

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST REGULAR SESSION
4th Legislative Day
Tuesday, January 14, 1997

The House met according to adjournment and was called to order by the Speaker Pro Tem, Representative ROWE of Portland.

Prayer by Reverend John P. Ross, First Baptist Church, Dexter.

Pledge of Allegiance.

Doctor of the day, Mary Harkins Becker, M.D., Cumberland Foreside.

The Journal of Thursday, January 9, 1997 was read and approved.

COMMUNICATIONS

The following Communication: (S.P. 42)

**STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023**

TO: The Honorable Mark W. Lawrence, President of the Senate
The Honorable Elizabeth H. Mitchell, Speaker of the House

FROM: S/J. Duke Albanese, Commissioner

DATE: December 18, 1996

RE: FY 97 Report of All School Administrative Unit State and Local Revenues

In accordance with 20-A MRSA, section 15618-A, a report of all school administrative unit state and local revenues designated for K - 12 education in their FY 97 budgets has been compiled and a copy is provided for your use.

It should be noted that the amounts budgeted in the various categories may not be the same as actual expenditures for these categories, for the following reasons:

1. Some budgeted amounts may be unexpended and carried forward to the following year. The statewide balance forward, for all budget categories, is usually between 2% and 3%.
2. School administrative units which do not utilize a line-item budget may transfer funds to other categories.
3. For certain types of funds that are transferred between school administrative units (for tuition costs and for transportation and other services provided to another school administrative unit), the amount is budgeted in both school administrative units, since each unit must appropriate these funds. Since these instances cannot be netted out in the State Total Summary, the state totals will overestimate actual expenditures to some degree.
4. The budget information for the town of Fayette is not included because the town of Fayette has not submitted the necessary data to the Department of Education.

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

Was read and with accompanying report ordered placed on file in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received and upon reference of the Committee on Reference of Bills were referred to the following Committees, Ordered Printed and sent up for concurrence.

Agriculture, Conservation and Forestry

Bill "An Act to Prohibit Destruction of Any Artificial Structure within Baxter State Park" (H.P. 103) (L.D. 127) (Presented by Representative CLARK of Millinocket) (By Request)

Bill "An Act to Require Public Access to Any Public Lands Conveyed for Inclusion in a National Park" (H.P. 104) (L.D. 128) (Presented by Representative CLARK of Millinocket) (By Request)

Bill "An Act to Make Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1997" (EMERGENCY) (H.P. 139) (L.D. 181) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Senator MICHAUD of Penobscot) (Governor's Bill)

Committee on **Appropriations and Financial Affairs** suggested.

On motion of Representative KERR of Old Orchard Beach, tabled pending reference and later today assigned.

Criminal Justice

Bill "An Act to Allow Independent Investigation of a Complaint against a Law Enforcement or Corrections Officer upon Request" (H.P. 121) (L.D. 145) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Representatives: SAMSON of Jay, WHEELER of Bridgewater)

Bill "An Act to Appropriate Funds for the Staffing and Operation of the Northern Maine Regional Juvenile Detention Facility" (EMERGENCY) (H.P. 124) (L.D. 148) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Representatives: O'NEAL of Limestone, POVICH of Ellsworth, WHEELER of Bridgewater, Senator: MICHAUD of Penobscot)

Education and Cultural Affairs

Bill "An Act to Increase Health Insurance Benefits for Retired Educators" (H.P. 132) (L.D. 174) (Presented by Representative LEMAIRE of Lewiston) (Cosponsored by Senator NUTTING of Androscoggin and Representatives: BAKER of Bangor, BOLDUC of Auburn, GOODWIN of Pembroke, JOY of Crystal, McKEE of Wayne, SAXL of Bangor, Senator: KILKELLY of Lincoln)

Health and Human Services

Bill "An Act to Repeal the Funding for the Family Planning Association of Maine" (H.P. 98) (L.D. 122) (Presented by Representative MACK of Standish) (Cosponsored by Representatives: AHEARNE of Madawaska, BRAGDON of Bangor, KASPRZAK of Newport, LANE of Enfield, LAYTON of Cherryfield, MacDOUGALL of North Berwick, VIGUE of Winslow, Senator: BENOIT of Franklin)

Bill "An Act to Limit Medicaid Coverage for Methadone Rehabilitation to One Year" (H.P. 102) (L.D. 126) (Presented by Representative BRUNO of Raymond) (Cosponsored by

