

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
33rd Legislative Day
Thursday, April 13, 1995

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

Prayer by Pastor Ralph Greene, Litchfield Federated Church.

The Journal of yesterday was read and approved.

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on Taxation reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-52) on Bill "An Act to Include Individuals with Property in a Living Trust in the Maine Residents Property Tax Program" (S.P. 192) (L.D. 501)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-52).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-52) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, April 25, 1995.

Non-Concurrent Matter

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO STOP MANDATES THAT ARE BEYOND ITS CONSTITUTIONALLY DELEGATED POWERS (H.P. 693) which was adopted as amended by House Amendment "A" (H-35) in the House on March 23, 1995.

Came from the Senate adopted as amended by House Amendment "A" (H-35) and Senate Amendment "A" (S-49) in non-concurrence.

House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Provide Funding to a Domestic Violence Shelter in Ellsworth" (H.P. 65) (L.D. 101) on which the Majority **"Ought to Pass"** Report of the Committee on Human Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-65) in the House on April 11, 1995.

Came from the Senate with the Minority **"Ought Not to Pass"** Report of the Committee on Human Resources read and accepted in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms" (H.P. 127) (L.D. 175) on which the Majority **"Ought to Pass"** as amended Report of the Committee on Business and Economic Development was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-52) in the House on April 5, 1995.

Came from the Senate with the Minority **"Ought Not to Pass"** Report of the Committee on Business and Economic Development read and accepted in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Establish the Chesuncook Soil Series as the Official State Soil" (S.P. 117) (L.D. 292) which was passed to be engrossed in the House on March 21, 1995.

Came from the Senate failing of passage to be engrossed in non-concurrence.

The House voted to Adhere.

Non-Concurrent Matter

Bill "An Act to Amend Certain Laws Relating to the Collection of Property Taxes" (H.P. 421) (L.D. 578) which was passed to be engrossed in the House on April 5, 1995.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-59) in non-concurrence.

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators (S.P. 155) (L.D. 378) on which the Majority **"Ought Not to Pass"** Report of the Committee on State and Local Government was read and accepted in the House on April 5, 1995.

Came from the Senate with that Body having insisted on its former action whereby the Minority **"Ought to Pass"** as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-25) and asked for a Committee of Conference in non-concurrence.

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003 (S.P. 170) (L.D. 431) on which the Majority **"Ought Not to Pass"** Report of the Committee on State and Local Government was read and accepted in the House on April 5, 1995.

Came from the Senate with that Body having insisted on its former action whereby the Minority **"Ought to Pass"** as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-26) and asked for a Committee of Conference in non-concurrence.

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

COMMUNICATIONS

The following Communication: (H.C. 94)
STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY
April 10, 1995**

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 150 An Act to Increase Dog License Agent Fees for Municipal Clerks
- L.D. 267 An Act to Require Labeling of Milk Products From Cows Treated with Recombinant Bovine Somatotropin
- L.D. 673 An Act to Create the Department of Forestry
- L.D. 757 An Act to Appropriate Funds for the Churchill Dam and to Provide for the Use of Controlled Releases of Water

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

Sincerely,

S/Sen. Vinton E. Cassidy S/Rep. Marjorie L. Kilkelly
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 95)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
April 10, 1995**

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 322 An Act to Require the Governor's Biennial Budget to Include More Information
- L.D. 348 An Act to Adjust the Percentage of State Revenues Credited to the Local Government Fund to Replace the Loss of the Inventory Tax Reimbursement
- L.D. 414 An Act to Restore Funding to the Property Tax Relief Fund
- L.D. 464 An Act to Fund the Demolition of a Building in the City of Old Town
- L.D. 506 An Act to Appropriate Money from the General Fund to Pay Fees for Schools Required to Report Underground Storage Tanks
- L.D. 601 An Act to Continue Funding for the Maine Quality Centers Program
- L.D. 638 An Act to Create the Maine Budget and Economic Stabilization Fund

- L.D. 680 An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers
- L.D. 701 Resolve, to Establish the Commission to Implement Performance-based Budgeting
- L.D. 709 An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1996 and June 30, 1997
- L.D. 710 An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1996 and June 30, 1997
- L.D. 711 An Act to Make Allocations from the Public Advocate Regulatory Fund for the Fiscal Years Ending June 30, 1996 and June 30, 1997
- L.D. 714 An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1996 and June 30, 1997
- L.D. 715 An Act Making Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997
- L.D. 760 An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administrative and Financial Services for the Fiscal Years Ending June 30, 1996 and June 30, 1997
- L.D. 763 An Act to Make Allocations for the Administrative Expenses of the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations for the Fiscal Years Ending June 30, 1996 and June 30, 1997
- L.D. 780 An Act to Dedicate a Percentage of the Maine Sales Tax for School Funding
- L.D. 803 Resolve, to Direct the Department of Administrative and Financial Services to Limit the Administrative Costs of State Agencies to 10%
- L.D. 816 An Act to Dedicate the State Lottery Fund for School Funding
- L.D. 825 An Act to Improve Legislative Oversight of Lease-purchase Agreements

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

Sincerely,

S/Sen. Dana C. Hanley S/Rep. George J. Kerr
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 96)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE
April 10, 1995**

Honorable Jeffrey H. Butland, President of the Senate

Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 302 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Safeguard the Assets of the Competitive Workers' Compensation Fund
- L.D. 307 An Act to Create the Competitive Workers' Compensation Fund
- L.D. 515 An Act Concerning the Return of Credit Card Receipts BY REQUEST
- L.D. 522 An Act to Restrict the Ability of Credit Card Companies to Charge Excessive Fees
- L.D. 621 An Act Regarding Checks Issued by Insurance Companies to Cover Losses
- L.D. 669 An Act Authorizing a Bond Issue in the Amount of \$10,000,000 to Capitalize the Competitive Workers' Compensation Fund
- L.D. 822 An Act Concerning the Lapse of Auto Insurance

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

Sincerely,

S/Sen. I. Joel Abromson S/Rep. Marc J. Vigue
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 97)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT
April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 46 An Act to Regulate the Practice of Cosmetology and Barbering Outside of Licensed Shops BY REQUEST
- L.D. 109 An Act to Permit Motor Vehicle Dealerships to Operate on Sundays
- L.D. 351 An Act to Modify Exemptions Regarding the Practice of Cosmetologists, Barbers, Manicurists and Aestheticians
- L.D. 367 An Act to Promote Industry in the State by Creating Industry Specialists
- L.D. 385 An Act to Expand Maine's Bottle Law BY REQUEST
- L.D. 457 An Act to Require Latch-open Devices at Self-service Gasoline Stations

- L.D. 558 An Act to Allow Certain Retail Car Dealers to Sell Automobiles on Sunday
- L.D. 564 An Act to Modify the Exceptions to the Practices of Cosmetology and Barbering

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

Sincerely,

S/Sen. Philip Harriman S/Rep. G. Steven Rowe
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 98)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE
April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Criminal Justice has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 545 An Act Creating a Victims' Rights Chapter in the Maine Criminal Code

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

Sincerely,

S/Sen. John W. Benoit S/Rep. Herbert E. Clark
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 99)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES
April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 272 An Act to Implement an Electronic Benefit Delivery Program for Benefits Provided by the Department of Mental Health and Mental Retardation
- L.D. 583 An Act to Facilitate Cooperative Agreements among Hospitals

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

Sincerely,

S/Sen. Joan M. Pendexter S/Rep. Michael Fitzpatrick
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 100)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

COMMITTEE ON INLAND FISHERIES AND WILDLIFE

April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 97 An Act Requiring a Guide for Certain Nonresident Aliens Hunting in the State
- L.D. 123 An Act to Extend the Period during Which Only Maine Residents May Hunt Deer
- L.D. 281 An Act to Reduce from 5 to 2 the Number of Ice-fishing Lines That May Be Fished by One Person
- L.D. 356 An Act to Require Bird Hunters to Wear 2 Articles of Blaze Orange
- L.D. 357 An Act to Set Aside a Number of Moose Hunting Permits for Former Prisoners of War
- L.D. 589 An Act to Prohibit Game Wardens from Violating State Laws to Carry Out Their Powers and Duties
- L.D. 592 An Act to Require a Person to Have a Hunting License to Participate in the Moose Lottery BY REQUEST
- L.D. 720 An Act to Allow All Hunters to Hunt Deer on the 5th Saturday Preceding Thanksgiving
- L.D. 735 Resolve, to Put a Moratorium on the Introduction of Largemouth Bass into the State's Lakes BY REQUEST

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

Sincerely,

S/Sen. Stephen E. Hall S/Rep. Dorothy A. Rotondi
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 101)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 42 An Act to Institute Loser-pay Litigation in the State of Maine
- L.D. 44 An Act to Ensure That a Party Ordered to Obtain Health Insurance for a Former Spouse or Child Is Liable for Payment of Medical Expenses When No Health Insurance Is Obtained

L.D. 237 An Act to Provide Statutory Procedures for Grievances against Attorneys

L.D. 538 An Act Relating to the Budget of the Judicial Department

L.D. 612 An Act to Change the Reimbursement Procedure for Law Enforcement Personnel Testifying in Court

L.D. 668 An Act to Improve the Civil Order of Arrest Procedure

L.D. 683 An Act to Clarify the Status of Sewer Districts and Refuse Disposal Districts as Special Purpose Districts under the Maine Tort Claims Act

L.D. 702 An Act to Amend the Maine Freedom of Access Laws

L.D. 791 An Act Requiring Unsuccessful Parties in Civil Suits to Pay Costs

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

Sincerely,

S/Sen. S. Peter Mills S/Rep. Sharon Anglin Treat
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 102)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LABOR**

April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 28 An Act to Apply Workers' Compensation Awards to Unemployment Benefits

L.D. 95 An Act to Clarify Liability of Employers of Domestic Employees Regarding Workers' Compensation

L.D. 441 An Act to Promote Apprentice Education in the State

L.D. 677 An Act to Increase the Employability of Homeless Persons in This State

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

Sincerely,

S/Sen. Charles M. Begley S/Rep. Pamela H. Hatch
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 103)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 142 An Act to Amend the Legal Requirements for Establishment of New Political Parties in the State
- L.D. 191 An Act to Limit Campaign Contributions in Legislative Races
- L.D. 257 An Act to Give Qualifying Status to Certain New Political Parties for 4 Years BY REQUEST
- L.D. 329 An Act to Extend the Hours for Sunday Sales of Liquor in Limited Circumstances
- L.D. 623 An Act to Set Spending Limits for Legislative Campaigns
- L.D. 684 An Act to Amend the Laws Pertaining to Lobbyists

