events unfold. The Board continues to maintain an investment program that it considers prudent and well positioned to generate superior returns in the long term, while recognizing that the capital markets are volatile and can result in poor returns in the short term.

Consolidated Retirement Plan

The efforts of the Participating Local District Advisory Committee and the System to create a Consolidated Plan for participating local districts resulted in the adoption in May, 1993 of the Board's rule governing the Consolidated Plan. The Consolidated Plan became effective July 1, 1993 and went into operation on July 1, 1994, the enrollment minimums specified in the rule having been greatly exceeded. Current participating local districts not yet in the Consolidated Plan have until July 1, 1996 to join. The Participating Local District Advisory Committee remains essential in the implementation of the Consolidated Plan, as it was in its creation.

Trustees

In the FY93-95 biennial budget bill, the Legislature provided that all seven of the System's trustees would be subject to legislative confirmation. Previously, only the four trustees who

are appointed by the Governor were so subject. The Legislature also altered the criteria for two of the gubernatorial appointees, substituting actuarial experience for that of law, and further provided that all trustees "have a working knowledge of retirement policy and legal issues and a general knowledge and understanding of banking, finance and investment practices."

Actuarial Assumptions

Actuarial assumptions were modified in 1994 as the result of recommendations by the System's Actuary and legislative changes enacted in 1993. The System continues to employ the same methodology implemented in 1987 to determine its liabilities and establish amortization schedules to liquidate the unfunded liabilities.

Administration

Expenses by category for the fiscal year ending June 30, 1993 are summarized by the chart below:

Expenses for Fiscal Year Ending June 30, 1994 (in millions)

<u>Category of Expense</u>	<u>FY94</u>
Wages and Benefits	\$4.2
Rent and Utilities	.3
Operating Expenses	.9
Data Processing	.2
Professional Services	.7
Totals	\$6.3

6-Month Actual Expenses/Budget

7/1/94 - 12/31/94

<u>Category</u>	<u>Actual</u>	<u>Budget</u>
Personal Services	\$1.8	\$2.3
All Other	\$0.6	\$0.9

A copy of the System's 1994 Annual Report accompanies this letter.

On behalf of Board,
S/Claude R. Perrier
Executive Director

Was read and with accompanying report referred to the Committee on Labor.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolution 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:

Bill "An Act to Develop the Landowner Relations Program" (H.P. 148) (L.D. 196) (Presented by Representative REED of Falmouth)

Reference to the Committee on Agriculture, Conservation and Forestry suggested.

On motion of Representative JACQUES of Waterville, the Bill was referred to the Committee on Inland Fisheries and Wildlife, ordered printed and sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Reinstate Funding for the Saco River Corridor Commission" (H.P. 125) (L.D. 173) (Presented by Representative MURPHY of Berwick) (Cosponsored by Senator HATHAWAY of York and Representatives: CHICK of Lebanon, LEMONT of Kittery, Senators: ABROMSON of Cumberland, LAWRENCE of York)

Banking and Insurance

Bill "An Act to Clarify Fresh Start Charges under the Workers' Compensation Laws" (H.P. 135) (L.D. 183) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: DiPIETRO of South Portland, DUNN of Gray, HARTNETT of Freeport, JOYCE of Biddeford, MARVIN of Cape Elizabeth, TUFTS of Stockton Springs, VIGUE of Winslow, WINSOR of Norway, Senators: BERUBE of Androscoggin, CARPENTER of York, CASSIDY of Washington)

Criminal Justice

Bill "An Act to Increase the Penalty for Child Sexual Abuse Committed within 1,000 Feet of a School" (H.P. 123) (L.D. 171) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representatives: AHEARNE of Madawaska, BAILEY of Township 27, BUNKER of Kossuth Township, CAMERON of Rumford, HATCH of Skowhegan, HEINO of Boothbay, LEMONT of Kittery, LIBBY of Kennebunk, MERES of Norridgewock, RICE of South Bristol, SAVAGE of Union, SHIAH of Bowdoinham, WATSON of Farmingdale, WHEELER of Bridgewater, Senators: HARRIMAN of Cumberland, SMALL of Sagadahoc, STEVENS of Androscoggin)