Representatives: CAMERON of Rumford, LEMONT of Kittery, PLOWMAN of Hampden, Senator: PENDLETON of Cumberland)

Bill "An Act to Require That All Medicaid Funds Be Controlled by a Single State Agency" (H.P. 105) (L.D. 129) (Presented by Representative BRUNO of Raymond) (Cosponsored by Representatives: CAMERON of Rumford, CAMPBELL of Holden, LEMONT of Kittery, LOVETT of Scarborough, PLOWMAN of Hampden)

Bill "An Act to Provide Financial Incentives to a Company That Hires and Provides Health Insurance Benefits to a Medicaid Recipient" (H.P. 106) (L.D. 130) (Presented by Representative BRUNO of Raymond) (Cosponsored by Representatives: BODWELL of Brunswick, CAMERON of Rumford, FRECHETTE of Biddeford, LEMONT of Kittery, LOVETT of Scarborough, PLOWMAN of Hampden, SHANNON of Lewiston, TOWNSEND of Portland)

Bill "An Act to Provide Social Services to Children in Need of Services and State Supervision" (H.P. 129) (L.D. 153) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Senator PARADIS of Aroostook and Representatives: AHEARNE of Madawaska, BAGLEY of Machias, BERRY of Livermore, GOODWIN of Pembroke, WHEELER of Bridgewater, Senators: CATHCART of Penobscot, KILKELLY of Lincoln)

Bill "An Act to Clarify Medicaid Reimbursement for Acadia Hospital Corporation" (EMERGENCY) (H.P. 137) (L.D. 179) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Senator MURRAY of Penobscot and Representatives: BAKER of Bangor, BRAGDON of Bangor, FISHER of Brewer, PLOWMAN of Hampden, SAXL of Bangor, TREADWELL of Carmel, Senator: RUHLIN of Penobscot)

Resolve, to Establish the Commission to Study the Use of Pharmaceuticals in Long-term Care Settings (H.P. 122) (L.D. 146) (Presented by Representative BRUNO of Raymond)

Inland, Fisheries and Wildlife

Bill "An Act to Change the Moose Hunting Season" (H.P. 93) (L.D. 117) (Presented by Representative JONES of Greenville) (Cosponsored by Senator MITCHELL of Penobscot and Representatives: AHEARNE of Madawaska, SANBORN of Alton, STANLEY of Medway)

Bill "An Act to Provide a Day for Resident Hunters Only at the Opening of the Moose Season" (H.P. 94) (L.D. 118) (Presented by Representative BELANGER of Wallagrass) (Cosponsored by Senator PARADIS of Aroostook and Representatives: AHEARNE of Madawaska, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, MACK of Standish, TRUE of Fryeburg, WHEELER of Bridgewater, Senator: JENKINS of Androscoggin)

Bill "An Act to Protect Deer" (H.P. 99) (L.D. 123) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: CHICK of Lebanon, CLARK of Millinocket, CROSS of Dover-Foxcroft, DEXTER of Kingfield, McELROY of Unity, PAUL of Sanford, PERKINS of Penobscot, TRUE of Fryeburg)

Bill "An Act to Create a 3-Person Regional Fisheries and Wildlife Advisory Council within Each Resource Management Administrative Region" (H.P. 128) (L.D. 152) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: PAUL of Sanford, USHER of Westbrook, Senator: KIEFFER of Aroostook)

Bill "An Act to Reduce Snowmobile Registration Fees for Certain Nonresidents" (H.P. 134) (L.D. 176) (Presented by Representative JONES of Greenville) (Cosponsored by

Representatives: SANBORN of Alton, TOBIN of Dexter)

Judiciary

Bill "An Act to Require Disclosure to Prison Workers in the Case of an Inmate Who Tests Positive for Acquired Immune Deficiency Syndrome" (H.P. 97) (L.D. 121) (Presented by Representative MUSE of South Portland) (Cosponsored by Representatives: MORGAN of South Portland, WRIGHT of Berwick)

Bill "An Act to Allow the Release of the Name of and Juvenile Crimes Committed by a Juvenile 14 Years of Age or Older" (H.P. 101) (L.D. 125) (Presented by Representative VIGUE of Winslow) (Cosponsored by Senator DAGGETT of Kennebec and Representatives: BOUFFARD of Lewiston, CROSS of Dover-Foxcroft, O'NEAL of Limestone, SIROIS of Caribou, Senator: CAREY of Kennebec)