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

Sincerely,

S/Sen. Norman K. Ferguson, Jr., Senate Chair

S/Rep. Guy R. Nadeau, House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 104)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 331 An Act to Ban Spurs on Boats
- L.D. 615 An Act to Expand the Research Budget of the Department of Marine Resources
- L.D. 767 Resolve, Directing the Department of Marine Resources to Conduct a Study Concerning the Sea Cucumber Industry

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

Sincerely,

S/Sen. Jeffrey H. Butland S/Rep. Peter A. Cloutier

Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 105)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on

Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 212 An Act to Change the Definition of Pollutant in the Environmental Laws
- L.D. 214 An Act to Amend the Laws Regarding the Assessment of Penalties for Environmental Violations
- L.D. 354 Resolve, to Remove the Emissions Credit Problem in the State and Ensure Future Job Growth and Creation
- L.D. 602 An Act to Include More Information in the Report of the Board of Environmental Protection to the Legislature
- L.D. 606 An Act to Abolish the Process of Permit by Rule by the Board of Environmental Protection
- L.D. 651 An Act to Grandfather Certain Dwellings within Mandatory Shoreland Zoning
- L.D. 770 An Act to Return to Municipalities Control over Permits by Rule Currently Implemented by the Department of Environmental Protection
- L.D. 922 An Act to Establish an Emissions Reduction Credit Trading Program

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

Sincerely,

S/Sen. Willis A. Lord S/Rep. Richard A. Gould

Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 106)

STATE OF MAINE

**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 323 An Act to Change the Laws Pertaining to the Issuance of Copies of Marriage Certificates by Towns
- L.D. 392 An Act to Clarify the Collection of Sewer Charges
- L.D. 456 An Act to Provide Legislators with the Technology to Better Serve Their Constituents and to Make the Legislative Process More Efficient

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

Sincerely,

S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett

Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 107)

STATE OF MAINE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

COMMITTEE ON TAXATION

April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 20 An Act to Change the Method of Assessing Taxes for Land in the Unorganized Townships in the Maine Tree Growth Tax Law BY REQUEST
- L.D. 53 An Act to Exempt Business Furniture from the Recycling Assistance Fee
- L.D. 54 An Act to Refund Money Collected from the Disposal Fee on Major Appliances and Tires to Municipalities
- L.D. 207 An Act to Allow a Municipality To Enact a Local Option Tax
- L.D. 249 An Act to Exempt Lobster Traps, Fishing Nets and Lobster Cars from the Personal Property Tax
- L.D. 269 An Act to Increase the Revenue from Off-track Betting
- L.D. 394 An Act to Expand Eligibility for the Circuit Breaker Program
- L.D. 531 An Act to Exempt Barter from All Taxation Considerations
- L.D. 607 An Act to Give Increased Local Control in Fiscal Matters by Allowing Municipalities the Option of Charging Minimum User Fees on Certain Tax-exempt Property
- L.D. 641 An Act to Encourage Public Land Acquisition and Management by Changing the Allocation Formula for Real Estate Transfer Tax BY REQUEST
- L.D. 783 An Act to Authorize an Optional Regional Sales Tax

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

Sincerely,

S/Sen. W. John Hathaway S/Rep. Susan E. Dore
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 108)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 34 An Act to Amend the Conservation Plates Law to Provide More Money to the Departments of Conservation and Inland Fisheries and Wildlife

- L.D. 107 An Act to Increase Funds Available to the Department of Conservation and the Department of Inland Fisheries and Wildlife by Amending the Loon Plates Law
- L.D. 108 An Act to Install Rumble Strips on the Turnpike and to Allocate Funds to Operate a 24-hour Weigh Station
- L.D. 189 An Act to Install Rumble Strips on the Maine Turnpike
- L.D. 190 Resolve, to Install Rumble Strips along Interstate 95
- L.D. 334 Resolve, Requiring the Department of Transportation to Account for Money Received from the Sale of Loon Plates
- L.D. 355 An Act to Expand Participation in the State's Conservation License Plate Program
- L.D. 406 An Act to Authorize the Use of Loon Plates on Vehicles of the Handicapped
- L.D. 518 An Act to Require a Second Doctor's Opinion before the Secretary of State May Suspend a Driver's License BY REQUEST
- L.D. 698 An Act to Direct Additional Funds to the Department of Conservation by Amending the Loon Plate Laws
- L.D. 699 An Act to Amend the Weight Requirement for a Motor Vehicle Traveling on Certain Roads
- L.D. 737 An Act to Provide for the Safety of Volunteer Fire Department and Emergency Medical Service Personnel
- L.D. 758 An Act to Amend the Motor Vehicle Laws Pertaining to Certificates of Title
- L.D. 765 An Act to Allow Salvage Dealers to Salvage a Car That Is over 10 Years Old without Having the Title
- L.D. 778 An Act to Allow Emergency Personnel to Have Permanent Red Lights on Their Private Vehicles
- L.D. 797 An Act to Provide Recipients of the Purple Heart Medal with a Special Motor Vehicle Registration Plate
- L.D. 1009 An Act to Change the Renewal Fee of the Loon License Plate and to Dedicate the Revenue Generated

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

Sincerely,

S/Sen. Albert G. Stevens, Jr., Senate Chair
S/Rep. William B. O'Gara, House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 109)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON UTILITIES AND ENERGY**

April 10, 1995

Honorable Jeffrey H. Butland, President of the Senate
Honorable Dan A. Gwadosky, Speaker of the House
117th Maine Legislature
State House
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on

Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 283 An Act Relating to the Joint Use of Equipment
- L.D. 318 An Act to Clarify the Laws Regarding the Extension of Municipal Sewer and Water Lines
- L.D. 444 An Act to Establish the Saco River Corridor Fund
- L.D. 551 An Act to Protect Cable Television Consumers from Excessive Late Fees
- L.D. 649 An Act to Prohibit an Electric Utility from Estimating a Monthly Bill at a Rate Higher Than the Prior Month's Bill

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

Sincerely,

Sen. David L. Carpenter Rep. Carol A. Kontos
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 93)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002
April 11, 1995

The Honorable Joseph W. Mayo

Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk of the House:

Please be advised that I have made the following appointments:

Maine-Canadian Legislative Advisory Commission; Pursuant to Title 3 M.R.S.A., Section 227:

- Representative John L. Martin of Eagle Lake, House member
- Representative Patricia Lemaire of Lewiston, House member
- Representative Peter P. Truman of Biddeford, member
- Representative David Madore of Augusta, member

New England Eastern Canada Legislative Commission; Pursuant to Title 3 M.R.S.A., Section 231:

- Representative John L. Martin of Eagle Lake, House member
- Representative Patricia Lemaire of Lewiston, House member

The Board of Maine Children's Trust, Inc.; Pursuant to Title 22 M.R.S.A., Section 3883:

- Representative Ruth Joseph of Waterville, House member

Child Care Advisory Council; Pursuant to Title 22 M.R.S.A., Section 3739:

- Representative Jane W. Saxl of Bangor, House Majority member
- Representative Wendy L. Ault of Wayne, House Minority member

Maine Criminal Justice Commission; Pursuant to Title 5 M.R.S.A., Section 3358:

- Representative George H. Bunker, Jr. of Kossuth Township, House member
- Representative Birger T. Johnson of South Portland, House member
- Representative Dean F. Clukey of Houlton, House member

Maine Task Force on Defense Realignment; Pursuant to Title 5 M.R.S.A., Section 3307-E:

Representative Gary L. O'Neal of Limestone, House member

Representative Thomas M. Davidson of Brunswick, House member

Education Commission of the States; Pursuant to Title 20-A M.R.S.A., Section 603:

Representative Julie Winn of Glenburn, House member
Maine Committee on Global Education; Pursuant to Private and Special Law 1991, Chapter 84:

Representative Robert A. Cameron of Rumford, House member

Maine HIV Advisory Committee; Pursuant to Title 5 M.R.S.A., Section 19202:

Representative Michael Saxl of Portland, House member

New England Board of Higher Education; Pursuant to Title 20-A M.R.S.A., Section 11002 & 11053:

Representative John L. Martin of Eagle Lake, House member

Interstate Cooperation Commission; Pursuant to Title 3 M.R.S.A., Section 201:

Representative Edward J. Povich of Ellsworth, House member

Representative John L. Martin of Eagle Lake, House member

Representative Theone F. Look of Jonesboro, House member

Representative Dan A. Gwadosky of Fairfield, House ex-officio member

Human Resources Development Council; Pursuant to Title 26 M.R.S.A., Section 2005:

Representative Beverly C. Daggett of Augusta, House member

Maine Advisory Committee for People with Mental Retardation; Pursuant to Title 34-B M.R.S.A., Section 1210:

Representative Michael J. Fitzpatrick of Durham, House member

Advisory Committee on Medical Education; Pursuant to 20-A M.R.S.A. Section 12106:

Representative Paul Volenik of Sedgwick, member at large from rural area with lack of access to health care

Petroleum Advisory Council; Pursuant to Title 10 M.R.S.A., Section 1678:

Representative William F. Reed of Dexter, House member

Piscataqua River Basin Council; Pursuant to Private and Special Laws of 1991, Chapter 95:

Representative Wesley Farnum of South Berwick, House member

Representative Eleanor M. Murphy of Berwick, House member

Representative Kenneth F. Lemont of Kittery, House member

Advisory Commission on Radioactive Waste; Pursuant to Title 38 M.R.S.A., Section 1453-A:

Representative June C. Meres of Norridgewock, House Majority member

Representative David C. Shiah of Bowdoinham, House Majority member

Representative Catharine L. Damren of Belgrade, House Minority member

Blue Ribbon Commission on Hunger and Food Security; Pursuant to Resolve 1993, Chapter 74:

Representative Birger T. Johnson of South Portland, House member

Representative J. Elizabeth Mitchell of Portland, House member

Representative Glenys P. Lovett of Scarborough,
House member
Substance Abuse Services Commission; Pursuant to
Title 5 M.R.S.A., Section 20065:

Representative Harry G. True of Fryeburg, House
member

Please let me know if you have any questions
regarding these appointments.

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

Was read and ordered placed on file.

The following Communication: (H.C. 110)

DEPARTMENT OF CONSERVATION
BUREAU OF PUBLIC LANDS
STATE HOUSE STATION 22
AUGUSTA, MAINE 04333

April 7, 1995

Representative Dan Gwadosky

Speaker of the House

State House Station #2

Augusta, Maine 04333

Dear Speaker Gwadosky:

Pursuant to 12 MRSA Chapter 202, section 553
3(c), the Bureau of Public Lands recently submitted
its Biennial Report to the Agriculture, Conservation
and Forestry Committee. Enclosed is a copy for your
information.

If you have any questions, please do not hesitate
to call.

