

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
24th Legislative Day
Tuesday, March 21, 1995

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

Prayer by Reverend Frederick Lipp, First Parish Unitarian/Universalist Church, Portland.

Colors presented by the First Maine Heavy Artillery, Portland.

National Anthem by the Mary Snow School Show Choir, Bangor.

Representative Adams of Portland was granted unanimous consent to address the House.

Representative ADAMS: Mr. Speaker, Men and Women of the House: In honor of our 175th Anniversary, here are the words of Governor Joshua Chamberlain, who spoke to the predecessor of our body and the predecessor of our chamber on the 50th Anniversary of Maine statehood in the year 1870, the last year of his last term as Governor. "Gentlemen, we have reached the 50th year of our existence as a state...all the obscure trial and toil that have intervened" will "wrought for the times that are to come....The gates of Destiny are opened, and" our state "enters upon" our "proud career. Our work may be obscure and the rewards far off; but both will live."

"We may be 'building better than we know.'...We pass and are forgotten; but amidst the silent or tumultuous years our good deeds are working free from the taint of our imperfections, and stand solid and shining in the perfect day. God deals with men" and with states "as melter of metals...Men forget, but He does not. In the fullness of time the forge is open and lo, on one side is the dull earth, on the other is the glittering ore. Surely, He" as we "sits as a refiner of silver."

"He who thinks of these things will be humble, but will not be idle; truthful but not spiritless; reverential but not afraid...It matters little what becomes of us, if we so conduct our" own "great concerns that those who come after us are thereby made wiser and better than we. It matters little that our poor toil seems buried in the dust, if so it shall be that it will spring up again to bless all the coming times. The way of Providence seem slow to our brief lives, but they are swift in the centuries of God."

"Given under my hand this day at Augusta, January of 1870, Joshua L. Chamberlain, Governor of Maine."

The Journal of Tuesday, March 14, 1995 was read and approved.

COMMUNICATIONS

The following Communication: (H.C. 66)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002
March 14, 1995

Hon. Joseph W. Mayo
Clerk of the House

State House Station 2
Augusta, Maine 04333
Dear Clerk Mayo:

Pursuant to my authority under House Rule 1, I have made the following changes in appointments to the Joint Standing Committees of the 117th Maine Legislature:

I appointed Representative Kyle W. Jones of Bar Harbor to the Joint Standing Committee on Human Resources, replacing Representative Mitchell of Vassalboro.

I appointed Representative Elizabeth H. Mitchell of Vassalboro to fill one of the vacancies on the Joint Standing Committee on Banking and Insurance.

I appointed Representative Michael V. Saxl of Portland to fill the other vacancy on the Joint Standing Committee on Banking and Insurance.

Sincerely,
S/Dan A. Gwadosky
Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.C. 67)
DEPARTMENT of ECONOMIC AND COMMUNITY DEVELOPMENT
33 Stone Street
State House Station 59
Augusta, Maine 04333

March 15, 1995

Senator Jeffrey H. Butland, President, Maine Senate
Representative Dan A. Gwadosky, Speaker,
Maine House of Representatives

State House Station 2
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

It is my pleasure to submit, in accordance with Title 5 MRSA §13058, the Biennial Report of the Department of Economic & Community Development.

I believe that economic and community development issues continue to be of critical importance to improving the health of Maine's economy and the well being of its citizens. The enclosed report outlines the major programs and activities carried out by this Department over the past two years to provide support to business and communities throughout the state.

In the interest of minimizing costs, I have enclosed sufficient copies of the report for you to distribute to leadership. Copies have already been provided directly to the members of the Joint Standing Committee on Business and Economic Development. Additional copies are available on request for any other members of the Legislature or general public.

Sincerely,
S/Michael W. Aube
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication: (H.C. 68)
MAINE CRIMINAL JUSTICE ACADEMY
Department of Public Safety
93 Silver Street Waterville, Maine 04901
March 13, 1995

Joseph W. Mayo
Clerk of the House
State House Station #2
Augusta, ME 04333

Dear Clerk Mayo,

Please find enclosed a copy of the application and strategy submitted to the Bureau of Justice Assistance for funding of the FY95 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligations in this area.

Sincerely,
S/ALFRED SKOLFIELD
Commissioner

Was read and with accompanying papers referred to the Committee on **Appropriations and Financial Affairs**.

The following Communication: (H.C. 69)

STATE OF MAINE
DEPARTMENT OF AGRICULTURE
FOOD AND RURAL RESOURCES
State House Station 28
Augusta, Maine 04333-0028

March 9, 1995

Members, Maine State Legislature

House of Representatives

State House Station #2

Augusta, ME 04333

Dear Members:

Enclosed for your review is the Annual Report of the Maine Harness Racing Commission. Harness racing in Maine is growing fast due to the advent of off-track betting and due to the efforts of the Harness Racing Promotional Board. The Promotional Board has developed calendars highlighting the racing program in Maine, a copy of which is also enclosed by the courtesy of the members of the Promotional Board.

The total amount of money wagered on harness racing in Maine in 1994 more than doubled — to almost \$60 million — and the harness horsemen report an increase in their membership and in the overall interest in owning and breeding race horses in Maine. We have the good work of the Maine Legislature, the Promotional Board, the industry and the Off-track Betting and Sire Stakes programs to thank for this upturn. We are beginning to realize our goal of returning harness racing to its original place of importance in Maine's culture and economy.

Should you have any questions or require assistance with any material contained in the report please let me know.

Sincerely yours,
S/Philip M. Tarr
Chairman

Was read and with accompanying report referred to the Committee on **Legal and Veterans Affairs**.

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 Amend the Sheltering Requirements for Dogs and to Provide Funding for the Spaying and Neutering of Cats and Dogs" (H.P. 684) (L.D. 935) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representatives: BIGL of Bucksport, CAMERON of Rumford, JOY of Crystal, LABRECQUE of Gorham, MURPHY of Berwick, PENDLETON of Scarborough, PINKHAM of Lamoine, RICE of South Bristol, Senators: BEGLEY of Lincoln, LORD of York)

Bill "An Act to Clarify the Board of Pesticides Control Authority Regarding Restricted Use Pesticides and Groundwater Contamination" (H.P. 690) (L.D. 941) (Presented by Representative SHIAH of Bowdoinham) (Cosponsored by Representatives: CHARTRAND of Rockland, HEESCHEN of Wilton, JONES of Bar Harbor, SAMSON of Jay, VOLENIK of Sedgwick, Senators: BUSTIN of Kennebec, PINGREE of Knox)

Resolve, to Require the Department of Agriculture, Food and Rural Resources to Establish a Revolving Loan Fund to Increase Agricultural Growth in the State (H.P. 653) (L.D. 876) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representatives: BIGL of Bucksport, CAMERON of Rumford, JOY of Crystal, MARSHALL of Eliot, MARTIN of Eagle Lake, MURPHY of Berwick, SPEAR of Nobleboro, Senators: GOLDTHWAIT of Hancock, LORD of York)

Bill "An Act to Establish a Spaying and Neutering Program for Domestic Pets" (H.P. 665) (L.D. 888) (Presented by Representative PERKINS of Penobscot) (By Request)

The Committee on **Agriculture, Conservation and Forestry** was suggested.

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

Appropriations and Financial Affairs

Bill "An Act to Prohibit the Use of Unappropriated Surplus Funds to Balance the Budget" (H.P. 681) (L.D. 932) (Presented by Representative REED of Falmouth)

Bill "An Act to Provide for the Timely Passage of the State Budget" (H.P. 687) (L.D. 938) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representatives: CAMERON of Rumford, CAMPBELL of Holden, DIPIETRO of South Portland, JOSEPH of Waterville, KERR of Old Orchard Beach, MURPHY of Berwick, POULIOT of Lewiston, SIMONEAU of Thomaston, STROUT of Corinth, TOWNSEND of Portland, Senators: HARRIMAN of Cumberland, MICHAUD of Penobscot)

Banking and Insurance

Bill "An Act to Encourage Job Creation by Exempting Small Businesses from the Current Workers' Compensation System" (H.P. 664) (L.D. 887) (Presented by Representative WATERHOUSE of Bridgton) (Cosponsored by Representatives: AULT of Wayne, BIRNEY of Paris, DEXTER of Kingfield, DONNELLY of Presque Isle, HARTNETT of Freeport, JOY of Crystal, JOYNER of Hollis, LANE of Enfield, LOOK of Jonesboro, LUMBRA of Bangor, RICE of South Bristol, SAVAGE of Union, SIMONEAU of Thomaston, VIGUE of Winslow, WINSOR of Norway)

Education and Cultural Affairs

Bill "An Act to Establish Tuition Rates for the Unorganized Territory Schools Based on a State Average" (H.P. 651) (L.D. 874) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BUNKER of Kossuth Township, LOOK of Jonesboro, Senator: CASSIDY of Washington)

Bill "An Act Concerning Referendum Reform for School Budgets" (H.P. 657) (L.D. 880) (Presented by Representative REED of Dexter) (Cosponsored by Senator HALL of Piscataquis and Representatives: BAILEY of Township 27, CAMERON of Rumford, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DEXTER of Kingfield, GOULD of Greenville, KNEELAND of Easton, LANE of Enfield, LEMONT of Kittery, LUMBRA of Bangor, MARSHALL of Eliot, MAYO of Bath, McALEVEY of Waterboro, McELROY of Unity, NADEAU of Saco, ROTONDI of Madison, TUFTS of Stockton Springs, VIGUE of Winslow, Senators: AMERO of Cumberland, BENOIT of Franklin, FERGUSON of Oxford, HARRIMAN of Cumberland, KIEFFER of Aroostook)

Bill "An Act to Amend the Education Funding Formula" (H.P. 658) (L.D. 881) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: CLOUTIER of South Portland, DAGGETT of Augusta, FITZPATRICK of Durham, JOHNSON of South Portland, JONES of Bar Harbor, LIBBY of Buxton, MITCHELL of Vassalboro, O'GARA of Westbrook, RICHARDSON of Portland, ROWE of Portland, WATSON of Farmingdale, Senators: ABROMSON of Cumberland, CLEVELAND of Androscoggin)

Bill "An Act to Create an Honorary Position of Maine State Poet Laureate" (H.P. 692) (L.D. 943) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: AHEARNE of Madawaska, CAMERON of Rumford, CLOUTIER of South Portland, DAGGETT of Augusta, GREEN of Monmouth, JONES of Bar Harbor, JOSEPH of Waterville, KILKELLY of Wiscasset, MORRISON of Bangor, TOWNSEND of Portland, TRUE of Fryeburg, Senator: PARADIS of Aroostook)

