

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
10th Legislative Day
Friday, January 27, 1995

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

Prayer by Reverend Margaret Lawson, Green Memorial A.M.E. Zion Church, Portland.

The Journal of Tuesday, January 24, 1995 was read and approved.

COMMUNICATIONS

The following Communication: (H.C. 27)
MAINE TECHNICAL COLLEGE SYSTEM

Office of the President

323 State Street

Augusta, Maine 04330

January 20, 1995

The Honorable Dan A. Gwadosky

Speaker of the House

State House Station #2

Augusta, ME 04333

Dear Speaker Gwadosky:

It is my pleasure to provide you with an advance copy of the Report on Improving Access to the Maine Technical College System. The study, which will be presented to the MTCS Board of Trustees next week, was requested by the 116th Maine Legislature, in follow-up to a 1991 report which revealed a striking gap between the demand for skilled technicians in Maine and the enrollment capacity of the Technical Colleges.

The findings and recommendations in this report are the result of a thoughtful and thorough review by a five-member study committee and address four areas of concern outlined by the 116th Maine Legislature. Specifically, those areas included a review of current and projected applicant data, technical college curriculum, equipment needs, and the locations of campuses in relation to population distribution.

In addition to addressing the concerns raised by the Legislature, the Committee found during its deliberations that the role of the MTCS in the area of economic development was a significant importance to Maine and, as such, merited consideration as well. Those findings are included in a final section of this report.

Again, I am pleased to share Improving Access to the Maine Technical College System with you. Should you have any questions or concerns, please do not hesitate to contact me. We welcome your comments.

Sincerely,

S/John Fitzsimmons

President

Was read and with accompanying report ordered placed on file.

The following Communication: (H.C. 28)
HOUSE OF REPRESENTATIVES

State House

Augusta, Maine 04333

December 9, 1994

G. William Diamond
Secretary of State
State of Maine

Station 148

Augusta, ME 04333

Dear Mr. Secretary:

Regretfully I must submit my resignation as State Representative for District 31 here in Portland. I have been offered a position with the Federal Government as Director of Peace Corps Programs in Guyana and Surinam. After much discussion with my family members, I have accepted this challenging offer.

My resignation date is January 20, 1995.

Sincerely yours,

S/James V. Oliver

State Representative

District #31

Was read and ordered placed on file.

The following Communication: (H.C. 29)

State of Maine

Office of Secretary of State

Augusta, Maine 04333

January 26, 1995

Honorable Joseph Mayo

Clerk of the House

117th Legislature

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Notification is hereby given that a vacancy exists in the representation of House District #31 due to the resignation of James V. Oliver of Portland.

The Governor has set the date of February 28, 1995 on which to hold the special election to fill the vacancy.

Sincerely,

S/Bill Diamond

Secretary of State

Was read and ordered placed on file.

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:

Agriculture, Conservation and Forestry

Bill "An Act to Require Labeling of Milk Products From Cows Treated with Recombinant Bovine Somatotropin" (H.P. 208) (L.D. 267) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representatives: AHEARNE of Madawaska, AULT of Wayne, CHARTRAND of Rockland, CHASE of China, DEXTER of Kingfield, JONES of Bar Harbor, KILKELLY of Wiscasset, MARSHALL of Eliot, SHIAH of Bowdoinham, Senators: MILLS of Somerset, PINGREE of Knox)

Bill "An Act to Require Labeling on Genetically Engineered Food" (H.P. 220) (L.D. 279) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representatives: AULT of Wayne, CHARTRAND of Rockland, CHASE of China, DEXTER of Kingfield, KILKELLY of Wiscasset, MERES of Norridgewock, SHIAH of Bowdoinham, Senators: FERGUSON of Oxford, PINGREE of Knox)

Bill "An Act to Restrict the Use of Motorboats and

Personal Watercraft on Certain Bodies of Water" (H.P. 185) (L.D. 244) (Presented by Representative TRUE of Fryeburg) (Cosponsored by Senator FERGUSON of Oxford and Representatives: BAILEY of Township 27, CROSS of Dover-Foxcroft, DRISCOLL of Calais, JOY of Crystal, KNEELAND of Easton, LIBBY of Kennebunk, McELROY of Unity, REED of Dexter, STEDMAN of Hartland, TAYLOR of Cumberland, TUFTS of Stockton Springs)