Sincerely,
S/Thomas A. Morrison
Director

Was read and with accompanying report referred to
the Committee on Agriculture, Conservation and
Forestry.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves 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:

Human Resources

Resolve, to Renew the State's Commitment to Family
Planning Services for Low-income Women and Teens
(H.P. 945) (L.D. 1334) (Presented by Representative
TOWNSEND of Portland) (Cosponsored by Representative
TREAT of Gardiner, Senator LAWRENCE of York and
Representatives: AULT of Wayne, BRENNAN of Portland,
CAMERON of Rumford, CHASE of China, DAVIDSON of
Brunswick, ETNIER of Harpswell, FITZPATRICK of
Durham, GAMACHE of Lewiston, GOULD of Greenville,
JOHNSON of South Portland, JOSEPH of Waterville,
LEMAIRE of Lewiston, MITCHELL of Portland, POVICH of
Ellsworth, ROWE of Portland, SAXL of Bangor, SAXL of
Portland, SHIAH of Bowdoinham, STEVENS of Orono,
VOLENIK of Sedgwick, WATSON of Farmingdale, Senators:
BUSTIN of Kennebec, CLEVELAND of Androscoggin, ESTY
of Cumberland, LONGLEY of Waldo, MILLS of Somerset,
PARADIS of Aroostook, RAND of Cumberland)

Inland Fisheries and Wildlife

Bill "An Act to Allow Statewide Hunting of Upland
Game and Migratory Waterfowl on Sundays" (H.P. 936)
(L.D. 1325) (Presented by Representative LAYTON of
Cherryfield) (By Request)

Judiciary

Bill "An Act Relating to Confidentiality of Records
and the Prevention of Child Sexual Abuse" (H.P. 942)
(L.D. 1331) (Presented by Representative RICHARDSON
of Portland) (Cosponsored by Representatives: DORE of
Auburn, ETNIER of Harpswell, JOHNSON of South
Portland, O'NEAL of Limestone)

Bill "An Act to Clarify the Jurisdiction of the
Passamaquoddy Tribal Court" (H.P. 944) (L.D. 1333)
(Presented by Representative MOORE of the
Passamaquoddy Tribe) (Cosponsored by Representatives:
ADAMS of Portland, AHEARNE of Madawaska, AULT of
Wayne, BAILEY of Township 27, BENEDIKT of Brunswick,
BERRY of Livermore, BIGL of Bucksport, BIRNEY of
Paris, BOUFFARD of Lewiston, BRENNAN of Portland, BUCK
of Yarmouth, BUNKER of Kossuth Township, CARLETON of
Wells, CLOUTIER of South Portland, CROSS of
Dover-Foxcroft, DAVIDSON of Brunswick, DESMOND of
Mapleton, DEXTER of Kingfield, DONNELLY of Presque
Isle, DRISCOLL of Calais, DUNN of Gray, FARNUM of
South Berwick, FISHER of Brewer, GATES of Rockport,
GIERINGER of Portland, GOOLEY of Farmington, GWADOSKY
of Fairfield, HARTNETT of Freeport, HATCH of
Skowhegan, HEESCHEN of Wilton, JACQUES of Waterville,
JONES of Bar Harbor, KEANE of Old Town, LAYTON of
Cherryfield, LINDAHL of Northport, LOOK of Jonesboro,
MADORE of Augusta, MARSHALL of Eliot, McALEVEY of
Waterboro, MERES of Norridgewock, MITCHELL of
Vassalboro, MITCHELL of Portland, MORRISON of Bangor,
NICKERSON of Turner, PINKHAM of Lamoine, PLOWMAN of
Hampden, POULIOT of Lewiston, POVICH of Ellsworth,
ROBICHAUD of Caribou, ROSEBUSH of East Millinocket,
SAMSON of Jay, SIROIS of Caribou, STEDMAN of Hartland,
STROUT of Corinth, TRUE of Fryeburg, TRUMAN of
Biddeford, TUFTS of Stockton Springs, VIGUE of
Winslow, VOLENIK of Sedgwick, WATERHOUSE of Bridgton,
WHEELER of Bridgewater, WHITCOMB of Waldo, WINGLASS
of Auburn, YACKOBITZ of Hermon, Senators: CASSIDY of
Washington, KIEFFER of Aroostook, LAWRENCE of York,
O'DEA of Penobscot, STEVENS of Androscoggin)

Bill "An Act Making Comprehensive Changes to the
Child and Family Services and Child Protection Act"
(H.P. 948) (L.D. 1337) (Presented by Representative
LANE of Enfield) (Cosponsored by Representatives:
AHEARNE of Madawaska, BUCK of Yarmouth, CAMPBELL of
Holden, CHICK of Lebanon, CLARK of Millinocket,
FARNUM of South Berwick, GERRY of Auburn, JONES of
Pittsfield, JOY of Crystal, KEANE of Old Town,
LABRECQUE of Gorham, LEMONT of Kittery, LIBBY of
Buxton, MARSHALL of Eliot, MURPHY of Berwick, PINKHAM
of Lamoine, RICE of South Bristol, SAVAGE of Union,
STEDMAN of Hartland, TUTTLE of Sanford, UNDERWOOD of
Oxford, WATERHOUSE of Bridgton, WHEELER of
Bridgewater, YACKOBITZ of Hermon, Senators: AMERO of
Cumberland, KIEFFER of Aroostook, LORD of York)

Bill "An Act to Protect Victims of Sexual Assault"
(H.P. 941) (L.D. 1330) (Presented by Representative
PENDLETON of Scarborough) (Cosponsored by Senator
BENOIT of Franklin and Representatives: BIGL of
Bucksport, GIERINGER of Portland, HATCH of Skowhegan,
LABRECQUE of Gorham, LOVETT of Scarborough, PINKHAM
of Lamoine, SAMSON of Jay)

Reference to the Committee on **Judiciary** suggested.
On motion of Representative TREAT of Gardiner, the Bill was referred to the Committee on **Human Resources**, ordered printed and sent up for concurrence.

Legal and Veterans Affairs

Bill "An Act to Expand Eligibility for the Maine Veterans' Homes" (H.P. 938) (L.D. 1327) (Presented by Representative TRIPP of Topsham) (Cosponsored by Representatives: DAVIDSON of Brunswick, GREEN of Monmouth, KEANE of Old Town, ROSEBUSH of East Millinocket, SHIAH of Bowdoinham, TUTTLE of Sanford, WATSON of Farmingdale, WINGLASS of Auburn, Senator: CAREY of Kennebec)

Natural Resources

Bill "An Act Concerning Ring Holding Devices Used in Packaging" (H.P. 940) (L.D. 1329) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: BAILEY of Township 27, BUCK of Yarmouth, BUNKER of Kossuth Township, CLARK of Millinocket, CLUKEY of Houlton, DAMREN of Belgrade, DEXTER of Kingfield, GREENLAW of Standish, GWADOSKY of Fairfield, HARTNETT of Freeport, JACQUES of Waterville, JONES of Pittsfield, KERR of Old Orchard Beach, LIBBY of Buxton, MARSHALL of Eliot, MORRISON of Bangor, NICKERSON of Turner, POULIN of Oakland, POULIOT of Lewiston, ROBICHAUD of Caribou, VIGUE of Winslow, WATERHOUSE of Bridgton, WHEELER of Bridgewater, WHITCOMB of Waldo, Senators: BUTLAND of Cumberland, KIEFFER of Aroostook, LORD of York, RUHLIN of Penobscot)

Resolve, to Direct the Land and Water Resources Council to Develop Alternatives to the Site Location of Development Laws That Protect the Environment and Improve the Effectiveness and Efficiency of the State's Land Use Laws (H.P. 947) (L.D. 1336) (Presented by Representative GOULD of Greenville)(Governor's Bill)

State and Local Government

Bill "An Act to Require the Commissioner of Defense and Veterans' Services to Be Confirmed by the Legislature" (H.P. 935) (L.D. 1324) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representative: CLARK of Millinocket)

Bill "An Act to Limit the Length of Legislative Sessions" (H.P. 939) (L.D. 1328) (Presented by Representative LUMBRA of Bangor) (Cosponsored by Representatives: BUCK of Yarmouth, JOYNER of Hollis, LANE of Enfield, RICE of South Bristol, ROBICHAUD of Caribou, UNDERWOOD of Oxford, WATERHOUSE of Bridgton, WINSOR of Norway)

Bill "An Act to Restructure the Department of Human Services and the Department of Mental Health and Mental Retardation" (H.P. 949) (L.D. 1338) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: MITCHELL of Vassalboro, MORRISON of Bangor)

Transportation

Bill "An Act to Amend Laws Pertaining to On-premises Signs by Allowing for Changeable Signs" (H.P. 946) (L.D. 1335) (Presented by Representative MADORE of Augusta) (Cosponsored by Representatives:

DAGGETT of Augusta, GUERRETTE of Pittston, MITCHELL of Vassalboro, Senator: BUSTIN of Kennebec)

Utilities and Energy

Bill "An Act Concerning the Kennebec Water District" (H.P. 937) (L.D. 1326) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representatives: JACQUES of Waterville, JOSEPH of Waterville, KONTOS of Windham, VIGUE of Winslow, Senator: CAREY of Kennebec)

Bill "An Act to Authorize the Town of Topsham to Increase the Amount the Town May Contribute to the Construction Costs of Sewers That Belong or May Later Belong to the Topsham Sewer District" (EMERGENCY) (H.P. 943) (L.D. 1332) (Presented by Representative TRIPP of Topsham) (Cosponsored by Representatives: DAVIDSON of Brunswick, GREEN of Monmouth, HARTNETT of Freeport, JOHNSON of South Portland, KEANE of Old Town, ROSEBUSH of East Millinocket, SHIAH of Bowdoinham, TREAT of Gardiner, TUTTLE of Sanford, WATSON of Farmingdale, Senator: CAREY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

ORDERS

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 21)

ORDERED, that Representative Brenda Birney of Paris be excused April 4 to 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jack L. Libby of Kennebunk be excused March 28 and 30 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Theone F. Look of Jonesboro be excused April 5 to 7 for personal reasons and April 11 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Ida Luther of Mexico be excused April 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William B. O'Gara of Westbrook be excused April 11 to 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Judith B. Peavey of Woolwich be excused March 29 and April 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jane W. Saxl of Bangor be excused April 7 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on **Banking and Insurance** reporting "Ought Not to Pass" on Bill "An Act to Require Liability Insurance Carriers to Disclose to Claimants Limits of Liability and Policy Coverage Prior to Initiation of Suit" (H.P. 392) (L.D. 527)

Signed:

Senators:

Representatives:

ABROMSON of Cumberland
SMALL of Sagadahoc
VIGUE of Winslow
CHASE of China
GATES of Rockport
CAMPBELL of Holden
GUERRETTE of Pittston
JONES of Pittsfield

LUMBRA of Bangor
MAYO of Bath
SAXL of Portland
MITCHELL of Vassalboro

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-100) on same Bill.