Resolve, to Develop a Voluntary Firearm Safety Program for Use in Schools in the State (H.P. 655) (L.D. 878) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: BAILEY of Township 27, CAMERON of Rumford, CHICK of Lebanon, DAMREN of Belgrade, DEXTER of Kingfield, FARNUM of South Berwick, FISHER of Brewer, GOULD of Greenville, HATCH of Skowhegan, JONES of Pittsfield, KEANE of Old Town, LANE of Enfield, LEMONT of Kittery, LUMBRA of Bangor, LUTHER of Mexico, MARSHALL of Eliot, MARTIN of Eagle Lake, MURPHY of Berwick, ROTONDI of Madison, STEDMAN of Hartland, UNDERWOOD of Oxford, VIGUE of Winslow)

Bill "An Act Concerning a Moment of Silence in Maine Public Schools" (H.P. 656) (L.D. 879) (Presented by Representative POULIOT of Lewiston) (Cosponsored by Representatives: AHEARNE of Madawaska, BAILEY of Township 27, BENEDIKT of Brunswick, BIRNEY of Paris, BOUFFARD of Lewiston, BUCK of Yarmouth, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DESMOND of Mapleton, DEXTER of Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, DRISCOLL of Calais, DUNN of Gray, GOULD of Greenville, GREENLAW of Standish, GUERRETTE of Pittston, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of LaGrange,

JACQUES of Waterville, JONES of Pittsfield, JOY of Crystal, KEANE of Old Town, KERR of Old Orchard Beach, KNEELAND of Easton, LAYTON of Cherryfield, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Kennebunk, LIBBY of Buxton, LINDAHL of Northport, LOOK of Jonesboro, LOVETT of Scarborough, LUMBRA of Bangor, MARSHALL of Eliot, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, NICKERSON of Turner, PLOWMAN of Hampden, REED of Falmouth, REED of Dexter, RICKER of Lewiston, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, SAMSON of Jay, SIMONEAU of Thomaston, SIROIS of Caribou, SPEAR of Nobleboro, STEDMAN of Hartland, STROUT of Corinth, TRUE of Fryeburg, TRUMAN of Biddeford, TUTTLE of Sanford, UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton, WHEELER of Bridgewater, WINGLASS of Auburn, WINN of Glenburn, WINSOR of Norway, YACKOBITZ of Hermon, Senators: BENOIT of Franklin, BERUBE of Androscoggin, CAREY of Kennebec, CIANCHETTE of Somerset, HANLEY of Oxford, LORD of York, MICHAUD of Penobscot, PARADIS of Aroostook, STEVENS of Androscoggin)

Reference to the Committee on Education and Cultural Affairs was 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 Exempt the Charles A. Dean Memorial Hospital and Nursing Home from the Regulation of the Maine Health Care Finance Commission" (H.P. 635) (L.D. 858) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: DEXTER of Kingfield, POULIN of Oakland, Senators: HALL of Piscataquis, LORD of York, RUHLIN of Penobscot)

Bill "An Act to Improve the Well-being of Communities by Providing Adequate Services for Victims of Sexual Assault, Incest, Rape and Child Sexual Abuse and Enhance Community Education and Prevention Programs Statewide" (H.P. 640) (L.D. 863) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Senator AMERO of Cumberland and Representatives: ADAMS of Portland, AULT of Wayne, CLARK of Millinocket, DAVIDSON of Brunswick, ETNIER of Harpswell, FITZPATRICK of Durham, JOHNSON of South Portland, JOSEPH of Waterville, JOY of Crystal, McALEVEY of Waterboro, PLOWMAN of Hampden, SAXL of Bangor, TOWNSEND of Portland, TREAT of Gardiner, WATSON of Farmingdale, WHEELER of Bridgewater, Senators: BENOIT of Franklin, CARPENTER of York, FAIRCLOTH of Penobscot, MILLS of Somerset, PARADIS of Aroostook, PINGREE of Knox)

Bill "An Act to Legalize the Use of Marijuana for Medical Purposes" (H.P. 678) (L.D. 929) (Presented by Representative ROTONDI of Madison) (Cosponsored by Representatives: ADAMS of Portland, BRENNAN of Portland, FITZPATRICK of Durham, HEESCHEN of Wilton, JONES of Bar Harbor, MITCHELL of Vassalboro, Senators: CLEVELAND of Androscoggin, O'DEA of Penobscot)

Resolve, to Create a Task Force to Review the State's Involuntary Commitment Law (H.P. 662) (L.D. 885) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Senator: PENDEXTER of Cumberland)

Inland Fisheries and Wildlife

Bill "An Act to Amend the Deer Limits and Licensing Fees for Bow Hunting" (H.P. 642) (L.D. 865)

(Presented by Representative LEMONT of Kittery) (Cosponsored by Representative TUTTLE of Sanford and Representatives: AULT of Wayne, CAMPBELL of Holden, CHIZMAR of Lisbon, FARNUM of South Berwick, JONES of Pittsfield, KILKELLY of Wiscasset, OTT of York, ROTONDI of Madison, WINGLASS of Auburn)

Bill "An Act to Allow Hunting on the First Sunday after the First Saturday of Hunting Season" (H.P. 649) (L.D. 872) (Presented by Representative CAMERON of Rumford)

Bill "An Act to Ensure Equitable Participation in Special Deer Hunting Seasons" (H.P. 661) (L.D. 884) (Presented by Representative REED of Falmouth)

Bill "An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Establish the Number of Moose Hunting Permits Issued" (H.P. 674) (L.D. 925) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Representative CLARK of Millinocket and Representatives: BAILEY of Township 27, BARTH of Bethel, CAMPBELL of Holden, CHICK of Lebanon, CROSS of Dover-Foxcroft, DAMREN of Belgrade, GUERRETTE of Pittston, JOYNER of Hollis, LAYTON of Cherryfield, LEMONT of Kittery, LINDAHL of Northport, MAYO of Bath, McELROY of Unity, NASS of Acton, PERKINS of Penobscot, REED of Dexter, ROBICHAUD of Caribou, TRIPP of Topsham, TUFTS of Stockton Springs, UNDERWOOD of Oxford, WATERHOUSE of Bridgton, Senators: CASSIDY of Washington, PARADIS of Aroostook)

Labor

Bill "An Act to Amend the Substance Abuse Testing Law" (H.P. 645) (L.D. 868) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BUNKER of Kossuth Township, LOOK of Jonesboro, Senator: CASSIDY of Washington)

Bill "An Act to Repeal Laws Regarding Minimum Wages on Construction Projects" (H.P. 673) (L.D. 924) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representatives: DEXTER of Kingfield, GREENLAW of Standish, JOY of Crystal, MURPHY of Berwick, SPEAR of Nobleboro, STEDMAN of Hartland, Senators: CARPENTER of York, CIANCHETTE of Somerset, HALL of Piscataquis, HANLEY of Oxford, LORD of York)

Bill "An Act to Prevent Impasse in Collective Bargaining by Allowing Parties of Either Side to Request Mediation" (H.P. 675) (L.D. 926) (Presented by Representative SAMSON of Jay) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BERRY of Livermore, BOUFFARD of Lewiston, CHASE of China, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, DEXTER of Kingfield, DORE of Auburn, DRISCOLL of Calais, FISHER of Brewer, GOULD of Greenville, GREEN of Monmouth, GREENLAW of Standish, HATCH of Skowhegan, JACQUES of Waterville, JONES of Bar Harbor, JOSEPH of Waterville, KEANE of Old Town, KERR of Old Orchard Beach, LEMAIRE of Lewiston, LEMKE of Westbrook, LUTHER of Mexico, MITCHELL of Vassalboro, MORRISON of Bangor, PENDLETON of Scarborough, POULIN of Oakland, ROTONDI of Madison, SHIAH of Bowdoinham, SIMONEAU of Thomaston, STROUT of Corinth, TREAT of Gardiner, VIGUE of Winslow, VOLENIK of Sedgwick, Senators: BUSTIN of Kennebec, CAREY of Kennebec, CASSIDY of Washington, ESTY of Cumberland, FAIRCLOTH of Penobscot, HALL of Piscataquis, HARRIMAN of Cumberland, McCORMICK of Kennebec, MICHAUD of Penobscot, MILLS of Somerset, O'DEA of Penobscot, PARADIS of Aroostook, RAND of Cumberland, RUHLIN of Penobscot)

Bill "An Act to Exclude Services Provided by Home Stitchers from the Definition of Employment for Purposes of Unemployment Compensation" (H.P. 688) (L.D. 939) (Presented by Representative LINDAHL of Northport) (Cosponsored by Representative: KILKELLY of Wiscasset, Senator: BEGLEY of Lincoln)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (H.P. 680) (L.D. 931) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representative JACQUES of Waterville, Senator CASSIDY of Washington and Representatives: ADAMS of Portland, AHEARNE of Madawaska, AULT of Wayne, BAILEY of Township 27, BENEDIKT of Brunswick, BERRY of Livermore, BOUFFARD of Lewiston, BRENNAN of Portland, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CHARTRAND of Rockland, CHASE of China, CLARK of Millinocket, CLOUTIER of South Portland, CLUKEY of Houlton, DAGGETT of Augusta, DAMREN of Belgrade, DAVIDSON of Brunswick, DESMOND of Mapleton, DEXTER of Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, DRISCOLL of Calais, ETNIER of Harpswell, FARNUM of South Berwick, FISHER of Brewer, FITZPATRICK of Durham, GATES of Rockport, GOOLEY of Farmington, GOULD of Greenville, GREEN of Monmouth, GREENLAW of Standish, GWADOSKY of Fairfield, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of LaGrange, JOHNSON of South Portland, JONES of Bar Harbor, JOSEPH of Waterville, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KNEELAND of Easton, KONTOS of Windham, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, LEMKE of Westbrook, LEMONT of Kittery, LUTHER of Mexico, MADORE of Augusta, MARTIN of Eagle Lake, MAYO of Bath, McELROY of Unity, MERES of Norridgewock, MITCHELL of Portland, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, O'GARA of Westbrook, PENDLETON of Scarborough, PERKINS of Penobscot, POULIN of Oakland, POVICH of Ellsworth, REED of Dexter, RICHARDSON of Portland, ROSEBUSH of East Millinocket, ROTONDI of Madison, SAMSON of Jay, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, STEDMAN of Hartland, STROUT of Corinth, TOWNSEND of Portland, TREAT of Gardiner, TRUE of Fryeburg, TRUMAN of Biddeford, TUFTS of Stockton Springs, TUTTLE of Sanford, TYLER of Windham, WATSON of Farmingdale, WHEELER of Bridgewater, Senators: BENOIT of Franklin, BERUBE of Androscoggin, BUSTIN of Kennebec, CAREY of Kennebec, CLEVELAND of Androscoggin, ESTY of Cumberland, FAIRCLOTH of Penobscot, FERGUSON of Oxford, LAWRENCE of York, LORD of York, McCORMICK of Kennebec, MICHAUD of Penobscot, MILLS of Somerset, O'DEA of Penobscot, PARADIS of Aroostook, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, STEVENS of Androscoggin)