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

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

Bill "An Act to Change from 2% to 5% the Percentage of the Amount Paid to County Jails from the Government Operations Surcharge Fund" (H.P. 200) (L.D. 259) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Representatives: AHEARNE of Madawaska, BAILEY of Township 27, DRISCOLL of Calais, JONES of Bar Harbor, LAYTON of Cherryfield, O'NEAL of Limestone, PERKINS of Penobscot, POVICH of Ellsworth, THOMPSON of Naples, WHEELER of Bridgewater, Senator: CASSIDY of Washington)

Reference to the Committee on **Appropriations and Financial Affairs** suggested.

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

Banking and Insurance

Bill "An Act to Allow Banks and Credit Unions to Request the Scheduling of Joint Compliance Examinations by 2 State Regulatory Agencies" (H.P. 203) (L.D. 262) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representatives: ADAMS of Portland, BUNKER of Kossuth Township, CHASE of China, GOULD of Greenville, HEESCHEN of Wilton, ROSEBUSH of East Millinocket, Senators: PARADIS of Aroostook, PINGREE of Knox, RAND of Cumberland)

Bill "An Act to Revise the Security Deposit and Reinsurance Requirements for Individual Self-insurers" (H.P. 207) (L.D. 266) (Presented by Representative CARLETON of Wells)

Bill "An Act to Create the Competitive Workers' Compensation Fund" (H.P. 229) (L.D. 307) (Presented by Representative TUTTLE of Sanford)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Safeguard the Assets of the Competitive Workers' Compensation Fund (H.P. 224) (L.D. 302) (Presented by Representative TUTTLE of Sanford)

Business and Economic Development

Bill "An Act to Ensure Coordination of State and Municipal Business Attraction Efforts" (H.P. 195) (L.D. 254) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representatives: ADAMS of Portland, BIRNEY of Paris, BUNKER of Kossuth Township, GOULD of Greenville, HEESCHEN of Wilton, KONTOS of Windham, LIBBY of Buxton, NASS of Acton, O'NEAL of Limestone, POULIOT of Lewiston, STEVENS of Orono, VIGUE of Winslow, Senators: PARADIS of Aroostook, PINGREE of Knox)

Bill "An Act to Encourage Major Business Expansion in Maine" (EMERGENCY) (H.P. 230) (L.D. 309) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representative JACQUES of Waterville and Representatives: AHEARNE of Madawaska, BARTH of Bethel, BIRNEY of Paris, CAMERON of Rumford, CAMPBELL of Holden, CHASE of China, CHIZMAR of Lisbon, CLOUTIER of South Portland, DAGGETT of Augusta, DAVIDSON of Brunswick, DESMOND of Mapleton, DORE of Auburn, FARNUM of South Berwick, GIERINGER of Portland, GOOLEY of Farmington, GOULD of Greenville, HARTNETT of Freeport, HATCH of Skowhegan, HICHBORN of LaGrange, JOSEPH of Waterville, KERR of Old Orchard Beach, KONTOS of Windham, LEMONT of Kittery, LIBBY of Kennebunk, LINDAHL of Northport, LOOK of Jonesboro, MADORE of Augusta, MERES of Norridgewock, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, NICKERSON of Turner, O'GARA of Westbrook, PERKINS of Penobscot, POIRIER of Saco, POULIOT of Lewiston, RICHARDSON of Portland, ROTONDI of Madison, SIMONEAU of Thomaston, SIROIS of Caribou, STONE of Bangor, TAYLOR of Cumberland, TUFTS of Stockton Springs, TUTTLE of Sanford, TYLER of Windham, VIGUE of Winslow, WINN of Glenburn, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, BUTLAND of Cumberland, CAREY of Kennebec, CIANCHETTE of Somerset, GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, KIEFFER of Aroostook, LAWRENCE of York, PARADIS of Aroostook)

Reference to the Committee on **Business and Economic Development** suggested.