Bill "An Act to Prohibit the Plea Bargaining of Child Sex Abuse Cases" (H.P. 108) (L.D. 132) (Presented by Representative JONES of Pittsfield) (By Request) (Cosponsored by Representatives: BUCK of Yarmouth, STEDMAN of Hartland, TOBIN of Dexter, WATERHOUSE of Bridgton, WHEELER of Bridgewater)

Bill "An Act to Remove Immunity for Fraudulent Testimony or Perjury" (H.P. 119) (L.D. 143) (Presented by Representative WATERHOUSE of Bridgton) (Cosponsored by Senator CAREY of Kennebec and Representatives: AHEARNE of Madawaska, BUCK of Yarmouth, NASS of Acton, Senators: BENOIT of Franklin, CASSIDY of Washington, KIEFFER of Aroostook)

Bill "An Act Regarding the Duties of Guardian Ad Litem" (H.P. 120) (L.D. 144) (Presented by Representative JABAR of Waterville) (Cosponsored by Senator LaFOUNTAIN of York and Representative: WATSON of Farmingdale)

Labor

Bill "An Act to Require Workers' Compensation Hearings within 30 Days of a Request" (H.P. 112) (L.D. 136) (Presented by Representative JABAR of Waterville) (Cosponsored by Senator RAND of Cumberland and Representatives: HATCH of Skowhegan, SAMSON of Jay)

Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Worker Reinstatement Rights" (H.P. 114) (L.D. 138) (Presented by Representative GOODWIN of Pembroke) (Cosponsored by Senator RAND of Cumberland and Representatives: BUNKER of Kossuth Township, CLARK of Millinocket, HATCH of Skowhegan, LEMKE of Westbrook, TUTTLE of Sanford)

Bill "An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Public Employees Who Have Been Employed Fewer Than 6 Months" (H.P. 123) (L.D. 147) (Presented by Representative GREEN of Monmouth) (Cosponsored by Senator RAND of Cumberland and Representatives: BAKER of Bangor, COWGER of Hallowell, ETNIER of Harpswell, HATCH of Skowhegan, LEMAIRE of Lewiston, QUINT of Portland, TRIPP of Topsham, WATSON of Farmingdale)

Bill "An Act to Provide Disclosure of the Bureau of Unemployment Compensation Records and Reports to Authorized Agents" (H.P. 131) (L.D. 173) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Senator CATHCART of Penobscot and Representatives: CLARK of Millinocket, HATCH of Skowhegan, JOY of Crystal, JOYCE of Biddeford) (Submitted by the Department of Labor pursuant to Joint Rule 204.)

Bill "An Act to Amend the Child Labor Laws to Prohibit Minors 14 Years of Age from Working in a Restaurant or Eating Place" (H.P. 135) (L.D. 177) (Presented by Representative WINSOR of Norway) (Cosponsored by Senator BENOIT of Franklin)

Bill "An Act to Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees" (H.P. 136) (L.D. 178) (Presented by Representative WINSOR of Norway) (Cosponsored by Senator SMALL of Sagadahoc)

Legal and Veterans Affairs

Bill "An Act to Amend the Treatment of Security Deposits to Provide a Remedy for Failure to Comply" (H.P. 91) (L.D. 115) (Presented by Representative JONES of Bar Harbor)

State and Local Government

Bill "An Act to Remove Travel Policy from the Maine Administrative Procedure Act and to Transfer the Authority for Fixed Assets Inventory" (H.P. 96) (L.D. 120) (Presented by Representative AHEARNE of Madawaska) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Bill "An Act to Authorize a State Agency to Charge Interest on Money Owed to that Agency" (H.P. 107) (L.D. 131) (Presented by Representative BRUNO of Raymond) (Cosponsored by Senator PENDLETON of Cumberland and Representatives: CAMERON of Rumford, FISHER of Brewer, FRECHETTE of Biddeford, LEMONT of Kittery, LOVETT of Scarborough, PLOWMAN of Hampden, SHANNON of Lewiston, TOWNSEND of Portland)

Bill "An Act Regarding Qualifications for the Office of Sheriff" (H.P. 109) (L.D. 133) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Senator FERGUSON of Oxford and Representatives: AHEARNE of Madawaska, GOODWIN of Pembroke, PAUL of Sanford, POVICH of Ellsworth, THOMPSON of Naples, WHEELER of Bridgewater)