Legal and Veterans Affairs

Bill "An Act to Provide Certain Renters in Boarding Homes with the Status of Tenant at Will" (H.P. 644) (L.D. 867) (Presented by Representative JONES of Bar Harbor) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BRENNAN of Portland, BUNKER of Kossuth Township, CHIZMAR of Lisbon, CLOUTIER of South Portland, GOULD of Greenville, HATCH of Skowhegan, HEESCHEN of Wilton, JACQUES of Waterville, JOSEPH of Waterville, LEMKE of Westbrook, MITCHELL of Vassalboro, MITCHELL of Portland, ROSEBUSH of East Millinocket, SAMSON of

Jay, SAXL of Bangor, SHIAH of Bowdoinham, THOMPSON of Naples, TOWNSEND of Portland, TRUMAN of Biddeford, VIGUE of Winslow, Senators: LAWRENCE of York, MICHAUD of Penobscot, MILLS of Somerset)

Bill "An Act to Revise Reapportionment Guidelines" (H.P. 646) (L.D. 869) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representatives: BAILEY of Township 27, GWADOSKY of Fairfield, MERES of Norridgewock, STROUT of Corinth, WINN of Glenburn, Senators: BENOIT of Franklin, BUSTIN of Kennebec, McCORMICK of Kennebec)

Bill "An Act to Qualify the Secretary of State's Ability to Invalidate a Petition" (H.P. 659) (L.D. 882) (Presented by Representative GERRY of Auburn) (Cosponsored by Representatives: BOUFFARD of Lewiston, JACQUES of Waterville, KILKELLY of Wiscasset, LANE of Enfield, LUMBRA of Bangor, MITCHELL of Portland, SAVAGE of Union, TREAT of Gardiner, UNDERWOOD of Oxford, Senators: CLEVELAND of Androscoggin, HATHAWAY of York)

Bill "An Act to Ensure That Landlords and Tenants Are Aware of the Right to a Court Hearing" (H.P. 669) (L.D. 920) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: AHEARNE of Madawaska, BERRY of Livermore, BRENNAN of Portland, CHARTRAND of Rockland, DAVIDSON of Brunswick, DORE of Auburn, ETNIER of Harpswell, FITZPATRICK of Durham, GREEN of Monmouth, HATCH of Skowhegan, JONES of Bar Harbor, RICHARDSON of Portland, SHIAH of Bowdoinham, STEVENS of Orono, TOWNSEND of Portland, VOLENIK of Sedgwick, Senators: CLEVELAND of Androscoggin, MICHAUD of Penobscot)

Bill "An Act to Clarify the Discretion of the Commission on Governmental Ethics and Election Practices in Assessing Penalties" (EMERGENCY) (H.P. 685) (L.D. 936) (Presented by Representative JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Marine Resources

Bill "An Act to Grandfather Urchin Divers Who Held Valid Licenses in 1992" (H.P. 636) (L.D. 859) (Presented by Representative SIMONEAU of Thomaston) (By Request)

Bill "An Act to Control Entry into the Lobster Fishery to Alleviate Pressure on That Resource" (H.P. 666) (L.D. 889) (Presented by Representative ETNIER of Harpswell)

Natural Resources

Bill "An Act to Amend the Laws Regarding Planning and Land Use Regulations of Villages to Allow Adoption of Local Growth Management Programs" (H.P. 641) (L.D. 864) (Presented by Representative LINDAHL of Northport) (By Request) (Cosponsored by Representative: MAYO of Bath)

Bill "An Act to Clarify the Derivation of Metal Limitations for Waste Discharge Licenses" (EMERGENCY) (H.P. 650) (L.D. 873) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: DEXTER of Kingfield, MARSHALL of Eliot, REED of Falmouth, Senators: HALL of Piscataquis, LORD of York, STEVENS of Androscoggin)

Bill "An Act to Require the Board of Environmental Protection to Adopt Rules Relating to the Storage of Wood Wastes" (H.P. 652) (L.D. 875) (Presented by Representative GOULD of Greenville) (Cosponsored by

Representatives: DEXTER of Kingfield, GREEN of Monmouth, ROSEBUSH of East Millinocket, TRIPP of Topsham, WATSON of Farmingdale)

Bill "An Act Allowing Homeowners to Maintain Underground Oil Tanks" (H.P. 670) (L.D. 921) (Presented by Representative OTT of York)

Bill "An Act to Establish an Emissions Reduction Credit Trading Program" (H.P. 671) (L.D. 922) (Presented by Representative GOULD of Greenville) (Cosponsored by Senator: LORD of York)

Bill "An Act to Encourage Compliance with Environmental Laws Administered by the Department of Environmental Protection" (H.P. 677) (L.D. 928) (Presented by Representative POULIN of Oakland) (Cosponsored by Representatives: BERRY of Livermore, DEXTER of Kingfield, GOULD of Greenville, JACQUES of Waterville, MARSHALL of Eliot, Senators: LORD of York, RUHLIN of Penobscot)

Bill "An Act to Clarify and Provide Municipal Authority to Implement Comprehensive Waste Management Services" (H.P. 682) (L.D. 933) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representatives: BRENNAN of Portland, CLOUTIER of South Portland, DiPIETRO of South Portland, DORE of Auburn, JOYNER of Hollis, KERR of Old Orchard Beach, KONTOS of Windham, LEMAIRE of Lewiston, LEMKE of Westbrook, O'GARA of Westbrook, ROWE of Portland, Senators: ABROMSON of Cumberland, AMERO of Cumberland, ESTY of Cumberland, HARRIMAN of Cumberland, LORD of York, RAND of Cumberland)

State and Local Government

Bill "An Act to Establish the Interim Office on Volunteerism" (H.P. 638) (L.D. 861) (Presented by Representative SAVAGE of Union)

Bill "An Act to Dissolve the Northport Village Corporation" (H.P. 639) (L.D. 862) (Presented by Representative LINDAHL of Northport) (By Request)

Bill "An Act to Change the Department of Corrections' Lease Provisions to Conform with Statutes Regarding Leases of State Buildings by Other Departments" (H.P. 654) (L.D. 877) (Presented by Representative JOHNSON of South Portland) (Cosponsored by Senator AMERO of Cumberland) (Submitted by the Department of Corrections pursuant to Joint Rule 24.)

Bill "An Act to Establish Procedures for Secession and Annexation of Territories" (H.P. 668) (L.D. 891) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: AHEARNE of Madawaska, CHARTRAND of Rockland, JOSEPH of Waterville, KILKELLY of Wiscasset, LEMKE of Westbrook, LOOK of Jonesboro, ROSEBUSH of East Millinocket, Senator: BERUBE of Androscoggin)

Bill "An Act to Allow Peaks Island and Certain Other Islands in Casco Bay To Vote in a Referendum To Secede from the City of Portland" (H.P. 683) (L.D. 934) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: JOSEPH of Waterville, KILKELLY of Wiscasset, LOOK of Jonesboro, Senators: BERUBE of Androscoggin, PINGREE of Knox)

Taxation

Bill "An Act to Make the Circuit-breaker Program a Credit under the Income Tax" (H.P. 667) (L.D. 890) (Presented by Representative PERKINS of Penobscot) (Cosponsored by Representatives: GREENLAW of Standish,

KEANE of Old Town, MURPHY of Berwick, REED of Falmouth, RICHARDSON of Portland, TUTTLE of Sanford, Senator: CAREY of Kennebec)

Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) (H.P. 686) (L.D. 937) (Presented by Representative DORE of Auburn) (Cosponsored by Representative: MURPHY of Berwick) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 24.)

Bill "An Act to Require that Information Recorded on the Real Estate Transfer Tax Form Be Kept on File in the Registry of Deeds" (H.P. 689) (L.D. 940) (Presented by Representative BUNKER of Kossuth Township) (By Request) (Cosponsored by Representative: DRISCOLL of Calais)

Transportation

Bill "An Act to Ensure the Integrity of the Maine Turnpike Electronic Toll System" (H.P. 637) (L.D. 860) (Presented by Representative ADAMS of Portland) (Cosponsored by Senator PARADIS of Aroostook and Representatives: CHARTRAND of Rockland, DAVIDSON of Brunswick, GATES of Rockport, GERRY of Auburn, HARTNETT of Freeport, LEMAIRE of Lewiston, O'GARA of Westbrook, SAXL of Bangor, SIMONEAU of Thomaston, THOMPSON of Naples, TREAT of Gardiner)

Bill "An Act to Amend the Motor Vehicle Laws" (H.P. 679) (L.D. 930) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: BAILEY of Township 27, LINDAHL of Northport, RICKER of Lewiston, Senator: CASSIDY of Washington) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Bill "An Act to Improve Highway Signing Information" (H.P. 691) (L.D. 942) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representatives: CAMPBELL of Holden, KERR of Old Orchard Beach, LINDAHL of Northport, Senators: CIANCHETTE of Somerset, PINGREE of Knox)

Bill "An Act Authorizing Work-restricted Drivers' Licenses for Certain Habitual Motor Vehicle Law Offenders" (H.P. 672) (L.D. 923) (Presented by Representative MARTIN of Eagle Lake)

The Committee on Transportation was 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.