Bill "An Act to Prohibit Private Indecency" (H.P. 131) (L.D. 179) (Presented by Representative REED of Dexter) (Cosponsored by Representatives: BAILEY of Township 27, BIRNEY of Paris, CAMERON of Rumford, CAMPBELL of Holden, CLARK of Millinocket, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DiPIETRO of South Portland, DONNELLY of Presque Isle, FARNUM of South Berwick, GOULD of Greenville, JOY of Crystal, LANE of Enfield, LEMONT of Kittery, LIBBY of Kennebunk, LUMBRA of Bangor, MARSHALL of Eliot, McELROY of Unity, MORRISON of Bangor, MURPHY of Berwick, OTT of York, PLOWMAN of Hampden, SAXL of Bangor, STEDMAN of Hartland, TUFTS of Stockton Springs, VIGUE of Winslow, WINN of Glenburn, Senators: HALL of Piscataquis, HANLEY of Oxford, LAWRENCE of York, LORD of York)

Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms" (H.P. 127) (L.D. 175) (Presented by Representative TOWNSEND of Portland) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: ADAMS of Portland, BERRY of Livermore, DORE of Auburn, GOULD of Greenville, HATCH of Skowhegan, LIBBY of Buxton, RICKER of Lewiston, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, ROWE of Portland, SAMSON of Jay, SHIAH of Bowdoinham, TUTTLE of Sanford, Senators: CLEVELAND of Androscoggin, RAND of Cumberland, RUHLIN of Penobscot)

Reference to the Committee on Criminal Justice suggested.

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

Education and Cultural Affairs

Bill "An Act Relating to the Conferral of Degrees by the Research Institute for Semiological Mathematics" (H.P. 128) (L.D. 176) (Presented by Representative STEVENS of Orono) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BRENNAN of Portland, DAVIDSON of Brunswick, GERRY of Auburn, LEMKE of Westbrook,

RICHARDSON of Portland, Senator: O'DEA of Penobscot)

Bill "An Act to Prohibit Schools from Charging Activity Fees for Participation in Extracurricular Events" (H.P. 140) (L.D. 188) (Presented by Representative LIBBY of Buxton)

Bill "An Act to Extend the Probationary Period of New Teachers from 2 Years to 3 Years" (H.P. 146) (L.D. 194) (Presented by Representative GOULD of Greenville)

Judiciary

Bill "An Act to Allow Municipalities to Dispose of Abandoned Bicycles" (H.P. 133) (L.D. 181) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Senator: KIEFFER of Aroostook)

Labor

Bill "An Act to Amend the Misconduct Provisions of the Unemployment Compensation Law" (H.P. 130) (L.D. 178) (Presented by Representative CHASE of China) (Cosponsored by Representatives: BERRY of Livermore, JOSEPH of Waterville, LUTHER of Mexico, THOMPSON of Naples, Senators: RAND of Cumberland, RUHLIN of Penobscot)

Bill "An Act to Require the Maine Retirement System to Buy Stock in the Paper Companies" (H.P. 136) (L.D. 184) (Presented by Representative SIMONEAU of Thomaston) (Cosponsored by Representatives: CAMERON of Rumford, DiPIETRO of South Portland, DUNN of Gray, HEINO of Boothbay, JOY of Crystal, JOYNER of Hollis, LEMONT of Kittery, MARTIN of Eagle Lake, MURPHY of Berwick, Senators: BEGLEY of Lincoln, LORD of York, PINGREE of Knox)

Bill "An Act to Protect the Rights of Maine State Retirement System Employees" (H.P. 147) (L.D. 195) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Representatives: CLUKEY of Houlton, DAGGETT of Augusta, GOULD of Greenville, LUTHER of Mexico, ROTONDI of Madison, TUFTS of Stockton Springs, Senators: McCORMICK of Kennebec, MILLS of Somerset, RAND of Cumberland)

Legal and Veterans Affairs

Bill "An Act to Limit Campaign Contributions in Legislative Races" (H.P. 143) (L.D. 191) (Presented by Representative LIBBY of Buxton) (Cosponsored by Representative: NASS of Acton)

Marine Resources

Bill "An Act to Restrict the Taking of Eels Less than 6 Inches in Length from Maine Coastal Waters" (EMERGENCY) (H.P. 137) (L.D. 185) (Presented by Representative HEINO of Boothbay) (Cosponsored by Representatives: LEMONT of Kittery, RICE of South Bristol, Senator: HALL of Piscataquis)