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

Criminal Justice

Bill "An Act to Require That a Person Convicted of More Than One Crime Serve Each Sentence Consecutively" (H.P. 219) (L.D. 278) (Presented by Representative OTT of York) (Cosponsored by Senator HANLEY of Oxford)

Education and Cultural Affairs

Bill "An Act to Permit Law Enforcement Officers to Transport Truants Back to School" (H.P. 204) (L.D. 263) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: AULT of Wayne, CAMERON of Rumford, CAMPBELL of Holden, DiPIETRO of South Portland, MARSHALL of Eliot, SIMONEAU of Thomaston, VIGUE of Winslow, Senator: LAWRENCE of York)

Bill "An Act to Suspend Driver's Licenses of Students under the Age of 18 Who Drop Out of High School" (H.P. 218) (L.D. 277) (Presented by Representative JOYNER of Hollis) (Cosponsored by Representatives: AHEARNE of Madawaska, AULT of Wayne, BUCK of Yarmouth, CARLETON of Wells, JOY of Crystal, MAYO of Bath, McALEVEY of Waterboro, NASS of Acton, REED of Falmouth, SIMONEAU of Thomaston, TUFTS of Stockton Springs, Senator: BUTLAND of Cumberland)

Bill "An Act to Clarify the Approval Procedures for Semiprofessional Personnel in Schools" (H.P. 222) (L.D. 300) (Presented by Representative LEMAIRE of Lewiston) (Cosponsored by Representatives: BRENNAN of Portland, DORE of Auburn, ETNIER of Harpswell, GREEN of Monmouth, JONES of Bar Harbor, O'NEAL of

Limestone, SAMSON of Jay, SAXL of Bangor, VOLENIK of Sedgwick)

Bill "An Act to Amend the Law Regarding the Use of Competitive Bidding by a School Board to Purchase Insurance" (H.P. 201) (L.D. 260) (Presented by Representative TOWNSEND of Portland) (Cosponsored by Representatives: CHASE of China, GATES of Rockport, GIERINGER of Portland, Senator: AMERO of Cumberland)

Reference to the Committee on Education and Cultural Affairs suggested.

On motion of Representative CLOUTIER of South Portland, the Bill was tabled pending reference and later today assigned.

Human Resources

Bill "An Act to Ensure Children's Protection against Rabies by Requiring Proof of Rabies Vaccinations of Pets at Day Care Centers" (H.P. 186) (L.D. 245) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: JOYNER of Hollis, LIBBY of Kennebunk, MARVIN of Cape Elizabeth, PEAVEY of Woolwich, ROBICHAUD of Caribou, TAYLOR of Cumberland, TRUE of Fryeburg, Senators: CARPENTER of York, HALL of Piscataquis, HARRIMAN of Cumberland, RAND of Cumberland)

Bill "An Act to Authorize Municipalities to Prohibit Smoking in Buildings Used by Minors under 18 Years of Age" (H.P. 191) (L.D. 250) (Presented by Representative PINKHAM of Lamoine) (Cosponsored by Representatives: KEANE of Old Town, RICE of South Bristol, VOLENIK of Sedgwick, Senator: GOLDTHWAIT of Hancock)

Bill "An Act Requiring Medicaid Recipients to Have Primary Care Physicians" (H.P. 192) (L.D. 251) (Presented by Representative BIRNEY of Paris) (Cosponsored by Representatives: AIKMAN of Poland, CAMPBELL of Holden, CARLETON of Wells, DIPIETRO of South Portland, DONNELLY of Presque Isle, FARNUM of South Berwick, GOULD of Greenville, GREENLAW of Standish, HARTNETT of Freeport, JACQUES of Waterville, JOY of Crystal, LEMONT of Kittery, MURPHY of Berwick, OTT of York, REED of Falmouth, RICKER of Lewiston, ROBICHAUD of Caribou, TAYLOR of Cumberland, UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton, WINSOR of Norway, Senators: ABROMSON of Cumberland, CARPENTER of York, FERGUSON of Oxford, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland, KIEFFER of Aroostook)

Bill "An Act to Create a Learnfare Program in the State" (H.P. 209) (L.D. 268) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: CAMERON of Rumford, CAMPBELL of Holden, LIBBY of Buxton, MARSHALL of Eliot, NASS of Acton, ROBICHAUD of Caribou, WINSOR of Norway)