Utilities and Energy

Bill "An Act to Establish a Reduced Rate for Electric Utility Consumers on Life-support Equipment" (H.P. 643) (L.D. 866) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: BUNKER of Kossuth Township, CHARTRAND of Rockland, GATES of Rockport, GERRY of Auburn, GREEN of Monmouth, HEESCHEN of Wilton, JONES of Bar Harbor, KILKELLY of Wiscasset, O'NEAL of Limestone, TREAT of Gardiner, TRIPP of Topsham, WATSON of Farmingdale, WHEELER of Bridgewater, Senators: MICHAUD of Penobscot, PINGREE of Knox)

Bill "An Act to Allow Earlier Awarding of Funding of Intervenor in Cases before the Public Utilities Commission" (H.P. 647) (L.D. 870) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representatives: ADAMS of Portland, LUTHER of Mexico, MERES of Norridgewock, SHIAH of Bowdoinham, TOWNSEND

of Portland, TREAT of Gardiner, Senator: McCORMICK of Kennebec)

Bill "An Act Concerning the Calculation of Private Fire Protection Charges" (H.P. 648) (L.D. 871) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: SAXL of Bangor, STONE of Bangor, Senators: ABRAMSON of Cumberland, CLEVELAND of Androscoggin)

Bill "An Act to Enhance Networking Technology for Public Schools" (H.P. 660) (L.D. 883) (Presented by Representative ADAMS of Portland) (Cosponsored by Representative TREAT of Gardiner and Representatives: BENEDIKT of Brunswick, CHARTRAND of Rockland, DAVIDSON of Brunswick, GATES of Rockport, GREEN of Monmouth, HEESCHEN of Wilton, JOHNSON of South Portland, JONES of Bar Harbor, KILKELLY of Wiscasset, O'NEAL of Limestone, RICHARDSON of Portland, ROSEBUSH of East Millinocket, ROWE of Portland, SAMSON of Jay, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, SIMONEAU of Thomaston, TRIPP of Topsham, WATSON of Farmingdale, WHEELER of Bridgewater, Senators: BUSTIN of Kennebec, CLEVELAND of Androscoggin, MICHAUD of Penobscot)

Bill "An Act to Improve the Business Climate in the State by Making Power Available at a Lower Rate" (H.P. 663) (L.D. 886) (Presented by Representative VIGUE of Winslow) (Cosponsored by Representatives: ADAMS of Portland, BAILEY of Township 27, BERRY of Livermore, BRENNAN of Portland, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CHARTRAND of Rockland, CLARK of Millinocket, CLUKEY of Houlton, DAMREN of Belgrade, DIPIETRO of South Portland, DRISCOLL of Calais, FARNUM of South Berwick, FISHER of Brewer, GATES of Rockport, GIERINGER of Portland, HICHBORN of LaGrange, JACQUES of Waterville, JONES of Bar Harbor, JOSEPH of Waterville, JOY of Crystal, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, LaFOUNTAIN of Biddeford, LAYTON of Cherryfield, LIBBY of Kennebec, MARSHALL of Eliot, MAYO of Bath, MURPHY of Berwick, NICKERSON of Turner, POULIN of Oakland, POULIOT of Lewiston, POVICH of Ellsworth, REED of Dexter, RICKER of Lewiston, SAMSON of Jay, SIMONEAU of Thomaston, STROIS of Caribou, STROUT of Corinth, TRUMAN of Biddeford, TUFTS of Stockton Springs, TYLER of Windham, UNDERWOOD of Oxford, WHEELER of Bridgewater, Senators: BEGLEY of Lincoln, CAREY of Kennebec, CASSIDY of Washington, STEVENS of Androscoggin)

Bill "An Act to Prohibit Retrofits of Nuclear Power Plants without Permission of the Public Utilities Commission" (H.P. 676) (L.D. 927) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: BERRY of Livermore, BRENNAN of Portland, CHARTRAND of Rockland, ETNIER of Harpswell, FITZPATRICK of Durham, GREEN of Monmouth, HATCH of Skowhegan, HEESCHEN of Wilton, JONES of Bar Harbor, RICHARDSON of Portland, SAMSON of Jay, SHIAH of Bowdoinham, STEVENS of Orono, TOWNSEND of Portland, TREAT of Gardiner, VOLENIK of Sedgwick, Senator: CLEVELAND of Androscoggin)

ORDERS

On motion of Representative MARSHALL of Eliot, the following Joint Resolution: (H.P. 693) (Cosponsored by Representatives: AHEARNE of Madawaska, BARTH of Bethel, BERRY of Livermore, BIGL of Bucksport, BIRNEY of Paris, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CHICK of Lebanon, CLOUTIER of South Portland, DAMREN of

Belgrade, DiPIETRO of South Portland, FISHER of Brewer, GIERINGER of Portland, GOULD of Greenville, HICHBORN of LaGrange, JOY of Crystal, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KNEELAND of Easton, LANE of Enfield, LEMONT of Kittery, LUMBRA of Bangor, LUTHER of Mexico, MARVIN of Cape Elizabeth, MAYO of Bath, McALEVEY of Waterboro, MERES of Norridgewock, NASS of Acton, NICKERSON of Turner, PERKINS of Penobscot, PINKHAM of Lamoine, POULIN of Oakland, REED of Dexter, RICE of South Bristol, ROBICHAUD of Caribou, TUTTLE of Sanford, UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton, WHEELER of Bridgewater, WINGLASS of Auburn, WINSOR of Norway, Senators: CARPENTER of York, GOLDTHWAIT of Hancock, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland, LORD of York, PENDEXTER of Cumberland, SMALL of Sagadahoc, STEVENS of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO STOP MANDATES THAT ARE BEYOND ITS CONSTITUTIONALLY DELEGATED POWERS

We, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the members of Congress of the United States as follows:

WHEREAS, the Tenth Amendment to the United States Constitution reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that power specifically granted by the United States Constitution and no more; and

WHEREAS, the scope of power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states; and

WHEREAS, currently, the states are demonstrably treated as agents of the Federal Government; and

WHEREAS, numerous resolutions have been forwarded to the Federal Government by the Legislature of the State of Maine without any response or result from Congress or the Federal Government; and

WHEREAS, many federal mandates are directly in violation of the Tenth Amendment to the United States Constitution; and

WHEREAS, the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people of the State of Maine, claim sovereignty under the Tenth Amendment to the United States Constitution over all powers not otherwise enumerated and granted to the Federal Government by the Constitution; and be it further

RESOLVED: That this memorial serve as notice and demand to the Federal Government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the President of the Senate and the Speaker of the House of Representatives of each state legislature in the nation and each member of the Maine Congressional Delegation.

On motion of Representative MARSHALL of Eliot, the Joint Resolution (H.P. 693) was tabled pending reading and later today assigned.

On motion of Representative BRENNAN of Portland, the following Joint Resolution: (H.P. 694) (Cosponsored by Senator: RAND of Cumberland)

JOINT RESOLUTION IN SUPPORT OF PEACE INITIATIVES IN NORTHERN IRELAND

WHEREAS, Northern Ireland has been torn by violence for at least the past two and a half decades; and

WHEREAS, many Maine citizens have family members who have been touched by this violence; now, therefore, be it

RESOLVED: That, We, the members of the 117th Legislature of the State of Maine now assembled in First Regular Session, extend our deep support for the recent peace initiatives that have taken place in Northern Ireland; and be it further

RESOLVED: That the President of the Senate and the Speaker of the House of Representatives transmit a letter to the appropriate organizations and governmental entities offering help from the Legislature of the State of Maine in support of the peace effort in Northern Ireland.

Was read.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Brennan.

Representative BRENNAN: Mr. Speaker, Men and Women of the House: I apologize to all the other people (members of the House and Senate) that would have liked to have signed on as a co-sponsor of this Resolution. I am not the only person of Irish descent in the House. However, we kind of put this together on Friday and there weren't a whole lot of other people around so it was just Senator Rand and myself who were able to get our names on it.

As you know last Friday was St. Patrick's Day. I have been informed by the good Representative from Westbrook, Representative O'Gara that in the 11 years that he has served in this House that we have never been in session on St. Patrick's day. Last Friday was no exception. So, this is the first time that we were able to bring this order before this House.

In the past we have always celebrated St. Patrick's Day with a certain amount of good humor and good cheer. But, there has also been an underlying reality that Northern Ireland has been torn by violence. This year there is an exception. Two years ago this House debated the MacBride Principles and pass the MacBride Principles in expression of support for peace in Northern Ireland. We now see peace on the horizon in Northern Ireland. Last Friday in Representative Saxl's district there was a St. Patrick's Day parade. That parade was attended by U.S. Senator Olympia Snowe, U.S. Representative John Baldacci, and U.S. Representative James

Longley. All three of them spoke with a great deal of optimism about the potential for peace in Northern Ireland. While I don't believe that this Joint Order will be the one and only thing that will lead to peace in Northern Ireland, I think it is a small step and an important step in expressing our support for the peace initiatives in Northern Ireland. So, if this passes St. Patrick's day, I have a great deal of optimism and a great deal of hope that finally we will see peace in Northern Ireland and that next year at this time when we celebrate St. Patrick's Day, (I hope we are in session) and I also hope that the peace initiative will be holding strong and we will have further cause to celebrate.

Subsequently, was adopted and sent up for concurrence.

On motion of Representative CARLETON of Wells, the following Order: (H.O. 15)

ORDERED, that the House Rules be amended by striking out all of House Rule 7 and inserting in its place the following:

7. No member may pair the member's vote with the vote of another member.

Was read and tabled pending passage, pursuant to House Rule 54 and specially assigned for March 23, 1995.

SPECIAL SENTIMENT CALENDAR

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

John McSweeney, of Old Orchard Beach, who was a retired teacher, coach and athletic director. He was a U.S. Marines veteran of World War II and a former Member of the Maine State Legislature, where he served in the Maine House of Representatives in the 109th-114th Legislatures. He was active in numerous social, civic and patriotic organizations and was a member of St. Margaret's Parish. He will be greatly missed by his family, students, colleagues and many friends; (HLS 166) by Representative KERR of Old Orchard Beach. (Cosponsors: Senator PENDEXTER of Cumberland, Representative POIRIER of Saco, Representative NADEAU of Saco)

On objection of Representative KERR of Old Orchard Beach, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: I was very privileged to have served with Johnny Mac — who we also affectionately knew as "MacSwindle." John used to periodically remind me that he was actually from Saco and he probably should be representing that town as well. I think that the highest tribute, and something that I used to remind John of fairly often was usually after a guy passes away a committee gets together and — "Gee, he was a heck of a nice guy, we ought to name a building or something after him." John McSweeney had gym named after him when he was still with us. Now I suppose the actual ending to my story has taken place. I just think that John, in his quiet way, was one of the most popular, most respected members of this body as well as the Town of Old Orchard Beach.

Mr. Speaker, I would ask, if I could, that the members of the House stand in a moment of silence in the memory of John.

At this point, the members of the House stood in a moment of silence in memory of John McSweeney, a former member of the Maine House of Representatives.

Subsequently, HLS 166 was adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Refer to the Committee on Taxation

Representative KERR from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish a Lead Poisoning Fund" (H.P. 560) (L.D. 761) reporting that it be referred to the Committee on Taxation.