Natural Resources

Bill "An Act to Clarify the Financial Assurance Provisions Applicable to Solid Waste Disposal Facilities" (H.P. 129) (L.D. 177) (Presented by Representative STEDMAN of Hartland) (Cosponsored by Representatives: DEXTER of Kingfield, GOULD of Greenville, JONES of Pittsfield, POIRIER of Saco, STROUT of Corinth, TUFTS of Stockton Springs, Senator: CIANCHETTE of Somerset)

State and Local Government

Bill "An Act to Provide Equity and Affordability in Code Enforcement for Small Communities" (H.P. 124) (L.D. 172) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representatives: AHEARNE of Madawaska, AULT of Wayne, BAILEY of Township 27, BUNKER of Kossuth Township, CAMERON of Rumford, DEXTER of Kingfield, GOULD of Greenville, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of LaGrange, LEMONT of Kittery, LINDAHL of Northport, MARSHALL of Eliot, MERES of Norridgewock, O'NEAL of Limestone, RICE of South Bristol, ROTONDI of Madison, SPEAR of Nobleboro, WHEELER of Bridgewater)

Bill "An Act to Permit Full-time Deputies To Hold Local Public Office" (H.P. 138) (L.D. 186) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator PARADIS of Aroostook and Representatives: BUNKER of Kossuth Township, DESMOND of Mapleton, KNEELAND of Easton, LAYTON of Cherryfield, O'NEAL of Limestone, SIROIS of Caribou)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Limit on Increases in the Local Property Tax (H.P. 145) (L.D. 193) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: AIKMAN of Poland, BARTH of Bethel, BIRNEY of Paris, CHICK of Lebanon, FARNUM of South Berwick, LANE of Enfield, LAYTON of Cherryfield, LUMBRA of Bangor, RICE of South Bristol, WATERHOUSE of Bridgton, WINSOR of Norway)

Taxation

Bill "An Act to Reduce Income Taxes" (H.P. 126) (L.D. 174) (Presented by Representative FARNUM of South Berwick) (Cosponsored by Representatives: CAMERON of Rumford, CAMPBELL of Holden, CHICK of Lebanon, CROSS of Dover-Foxcroft, LANE of Enfield, LEMONT of Kittery, LUMBRA of Bangor, MURPHY of Berwick, RICE of South Bristol)

Bill "An Act to Establish a Job Creation and Retention Tax Credit" (H.P. 132) (L.D. 180) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representatives: CAMERON of Rumford, CAMPBELL of Holden, CHICK of Lebanon, FARNUM of South Berwick, FISHER of Brewer, GREENLAW of Standish, LOOK of Jonesboro, POVICH of Ellsworth, RICE of South Bristol, SIMONEAU of Thomaston, Senators: CARPENTER of York, LORD of York)

Bill "An Act to Repeal the Snack Tax" (H.P. 144) (L.D. 192) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representatives: CAMERON of Rumford, CAMPBELL of Holden, CHICK of Lebanon, DiPIETRO of South Portland, FARNUM of South Berwick, FISHER of Brewer, GREENLAW of Standish, KEANE of Old Town, LEMONT of Kittery, LOOK of Jonesboro, PINKHAM of Lamoine, POVICH of Ellsworth, REED of Dexter, RICE of South Bristol, SIMONEAU of Thomaston, VIGUE of Winslow, Senators: CARPENTER of York, LAWRENCE of York, LORD of York)

Transportation

Bill "An Act to Increase Safety in Highway Construction and Work Maintenance Areas" (H.P. 134) (L.D. 182) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Representatives: DRISCOLL of Calais, RICKER of Lewiston, STROUT of Corinth,

Senator: STEVENS of Androscoggin)

Bill "An Act to Create a Separate License Plate for Sheriffs" (H.P. 139) (L.D. 187) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator PARADIS of Aroostook and Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton, DESMOND of Mapleton, LAYTON of Cherryfield, O'NEAL of Limestone, SIROIS of Caribou)

Bill "An Act to Install Rumble Strips on the Maine Turnpike" (H.P. 141) (L.D. 189) (Presented by Representative LIBBY of Buxton) (Cosponsored by Representative: LEMKE of Westbrook)

Resolve, to Install Rumble Strips along Interstate 95 (H.P. 142) (L.D. 190) (Presented by Representative LIBBY of Buxton) (Cosponsored by Representative: LEMKE of Westbrook)

ORDERS

On motion of Representative POULIOT of Lewiston, the following Joint Order: (H.P. 156)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 28-A to read:

28-A. Sponsorship of Legislation by Members of Penobscot Nation and Passamaquoddy Tribe Elected to Represent Their People at Legislature. Notwithstanding House Rule 55, the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the Legislature may sponsor or cosponsor legislation specifically relating to Indians and Indian land claims.