Bill "An Act to Establish an Electronic Benefit Delivery Program for Aid to Families with Dependent Children, Food Stamp, Women, Infants and Children Special Supplemental Food and Medicaid Programs" (H.P. 212) (L.D. 271) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: BARTH of Bethel, BRENNAN of Portland, CHIZMAR of Lisbon, FITZPATRICK of Durham, JOHNSON of South Portland, KEANE of Old Town, POVICH of Ellsworth, TUTTLE of Sanford, WINN of Glenburn, Senators: CARPENTER of York, ESTY of Cumberland, O'DEA of Penobscot)

Bill "An Act to Implement an Electronic Benefit

Delivery Program for Benefits Provided by the Department of Mental Health and Mental Retardation" (H.P. 213) (L.D. 272) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: BARTH of Bethel, BRENNAN of Portland, CHIZMAR of Lisbon, CLARK of Millinocket, FITZPATRICK of Durham, JOHNSON of South Portland, KEANE of Old Town, MURPHY of Berwick, POVICH of Ellsworth, RICHARDSON of Portland, TUTTLE of Sanford, VIGUE of Winslow, WINN of Glenburn, Senators: CARPENTER of York, ESTY of Cumberland, O'DEA of Penobscot)

Bill "An Act to Require the Department of Human Services to Pursue Federal Waivers Concerning Medicaid Eligibility" (H.P. 225) (L.D. 303) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Senator HANLEY of Oxford and Representatives: JOSEPH of Waterville, MORRISON of Bangor)

Judiciary

Bill "An Act to Exempt Rifle and Pistol Ranges from Noise Ordinances" (H.P. 202) (L.D. 261) (Presented by Representative TUTTLE of Sanford) (Cosponsored by Representatives: CLARK of Millinocket, JACQUES of Waterville, KEANE of Old Town, ROSEBUSH of East Millinocket, ROTONDI of Madison, TUFTS of Stockton Springs, UNDERWOOD of Oxford)

Bill "An Act to Ensure Proper Responsibility for Child Support" (H.P. 205) (L.D. 264) (Presented by Representative LANE of Enfield) (Cosponsored by Representatives: CHICK of Lebanon, FARNUM of South Berwick, GIERINGER of Portland, GUERRETTE of Pittston, HARTNETT of Freeport, JOY of Crystal, LUMBRA of Bangor, RICE of South Bristol, TUFTS of Stockton Springs, UNDERWOOD of Oxford)

Bill "An Act to Adopt the English Rule with Exceptions and Limitations" (H.P. 217) (L.D. 276) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representatives: CAMPBELL of Holden, POVICH of Ellsworth)

Labor

Bill "An Act to Provide a Cost-of-Living Adjustment to Minimum Wage Earners" (H.P. 206) (L.D. 265) (Presented by Representative SHIAH of Bowdoinham) (Cosponsored by Representatives: ADAMS of Portland, GATES of Rockport, GOULD of Greenville, GREEN of Monmouth, HATCH of Skowhegan, JONES of Bar Harbor, JOSEPH of Waterville, LUTHER of Mexico, RICHARDSON of Portland, SAMSON of Jay, STEVENS of Orono, TOWNSEND of Portland, TREAT of Gardiner, TUTTLE of Sanford, VOLENIK of Sedgwick, WATSON of Farmingdale, Senators: PARADIS of Aroostook, RAND of Cumberland)

Bill "An Act Regarding the Testing of Public Employees for Drugs" (H.P. 223) (L.D. 301) (Presented by Representative CHASE of China) (Cosponsored by Senator: BUSTIN of Kennebec)

Bill "An Act Concerning the Offset of Workers' Compensation Benefits by Social Security Benefits" (H.P. 226) (L.D. 304) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Senator: BUSTIN of Kennebec)

Bill "An Act to Change the Retirement Provisions of Department of Corrections Personnel" (H.P. 228) (L.D. 306) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Representative: KONTOS of Windham, Senator: BUSTIN of Kennebec)

Legal and Veterans Affairs

Bill "An Act to Clarify the Statutory Prohibition of the Collection of More Than 2 Months of Rent in Advance" (H.P. 196) (L.D. 255) (Presented by Representative STEVENS of Orono) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, HEESCHEN of Wilton, SHIAH of Bowdoinham, TREAT of Gardiner, Senator: O'DEA of Penobscot)

Bill "An Act to Give Qualifying Status to Certain New Political Parties for 4 Years" (H.P. 198) (L.D. 257) (Presented by Representative PERKINS of Penobscot) (By Request) (Cosponsored by Representative: GERRY of Auburn)