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

CONSENT CALENDAR

First Day

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

(H.P. 69) (L.D. 105) Bill "An Act to Allow Off-duty Police Officers to Work in Retail Stores That Are Licensed to Sell Alcoholic Beverages" Committee on Legal and Veterans Affairs reporting "Ought to Pass"

(H.P. 412) (L.D. 569) Bill "An Act to Remove Restrictions on Compensation For Deputy District Attorneys" Committee on Judiciary reporting "Ought to Pass"

(H.P. 150) (L.D. 198) Bill "An Act to Amend the Law Regarding Mandatory Insurance Coverage for Mental Illness" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-27)

(H.P. 173) (L.D. 221) Bill "An Act to Allow Municipal Officials to Approve the Use of Flashing Lights by Fire Department Members" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-26)

(H.P. 358) (L.D. 478) Bill "An Act to Make Certain Housekeeping Changes to the Banking Code Regarding Hours of Operation, Closing during Emergencies, the Publication of Reports of Financial Condition and the Maturity of Credit Lines" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-28)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 23, 1995 under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 106) (L.D. 282) Bill "An Act to Continue the Health Occupations Training Project" (C. "A" S-18)

(H.P. 32) (L.D. 26) Bill "An Act to Increase the Pay of Trustees of the Kingfield Water District" (C. "A" H-25)

(H.P. 47) (L.D. 41) Bill "An Act to Decrease to Zero the Allowable Blood-alcohol Level of a Person Holding a Juvenile Provisional License" (C. "A" H-22)

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

BILLS IN THE SECOND READING

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

Bill "An Act to Postpone the Date by Which Withdrawal from the Tree Growth Tax Laws Must Occur" (EMERGENCY) (H.P. 632) (L.D. 857)

As Amended

Resolve, to Change the Nature of the Commission to Study the Feasibility of a Capital Cultural Center and Its Powers (EMERGENCY) (H.P. 154) (L.D. 202) (C. "A" H-21)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed in non-concurrence and sent up for concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

Bill "An Act to Appropriate Funds for the Expansion and Renovation of the Norway Armory" (EMERGENCY) (H.P. 270) (L.D. 372) (C. "A" H-24)

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

On motion of Representative JONES of Bar Harbor was set aside.

The same Representative moved that the Bill and all accompanying papers be indefinitely postponed.

On motion of Representative JACQUES of Waterville, tabled until later today, pending the motion of Representative JONES of Bar Harbor to indefinitely postpone the Bill and all accompanying papers.

ENACTORS

An Act to Amend the Laws Pertaining to Renewal of Liquor Licenses by Restaurants (S.P. 20) (L.D. 51)

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

An Act to Allow Disclosure of Residential Natural Gas Costs (H.P. 235) (L.D. 315)

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.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, March 14, 1995 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-20) - Minority (3) "Ought Not to Pass" - Committee on

Criminal Justice on 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)

TABLED - March 14, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of Either Report.

Representative CLARK of Millinocket moved that the House accept the Majority "Ought to Pass" as amended Report.

Representative CLUKEY of Houlton requested a division on the motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Men and Women of the House: I ask you to oppose L.D. 248. This bill will result in keeping drunk drivers on the road possibly from 30 to 60 days or more after being arrested for drunk driving.

The best way to begin is perhaps make you aware of the administrative OUI law that was passed by a previous legislature, the reason for the law and the positive affect it has had. Several years ago, prior to the administrative law, it was fairly common for a police officer to make an arrest for drunk driving, bring the individual to court and then have the individual's attorney continue the case, sometimes over and over (anywhere from six months to a year) until it became advantageous for his client. During the continuance the offender was allowed to keep his license and continue to drive.

The Legislature was appropriately concerned with this and passed a law which gave the Secretary of State the authority to suspend a license after he had received a report from the officer, regardless of what was happening in court. Typically what happens now is the individual is arrested for drunk driving, scheduled for court — but once the Secretary of State receives the report from the officer along with the supporting evidence such as a breath test, he notifies the offender that he has 14 days to notify the Secretary of State why his license shouldn't be suspended. During the 14 days the offender can ask for a hearing before a DMV hearing examiner and the hearing is commonly scheduled within an average of 30 days and the licensee is allowed to drive during that period of time.

Originally the law required that once the hearing had been scheduled he, the licensee or the attorney could request a continuance but the offender was not allowed to keep his license pending the continuance. But, in a recent legislative session, a similar bill to 248 was heard by the Judiciary Committee, while a compromise was reached that allowed the licensee to be granted a continuance for good cause, during which time he would be allowed to continue driving but they did not allow a stamped suspension because of scheduling problems with the attorney.

This is the current law and it is rather effective in forcing attorney's to attend scheduling hearings or make alternative arrangements. I should point out that attorney's can still get continuances but the licensee is suspended pending that continuance.

L.D. 248 proposes to allow the licensee or his attorney one continuance during which time the offender is allowed to keep driving his vehicle.

We have come a long way in our state in our attitude towards drinking and driving and the legislature has paid a big part in bringing about

this change. Not only have we recognize the need to lower the percentage of alcohol in the blood in determining how drunk a driver is, but we have also greatly improved the manner in which we suspend licenses and the time limits of the suspension through the administrative OUI law.

This bill, L.D. 248, is a step backward because it limits the effectiveness of the best sanctions available to curb drunk driving and that is swift and consistent license suspension and it is contrary to and certainly undermines the underlying purpose of the original law, which is to remove drunk drivers from the highway in a timely fashion.

Attorneys are, by the nature of their work, busy people. Anyone who has ever been in court knows that attorneys continue cases sometimes over and over and this bill will result in the increase of the number of continuances as well as the number of persons with the propensity to drink and drive, to continue to drive after they have been arrested.

There is no effective or practical method to control abuses because the Secretary of State's office simply does not have the resources to verify attorney's requests for continuances which surely will increase dramatically.

The Secretary of State's office testified against this bill and has serious concerns about it. I feel that we should give these concerns serious consideration before passing this type of legislation.

I have to admit that it is with some reluctance that I oppose this bill. It was proposed by my friend, colleague, and seatmate on the Criminal Justice Committee, because I know it is well intended. But, not even he can deny that it will increase continuances and keep drunk drivers on the road longer.

Having spent 24 years of my adult life trying to remove drunk drivers from the highways I cannot vote for a bill that has the opposite effect.

I urge you to vote against L.D. 248 and let's not weaken the administrative law any more than it has already been weakened.

Representative CLARK of Millinocket requested the Clerk to read the Committee Report.

The Clerk read the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: After having the report read, I think if the caucus of the House listened to what was read and listened to the people that signed on the Majority Report — none of us standing here today wanting to roll back what has happened in the OUI laws. Let me say that one more time — none of us are standing up defending rolling back the OUI laws. Listen to the Committee Report, there are ten who signed "Ought to Pass" — listen to who they were. None of us want to roll it back.

The Secretary of State's office has final say on the stay. We are only asking for the attorney to have one stay, only one stay. It is not 30 or 60 days. If the Secretary of State elects they could have it the next day. We just want a fair playing field for everyone. No one wants to put the system back the way it was ten or fifteen years ago.

I hope when you vote you vote with the Majority Report and get a little fairness in the system.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Mr. Speaker, Men and Women of the House: I stand in support of L.D. 248. I am the sponsor of the bill. I want to clarify a couple of matters about this bill. First of all, it does not provide for getting continuances over and over again. The bill is very specific that the petitioner and his attorney combined there is only one stay of suspension allowed on a continuance. Currently the petitioner himself can ask for a continuance and be given a stay of suspension if he is unavailable due to circumstances beyond his control. The Secretary of State has been administering that part of the law already. What we are saying is, if the petitioner or his attorney are unavailable for the same reasons, due to circumstances beyond their control then the petitioner should not be punished if the attorney is not available.

Police officers have the opportunity to have these cases continued and do so when they are unavailable.

Petitioners, if they are unavailable have the chance to have it continued. However, if they have to be represented by a lawyer — I know that lawyers aren't the most favorite topic in this House, then if they happen to be represented by a lawyer they get punished. Well, I say it is a matter of fairness.

I will give you an example. I was scheduled to be sworn into this House of Representatives on the day I was due to be sworn in at a scheduled motor vehicle hearing for a client. I called the Hearing Department of the Motor Vehicle Office and I was told lawyers can't get a continuance. I then had two options at that point, actually I had three options. I could skip being sworn in; I could go with my client to the Motor Vehicle Hearing; or I could make a personal call to Bill Diamond. I made a call to Bill Diamond, who just happened to say, "I am sure we can find a way to continue this."

It is not a fair system. Lawyers have conflicting schedules, they are able to continue Superior Court cases if there is a conflict that they can't avoid. They are able to continue District Court cases and every other administrative court hearing that I have ever heard of a lawyer is able to get a continuance for a good reason without their client being punished.

This change indicates that the Secretary of State may grant the continuance with a stay. If the Secretary of State thinks that the reason is not valid or is being abused, they have the right to refuse it. The Secretary of State has absolute control of the rescheduling of the hearing. When they receive a request for a continuance they have the absolute right to set the next date for the hearing and if it is a conflict for the lawyer, so be it, the lawyer does not get a second chance at continuing it with a stay.

The Secretary of State's office is currently granting lawyers continuances but are suspending their clients because the lawyer is unavailable.

I urge you to support this, it is a matter of fairness.

The SPEAKER: The Chair will order a vote. The pending question is acceptance of the Majority "Ought to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative THOMPSON of Naples requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I hope my mike works. Earlier when the debate was given I think a lot of people were out in the hall or the mikes weren't working so some of us couldn't hear the debate. I think a lot of things were said on this bill that was not really true about what the bill consists of. You are talking about a 30 or 60 day stay. I don't believe that is going to happen. I think the Secretary of State's office is going to order another hearing shortly after the attorney asks for a stay.

I said earlier, none of us would be standing here right now if we thought this was going to roll back what we have done over the years for OUI. It is only a playing field so the attorneys can have a fair playing field for everyone to get a fair hearing. No one wants to roll it back.

Fair playing field — I hope when you vote you vote with the Majority Report, ten to three. Look at some of the people who voted for this bill, none of them would be on this report if it wasn't fair.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clarify the 30/60 day thing. I checked with the Secretary of State's office, Bill Dowling, and I asked him whether these cases were continued, how long would it be before the case was continued to? He said it was an average of 30 days. This is because these hearings are scheduled around the state — they might schedule a hearing up in Aroostook County for a number of people. I think it is usually not effective to schedule it for just one person so they do this around the state. I am just telling you what the Secretary of State told me in relation in how long these cases get continued.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I plan to support Representative Clukey's Minority "Ought Not to Pass" Report. This really concerns me. A few years ago we had bills in that looked to turn back the administrative suspension. Alcohol abuse is a very serious problem today, a very serious problem. The wakening of this administrative suspension is simply another way of condoning it and saying it is okay if you have been drinking and driving, we will give you another chance.

I hope you will vote red and not weaken this very important law in the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Benedikt.

Representative BENEDIKT: Mr. Speaker, Men and Women of the House: Can you clarify an item here, I am not sure of what is Amendment "A" to this bill?

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

The Chair would remind members that House Amendment "A" is not currently before the body. If someone were to question the appropriateness of discussion of House Amendment "A" I would have to rule that the discussion was out of order at this time.