Was read.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: This Order, as you will see, is just to clarify the previous Order that was passed. All that this Order is doing is granting the Indian Nations, the permission to the two tribes, so that they may co-sponsor and sponsor legislation that deals specifically with instruction from their Governor. It only deals with Indian matters.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Keane.

Representative KEANE: Mr. Speaker, Ladies and Gentlemen of the House: Being the only sponsor of Indian Nation bills in the Old Town area, I certainly support this bill and feel that it would be in the best interest of the Penobscot Nation.

Subsequently, the Order was passed and sent up for concurrence.

The following item was taken up out of order by unanimous consent:

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Representative James V. Oliver, of Portland, upon the occasion of his appointment to become Director of the U.S. Peace Corps in the nations of Surinam and Guyana, South America. A former Peace Corps Director for Venezuela, he has served as the Director of the Portland West Neighborhood Planning Council for 2 decades and as a State Legislator for 8 years. Throughout his many years of dedicated service, he has been a tireless advocate and activist for

justice, equality and opportunity for all peoples; (HLS 35) by Representative ADAMS of Portland. (Cosponsors: Senator RAND of Cumberland, Senator ABROMSON of Cumberland, Representative BRENNAN of Portland, Representative TOWNSEND of Portland, Representative RICHARDSON of Portland, Representative GIERINGER of Portland, Representative ROWE of Portland, Representative MITCHELL of Portland)

On objection of Representative ADAMS of Portland was removed from the Special Sentiment Calendar.

Was read.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: Today's session marks the final day of service in this Chamber for one of our colleagues for whom the word "service" has a very sure and certain and a special meaning. Representative James V. Oliver will be departing service with us to take up national service, soon as the occupant of the post as Director of the United States Peace Corps in the nations of Suriname and Guyana.

Near the end of his own long life, spent in the service of others, Dr. Albert Schweitzer, was asked if he had found any special meaning or special message in long life. He was asked if there was a secret to a satisfying life. He answered this, "I have discovered no secret for living but I do know that the only ones among you who will be happy are those who have learned how to serve." Dr. Schweitzer passed on in 1965, 30 years ago. It is a sad thing that his name is so little remembered today or for that matter that service as a calling has lost so much of its meaning as well.

For Representative Jim Oliver, that word service has always held the highest and its best meaning. He has served in the Peace Corps before, some of you may know, as a Director is Venezuela, back in the decades when some members of this House were in fact born. For two decades since then he has served as director of the Portland West Neighborhood Planning Council.

He has served as a state Legislator here, representing one of the smallest districts in the State of Maine. Smallest because it is the most populous and because it is the most populous it is among the most diverse, the most difficult and the most interesting. Almost 30 foreign languages are spoken in the grade schools that sits across the street from the office where Jim Oliver works every day. He would have it no other way.

For all of that time, the service in this nation and in others he has been a voice for those people that the world has pushed to the side or left behind or who are struggling against the odds of life and living just to keep the average guys place in line for those opportunities that American life holds out in promise — which description (you know) fits most of us. To devote a lifetime to such service requires a strong conscience and a willing heart and a steady head and steady hands. Jim has all of those.

The nation for which he now goes to work is a very lucky one. We, with whom he has served, have been lucky people too. I have been very lucky myself to know him as my neighbor, my colleague, my district mate, and indeed my friend.

Mr. Speaker, I move that we now pass the measure before us in his honor and when the House adjourns today that we do so in tribute to the service rendered to the people of the State of Maine by our friend and our colleague, Representative James V.

Oliver of Portland.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: This is a very difficult day for me in the sense that we will be leaving Maine as a family. My son was born in Machias, my daughter in Portland, my wife in Kittery. I should run for Governor. But, it is an exciting time for my family.

I want to first thank Representative Adams and the Portland Delegation for the very kind words. This has been the greatest honor that I have ever had in my life. I appreciate all the kindnesses towards me. I appreciate all the civility that we do business with each other. I love the challenges. I was always excited with the great debates. I love the decorum, the fact that this body really respects each individual. I have seen that happen and I have seen the way we treat each other and I guess it makes me very proud to have represented my district in this body.