Signed:

Senator: McCORMICK of Kennebec

Was read.

On motion of Representative VIGUE of Winslow, the Majority **"Ought Not to Pass"** Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Criminal Justice** reporting **"Ought to Pass"** on Bill "An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy" (H.P. 591) (L.D. 801)

Signed:

Senators: BENOIT of Franklin
HALL of Piscataquis
O'DEA of Penobscot
Representatives: CLARK of Millinocket
BUNKER of Kossuth Township
CLUKEY of Houlton
GOOLEY of Farmington
JOHNSON of South Portland
PEAVEY of Woolwich
THOMPSON of Naples
WATERHOUSE of Bridgton
WHEELER of Bridgewater

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

Signed:

Representative: McALEVEY of Waterboro

Was read.

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

On motion of Representative CARLETON of Wells, tabled pending the motion of Representative CLARK of Millinocket to accept the Majority **"Ought to Pass"** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 199) (L.D. 542) Bill "An Act to Include the Law Court's Imprisonment Sentencing Procedure in the Maine Criminal Code" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-56)

(S.P. 219) (L.D. 561) Bill "An Act to Allow County Commissioners to Perform Routine Road Maintenance without Permission from the Maine Land Use Regulation Commission" Committee on **Agriculture, Conservation and Forestry** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-51)

(S.P. 274) (L.D. 724) Bill "An Act Regarding the Disclosure of Financial Information by Federally or State-chartered Credit Unions" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-53)

(S.P. 275) (L.D. 725) Bill "An Act to Clarify the Discharge of Mortgages" Committee on **Banking and**

Insurance reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-54)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 25, 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. 203) (L.D. 546) Bill "An Act to Change the Law That Determines When a Sentence in Excess of 20 Years May Be Imposed for a Class A Crime" (C. "A" S-44)

(S.P. 212) (L.D. 554) Bill "An Act Concerning the System of State Law Libraries" (EMERGENCY) (C. "A" S-50)

(H.P. 28) (L.D. 22) Bill "An Act to Decrease the Minimum Required Amount of Liability Insurance for Certain Intrastate Vehicles" (C. "A" H-103)

(H.P. 186) (L.D. 245) Bill "An Act to Ensure Children's Protection against Rabies by Requiring Proof of Rabies Vaccinations of Pets at Day Care Centers" (C. "A" H-96)

(H.P. 245) (L.D. 347) Bill "An Act to Clarify the Requirements for Truck Widths" (C. "A" H-101)

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

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Decrease the Paperwork Burden on Maine Businesses by Decreasing the Number of Tax Filings for Retailers" (S.P. 79) (L.D. 167) (C. "A" S-45)

Bill "An Act to Prohibit Private Indecency" (H.P. 131) (L.D. 179) (C. "A" H-95)

Bill "An Act to Create a Separate License Plate for Sheriffs" (H.P. 139) (L.D. 187) (C. "A" H-99)

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

Bill "An Act to Correct Errors and Inconsistencies Related to the Recodification of the Maine Revised Statutes, Title 29" (EMERGENCY) (H.P. 183) (L.D. 231) (C. "A" H-79)

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

On motion of Representative CAMERON of Rumford was set aside.

The same Representative presented House Amendment "A" (H-104) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-79) and House Amendment "A" (H-104) and sent up for concurrence.

ENACTORS

Emergency Mandate

An Act to Authorize the Towns of Mechanic Falls, Minot and Poland to Form a Community School District (S.P. 355) (L.D. 983) (C. "A" S-61)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 0 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon, with the exception of Bills being held, were ordered sent forthwith.

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

Bill "An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy" (H.P. 591) (L.D. 801) which was tabled by Representative CARLETON of Wells pending the motion of Representative CLARK of Millinocket to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McALEVEY.

Representative McALEVEY: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak to my position of being in the Minority.

The SPEAKER: The Representative may proceed.

Representative McALEVEY: Thank you Mr. Speaker. 801 is a bill dealing with licensing of police officers and I support about ninety-five percent of the bill. I think it is a good bill. I voted in the Minority for that five percent. I don't expect to persuade anybody here from supporting this bill. It is more of a matter of principal for me.

The process is a good process and we need to have a strong process to keep people from being police officers or corrections officers or to limit their licenses or take it away when they have done something horrific. I think in all the whole process is skewed because the bill not only addresses criminal activity, but one word in there that says, oh, by the way, any other conduct of the Chief of Police or Sheriff decides isn't fit. I think that is too broad.

That in itself isn't bad, but the problem that lies with the bill is that, when a police officer commits a crime it is the Attorney General's Office who prosecutes that police officer. The Attorney General's Office also has a permanent seat on the board of the Criminal Justice Academy and the Attorney General's Office also is the legal advisor to the Criminal Justice Academy.

When you have police officers who are prosecuted and found innocent these people who are charged with prosecuting them are also the people who bring forward these people for decertification, even though they have been found innocent in a Court of Law. That has happened and is happening now.

It is for that reason that I am in the Minority. Thank you.

Subsequently, the Majority "Ought to Pass" Report was accepted. The Bill was read once. The Bill was assigned for second reading Tuesday, April 25, 1995.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Wednesday, April 12, 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 (7) "Ought to Pass" as amended by Committee Amendment "A" (H-69) - Minority (6) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers (H.P. 113) (L.D. 148)

TABLED - April 11, 1995 by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

On motion of Representative DAGGETT of Augusta, tabled pending her motion to accept the Minority "Ought Not to Pass" Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-70) - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Popular Election of the Attorney General (H.P. 153) (L.D. 201)

TABLED - April 11, 1995 by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

On motion of Representative DAGGETT of Augusta, tabled pending her motion to accept the Minority "Ought Not to Pass" Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-71) - Minority (4) "Ought Not to Pass" - Committee on Taxation on Bill "An Act to Increase the Tax Exemption on Church Properties" (H.P. 284) (L.D. 388)

TABLED - April 11, 1995 by Representative DORE of Auburn.

PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

On motion of Representative JACQUES of Waterville, tabled pending the motion of Representative DORE of Auburn to accept the Minority "Ought Not to Pass" Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-66) - Minority (5) "Ought to Pass" as amended by Committee Amendment "B" (H-67) - Committee on Labor on Bill "An Act to Increase the Minimum Wage in Maine" (H.P. 108) (L.D. 143)

TABLED - April 11, 1995 by Representative HATCH of Skowhegan.

PENDING - Acceptance of either Report.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of either Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by

Committee Amendment "A" (H-68) - Committee on Labor on Bill "An Act to Provide a Cost-of-Living Adjustment to Minimum Wage Earners" (H.P. 206) (L.D. 265)
TABLED - April 11, 1995 by Representative HATCH of Skowhegan.

PENDING - Acceptance of either Report.

Representative JACQUES of Waterville moved to table the Bill unassigned.

Representative JOY of Crystal requested a roll call on the motion to table unassigned.

The SPEAKER: The Representative from Crystal, Representative Joy has requested a roll call on the Motion by the Representative from Waterville, Representative Jacques that this bill be tabled unassigned.

A roll call has been requested. For the Chair to order a roll it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed 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 pending question is the motion of the Representative from Waterville, Representative Jacques that this bill be table unassigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 39

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hitchborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, Lemaire, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Neal, Perkins, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, M.; Shiah, Sirois, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Cameron, Carleton, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Buck, Campbell, DiPietro, Dore, Driscoll, LaFountain, Lemke, O'Gara, Paul, Saxl, J.; Stevens.

Yes, 69; No, 71; Absent, 11; Excused, 0.

69 having voted in the affirmative and 71 in the negative, with 11 being absent, the motion to table unassigned was not accepted.

Representative JOY of Crystal moved that the Bill and all accompanying papers be indefinitely postponed.

Representative HATCH of Skowhegan moved to table the Bill two legislative days.

Representative WHITCOMB of Waldo requested a division on the motion to table the Bill two legislative days.

The Chair ordered a division.

Representative JACQUES of Waterville requested a roll call on the motion to table the Bill two legislative days.

The SPEAKER: The Representative from Waterville, Representative Jacques has requested a roll call on the Motion by the Representative from Skowhegan, Representative Hatch on the motion to table the Bill two legislative days.

A roll call has been requested. For the Chair to order a roll it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed 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 pending question is the motion of the Representative from Skowhegan, Representative Hatch to table the Bill for two legislative days. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 40

YEA - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gould, Green, Hatch, Heeschen, Hitchborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, Lemaire, Lemke, Luther, Martin, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Neal, Perkins, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winn, The Speaker.

NAY - Aikman, Ault, Bailey, Barth, Bigl, Birney, Cameron, Carleton, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Gieringer, Gooley, Greenlaw, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Buck, Campbell, Dore, Driscoll, LaFountain, O'Gara, Paul, Saxl, J..

Yes, 72; No, 71; Absent, 8; Excused, 0.

72 having voted in the affirmative and 71 in the negative, with 8 being absent, the Bill was tabled pending the motion of Representative JOY of Crystal, to indefinitely postpone the Bill and all accompanying papers and specially assigned for Wednesday, April 26, 1995.

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" - Committee on Education and Cultural Affairs on Bill "An Act to Require the Administration of Medication in Schools by Licensed Personnel" (H.P. 348) (L.D. 468)
TABLED - April 11, 1995 by Representative MITCHELL of Vassalboro.

PENDING - Acceptance of either Report.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: Let me first indicate to you what we discovered in the Education Committee, that this was a serious problem in terms of the administration of drugs in the various schools.

As you know, more and more, and I hate to put it this way, but sick children are now in the public school system and they are being given prescriptions of major types of drugs that some of you, frankly, would not want to be administering. At the present time in many of the school systems there are no nurses to administer the drugs. They are administered by teachers or by aides or by the school secretary. At the present time there are no rules or regulations which, frankly, determine what the procedure ought to be.

There is a potential liability which rests upon every school board and school district and community in the state to deal with the question. All of us on the committee felt very strongly that this had to be addressed. We discovered through the course of the testimony that, frankly, the Department of Education has the authority to promulgate rules that would deal with the question of how drugs should be administered.

What we have decided and the Department of Education has agreed, that they will put together a team which will consist of teachers, administrators, superintendents, nurses, parents, doctors, etc. and will come up with a proposed rule which will then promulgate. Everyone will have an opportunity to be heard on the subject in the course of the rule making process. I voted out "Ought to Pass" because I felt strongly that those comments that I just made should be placed on the record.

Having done that Mr. Speaker, I now move that the House accept the Majority "Ought Not to Pass" Report.

Subsequently, on motion of Representative MARTIN of Eagle Lake the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

SENATE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-35) - Minority (3) "Ought Not to Pass" - Committee on Banking and Insurance on Bill "An Act to Repeal the Prohibition on Prejudgment Attachments in Consumer Credit Cases" (S.P. 124) (L.D. 299) - In Senate, Minority "Ought Not to Pass" Report read and accepted.