The pending question before the House is acceptance of the Committee Report, once the Committee Report is dealt with the Chair could entertain a question regarding the appropriateness or information that might be contained in House Amendment "A".

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Clark of Millinocket that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 16

YEA - Adams, Berry, Bigl, Brennan, Buck, Bunker, Carleton, Chartrand, Chase, Chizmar, Clark, Cloutier, Desmond, Dexter, DiPietro, Dore, Driscoll, Gates, Goolley, Gould, Hatch, Heesch, Jacques, Johnson, Jones, K.; Joseph, Keane, Kontos, LaFountain, Lemaire, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, Ott, Peavey, Poulin, Povich, Ricker, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Thompson, Townsend, Treat, Truman, Tuttle, Tyler, Volenik, Watson, Winsor.

NAY - Ahearne, Aikman, Ault, Bailey, Barth, Benedikt, Birney, Bouffard, Cameron, Campbell, Chick, Clukey, Cross, Daggett, Damren, Davidson, Donnelly, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gerry, Green, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jones, S.; Joy, Joyce, Joyner, Kerr, Kilkelly, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbra, Luther, Marshall, Marvin, Mayo, McElroy, Murphy, Nass, Nickerson, O'Gara, O'Neal, Pendleton, Perkins, Pinkham, Plowman, Poirier, Pouliot, Reed, G.; Reed, W.; Rice, Richardson, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stevens, Stone, Strout, Taylor, Tripp, True, Tufts, Underwood, Vigue, Waterhouse, Wheeler, Winglass, Winn.

ABSENT - Gieringer, Madore, Martin, Whitcomb, Yackobitz, The Speaker.

Yes, 57; No, 87; Absent, 6; Paired, 0; Excused, 0; Vacant, 1.

57 having voted in the affirmative and 87 in the negative, with 6 being absent and 1 vacant, the Majority "Ought to Pass" as amended Report was not accepted.

Subsequently, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-15) - Minority (5) "Ought Not to Pass" - Committee on Human Resources on Bill "An Act Relating to the Maine Health Program" (EMERGENCY) (H.P. 271) (L.D. 373) TABLED - March 14, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of Representative FITZPATRICK of Durham to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending the motion of

Representative FITZPATRICK of Durham to accept the Majority "Ought to Pass" as amended Report and later today assigned.

SENATE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (S-17) - Committee on State and Local Government on Bill "An Act to Make the Terms of Certain Commissioners Coterminal with the Term of the Governor" (S.P. 61) (L.D. 90)
 - In Senate, Majority "Ought Not to Pass" Report read and accepted.
 TABLED - March 14, 1995 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Motion of Representative DAGGETT of Augusta to accept the Majority "Ought Not to Pass" Report.
 Subsequently, the Majority "Ought Not to Pass" Report was accepted in concurrence.

An Act to Create a Transitional Pharmacy Benefit Program (EMERGENCY) (H.P. 570) (L.D. 775)
 - In House, Failed of Passage to be Enacted on March 9, 1995.
 - In Senate, Passed to be Enacted on March 9, 1995.
 - In House, House Failed to Recede and Concur on March 14, 1995.
 TABLED - March 14, 1995 (Till Later Today) by Representative JACQUES of Waterville.
 PENDING - Motion of same Representative to reconsider failing of receding and concurring.

Subsequently, the House voted to Reconsider.
 The SPEAKER: The pending question before the House is the motion to recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
 Representative JACQUES of Waterville requested a roll call on the motion to Recede and Concur.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of the members present. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative VIGUE.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: In the 116th, I was responsible for forming the 107 group. The 107 group was formed for no other reason than to give people an independent thought, an ability to think independent of the corners. I find that we are back in the same situation. We are being drawn by the corners. I think this is unfair to the people in the State of Maine. If we are going to represent our people we must represent our people and stand independent of the corners, the influence of party politics.

I am asking you to think for yourself. This is a very, very small part. If we are to look at health care, health insurance, coverage for all our people, we are telling them in this sense that we are not willing to spend \$200,000 that is already allocated, is already part — paid for by special taxes for exactly that purpose and we are not willing to go to the gait to make this happen for them. We turn around and we vote ourselves a tremendous plan. When

asked to cover someone, a small amount (1,200 people) we can't even start. How are we going to look at a comprehensive plan whether or not we look at a single payer system or multipayer system, a system that we are all going to have a factor in building. But, we can't even start building any part of it at this point.

I tell you, we have got to start thinking. I will stand for what I have said today. I will stand for what I believe in. I believe that we have to pass this small, very inconsequential, statement to the people of the State of Maine that we are willing to go to work and get this done.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to express my opposition to L.D. 775. I have sat here for several days now listening to members on both sides of the aisle stating their support or opposition on this issue. On this floor, however, I have heard no one say that they are against people, only how to best serve the needs of those much less fortunate than we are.

I would like to make a few points. It would appear that we all, persons on both sides of the issue, have been lied to, misled or otherwise deceived by the agency charged with the responsibility of carrying out this program, a part of the Maine Health Program, given to the Department of Human Services to administer. Somewhere in the statistical data must be a fact that on a given date, say March 21st, 1995 there are X-number of people receiving life-sustaining medications. If that number is not available, there is something seriously flawed in the accounting system used to track cases in this department. Furthermore, when an accounting system tracking dollars shows an unspent balance of \$400,000 at the same time there are millions of dollars unpaid to service providers, there is something wrong there too.

That is like myself saying that when my checkbook balance gets down to \$200 I am no longer going to pay any bills and my creditors will have to swallow the debts, then I can go out and spend that \$200 on something else.

I would like to suggest that if we need to spend \$200 on another program it would be better spent on an impartial investigation of the agency charged with administering the Maine Health Program. Why would case workers not be told that one of their responsibilities in dealing with clients was to meet the March 31, 1995 deadline and get all their clients off the program and into alternative plans? It would appear that they; one, were not told of this deadline or; two, maybe they were lead to believe, hey, don't worry about the March 31 date, we can talk the bighearted legislators into giving us more time or more money, not to worry.

I would like to throw out a challenge to each and every one of us as representatives of the persons in this program. To assume the responsibility to intervene in these cases and help get recipients into more permanent plans, if these constituents were members of local Chambers of Commerce who were asking for help there would be not enough phones in the building to meet the needs over the next session break. Although these constituents each have one vote, it is unlikely that their needs will get the same attention unless we deliberately take on the

challenge. Of course, the most difficult part of this task would be to find out exactly who these people are and, more exactly what their real needs are. I am not sure that such a list could be provided to each of us.

With such lists we could more easily evaluate the administration of the program to date, judge the fairness and inequities, and determine what the real needs are.

We could hold the pharmaceutical companies feet to the fire on their pledge to give qualified individuals the drugs that they need.

We could assess the voluntary services within our own districts who are willing to help in such a situation and maybe, just maybe, get positive on-going assistance that does not depend on government for funding or control.

In conclusion, fellow Legislators, I don't feel like the doer of bad deeds in this case. I feel like the doee. I and all of you have been deceived and misled. Let down by an agency of government which has not fulfilled its obligations under the law, a law passed by this body which the agency was charged to administer to the letter. So, I don't feel guilty about my vote, I feel sad, but not guilty. Let's look at this with our heads as well as our hearts.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: Mr. Speaker, Members of the House: Over several days of debate, both in this hall and the hallways of this building, I have listened carefully to the reasons given to vote against this program. Many reasons have been given to vote no. I thought it might be helpful to look at several of these all together. So, I made a list. I offer the House my list. My list of top ten reasons to vote against life-sustaining drugs for the working poor.

Number ten - maybe some drug company will provide them free.

Number nine - I have health insurance, so what is the problem?

Number eight - maybe the doctors will ignore state law and write 90 day prescriptions.

Number seven - since we have no long-term solution to this problem, the working poor might as well get used to it now.

Number six - by voting no, I can discriminate against everyone equally.

Number five - for \$200,000 we could widen a 500 foot strip of the Maine Turnpike.

Number four - if we raise the price of returnables from a nickel to a dime they can easily pay for the drugs themselves by picking bottles.

Number three - the working poor didn't vote for me anyway.

Number two - I vote no on every bill that has a fiscal note.

And, the number one reason to vote against live-sustaining drugs for the working poor is - Kay Rand forgot to say "pretty please."

If you find these reasons persuasive then you should vote no. But, if you find them as I do, to be lacing in compassion or common sense, then I urge you to support this very small but very important program.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: We all have our little

anecdotes on this program. I voted against this program twice already, I plan on voting against it again today.

Last Saturday I wasn't feeling too well and I walked into a walk-in clinic. The doctor diagnosed me as having bronchitis and he gave me a prescription which I paid for out of my pocket, cash. I asked him, I said, "Doc, what do you think about this debate that is going on in the House pertaining to the prescription drug program?" He kind of smiled at me and I said, "Why are you smiling?" He said, "It is not really an issue." I said, "What do you mean it is not an issue?" He said, "People who come into here or come into any doctors office or the hospital or walk-in clinic, if they need a prescription for especially a life-sustaining drug, they are going to get it." He said, "We have pharmaceutical agencies that come in here with representatives and they ask us do you have a patient that has a particular need for a particular drug? And if he mentions the drug, he says we get it." I said, "Well, Doc, what about insulin? That is a pretty serious drug, do you get that for nothing?" He said, "Wait a minute, come with me." He went over to the phone and he called up on the phone and said, "I have a patient here that cannot afford insulin, can you send me some insulin?" He said that they were going to send him 1,000 units.

Then he brought me out in the back and he opened up the door to this big cabinet and it was just loaded with sample drugs, prescription drugs. He said anybody who has a need for prescription drugs will get them, it is not an issue. How they get them probably is an issue.

He also said that during the year when he has some billings to make he takes into consideration who he knows that cannot afford the bill and a lot of times he will bill them just a little bit or he won't even send out a bill to them, he will have it as a write off. So, I think when we say that these people that will no longer have this drug program will not be able to get their pharmaceutical drugs that is not really the case.

I urge you to vote no on this program.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: Let me just speak briefly because I know we have talked about this at great length in regard to L.D. 775. This is not a perfect program. This is not a bighearted program. This is about fairness, this is about common sense. The number of times I have stood up and spoke to this, what I end up doing is trying to refute rumors or bad information. The latest rumors are somehow this program is going to predominantly pay for antacids, things like Tums.

I want to share with you that yes, the existing Maine Health Program does pay for antacids. I also want to share with you they don't pay for Tums, they pay for medications like Tagamet and Zantac as part of other treatments for things like heart ailments, liver ailments, kidney ailments but tend not to pay for those medications as a stand alone. I just want to share that information with you in case any of you felt that predominantly what we are doing today is buying antacids for the working poor.