One of the things that I stood for (I hope all my life) was an old Jesuit saying that, "It is better to ask forgiveness than permission." The only criticism that I have is of the media. I feel that I have that opportunity since I have the mike and if you grant me one little last wish I would appreciate it. The fact is that in Saddam Hussein's country the debate probably is very quiet. I love the debate here. I don't mind the partisanship. When I get the Portland paper down in Latin America and I hear of the raging debates and the great issues that were facing each other and trying to convince each other, I will know democracy is very well served in Maine. This is a great body, you should be honored to be here.

In a way I envy you because the challenges you face this session are going to be particularly interesting.

I leave with a good feeling of friendships on both sides of the aisle. I have been treated with kindness by the staff. By the way, I have been around enough at my age to know that if someone makes an offer to you and you are 62 you should be flattered and that is why I accepted it. I am being recycled, I was in the Peace Corps.

I wanted to particularly thank the state workers who I have had an opportunity to get service from. I don't think you will every find a more dedicated, hard working, civil servant than we have in Maine. I just appreciate the great debates and the great issues. I think Maine is very well served by this great diversity of people here who have Maine's interest at heart and I thank you very much for your friendship.

Subsequently, the Order was passed and sent up for concurrence.

By unanimous consent, the Joint Order (H.P. 156) having been acted upon, was ordered sent forthwith.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 17, 1995 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

Bill "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise

Pollution" (H.P. 60) (L.D. 96) (Committee on Judiciary suggested)
 TABLED - January 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Motion of Representative MORRISON of Bangor to refer to Committee on Natural Resources.

Subsequently, the Bill was referred to the Committee on Natural Resources, ordered printed and sent up for concurrence.

Bill "An Act to Make the Workers' Compensation Laws for Temporary Employees Consistent with Those Laws for Permanent Employees" (H.P. 85) (L.D. 121) (Committee on Judiciary suggested)
 TABLED - January 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Reference.

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

Bill "An Act to Repeal the 7% Gross Receipts Tax on Nursing Homes" (H.P. 33) (L.D. 27) (Committee on Appropriations and Financial Affairs suggested)
 TABLED - January 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Reference.

On motion of Representative DORE of Auburn, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Bill "An Act to Refund Money Collected from the Disposal Fee on Major Appliances and Tires to Municipalities" (S.P. 23) (L.D. 54)
 - In Senate, Referred to the Committee on Natural Resources.
 TABLED - January 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Reference in concurrence.

On motion of Representative DORE of Auburn, the Bill was referred to the Committee on Taxation, in non-concurrence and sent up for concurrence.

Bill "An Act to Change the Meaning of Household Members Regarding Protective Orders between Family Members" (H.P. 18) (L.D. 12)
 - In House, Referred to the Committee on Criminal Justice.
 - In Senate, Referred to the Committee on Judiciary in non-concurrence.
 TABLED - January 17, 1995 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Further Consideration.

Subsequently, the House voted to Recede and Concur.

TABLED AND TODAY ASSIGNED

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

JOINT ORDER - Relative to Joint Rule 28-A (H.P. 121)

- In House, Read on January 17, 1995.

TABLED - January 17, 1995 by Representative JACQUES of Waterville.

PENDING - Passage.

On motion of Representative JACQUES of Waterville,

the Joint Order (H.P. 121) was indefinitely postponed.

JOINT ORDER - Relative to Joint Rule 28-A (H.P. 122)

- In House, Read on January 17, 1995.

TABLED - January 17, 1995 by Representative JACQUES of Waterville.

PENDING - Passage.

On motion of Representative JACQUES of Waterville, the Joint Order (H.P. 122) was indefinitely postponed.

Bill "An Act to Require an Endorser's Authorization for a Candidate To Use an Endorsement" (H.P. 45) (L.D. 39) (Committee on Legal and Veterans Affairs suggested)
 TABLED - January 17, 1995 by Speaker GWADOSKY of Fairfield.

PENDING - Reference.

Subsequently, the Bill was referred to the Committee on Legal and Veterans Affairs, ordered printed and sent up for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 86)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 24, 1995, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 87)

117TH MAINE LEGISLATURE

January 17, 1995

Chairpersons

Joint Standing Committee on Natural Resources

117th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Angus S. King, Jr. has nominated Edward O. Sullivan of New York for appointment as Commissioner of the Department of Environmental Protection.

Pursuant to Title 38, MRSA Section 341-A, this nomination will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Please be advised that Governor Angus S. King, Jr. has nominated John S. Williams of Winthrop for appointment as Executive Director of the Maine Waste Management Agency.