TABLED - April 11, 1995 by Representative VIGUE of Winslow.

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

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

Representative GATES: Thank you Mr. Speaker, Members of the House: I am pleased to say I won't repeat my comments of Tuesday on this bill. In light of the overwhelmingly "Ought Not to Pass" Report accepted by the other body, I was going to move to Indefinitely Postpone this matter, but I didn't want you to think I was trying to pull a fast one. I am happy to debate this and bring it to a vote.

As you recall, what is at issue with this bill is attaching a persons property prior to judgment in a case. If the plaintiff, the creditor, is a bank or finance company or credit card company or a big guy, in consumer credit cases currently you cannot get attachment of your property prior to judgment in a

case. I explained on Tuesday that these attachments are very cohesive and people think they are for a closure and they lead to quite dramatic results.

I would like to touch on today is a question I was asked after the debate on Tuesday which is what is wrong with coercing someone who owes money anyway. The problem is often these people have defenses, legitimate proper defenses that don't get brought forward because they are concerned with losing their house or attachment of their bank account.

Briefly, for example, if you buy a car it is often financed by GMAC, if the car is a lemon most people realize they have a defense against the car dealer, but many people don't realize that defense is valid against the finance company. So you buy a lemon and GMAC is still coming after you for the money, well this bill allows them to attach your house or your bank account before a court has a judgment in the case.

Many people won't even bother going to the hearing on a motion of attachment, they will just pay. In the process they are giving up valid and proper defenses. It is true, if you are buying vinyl siding, furniture and appliances these finance companies are separate entities and most people don't realize that the defenses for buying a lemon or something that doesn't work are also valid against the purveyor of consumer credit. It is cohesive and people give up valid defenses and that is why this is a particularly bad bill. One that helps the big guys and hurts the little guys.

I ask you to vote no on this report. Thank you.

The SPEAKER: The Chair will order a division. The pending question is acceptance of the "Ought Not to Pass" Report. The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Forgive me it must have been early this morning. I will be brief. I do want to remind you of something that the good representative to my right, Representative Gates mentioned to you last Tuesday.

The proponents of this bill were one. One gentlemen from Portland who was a lawyer who was having trouble collecting for his clients. The opposition for this bill came from among others our Superintendent of the Consumer Credit Protection Bureau, Will Lund, and in his testimony he said you should be aware that this concept runs counter to most court decisions.

In addition prohibition against prejudgment attachment and consumer credit cases is the founding principal of the Uniform Consumer Credit Code. Which nine states, including Maine adopted as a basis of their consumer credit protection laws. James McKenna, Assistant Attorney General wrote to us and said that this L.D. is not necessary that the Maine Consumer Credit Code already provides a comprehensive set of remedies for the collection of consumer credit debts.

Speaking personally, at one point I had the opportunity to volunteer in the Attorney General's Office and it was a fascinating experience. I ran into many cases where people were having problems with their local supplier, but because they had used a credit card, of course, the payment was due to the credit card company, which is exactly the people who would now have more power if we passed this bill.

I do urge you to vote against this bill. I think it is bad stuff for the consumers of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Thank you Mr. Speaker. I would like to ask permission to ask a question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative CARLETON: Thank you Mr. Speaker. For anybody who is able to answer, if this bill passes will there be required to be a court hearing and an order of the court before an attachment goes on?

The SPEAKER: The Representative from Wells, Representative Carleton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: Thank you Mr. Speaker, Men and Women of the House: The answer to the question is yes. There must be a hearing prior to an attachment, but if I may continue the difficulty is many people do not realize that possible defenses will be considered at that hearing, because the attachment is served by the sheriff that is a motion many people don't realize that there are protections in the system. So, yes there does have to be a hearing.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I want to give a little bit of flavor to the body of why this received an eight to three out of the committee "Ought to Pass", since we have only heard testimony to the other point.

We viewed this as a bill that, I used Representative Gates words yesterday that people will, in fact, not lose their houses and this is really not a big deal. Those are the words he said yesterday in the House. This is available in over forty other states and it is simply a measure that allows people that are fairly, justly and rightly owed money to protect the assets to collect that money, until such time as a judge rules one way or the other, so that someone doesn't sell off those assets and the people who are fairly and rightly owed money have nothing to collect upon.

This seemed like a personal responsibility bill to the eight members who voted for it. This was a bipartisan eight members. This was not just one side of the isle. There was two sides to this story and it seemed like the right thing to do to encourage people to pay their obligations fairly. Nearly forty other states have similar laws right now today.

I urge you to support the Majority "Ought to Pass" motion. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Thank you Mr. Speaker, Ladies and Gentlemen of the House: L.D. 299 would allow large companies claiming unsecured debts to attach consumers assets including bank accounts before a judge actually determines that a debt is owed.

The bill would repeal the law that protects consumers from having creditors attach their property

including their bank accounts before the issuance of a judgment against them. An attachment prevents the sale of property in the case of a bank account that denies the depositor access to their funds. Typically the unsecured debt affect would be those owed to a credit card company or those owed to large companies that finance goods such as automobiles.

The large companies already have tremendous leverage over unwary consumers. The law prohibiting companies from obtaining prejudgment attachments in consumer credit cases was enacted in 1973 to protect consumers from the abusive practice of collection of lawyers and their agents prior to its enactment prejudgment enactments were used by creditors against unsophisticated consumers to coerce them into giving up any pretentious defenses to a creditors claim such as, the product itself was defective.

Imagine for example how quickly you would give up, even if you disputed the debt if you could not have access to your bank account for as long as it took to have defense heard. It would be virtually impossible to hire an attorney to assist you in this matter. The existing law was enacted as part of the Uniform Commercial Credit Code upon the recommendation of the National Commission on Consumer Finance in 1972 to abolish the practice of prejudgment attachments for consumer related debt transactions.

If L.D. 299 passes, judges would often have to hold two hearings on a case instead of one. One to decide whether to attach the alleged debtors property before the attachment and then a second to decide whether the debtor owes the debt. Presently when a creditor files suit on a debt for which the debtor has no defense, when the debtor does not respond can quickly obtain judgment for the amount owed and attachment on the property can easily be obtained at that point under current law.

Creditors have been able to effectively conduct business and extend credit in Maine during the past 20 years. There is no showing that this bill is necessary. This legislation was also opposed by the Maine Credit Union League and they called it cohesive and anticonsumer.

Just to give you a case in point, a friend of mine that I practiced law with for four years tried a case and I would like to relate that to you. The lady was sixty years old. She was a widow. She lived alone in Biddeford and although subsisting solely on her monthly social security check she was enticed by a local furniture company to replace her worn living room couch and chairs on their easy credit plan.

After making payments for several years, a dispute arose over the company's failure to make repairs to defects in the merchandise. She refused to make further payments until the furniture was repaired. The furniture company quickly turned the matter over to their collection attorney who filed suit for the balance owed on the furniture and obtained a prejudgment attachment before she had an opportunity to consult with an attorney the furniture company sent three men over to her apartment and removed all the living room furniture from her apartment.

Fortunately after getting the services of an attorney the existing law prohibiting prejudgment attachments was used to compensate the debtor for the unlawful actions of the creditor. Without this type of law, this practice would be permissible. I would suggest that we vote against this bill and help all of our constituents, in fact, we would be helping

ourselves make sure that we kill this bill. Thank you very much.

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

Representative VIGUE: Thank you Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to speak on this and the reason being is the other body had defeated L.D. 299 therefore, I felt it was unnecessary to spend a great deal of time in debate, whether or not we vote for it or against it the bill will be in nonconcurrence. Therefore, I ask that please lets vote on it and go on with important work. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Thank you Mr. Speaker, Men and Women of the House: The report would have read differently had I reached my assignment on the Banking and Insurance Committee in time to sign this jacket. It would have been eight to four because I, too, am opposed to this bill.

I did read all the materials that were distributed to the committee and they are very important and I want to share them with you. I think it is important enough for you to think about for a minute because this is an extraordinary departure from Maine's tradition with consumer credit laws. Maine has always had the proud tradition of balance between the creditor and the consumer making sure that you did pay you legitimate debts, but the heavy hand was not on either side in that transaction.

This bill was opposed by the Department of the Attorney General and in the testimony of the Department there were some extraordinary remarks made. They will take a few minutes. If this bill is enacted a creditor might frighten a consumer into paying, by initiating attachment of his property or garnishment of his wages. This could occur even if the consumer is legitimately contesting his bill and perhaps some of you have had fights with out-of-state credit care issuers.

The first you would know if this happened to you, should this bill pass, is that when you were notified by court that there had been an attachment placed on your wages or property. I think that is a tremendous shift in the balance of power.

There was also testimony presented by William Lund, Superintendent of the Bureau of Consumer Credit Protection and he says what you already know, prejudgment attachment is a very powerful tool. The first the consumer would know of any legal action against him or her would be a receipt of a copy of the complaint and a copy of the notice of attachment. Creditors can already easily secure this judgment once they have been to court and have gotten it settled. It seems to me that is the proper place to keep the balance of power between the consumer and the creditor.

The final paragraph talks about, I believe that case law from around the country during the past twenty-five years in consumer credit cases does not favor prejudgment attachment or garnishment. Such legal action is viewed with disfavor by the courts because of the uneven bargaining position of the parties. I hope that you will join the motion "Ought Not to Pass" on this bill which destroys the balance of power in Maine's good consumer credit code.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Lumbra.

Representative LUMBRA: Thank you Mr. Speaker, Members of the House: I was on the committee and I just want to echo Representative Guerrette's words in that, all this is is when there is an unpaid debt that continues to go unpaid and the company has to write it off the rest of us pay it.

This was a way that through the court the person owing the debt would have the right to go to court and present his or her case, but if the creditor could show that yes indeed they do owe this debt then they would be able to preattach some of their assets. That doesn't mean they can take them, just preattach them.

What was happening and what was presented to the committee was that a lot of assets were being taken out-of-state and put in other peoples names, hidden. Then the debt was going unpaid. The rest of us are paying for that. I am not going to spend a lot of time on this, but again, you should remember the committee report. We did study this and I encourage you to accept the "Ought to Pass" motion.

The Chair ordered a division on the motion to accept the Majority "Ought to Pass" as amended Report.

A vote of the House was taken. 41 voted in favor of the same and 77 against, the Majority "Ought to Pass" Report was not accepted.

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

HOUSE ORDER - Relative to amending House Rule 7 (H.O. 15)

- In House, Read on March 21, 1995.

TABLED - April 11, 1995 by Representative CARLETON of Wells.