I would also like, for the last time, to speak briefly on the Pharmaceutical Manufacturers

Association capacity to give away free medications. As one who (in my private life) works with pharmaceutical manufacturers I am amused and perplexed at the notion that they give away a lot of free medications to Maine citizens. That has not been my experience and I think is not the experience of very many Mainers.

Let me say, just briefly, that the system that is in place, that they worked out with Congress involves 44 different plans generally heavily involved with the doctors, a fair amount of information that has to be passed back and forth. What we are talking here is a three month plan, three month and counting. Perhaps a little less than three that ends at the end of this fiscal year, that will do a very simple, fair, thing for a number of people who frankly are working for a living — which is provide them with a bridge so they can make other arrangements. People have talked about let's use volunteerism, let's use free drugs. Again, these things simply don't exist in the time frame we are talking about. This is a very simple solution for a number of people who have life-threatening illnesses who are trying their best to stay off the welfare system.

I ask you to support L.D. 775.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Mr. Speaker, Members of the House: I have been sitting back here listening to all the debate the last few days and weeks and what have you and also talking with many of you afterwards and before hand. I happened yesterday, to respond to the good Representative Waterhouse. I was happened to meet a representative that does the job of actually bringing these free drugs around to all the doctors. I am sure you are all aware that there is a big market out there to sell doctors their brands and these people actually go out there and lobby all the doctors and bring their neat little \$50 free-bies and when you open those nice doors they are right full of all kinds of different drugs.

There are a lot of hoops. I asked the lady who is involved in this (I don't want to put her on the spot) — is there those free drugs out there? She said, "Yea, there are probably some free drugs within the system out there." I asked her what kind of hoops do we have to jump through to get those for those people? She said there is extensive paper work involved.

Each and every — the doctor can't just call up and say I have got ten patients that really need insulin and they will ship them a whole bunch of insulin. It doesn't work that way. He has to fill out an extensive amount of paper work on an individual, per request, basis. Each time a doctor deals with a person they have to fill out that paper work and resubmit it again. If anybody in this room knows doctors and the hospital and the health care programs that are out there, you know they are over worked and under paid to begin with. If we really think that we have a lot of good doctors that will stop and take some time to try to locate a particular type of medicine that is available out there and from one of these distributors, but it not very easy to do. It takes a lot of time. I am sure if you get into Portland and in a lot of these bigger cities that these doctors barely have time to say hello to their patients and meet their basic needs those doctors don't have the time to stop and go back and

do all the paper work required to get this "free medical/free pharmacy stuff."

I really hope you take that into consideration and then also reflect back of what this money was already appropriated for, paid for out of a fund that was taxed particularly for this need. If we are going to do anything to reassure the people in the State of Maine that when we come down here and sell something, a tax especially, and say this is what it is for — we have got a lot of people that buy on and say go for it and we will pay that tax in order to do this service. This is the basic thing we are dealing with in this whole issue. That money was collected, paid for by the people with the idea that this is where the money was going to go. Unless we start honoring our commitments to the people when we do this, we shouldn't be down here representing the people because that is what we did and we should own up to our responsibility.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Mr. Speaker, Men and Women of the House: I have stood here at my desk and in the hallways listening to all the arguments now for well over a week. It seems appropriate at this point in the debate that the acrimony gets high and the facts get low. There has been a lot of information, a lot of misinformation on this program.

But, as I said to some of my colleagues from the other side of the aisle prior to this mornings session I don't question why anyone in this body is voting the way that they do. I am going to stand before you and as I vote again (for the fifth time) I am going to assume that each and every member of this body has arrived at their decision through the same process that I arrived at mine. You have thought carefully about the program, you weighed the facts, you listened to the proponents, you listened to the opponents and maybe you waited for members of the petitioners from the Executive Office to say "pretty please" — I didn't — I don't mind that no one petition be on this.

I have arrived at my decision based upon what I think are the facts and I am going to hope that everyone will honor the way I have arrived at that decision just as I would honor the way anyone else in this body votes. I don't think it means that some of us are spendthrifts and want to spend every last dime. I don't think those who oppose the bill are cruel and coldhearted and want to cast the poor out on the streets and engage in some other economic activity that I won't even mention again, it has been said too many times.

That is all I am hoping right now, is that after we vote for this fifth time that we all respect how each person arrived there and then this great body can move forward and address some very serious issues.

I know for myself and for many other members on this side of the aisle we are ready to start working again on the next issue and we all know that votes are going to fall different ways and I think that is important. I think that is the beauty of this body.

The SPEAKER: The Chair recognizes the Representative from Lagrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I talked with quite a few constituents this weekend about this issue. They wanted to know what I thought. I told them exactly what I thought. I said, they are paying for mine and they are paying for some others. They said, "How

many others?" I said, "There are 186 down here in the two houses." They said, "How many are covered by state insurance?" The answer was 158.

Somebody said the other day that this was discriminatory measure and it is. Somebody said it will only take care of 100 or 1,000, not all of them therefore we shouldn't support it.

I do know that we are spending for ours out of the taxpayers pocket to the extent of \$853,000 for our insurance for two years and we are quibbling about a stop-gap measure that the Governor is requesting in order to make a better (and find a better) solution to a very serious problem.

When the list comes out showing those of us who are listed as having state paid insurance, some of us, I think, are going to have red faces when our constituents look at us and say why did you take \$5,400 in free insurance from the taxpayers pockets and deny help for those who are lost in the middle, between those who are not eligible for Medicaid and those who have money with which to purchase the insurance for themselves? I think the activity of picking up bottles that they read about in the paper solidified a lot of thinking in the minds of the people back home to whom and for whom you and I are responsible.

The SPEAKER: A roll call has been ordered. The pending question before the House the motion to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 17

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Cross, Daggett, Davidson, Desmond, Dexter, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kneeland, Kontos, LaFountain, Lemaire, Lemke, Lemont, Look, Luther, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Perkins, Poulin, Pouliot, Povich, Reed, W.; Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Stone, Strout, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Birney, Buck, Carleton, Clukey, Damren, Donnelly, Dunn, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Labrecque, Lane, Layton, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Madore, Marshall, Marvin, McAlevey, McElroy, Nass, Ott, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Rice, Robichaud, Savage, Stedman, Taylor, Underwood, Waterhouse, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Gieringer, Martin.

Yes, 96; No, 52; Absent, 2; Paired, 0; Excused, 0; Vacant, 1.

96 having voted in the affirmative and 52 in the negative, with 2 being absent and 1 vacant, the motion to Recede and Concur was not accepted.

Subsequently, the House voted to Adhere.

TABLED AND TODAY ASSIGNED

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

SENATE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (S-16) - Minority (2) "Ought Not to Pass" - Committee on Taxation on Bill "An Act to Aid the Administration of the Motor Vehicle Excise Tax by Ensuring that the Manufacturers Suggested Retail Price is Made Available to the Excise Tax Collector" (S.P. 45) (L.D. 75) - In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-16) TABLED - March 14, 1995 by Representative DORE of Auburn.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I ask your indulgence for a few moments this morning to share some comments with you which I hope will prepare you for a situation which will occur.

The situation arises from the fact that through this body many pieces of legislation pass with no comment. Those of us who have had the privilege of serving here before and those of you who are now here for the first time will at some point next fall receive a phone call.

The phone call will go something like this: Representative, did you vote in favor of L.D. 75? And, they will say before you answer that, let me tell you what happened to me today. I left work at noon and I rushed home and I grabbed my paperwork on my new car, went over to the town hall or the Bureau (depending on where you live) stood in line for quite a few minutes, finally got up to the window. When I got to the window I had with me the receipt for my deposit, my Bill of Sale, my new vehicle delivery check list, my owners manual, the sound systems operations manual for my car, the warrantee book, the tire warrantee information, the rust proofing certificate, the extended warrantee acceptance or declination, the key number ID card, the vehicle service card with the VIN number on it, my loan documentation, my life insurance acceptance or declination on my loan, several fair credit disclosures, my title application, my sales tax certificate, my temporary registration, and, my insurance card. Now, with those 18 documents, I was feeling pretty good. The clerk said to me, "I am sorry, (sir or madam) you don't have your Maroni Label so you can't register your car. Now, Representative, did you vote for L.D. 75?" And, if you did, you are going to have to say, "well, yes I did, I thought that you ought to have one more piece of paper."

Ladies and gentlemen, this bill makes no sense. It is, and I say this with respect to the sponsor and to my colleagues who support this measure, what I call black fly legislation - it has no value and will be very very annoying. I urge you to oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: I want to commend Representative Reed, that was a very artful presentation. However, when you go to register your car, you do not need to have the 15 items, he listed, with you. But, you do need to have two items with you, your Bill of Sale and your mandatory insurance certificate.

What we are proposing is that you also have to have a third item with your, the so called Maroni Label.

What that label does is say what you paid for the vehicle. We had a town tax assessor come to us and say different assessors ask different questions. Some assessors are thorough, some are not. Instead of that 15 item list that just got read to you, when you go register your car you should be asked 15 questions. Does it have air conditioning? Does it have a stereo? Is it two wheel drive or four wheel drive? Do you have a moon roof? Do you have a sun roof? Is it electric? Are your windows electric? And on and on and on so that they can determine the so called value of your car.

What does the Maroni Label do? It says this is the sticker price, this is what you bought your car for and in terms of what you owe us tax on, this is the value of the car.

I think that is fair, I think that is equitable. I think it will make people pay uniform taxes throughout the state whether on a hot July day in Auburn when the air conditioning is off, the town remembers to ask me about the air conditioning and the four wheel drive and the moon roof and the sun roof and the electric windows and is your seat electric or is it standard? And, is your car standard or is your car automatic? And what is the power of your engine? Which I don't even understand — let me be the first to tell you — as sexist as it sounds, I don't understand the first thing about the power of engines, V-6, V-8 and I could care less. But, apparently it has economic value. And if we are all going to pay taxes in a fair way (which means as equal as possible) then we are going to pay taxes on the value of the vehicle.

Now, should town assessors ask all these questions? Yes, they should. But, if the air conditioner is broken in the summer or if the heating in the City Hall isn't working so well in the winter they may skip a few questions. That means that you may pay a different tax than the tax your neighbor pays on an identical car.

So, a Maroni Label — and this bill has been amended so that cars without a Maroni Label don't have to bring one — a Maroni Label will make sure that we are all paying taxes on the same value.

Let's talk about that label, when you buy the car guess where that label is? It is in your window. So, when you drive over with that car that you just bought, all you have got to do is pull it out of your window and bring it into city hall. Leave it in your window until you drive over or, most people, when the pull it out of the window, put it in their glove compartment. So, I have a feeling when they drive over to city hall to register that car and they have the registration, the bill of sale and they have got the insurance, that Maroni Label is sitting there in the glove compartment.