Marine Resources

Bill "An Act Concerning Municipal Shellfish Conservation Program Penalties" (H.P. 194) (L.D. 253) (Presented by Representative DAVIDSON of Brunswick) (Cosponsored by Representatives: BENEDIKT of Brunswick, ETNIER of Harpswell, FITZPATRICK of Durham, HARTNETT of Freeport, VOLENIK of Sedgwick)

Bill "An Act to Change the State's Air Quality Standard for Ozone to the Federal Standard" (H.P. 199) (L.D. 258) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: AIKMAN of Poland, CAMERON of Rumford, DEXTER of Kingfield, DRISCOLL of Calais, LAYTON of Cherryfield, LEMONT of Kittery, LIBBY of Kennebunk, LOOK of Jonesboro, REED of Dexter, TRUE of Fryeburg, TUFTS of Stockton Springs, Senators: CASSIDY of Washington, LORD of York, STEVENS of Androscoggin)

Reference to the Committee on **Natural Resources** suggested.

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

Bill "An Act to Regulate Nonsewered Toilet Systems" (H.P. 214) (L.D. 273) (Presented by Representative LIBBY of Kennebunk) (Cosponsored by Representatives: AIKMAN of Poland, DEXTER of Kingfield, NICKERSON of Turner, TUTTLE of Sanford)

Reference to the Committee on **Natural Resources** suggested.

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

State and Local Government

Bill "An Act to Require Legislators to Pay a Portion of Their Health and Dental Insurance Premiums" (H.P. 187) (L.D. 246) (Presented by Representative McELROY of Unity)

Bill "An Act to Ensure Full Agency Review of Municipal Impacts Caused by Agency Actions" (H.P. 188) (L.D. 247) (Presented by Representative KONTOS of Windham) (Cosponsored by Representatives: ROBICHAUD of Caribou, SAXL of Bangor, Senator: PARADIS of Aroostook)

Bill "An Act to Annex Fortunes Rocks and Granite Point to the Town of Kennebunkport" (H.P. 221) (L.D. 280) (Presented by Representative JOYCE of

Biddeford) (Cosponsored by Representatives: BUCK of Yarmouth, JOYNER of Hollis, LIBBY of Buxton)

Resolve, to Create the Commission to Establish Job Criteria and Qualification Requirements for Certain State Officers (H.P. 211) (L.D. 270) (Presented by Representative JOYNER of Hollis) (Cosponsored by Representatives: BUCK of Yarmouth, DAVIDSON of Brunswick, GUERRETTE of Pittston, JOYCE of Biddeford, LIBBY of Buxton)

Resolve, Creating the New England Regional Commission on Fiscal and Public Policy (H.P. 216) (L.D. 275) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representatives: DORE of Auburn, ETNIER of Harpswell, GREEN of Monmouth, HATCH of Skowhegan, MARTIN of Eagle Lake, MURPHY of Berwick, POVICH of Ellsworth, SHIAH of Bowdoinham, TRUMAN of Biddeford)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing Maine Citizens to Propose Constitutional Amendments by Initiative (H.P. 227) (L.D. 305) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representatives: AHEARNE of Madawaska, GERRY of Auburn)

Taxation

Bill "An Act to Exempt Lobster Traps, Fishing Nets and Lobster Cars from the Personal Property Tax" (H.P. 190) (L.D. 249) (Presented by Representative PINKHAM of Lamoine) (Cosponsored by Representatives: KEANE of Old Town, LINDAHL of Northport, PENDLETON of Scarborough, PERKINS of Penobscot, POVICH of Ellsworth, RICE of South Bristol, VOLENIK of Sedgwick, Senator: GOLDTHWAIT of Hancock)

Bill "An Act to Increase the Revenue from Off-track Betting" (H.P. 210) (L.D. 269) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representatives: GREEN of Monmouth, HATCH of Skowhegan)

Bill "An Act to Allow for Regional Local Option Taxing Districts" (H.P. 215) (L.D. 274) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representatives: BRENNAN of Portland, KILKELLY of Wiscasset, MORRISON of Bangor, SHIAH of Bowdoinham, WATSON of Farmingdale)