PENDING - Passage. (2/3 Vote Required)

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Thank you Mr. Speaker, Men and Women of the House: This proposed order involves the elimination of House Rule 7 which specifically allows the concept of pairing. I brought it to the house at this point because I recently had circumstances in which many members sought to pair their votes. I think it is appropriate that we have a discussion about it and to raise the issue.

You can define paired voting or the concept of pairing in several different ways. Here is my definition. Paired voting involves a member who is absent agreeing with a member who is present and set to vote the opposite way that neither of their votes should count. To me this raises the question, why should a member who is present at the vote not have his or her vote counted. Conversely why should a member who is absent be allowed to negate the vote of a person who is present.

It is hard for me to understand how this advances any public interest. I understand that pairing is convenient for those who will not be present for a vote, but in my opinion it is fundamentally misleading to the public, who in my experience don't understand why pairing occurs or that paired votes don't count.

I did a little checking through the law library and asked them to find out how many of our state legislative bodies allow pairing. There are ninety-nine state legislative bodies in this country. One state Nebraska has only one body and I

found that only nineteen out of the ninety-nine state legislative bodies allow pairing.

It is undemocratic. It is confusing and I urge you to do away with it by voting for this order.

The SPEAKER: The pending question before the House is passage. The Chair will order a division. A two-thirds vote is required for passage. If you are in favor of the House Order being adopted you would be voting yes; those opposed would vote no.

The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Thank you Mr. Speaker, Men and Women of the House: Having yesterday passed a rules change by quite a margin, I would like to say to you why I have decided, having thought it over, in fact, to vote in favor of the proposition set forward by the Representative from Wells, Representative Carleton.

Those who are new to the chamber and have not served here before may have been unacquainted with the practice of pairing.

In essence it is a convenience and a favor so that absent members may have the favor of having their vote recorded without it necessarily counting in the tally at the time. Regrettably the favor of allowing absent members to be recorded when you have an extremely closely divided body means that present members who are voting can also in that regard not have their vote counted. It is a great difference in the world of being counted as opposed to being recorded and in the case of the two-thirds votes that are needed to pass the peoples business or not. I believe our Speaker was exactly correct by ruling from the chair that pairings in the case of two-thirds votes could no longer be accepted.

Long ago Speaker Thomas Brackett Reed who came from Maine from Portland, from the district that I now represent, when he became Speaker of the United States House of Representatives served both in the majority and in the minority. He was speaker then in the minority and then he returned to the speakership and back to the minority again and then back to the speakership for his great days in the chair. In Congress doing the people's business with great dispatch.

He said that the function of a minority was to make a quorum and to sit quietly. He also didn't mean that in the context of the whole speech. He meant it as a joke because he served in both halves. The actual purpose of serving he said was action, not inaction.

With that I heartily agree with our own Speaker, I heartily agree in his ruling rather that we if present must vote in the case of two-thirds. Given the fact that we will have many close votes, I think what we are here to do is to vote and not to sit and for that reason I would endorse what Representative Carleton has offered as a rule. Thank you.

The Chair ordered a Division on passage.

A vote of the House was taken. 99 voted in favor of the same and 13 against, the House Order (H.O. 15) was passed.

Bill "An Act to Require Roll Bars in Emergency Response Vehicles" (H.P. 927) (L.D. 1308) (Committee on Transportation suggested)

TABLED - April 12, 1995 (Till Later Today) by Representative RICKER of Lewiston.
PENDING - Reference.

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

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-93) - Committee on State and Local Government on Bill "An Act to Require Legislators to Pay a Portion of Their Health and Dental Insurance Premiums" (H.P. 187) (L.D. 246) TABLED - April 12, 1995 (Till Later Today) by Representative DAGGETT of Augusta.
PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

On motion of Representative DAGGETT of Augusta, tabled pending her motion to accept the Majority "Ought Not to Pass" Report and later today assigned.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the former Chancellor of the University of Maine and the current interim Chancellor of the University of Maine system, Robert Woodbury to the front of the Chamber.

Chancellor WOODBURY: I have difficulty in saying that I am happy to be here. Thank you very much Mr. Speaker. I appreciate the chance to just say hello to lots of old friends who I found not only here, but out in the hallways.

I also look forward to meeting many of you who I have not had the chance to meet and know in the coming weeks and months. Although I did not choose to be here, I hope to be as responsive and answer questions and be ready for you whenever you have things you are concerned about. I know there are many, many concerns.

In the recent months there has been lots of turmoil in the University. Obviously embedded by tough times and fed by all kinds of difficulties that exist in a larger sense. There are also many issues that are real and many issues that we have to face. There are many misunderstandings and many confusions and I think that is apparent to you and apparent to the public.

I think it is very important that the Trustees and I reach out and the Trustees have started visiting all the campuses again this past week and this week. I am doing the same and also attempting to reach out here. As you can probably guess, when you are in this position you wake up every morning wondering what the controversy of the day is. I woke up today and found out that Joanne Palombo-McCallie is interviewing for a job in California. I thought to myself, Gosh I have been interim Chancellor for forty-eight hours and I have lost a million dollars and a great basketball coach. Seriously there is always something of turmoil in the University.

Many of the issues are real. Issues of accountability. Issues of transferability. Issues of where we go with community college education. Missions of the institutions. How we get smaller. There is a lot of great importance. Most recently EDNET, on the one hand EDNET gives us potential in this state as a leader to do things going on nowhere else in the country to reach people who are underserved.

We have been doing it. We have been a leader. We have not even tapped the potential. At the same time we have to be careful and thoughtful to do it well.

To do it where it is most appropriate and to expand in ways that are most thoughtful and are part of a conversation that is broadly across the University and the community. I think that is what we have to do and should do and should expect to do. We will also have to continue to change.

Three years ago we had what we call Project 2002. That has been the guide post for how we will change. We are going to have to get smaller. In five years we have twenty percent less administrators than we had five years ago. We are smaller in all of our staff. That is part of what has to happen as we change.

Aside from the cantankerousness and the turmoil we ought to remember what a great University we have. What a great number of campuses we have. Anyone of you can probably barely walk down your streets of your home district and not run into people who have been at or benefited from or who's children have had something to do with the University.

I just met a friend of mine the other day in St. George who works on boats. I have known him a long time. His wife who is a teacher depends on the Thomaston Center and what interactive television can do there and what that center can do. His daughter was just accepted to the University of Maine in Orono and it is that excitement of looking forward to that. We all know how it touches all of us.

In New England today, New England is a region which is dependent on its intellectual resources and higher education for economic development. We are seeing the twilight of public higher education. We are seeing the loss of the philosophy that public higher education is a public good and we invest in it because it is a public good.

That is going on all over New England our state aide is lower today than it was five years ago. We get only eight percent of the budget when we did ten percent of the budget five years ago and that is happening all over New England. Here is the point, no state in New England depends more on public higher education, Technical College, University and Maine Maritime than this state. The reason is we are the poorest state and our families have the least average income.

Secondly, because we do not have a complex of private colleges that dominate so many of the other states in New England. We are not Connecticut. We are not Massachusetts. In terms of our future of economic development and opportunities for middle and lower income people in this state. The twilight of public higher education threatens the future of this state far, far more than any other place in New England. That is where we ought to have our eyes in the next few days and months and years in terms of what is going to happen to the future of this state.

I would like to close by simply saying that I know there are many questions and I want to be responsive. You have questions about the Chancellor's Office. That is not surprising. I would like to try to answer those questions and many others and I always can be reached.

I thank you for the time. I thank you for the attention and I thank you for all the good will you have given the University System and me personally for many many years. Thank you.

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

Bill "An Act to Repeal the Laws Regarding Consumer Information Pamphlets" (H.P. 307) (L.D. 411) (C. "A" H-88)

TABLED - April 12, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Passage to be Engrossed.

On motion of Representative JACQUES of Waterville, tabled pending passage to be engrossed and specially assigned for Tuesday, April 25, 1995.

SENATE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (S-47) - Minority (6) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Popular Election of the Secretary of State (S.P. 49) (L.D. 79)

- In Senate, Minority "Ought Not to Pass" Report read and accepted.

TABLED - April 12, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative ROBICHAUD.

Representative ROBICHAUD: Thank you Mr. Speaker, Colleagues in the House: I would urge you to oppose the pending motion so we can go on to accept the Majority "Ought to Pass" Report on this measure.

We have seen an increase in the demand from the public in terms of accountability. One of the best ways to achieve accountability is to empower the people, to empower the voters. One way to do that is to allow them to make the decision regarding this constitutional office, the Office of the Secretary of State.

This is an office that touches many, many elements of those people's daily lives, whether it be from the Motor Vehicle Division to the Bureau of Corporations to the Elections division. These all are elements that the general public, the citizens of Maine have a vested interest. I believe it is also in their interest for us to allow them to have a direct say in who they would like to see as the Secretary of State.

Again I won't take up our time, but this is empowerment measure, an empowering measure and as we trust our constituents to send us here we should also be able to trust them to elect a Secretary of State. Please oppose the pending motion.

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

Representative DAGGETT: Thank you Mr. Speaker, Men and Women of the House: If ever there was a case of, if its not broken, don't fix it, this is one of them.

Maine has a unique method of electing its constitutional officers. There are other states who have them. They do them in different ways. We are one of the only states, in fact, that has our constitutional officers elected by the Legislature.

We are also a state that has been blessed with very good and responsible constitutional officers. I think that when there are appropriate reasons for changing a process when you can see that there are problems that need to be fixed then the process needs to be looked at. There was absolutely no evidence given by anyone that, in fact, any of our

constitutional officers were a problem or if there was actually a problem with the process and that, in fact, it didn't work.

A few years ago we took away even the part of allowing constitutional officers to have PACs and to be raising money and passing out money in order to be elected to those positions. I think that was a good move to make and removed these positions from having money be a factor.

If we were to try to move those now to statewide elections, these people would have to be raising more than a million dollars a piece from private interests and from all kinds of sources. I would suggest to you that there is a certain accountability that comes with having to raise a lot of money. A statewide campaign costs more than a million dollars. The other problem with a statewide campaign is that it makes it inaccessible for those people who cannot raise a million dollars.

When the constituency for the constitutional officers is one hundred eighty some people those one hundred and eighty people have an opportunity to really get to know who it is who is running and actually hold them personally accountable without any money involved at all. I would suggest to you in this climate where the partisan numbers are very, very close that the quality of the candidates will rise because it will be a very close election. I think we have today the opportunity to make these positions very, very accountable in the very best of ways with a minimum of money involved so that simply does not become the case.

I urge you to support the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Thank you Mr. Speaker, Colleagues in the House: I call to your attention a few points mentioned by the good representative from Augusta.

One is that she is absolutely correct, Maine is one of the only states that currently allows the legislature to elect the constitutional officers. I know Maine is made up of independent people and far be it for me to discourage Maine's independent spirit.