I think that is a small thing for the municipal tax assessors to ask us to do in order to make a more uniform system.

I would also like to remind you, ladies and gentlemen of the House, this is a two/eleven report. I don't think eleven of us thought this was going to be unduly burdensome to tax payers. I think eleven of us thought this was going to create a more just method of ascertaining what people owe for taxes on their automobile.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, I would pose a question to the Chair.

I am under the impression that when I pay excise tax that I did so on what I paid for my vehicle. Could Representative Dore or another member enlighten me as to what the relationship is between the suggested retail price of the vehicle and what I paid and whether I should have been paying all these years on the suggested retail price?

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

The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Mr. Speaker, Men and Women of the House: As a former car salesman — I guess I am reformed now, kind of like a car salesman anonymous — as a former car salesman I can tell you the relationship between the window sticker and what people pay usually have very little to do with one another. It is usually negotiated down quite a bit.

Having had peeled many Maroni Labels, I can tell you they usually look like that when you are done peeling them, because when they put them on the window in the factory, depending who is putting them on and how generous they are feeling with the glue, sometimes they come off and sometimes they don't. So, you may have evidence of what you paid and you may not.

The Bill of Sale is a more relevant tool in appraising, in my opinion, of appraising what someone has paid for the vehicle.

There is a book that is available in municipal offices and maybe my municipal office is just particularly efficient, according to Representative Dore, they do ask me if I have a cassette/radio, and they go through the litany, my car is also a kazillion years old so the Maroni Label wouldn't be of any use to them. But, when they go through their litany — it is also in the VIN number in the vehicle, identifies all these things. That is what that identification number that is on your registration also identifies if it is a four wheel drive, if the vehicle is made in America, it goes through a continuous — each number has a significance and it is all in that book in the municipal office. So, if they fail to ask you the questions they can also look it up, it is right there.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I think the real reason that we had this bill come before us is that a number of town offices use different books. You have got the NADA Red Book, you have the Edmonds Book, then you have the AIS book. So, you have different books and they read out different figures. So, you hear people that might have the same exact car, one goes to one town and they are going to end up with a different price on their excise tax than somebody in another town.

This label here is supposed to level out so everybody is paying the same. Also, it takes into account discount factors that a lot of times they get discounts, rebates, that takes that into consideration.

Also, your town clerk or tax collector will be asking you all the different packages — there are

many different packages and a lot of times people do not get these straight. This way here it is all black and white, we feel. And, we feel it levels out the playing field.

There was a lot of support for this bill and especially from the Tax Collectors Association here in Maine, they would like to do it so they are all doing it the same and this was the best method that they felt fit.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L.D. 75, was brought to us because a Maroni Label is a federal law that they have to be on the vehicle. It is a federal law, they have to give these labels to all purchases of new vehicles. In doing so, the gentleman who talked to us, told us in doing some research that he found that some car dealers gave it to them and some did not. But, by giving the Maroni Labels to the people and they take those labels into the town office to pay the excise tax it gives the true value of the car, it gives the true selling price of the car and they don't use the books, they have to use a Maroni Label. That is the law. We all know that when we get in there they ask us all kinds of questions and every time we open our mouth they add on something so by the time we get done we have a four or five hundred dollar excise bill.

Well, if you are buying a new Mercury Tracer you would save the first year \$36 by using your Maroni Label. \$26.25 the second year. \$20.25 the third year and \$15.00 the fourth year. After that naturally, we all know, they stay the same. So, over a total of four years you save \$97.50. I think it is nice for me to go home and tell my people, all you do is take that label in when you buy a new car and over four years you can save almost \$100.00.

We just defeated a bill here a few minutes ago that we all know is going to go back on our property tax. Well, this at least will put \$97.50 in the pockets of some of the people down here who is paying that property tax.

I kind of like to be able to go home and say, yes, I did vote for L.D. 75 and this is the reason I voted for it — because all you have to do is take this label in with your insurance card and your Bill of Sale and you will save yourself \$100.00 over four years. It is a federal law, they have to give you this Maroni Label if there is one on the car. So, it is nothing that is forcing anyone to do anything that isn't already in the law.

I hope you will support L.D. 75.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Men and Women of the House: Very briefly. There have been comments made that this bill had a lot of support, it did, one. One person testified to this bill.

There have been arguments made that by bringing in a Maroni Label you would somehow save some money because the so called package discounts or whatever it may be called on that label would be deducted from your taxable amount.

Now, that argument would be compelling were it true. However, it is not true.

I call to your attention 36 M.R.S.A. Section 1482, paragraph C — for the privilege of operating a motor vehicle or camper trailer on public ways each motor vehicle, other than a stock race car, or each camper

trailer to be so operated is subject to excise tax as follows. And, it goes on to spell out mill rates, and the mill rates are based on the makers list price. They are not based on any discounted value. You cannot save any money by bringing in this shredded piece of paper. 1482 further goes on to define makers list price absent any reference to the Maroni Label, I note for you, the makers list price of a vehicle to be used shall be obtained by sources approved by the state tax assessor (not Federal law) where the makers list price of a vehicle is not readily available obtainable the state tax assessor shall prescribe the makers list price to be used or the manner in which the list price shall be determined.

You are not required to take that label, you won't get a discount by doing it, it is black fly legislation and I urge you to oppose this motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Dore of Auburn to accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

37 voted in favor of the same and 86 against, the Majority "Ought to Pass" as amended Report was not accepted.

Subsequently, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

Bill "An Act to Ban the Tripping of Horses" (S.P. 316) (L.D. 897)

Bill "An Act to Establish Procedures for Entering Property upon Receiving Complaints of Animal Cruelty" (S.P. 318) (L.D. 899)

Bill "An Act Authorizing the Director of the Maine Forest Service to Dispose of Facilities and Properties of the Bureau of Forestry in Order to Streamline Operations" (S.P. 325) (L.D. 906)

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

Were referred to the Committee on Agriculture, Conservation and Forestry in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide the Governor with Line-item Veto Power Relating to Budget Legislation (S.P. 319) (L.D. 900) (Governor's Bill)

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

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

Bill "An Act to Require Mortgage Insurers to Offer a Policy Following the Cancellation of an Original Policy" (S.P. 314) (L.D. 895)

Bill "An Act to Amend the Continuing Care Retirement Community Law" (S.P. 338) (L.D. 919)

Resolve, Directing the Bureau of Insurance to Develop a Comparable List of Mandatory Insurance

Benefits for Health Maintenance Organizations (S.P. 329) (L.D. 910)

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

Were referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act to Amend the Laws Pertaining to the Regulation of Denturists" (S.P. 342) (L.D. 947)

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 to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs" (S.P. 323) (L.D. 904)

Bill "An Act to Extend the Time Period for a District Attorney to File a Petition in Order to Allow Time for Juveniles to Fulfill All Conditions of Informal Adjustment" (S.P. 326) (L.D. 907)

Bill "An Act to Increase the Authorized Penalties for Multiple OUI Offenders" (S.P. 334) (L.D. 915)

Came from the Senate, referred to the Committee on Criminal Justice and Ordered Printed.

Were referred to the Committee on Criminal Justice in concurrence.

Bill "An Act to Provide Funding for Homeless Students" (S.P. 313) (L.D. 894)

Bill "An Act to Amend the Procedures for Conducting a School District Referendum" (S.P. 317) (L.D. 898)

Bill "An Act to Implement Recommendations of the Committee to Study Organizational and Tax Issues in Public Schools" (EMERGENCY) (S.P. 321) (L.D. 902)

Bill "An Act to Require Reimbursement to School Units for the Purchase of School Buses at the Time of Purchase" (S.P. 324) (L.D. 905)

Bill "An Act to Require the Department of Human Services to Consider the Effect on a School System before Placing a Child in Foster Care" (S.P. 327) (L.D. 908)

Resolve, to Revise the Reporting Date of the Home School Study Committee (S.P. 315) (L.D. 896)

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

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

SENATE PAPERS

Bill "An Act to Clarify the Use of the Power of Sale Foreclosures Regarding Limited Liability Corporations" (S.P. 320) (L.D. 901)

Bill "An Act to Fully Fund the Maine Human Rights Commission and the Civil Rights Unit in the Attorney General's Office" (S.P. 333) (L.D. 914)

Bill "An Act to Improve the Function of the Maine Health Security Act" (S.P. 335) (L.D. 916)

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

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals" (S.P. 336) (L.D. 917)

Bill "An Act Concerning Preference to Maine Workers and Contractors" (S.P. 341) (L.D. 946)

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

Were referred to the Committee on Labor in concurrence.

Bill "An Act to Allow Candidates to Donate Surplus Campaign Funds to Charitable and Educational Institutions" (S.P. 340) (L.D. 945)

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

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

Bill "An Act to Make Owners Responsible for Their Abandoned Lobster Traps" (S.P. 331) (L.D. 912)

Bill "An Act to Ensure a Sustainable Urchin Fishery in the State and to Promote Competition in the Maine Sea Urchin Processing Industry" (S.P. 337) (L.D. 918)

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

Were referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Establish Temperature Limits for Certain Existing Discharges" (EMERGENCY) (S.P. 328) (L.D. 909)

Bill "An Act to Study the Design of the Auto Emissions Testing Program and to Limit the Use of Credits Created by the Program" (S.P. 344) (L.D. 949)

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

Were referred to the Committee on Natural Resources in concurrence.

Bill "An Act Amending the Maine Residents Property Tax Program Allowing Persons Having Sole Responsibility for Property Maintenance the Entire Exemption" (S.P. 311) (L.D. 892)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Extend the Period of Time an Operator May Operate a Motor Vehicle with a Temporary Registration Plate" (S.P. 312) (L.D. 893)

Bill "An Act to Conform Regulations of Off-system Railroads to Federal Standards" (S.P. 339) (L.D. 944)

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

Were referred to the Committee on Transportation in concurrence.

Bill "An Act to Protect Existing Utility Service" (S.P. 330) (L.D. 911)

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

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

ENACTORS
Emergency Measure

An Act to Postpone the Date by Which Withdrawal from the Tree Growth Tax Laws Must Occur (H.P. 632) (L.D. 857)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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 Concerning a Moment of Silence in Maine Public Schools" (H.P. 656) (L.D. 879) which was tabled by Representative CLOUTIER of South Portland pending reference.

Subsequently, the Bill was referred to the Committee on **Education and Cultural Affairs**, ordered printed and sent up for concurrence.

On motion of Representative NADEAU of Saco, the House adjourned at 12:30 p.m., until 9:30 a.m., Thursday, March 23, 1995, in honor and memory of John McSweeney of Old Orchard Beach, a former member of the House of Representatives.