Resolve, Authorizing the Transfer of a Certain Parcel of Land Known as Kole Kill Island in West Grand Lake upon Payment of Back Taxes (H.P. 197) (L.D. 256) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representative: BUNKER of Kossuth Township, Senator: CASSIDY of Washington)

Transportation

Bill "An Act to Permit Greenhouses To Have Temporary Road Signs" (H.P. 193) (L.D. 252) (Presented by Representative PERKINS of Penobscot) (By Request) (Cosponsored by Representatives: BUCK of Yarmouth, GOULD of Greenville)

Bill "An Act to Amend the Law Regarding the Administrative Suspension of a Driver's License for Operating under the Influence" (H.P. 189) (L.D. 248) (Presented by Representative THOMPSON of Naples) (Cosponsored by Representative: GATES of Rockport, Senator: HANLEY of Oxford)

Reference to the Committee on **Transportation** suggested.

On motion of Representative O'GARA of Westbrook,

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 24, 1995 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 Require Indirect Economic Analysis of Tax Expenditures" (H.P. 78) (L.D. 114)

- In House, Referred to the Committee on Taxation.

- In Senate, Referred to the Committee on Appropriations and Financial Affairs.

TABLED - January 24, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

On motion of Representative DORE of Auburn, the House voted to Recede and Concur.

TABLED AND TODAY ASSIGNED

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

HOUSE ORDER - Relative to amending House Rule 6 (H.O. 6)

- In House, Read on January 24, 1995.

TABLED - January 24, 1995 by Representative JACQUES of Waterville.

(Pursuant to House Rule #54)

PENDING - Passage. (2/3 Vote Required)

At this point, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I had forgotten how good it felt to speak from this corner -- but it doesn't feel that good Representative Jacques.

I have offered the proposed change to this particular House Rule for a very important reason. The Order that I have submitted (which will require a two thirds vote) is designed to change the organization of the House Standing Committees in the House that we currently adopted from seven members to eight members.

This will ensure that the committees are evenly split between the two parties of the House, reflecting what I believe (obviously, as we all know) the more current composition of the House in and of itself. This is an item that for whatever reason has been (over the years) thought of as being a partisan split and for the life of me I can't understand the reason for that to be the case.

These are not Joint Standing Committees, these are committees of the House as the Senate has its own committees. My perspective is that these should be evenly split between the parties. This amendment will ensure that by going from seven to eight members

on each of these committees we will be in a position then to assign an equal proportion of representation of both house democrats and republicans on each particular committee.

It also does one other thing. It changes the name of the committee on elections. We currently have a House Committee on Elections. This amendment would also change that to become the House Committee on Ethics and Elections to more accurately reflect the types of scenarios and situations that we could refer to a committee should they ever rise during the course of our session.

So, it is a technical amendment but it is an important message and I think it sends an important signal that we are going to try to achieve a balance on the committees of jurisdiction, particularly those that we are dealing with on House committees. And, particularly on a committee as important as the House Committee on Ethics and Elections that will change the name to reflect the types of scenarios that could be confronted to deal with but will also ensure that there will be an equal proportional balance of Democrats and Republicans on that particular committee to ensure that any recommendation that they make is one that has been made from a balanced, thoughtful, discussion before the House is in a position to make any final position on that.

So, I hope and encourage you to support the change.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is passage of the House Order (H.O. 6). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

131 having voted in the affirmative and 0 in the negative, a two-thirds vote being necessary, the House Order (H.O. 6) was passed and sent up for concurrence.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

HOUSE ORDER - Relative to amending House Rule 49 (H.O. 7)

- In House, Read on January 24, 1995.

TABLED - January 24, 1995 by Representative JACQUES of Waterville.

(Pursuant to House Rule #54)

PENDING - Passage. (2/3 Vote Required)

On motion of Representative JACQUES of Waterville, the House Order (H.O. 7) was tabled pending passage and specially assigned for Tuesday, January 31, 1995.

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

Bill "An Act to Change from 2% to 5% the Percentage of the Amount Paid to County Jails from the Government Operations Surcharge Fund" (H.P. 200) (L.D. 259) which was tabled by Representative JACQUES of Waterville pending reference.

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

By unanimous consent, all matters having been

acted upon were ordered sent forthwith.