This leads me to the next point. The question was raised if its not broken, there is no need to fix it. I would argue friends that we come here everyday to fix problems and come up with solutions. We also spend a good amount of our time everyday trying to improve upon the process. This is an improvement upon the process. I think that is as critical a time to address this issue as if there was a concrete problem.

I think it is also important to note that if we are focusing on the quality of candidates and we do trust in so many other ways the general public as voters to go out and make the best decision on behalf of this state. Are we to assume that the public can make a good decision in some offices that run statewide and yet we can't give them enough credit to make good decisions in others.

Again, I refer to the issue of accountability and ask you to please oppose the pending motion so we can go on to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Thank you Mr. Speaker, Men and Women of the House: After debating an hour

on tabling motions today, now we are going to debate this issue of accountability. Lets talk about accountability in electing constitutional officers. Do you honestly believe that if we force people running for constitutional officers to go out and raise millions of dollars that it is going to take to win these offices that it is going to increase the accountability?

I can just see it now. Candidate for Secretary of State . . . See this low digit plate, you to can have one of these, just vote for me for Secretary of State and I will make sure you get one. Your child has a problem passing his drivers' license, we can fix that, vote for me for Secretary of State and I will make sure your child gets his drivers license first time around.

Maine is one of the few states that still elects their constitutional officers by the Legislature. Just think about that. Some of the other states have popular elections for their constitutional officers and just the fact that they are out raising money from all special interest groups doesn't that just make you feel warm all over and so secure about accountability.

I think you should take a long hard look at some of the controversies that have occurred in some of those states. Attorney Generals indicted. Secretary of States accused of crimes of favoritism. All because they were elected by populous based on accountability.

Can you just imagine a corporation giving a big fat donation to the Secretary of State? The same outfit that holds that same outfit that holds that same corporation accountable for filing their papers and making sure that they operate in a fair and equitable manner. Clearly there is a double edge sword here.

The State of Maine has a long history since we have started this process of having all the constitutional officers above board. There have been no problems. There has been no controversy. There have been no criminal activities or inditements. We want to change that under the guise that we are going to get more accountability from this whole thing because they are going to go out and raise money from every PAC or every group.

Hey it has worked so well for Congress we ought to model that. We ought to elect our constitutional officers that way. It has worked wonderfully for Congress, wonderfully. We have had a lot more accountability in Congress because they owe everybody and their brother their heart and soul. Give me a break!

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Thank you Mr. Speaker, Men and Women of the House: There are a good many good arguments raised in support of the Minority "Ought Not to Pass" Report, but I would rise in opposition to that.

I wish I could be as assured as some people are that the way we currently choose our constitutional officers is not full of political dealings. I am not that sure and I think there is a good deal of feeling in the general population that government is getting further and further away from them and I would remind you that voting against the Minority "Ought Not to Pass" Report and accepting the Majority "Ought to Pass" Report would put this out to a referendum. Therefore the people themselves would have the

opportunity to vote on whether or not they feel they should have the right to elect the Secretary of State in a popular election.

I urge you to vote against the Minority "Ought Not to Pass" Report. Thank you.

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

Representative DONNELLY: Thank you Mr. Speaker, Men and Women of the House: I must say that I am offended at the comments of the good Majority Leader. To say that the people of the State of Maine cannot assert the difference between somebody who is bought and paid for and someone who is running as a candidate to do what is right for the State of Maine oversimplifies and I think offends me as a voter and my constituents as voters. I can't stand for that.

In understanding the point that the Representative was making and maybe his emphasis was done in such a manner that tickled something in me that I am offended at. The fact remains that at one time the State of Maine had a tradition that many other states didn't as well. This legislature used to appoint our United States Senators. Those Senators have gone on since being elected to have great people come from the State of Maine. The people of Maine were able to discern and pick someone of high moral character and high quality.

The likes of Senator Muskie, Senator Cohen, Senator Mitchell and Senator Margaret Chase Smith have all run as popularly elected persons. That position was at one time appointed. Radicals at one time were not picked. Radicals like Joshua Chamberlain. Radicals like Governor Baxter were denied the United States Senate because they were to radical for these bodies to pick. I believe in the people of the State of Maine. I believe they make good choices. They elected us didn't they.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Thank you Mr. Speaker, Men and Women of the House: I think the Representative from Presque Isle said it well. I can appreciate the fact that the good Representative from Waterville has an interest in protecting the status quo.

I mean it is difficult to acknowledge that the people of Maine do make good choices when they make selections in the election process. However, the suggestion that only if there were a popular election of constitutional officers then fund raising would begin is a bit misleading. Some constitutional officers do engage in the business of raising funds at the present time. Some choose not to. Some choose not to when the heat is on.

The difference between then and now is that they serve one party and one doesn't know if all the feared improprieties of a Secretary of State elected by the popular election are occurring now only they only seem to go in one direction. Certainly half of us don't know whether that is the case or not. We have to ask ourselves very seriously are we concerned about, as you might say in my business, protecting a cash cow here by not changing the process or are we really concerned about what the popular election might really do.

I think it is, as said by the Representative from Presque Isle a bit ludicrous to suggest, on the floor of the House, that we don't trust the people. We have expended our horizons enough to allow the people

to select the U.S. Senator and the only reason that we continue the constitutional officer selection by the Legislature is simply a carry over from a previous century and the power of the party in control tends to want to keep that power which is understandable, but not necessarily for reasons of fearing the public process or popular election.

The Majority Report has merits that the people of Maine, I think can handle fairly well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Thank you Mr. Speaker, Men and Women of the House: We will clarify one thing. This Representative has never questioned the ability of Maine voters to vote. All this Representative did, and I have never been accused of not being able to be understood, but I am sure maybe I will be understood this time is question whether or not a new process would be better than the old process.

I would also like to point out in this last election of constitutional officers the vote was not straight party lines. The vote was not straight party lines. Clearly some members of this house chose to vote for who they perceived to be the better candidate for the job.

I don't want anyone to get away with this a referendum of whether or not I have any faith in the Maine voters. My concern is, and the question I leave you is, do you need another election in the State of Maine where large amounts of money will have a direct impact, because I am sure even the Representative from Presque Isle will admit that in most elections the people that spend the most money win the election. Sometimes to our advantage. Sometimes to our chagrin, but often times to late for anything to be done about it. Thank you.

The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Mr. Speaker, Ladies and Gentlemen of the House: Just a little bit of background information on this bill. What it does is allow popular election of a constitutional officer for a four-year term to start like what we do for a Governor.

It gives the people of Maine a chance to choose of any of the parties to get out of the party game. To pull it out of being an inner party game to more of outside where it is more in the public view of what party candidate we choose. It is true. I have questions about candidates running and having to collect money, but maybe this is a good reason for campaign finance reform to do some sort of public campaign law changes.

I think this is a good idea to be able to let Maine voters choose whom they would like to elect. Not just for this Secretary of State but for Treasurer and Attorney General. Thank you.

Representative WATERHOUSE of Bridgton requested the Clerk to read the Committee Report and further requested a roll call on the motion to accept the Minority "Ought Not to Pass" Report.

Subsequently, the Clerk read the Committee Report in its entirety.

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

Representative ADAMS: Thank you Mr. Speaker. May I pose a question through the Chair.

The SPEAKER: The Representative may pose his question.

Representative ADAMS: Thank you Mr. Speaker. Through the Chair to the Chairperson of the Committee on State and Local Government, would subsequent amendments to this act as now before us, should we pass it and should it be passed by the voters have the effect of enshrining term limits in the Constitution of the State of Maine?

The SPEAKER: The Representative from Portland, Representative Adams has posed a question through the Chair to the Representative from Augusta, Representative Daggett should she care to respond.

The Chair recognizes that Representative.

Representative DAGGETT: Thank you Mr. Speaker, Men and Women of the House: I believe that the "Ought to Pass" Report has been amended to include term limits.

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

Representative GERRY: Thank you Mr. Speaker. One of the conditions why we had set on it that no elected officials or constitutional officers could run no more than two four-year terms. The same as what we have now for our Governor.

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

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

The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Thank you Mr. Speaker, Men and Women of the House: I thank the two Representatives who have just spoken for the clarification regarding the enshrinement of the issue of term limits in the Maine State Constitution.

The issue alone of whether or not the state has the financial and spiritual energy for another set of state wide elections I think is one issue, entirely separate from whether or not we really wish to take it upon ourselves passing any form of any amendment that puts any form of official term limits into the Maine State Constitution.

This is a issue that is very much alive in the courts and very much in question in the courts, as well it should be. The Supreme Court of the United States will rule before June as to whether or not states may exercise any form of a vote that can effect the constitutionality of electing people to Congress with state imposed restrictions. The constitutionality of the term limits voted by the public into state law, not the Constitution, effecting ourselves is also bound for court.

If we make a positive absolute statement right now that we have determined that all of these issues now before the courts are likewise constitutional without having fully debated that point on the floor of this chamber or fully debating that point in any public hearing on the bill, then we have cut off all those court cases and we will never get the answers that we require.

I was somewhat in doubt about my thoughts about whether or not to vote for the bills before, but with this description now that I have just received I am more determined than ever that it would be a very

poor idea for us to vote term limits of any kind into the Maine State Constitution before the courts have had a time to talk about it and for that reason I would urge you to vote against the bills before us on the floor now and accept the "Ought Not to Pass" Report. Thank you.

The SPEAKER: A roll call has been ordered. The pending question is the motion to accept the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 41

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Hartnett, Hatch, Heesch, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, Labrecque, Lemaire, Lemke, Look, Luther, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Neal, Perkins, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Tuttle, Tyler, Vigue, Vollenik, Watson, Winn.

NAY - Aikman, Ault, Bailey, Barth, Birney, Cameron, Carleton, Chick, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Farnum, Gerry, Gieringer, Gooley, Greenlaw, Guerrette, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Lane, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Lumbra, Madore, Marshall, Nass, Nickerson, Ott, Peavey, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Truman, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winsor, Yackobitz.

ABSENT - Buck, Campbell, Driscoll, LaFountain, Layton, Martin, O'Gara, Paul, Saxl, J.; Strout, Wheeler, The Speaker.

Yes, 77; No, 62; Absent, 12; Excused, 0.

77 having voted in the affirmative and 62 in the negative, with 12 being absent, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

SENATE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (S-55) - Committee on State and Local Government on Bill "An Act to Eliminate Benefits Offered to Legislators" (S.P. 211) (L.D. 553) - In Senate, Reports read and the Bill and accompanying papers indefinitely postponed.

TABLED - April 12, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

Representative ROBICHAUD of Caribou moved to table until later pending the motion of Representative DAGGETT of Augusta to accept the Majority "Ought Not to Pass" Report.

Representative AHEARNE of Madawaska requested a roll call on the motion to table.