Pursuant to Title 38, MRSA Section 2102, this nomination will require review by the Joint Standing Committee on Natural Resources and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland

President of the Senate

S/Dan A. Gwadosky

Speaker of the House

Came from the Senate, read and referred to the Committee on Natural Resources.

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

The following Communication: (S.P. 88)
117TH MAINE LEGISLATURE
January 17, 1995

Senator Dana C. Hanley
Representative George J. Kerr
Chairpersons
Joint Standing Committee on Appropriations and
Financial Affairs
117th Legislature
Augusta, Maine 04333

Dear Senator Hanley and Representative Kerr:

Please be advised that Governor Angus S. King, Jr. has nominated Janet E. Waldron of Vassalboro for appointment as Commissioner of the Department of Administrative and Financial Services.

Pursuant to Title 5, MRSA Section 281, this nomination will require review by the Joint Standing Committee on Appropriations and Financial Affairs and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House

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

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

The following Communication: (S.P. 89)
117TH MAINE LEGISLATURE
January 17, 1995

Chairpersons
Joint Standing Committee on Transportation
117th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Angus S. King, Jr. has nominated John G. Melrose of Vassalboro for appointment as Commissioner of the Department of Transportation.

Pursuant to Title 23, MRSA Section 4205, this nomination will require review by the Joint Standing Committee on Transportation and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House

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

Was read and referred to the Committee on **Transportation** in concurrence.

The following Communication: (S.P. 90)
117TH MAINE LEGISLATURE
January 17, 1995

Chairpersons
Joint Standing Committee on Human Resources
117th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Angus S. King, Jr. has nominated Melodie J. Peet of Connecticut for appointment as Commissioner of the Department of

Mental Health and Mental Retardation.

Pursuant to Title 34B, MRSA Section 1202, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Please be advised that Governor Angus S. King, Jr. has nominated Kevin W. Concannon of Oregon for appointment as Commissioner of the Department of Human Services.

Pursuant to Title 22, MRSA Section 1, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Sincerely,
S/Jeffrey H. Butland
President of the Senate
S/Dan A. Gwadosky
Speaker of the House

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

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

The following Communication: (S.P. 91)
THE MAINE SENATE
117TH LEGISLATURE
January 5, 1995

Honorable May M. Ross
Secretary of the Senate
State House Station #3
Augusta, ME 04333
Dear Madam Secretary:

This is to notify you that pursuant to our authority under Joint Rule #39, the Republican Party is appointing Kimberly Gore as partisan Staff Assistant for Gubernatorial Nominations.

Sincerely,
S/Jane A. Amero
Assistant Senate
Majority Leader

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

At this point, pursuant to House Rule #1, the Speaker announced the following appointments to the 17 Joint Standing Committees of the 117th Maine Legislature:

Agriculture, Conservation and Forestry
Representative Marge L. KilKelly, Wiscasset, Chair
Appropriations and Financial Affairs
Representative George J. Kerr, Old Orchard Beach, Chair
Banking and Insurance
Representative Marc J. Vigue, Winslow, Chair
Business and Economic Development
Representative G. Steven Rowe, Portland, Chair
Criminal Justice
Representative Herbert E. Clark, Millinocket, Chair
Education and Cultural Affairs
Representative John L. Martin, Eagle Lake, Chair
Human Resources
Representative Michael J. Fitzpatrick, Durham, Chair
Inland Fisheries and Wildlife
Representative Dorothy A. Rotondi, Madison, Chair
Judiciary

Representative Sharon Treat, Gardiner, Chair

Labor

Representative Pamela H. Hatch, Skowhegan, Chair

Legal and Veterans Affairs

Representative Guy R. Nadeau, Saco, Chair

Marine Resources

Representative Peter A. Cloutier, South Portland,
Chair

Natural Resources

Representative Richard A. Gould, Greenville, Chair

State and Local Government

Representative Beverly C. Daggett, Augusta, Chair

Taxation

Representative Susan E. Dore, Auburn, Chair

Transportation

Representative William B. O'Gara, Westbrook, Chair

Utilities and Energy

Representative Carol A. Kontos, Windham, Chair

On motion of Representative DiPIETRO of Portland,
the House adjourned at 4:40 p.m., pursuant to Joint
Order (S.P. 86) in honor of the dedicated service of
Representative James V. OLIVER of Portland.