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

SENATE PAPERS

The following Joint Order: (S.P. 111)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 31, 1995, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

Bill "An Act to Amend the Law Regarding the Use of Competitive Bidding by a School Board to Purchase Insurance" (H.P. 201) (L.D. 260) which was tabled by Representative CLOUTIER of South Portland pending reference.

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

By unanimous consent, L.D. 259 and L.D. 260, having been acted upon were ordered sent forthwith.

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

Bill "An Act to Regulate Nonsewered Toilet Systems" (H.P. 214) (L.D. 273) which was tabled by Representative GOULD of Greenville pending reference.

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

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for Construction of Wastewater Treatment Facilities" (S.P. 112) (L.D. 287)

Bill "An Act to Restore Funding to the Department of Conservation that was Deappropriated Due to Loon Plate Revenue" (S.P. 120) (L.D. 295)

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

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

Bill "An Act to Repeal the Prohibition on Prejudgment Attachments in Consumer Credit Cases" (S.P. 124) (L.D. 299)

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

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

Bill "An Act to Increase the Number of Primary Care Practitioners in the State" (S.P. 119) (L.D. 294)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **Appropriations and Financial Affairs**.)

On motion of Representative MARTIN of Eagle Lake, the Bill was tabled pending reference in concurrence and specially assigned for Tuesday, January 31, 1995.

Bill "An Act Concerning Placement of Modular Homes" (S.P. 109) (L.D. 285)

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

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

Bill "An Act Concerning the Degree-granting Authority of Beal Business School" (S.P. 115) (L.D. 290)

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

Was referred to the Committee on **Education and Cultural Affairs** in concurrence.

Bill "An Act to Reduce from 5 to 2 the Number of Ice-fishing Lines That May Be Fished by One Person" (S.P. 105) (L.D. 281)

Came from the Senate, referred to the Committee on **Inland Fisheries and Wildlife** and Ordered Printed.

Was referred to the Committee on **Inland Fisheries and Wildlife** in concurrence.

Bill "An Act to Extend the Return Period for Judgment Executions" (S.P. 123) (L.D. 298)

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

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

Bill "An Act to Continue the Health Occupations Training Project" (S.P. 106) (L.D. 282)

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

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

Bill "An Act to Clarify the Status of Certain Gifts to Legislators under the Governmental Ethics Laws" (S.P. 114) (L.D. 289)

Bill "An Act to Limit Contributions from a Political Action Committee to \$1,000 in Any Election" (S.P. 118) (L.D. 293)

Came from the Senate, referred to the Committee on **Legal and Veterans Affairs** and Ordered Printed.

Were referred to the Committee on **Legal and Veterans Affairs** in concurrence.

Bill "An Act Preventing the Increase of Any Processing or Permitting Fees in the Department of Environmental Protection" (EMERGENCY) (S.P. 113) (L.D. 288)

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

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

Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil" (S.P. 117) (L.D. 292)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives (S.P. 122) (L.D. 297)

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

Were referred to the Committee on **State and Local Government** in concurrence.

Bill "An Act to Improve the Administration of Personal Property Tax Assessing" (S.P. 121) (L.D. 296)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Local Tax Assessors to Assess Land at Current Use Value (S.P. 110) (L.D. 286)

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

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

Bill "An Act to Prohibit the Operation of Trucks Over 50,000 Pounds During Inclement Weather" (S.P. 116) (L.D. 291)

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

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

Bill "An Act Relating to the Joint Use of Equipment" (S.P. 107) (L.D. 283)

Bill "An Act Amending the Charter of the Department of Electric Works within the Town of Madison" (EMERGENCY) (S.P. 108) (L.D. 284)

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

Were referred to the Committee on **Utilities and Energy** in concurrence.

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

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

Bill "An Act to Encourage Major Business Expansion in Maine" (EMERGENCY) (H.P. 230) (L.D. 309) which was tabled by Representative ROWE of Portland pending reference.

Under suspension of the rules and without reference to a Committee the Bill was read twice.

Representative KERR of Old Orchard Beach presented House Amendment "A" (H-8) which was read by the Clerk and adopted.

Representative ROWE of Portland presented House Amendment "B" (H-9) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendments "A" (H-8) and "B" (H-9) and sent up for concurrence. Ordered sent forthwith.

On motion of Representative BUNKER of Kossuth Township, the House adjourned at 12:48 p.m., pursuant to the Joint Order (S.P. 111).