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

A vote of the House was taken and more than one-fifth of the members present and voting having

expressed a desire for a roll call, a roll call was ordered.

ROLL CALL NO. 42

YEA - Aikman, Ault, Bailey, Barth, Bigl, Birney, Carleton, Clukey, Cross, Damren, Dexter, Donnelly, Dunn, Gooley, Guerrette, Hartnett, Heino, Jones, S.; Joy, Joyce, Joyner, Kneeland, Labrecque, Lane, Libby JD; Libby JL; Lindahl, Look, Lumbra, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Nass, Nickerson, Ott, Pendleton, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Richardson, Robichaud, Rowe, Savage, Simoneau, Spear, Stedman, Stone, Taylor, True, Tufts, Underwood, Waterhouse, Watson, Whitcomb, Winglass, Winsor, Yackobitz.

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Green, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kerr, Kilkelly, Kontos, LaFountain, Lemaire, Lemke, Lemont, Luther, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Neal, Peavey, Perkins, Poulin, Pouliot, Povich, Ricker, Rosebush, Rotondi, Samson, Saxl, M.; Shiah, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Winn.

ABSENT - Buck, Campbell, Driscoll, Gieringer, Gould, Greenlaw, Layton, Lovett, Martin, O'Gara, Paul, Saxl, J.; Sirois, Strout, Wheeler, The Speaker.

Yes, 63; No, 72; Absent, 16; Excused, 0.

63 having voted in the affirmative and 72 in the negative, the motion to table was not accepted.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Thank you Mr. Speaker. Just one quick notice on this bill. I was one of two who took it out "Ought to Pass". I feel the bill is important for discussion. I would also draw reference to another bill of similar content which was tabled till later. It is an appropriate discussion to be had in its fullest context since that was not the desire of this body. I am now going to ask Mr. Speaker for a roll call.

Representative ROBICHAUD of Caribou requested a roll call on the motion to accept the Majority "Ought Not to Pass" Report.

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

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

ROLL CALL NO. 43

YEA - Adams, Ahearne, Bailey, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Carleton, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Dexter, DiPietro, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Green, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Joseph, Keane, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Look, Luther, Marshall, Mayo, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Neal, Peavey, Pendleton, Perkins, Pinkham, Poulin, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, M.; Shiah, Sirois, Spear, Stevens, Thompson,

Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Yackobitz, The Speaker.

NAY - Aikman, Ault, Barth, Bigl, Birney, Chick, Clukey, Cross, Damren, Donnelly, Dunn, Gieringer, Gooley, Guerrette, Hartnett, Jones, S.; Joy, Joyce, Joyner, Kerr, Lane, Libby JD; Libby JL; Lindahl, Lumbra, Madore, Marvin, McAlevey, McElroy, Nass, Nickerson, Ott, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Simoneau, Stedman, Stone, Taylor, True, Tufts, Underwood, Waterhouse, Whitcomb, Winglass, Winn, Winsor.

ABSENT - Buck, Campbell, Driscoll, Gould, Greenlaw, Layton, Lovett, Martin, O'Gara, Paul, Saxl, J.; Strout, Wheeler.

Yes, 87; No, 51; Absent, 13; Excused, 0.

87 having voted in the affirmative and 51 in the negative, with 13 being absent, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

Bill "An Act Relating to the Maine Health Program" (EMERGENCY) (H.P. 271) (L.D. 373)

- In House, Majority "Ought to Pass" as amended Report of the Committee on Human Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-15) on March 28, 1995.

- In Senate, Passed to be engrossed in non-concurrence.

TABLED - April 12, 1995 by Representative JACQUES of Waterville.

PENDING - Further Consideration.

On motion of Representative FITZPATRICK of Durham, tabled pending further consideration and specially assigned for Tuesday, April 25, 1995.

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (S-48) - Minority (3) "Ought Not to Pass" - Committee on Marine Resources on Bill "An Act to Enhance the Clam Industry in the State" (S.P. 103) (L.D. 243)

- 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-48).

TABLED - April 12, 1995 by Representative CLOUTIER of South Portland.

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

Subsequently, the Majority "Ought to Pass" as amended Report was accepted. The Bill read once. Committee Amendment "A" (S-48) was read by the Clerk and adopted. The Bill was assigned for second reading Tuesday, April 25, 1995.

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

An Act to Reduce the Number of Days a Tenant May Be in Arrears for Rent Payments (S.P. 76) (L.D. 164) (C. "A" S-28)

TABLED - April 12, 1995 by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative NADEAU of Saco, tabled pending passage to be enacted and specially assigned for Tuesday, April 25, 1995.

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

SENATE PAPERS

Bill "An Act to Improve Public Access to the Maine State Museum" (S.P. 483) (L.D. 1317)

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

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

Bill "An Act to Amend the Law Pertaining to Grievance Procedures Concerning Discrimination on the Basis of Disability" (S.P. 486) (L.D. 1320)

Bill "An Act to Suppress the Release of Medical Records of Persons with Disabilities" (S.P. 487) (L.D. 1321)

Resolve, Directing the Attorney General to Sue the Federal Government to Prohibit Unfunded Federal Mandates (EMERGENCY) (S.P. 488) (L.D. 1322)

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 Allow Employees to Recover Damages from Employers Who Refuse Access to Personnel Files" (S.P. 484) (L.D. 1318)

Bill "An Act to Allow Terminated Employees to Recover Damages from Employers Who Refuse to Provide a Written Reason for Termination" (S.P. 485) (L.D. 1319)

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 Address Membership of the Substance Abuse Services Commission" (S.P. 482) (L.D. 1316)

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

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

Bill "An Act to Widen the Maine Turnpike" (S.P. 489) (L.D. 1323)

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

Was referred to the Committee on Transportation in concurrence.

The following Joint Order: (S.P. 490)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 25, 1995, at 9:30 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative MITCHELL of Vassalboro the Bill "An Act to Require a License for Recreational Harvesting of Marine Organisms and for the Operation of Marine Party Boats" (EMERGENCY) (S.P. 158) (L.D. 420) was removed from the unassigned table pending the motion of Representative CLOUTIER of South Portland to accept the Minority "Ought to Pass" Report.

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

Representative CLOUTIER: Thank you Mr. Speaker. Just so everybody know what this is. This is the bill to change salt water, people who fish on the salt water, marine license bill we are pulling it off the table to Indefinitely Postpone it. My motion Mr. Speaker would be to Indefinitely Postpone this bill and all Accompanying Papers.

On motion of Representative CLOUTIER of South Portland, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

Bill "An Act to Amend Certain Laws Relating to the Collection of Property Taxes" (H.P. 421) (L.D. 578) which was tabled pending the motion of Representative JACQUES of Waterville pending further consideration.

- Passed to be engrossed in the House on April 5, 1995.

- Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-59)

Subsequently, the House voted to Recede and Concur.

Bill "An Act to Require that Employees in 24-Hour Convenience Stores Have Access to Telephones and Alarms" (H.P. 127) (L.D. 175) which was tabled by Representative JACQUES of Waterville pending further consideration.

- Passed to be engrossed as amended by Committee Amendment "A" (H-52) in the House on April 5, 1995.

- Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Business and Economic Development read and accepted in non-concurrence.

On motion of Representative ROWE of Portland, the House voted to Adhere.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Adams requests consent to address the House on the record. If there be not objection, the Representative may proceed.

Representative ADAMS: Thank you Mr. Speaker, Men and Women of the House: Yesterday, April 12, 1995, marked the 50th Anniversary of the death of President Franklin Delano Roosevelt whose career and who's life as a President and as an individual effects all of our lives still.

As the memory of the living man fades and as the memory in life of those who lived through the Great Depression or who fought the Second World War also fades. I think it is important we take a moment to remember how our deeds though not our years can indeed be eternal.

Probably no one in this chamber now sits here who's life has been untouched by the accomplishments

of the Presidency of Franklin Roosevelt. The average age of members of this body is now fifty years old. Perhaps only one member of this chamber, our dear friend, Representative Hitchborn of LaGrange, can actually remember the first election of Franklin Delano Roosevelt.

Our good friend Representative Rosaire Sirois went to school in the Roosevelt School built during the WPA days which he probably pointed out to us when we went by it on our tour of northern Maine. All of us born since those years have been touched in life by the work of one man who overcame enormous burdens or personal handicap to reach across all the years and all our generations.

I myself grew up in a house that had no electricity in it until it was installed in my grandparents day by the ERA. My grandfather worked for the WPA. My neighbors worked for the CCC. Their grandchildren now play under the shade of the trees they planted sixty years ago. My father and his generation were able to go to school and built their homes because of GI Loans. We as legislators sit across the street from a beautiful park that, in fact, was landscaped by the gentlemen of the CCC sixty years ago. Each of us in our own family could find any other number of examples where the work of one man continues.

In January 1941, President Roosevelt made an address to the Congress in which he put forth what he called the Four Freedoms from which I will now quote. "I have called for personal sacrifice, he said. I am assured of the willingness of all Americans to respond to that call.

In the future days which we shall not see, but which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

The first, Freedom of speech, an expression everywhere in this world.

The second, Freedom of every person to worship God in his own way, everywhere in this world.

The third, Freedom from want, which means economic understandings which would secure every nation a healthy peace time life for its people, everywhere in the world.

The fourth, Freedom from fear, which means a worldwide reduction of armaments to such a point and in such a fashion that no nation will be in a position to commit an act of aggression against its neighbor, anywhere in this world.

This nation is placed its destiny in the hands, heads and hearts of millions of its own free men and women and its faith in freedom under the guidance of God. Freedom means that the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights or to keep them."

The generation to which he spoke is, of course, our own. The generation of the grandchildren and children of his day. Unlike our own day, in his time government was not about getting even. Government was about getting justice for a nation that he claimed was one-third ill housed, ill fed and without hope. Those are problems we still face, like them or not, needs that are still unmet, like it or not, and a spirit we still need.

That August of 1941 President Roosevelt embarked for the Atlantic Charter Conference off the coast of Newfoundland where he first met face to face with Winston Churchill. Embarking through the ports of Rockland and Rockport Maine with the document of those Four Freedoms in his pocket. I have spoken

with many people, now old, who saw him that day as he passed through time.

The Atlantic Charter was the result, it was the document on which the allies fought the war and the basis for the charter of the United Nations after the War. There are four freedoms more important for a democracy I have never heard them. May they be remembered in our small time here in the service to our state and for the next fifty years of our great nation.

Mr. Speaker in memory of the sacrifices personally of Franklin Delano Roosevelt, former President of the United States, I ask that when we adjourn this day we do so in memory and lasting tribute to him. Thank you.

On motion of Representative ADAMS of Portland, the House adjourned at 12:20 p.m., pursuant to the Joint Order (S.P. 490) in memory of President Franklin Delano Roosevelt.