Bill "An Act to Designate Square Dancing as the Official Folk Dance of Maine" (H.P. 111) (L.D. 135) (Presented by Representative BERRY of Belmont) (By Request)

Bill "An Act to Prohibit Omnibus Fish and Game Legislation" (H.P. 113) (L.D. 137) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representatives: AHEARNE of Madawaska, CHIZMAR of Lisbon, GOODWIN of Pembroke, LOVETT of Scarborough, PAUL of Sanford, PERKINS of Penobscot, STANLEY of Medway, TUTTLE of Sanford)

Bill "An Act to Allow Municipal Law Enforcement Officials to Enforce Handicapped Parking Restrictions" (H.P. 127) (L.D. 151) (Presented by Representative SIROIS of Caribou) (Cosponsored by Representatives: DESMOND of Mapleton, JONES of Greenville, MAILHOT of Lewiston, O'NEAL of Limestone, SHIAH of Bowdoinham, SKOGLUND of St. George, STANLEY of Medway, Senator: KIEFFER of Aroostook)

Bill "An Act to Make Technical Changes in Laws Authorizing the Sale of the Pineland Center" (H.P. 133) (L.D. 175) (Presented by Representative FOSTER of Gray) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Taxation

Bill "An Act to Exempt Certain Taxpayers from Filing State Income Tax Returns" (H.P. 115) (L.D. 139) (Presented by Representative WINGLASS of Auburn) (Cosponsored by Representative: POVICH of Ellsworth)

Bill "An Act Regarding the Authority of County Government Assessments" (H.P. 117) (L.D. 141) (Presented by Representative BRENNAN of Portland) (Cosponsored by Senator CLEVELAND of Androscoggin)

Bill "An Act to Adjust the Taxation of Public Pensions and Social Security Benefits" (H.P. 118) (L.D. 142) (Presented by Representative HATCH of Skowhegan)

Bill "An Act to Amend the Laws Regarding Property Tax Reimbursement for Certain Business Property" (H.P. 125) (L.D. 149) (Presented by Representative LEMAIRE of Lewiston) (Cosponsored by Senator LaFOUNTAIN of York and Representatives: CHARTRAND of Rockland, DRISCOLL of Calais, HATCH of Skowhegan, SAMSON of Jay, VOLENIK of Brooklin, Senators: RAND of Cumberland, TREAT of Kennebec)

Resolve, to Establish a Commission to Study Methods to Reduce Reliance on the Property Tax to Fund Education (H.P. 116) (L.D. 140) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representative: McELROY of Unity)

Bill "An Act to Encourage the Development of the Software Industry" (H.P. 110) (L.D. 134) (Presented by Representative PIEH of Bremen) (Cosponsored by Senator PINGREE of Knox and Representatives: DONNELLY of Presque Isle, O'NEIL of Saco, RINES of Wiscasset, SKOGLUND of St. George, VIGUE of Winslow, WINN of Glenburn, Senator: KILKELLY of Lincoln)

Committee on **Taxation** suggested and ordered printed.

On motion of Representative TRIPP of Topsham, tabled pending reference and specially assigned for Thursday, January 16, 1997.

Transportation

Bill "An Act to Amend the Law Regarding Fog Lights" (H.P. 92) (L.D. 116) (Presented by Representative LaVERDIERE of Wilton) (Cosponsored by Representatives: JONES of Greenville, SANBORN of Alton, STANLEY of Medway)

Bill "An Act to Repeal the Rental Fees for Road Signs" (H.P. 100) (L.D. 124) (Presented by Representative FOSTER of Gray) (Cosponsored by Representatives: CIANCHETTE of South Portland, JONES of Greenville, MacDOUGALL of North Berwick, VEDRAL of Buxton)

Bill "An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Medical Services Personnel" (H.P. 126) (L.D. 150) (Presented by Representative MORGAN of South Portland) (Cosponsored by Representatives: MUSE of South Portland, WRIGHT of Berwick)

Bill "An Act to Amend the Motor Vehicle Laws Regarding Proof of Financial Responsibility and to Increase the Required Minimum Amounts of Liability Insurance Coverage" (H.P. 138) (L.D. 180) (Presented by Representative LEMAIRE of Lewiston) (Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: BAKER of Bangor, CHARTRAND of Rockland, FARNSWORTH of Portland, HATCH of Skowhegan, McALEVEY of Waterboro, POVICH of Ellsworth)

Resolve, to Name a Section of Route 26 in Bethel in Oxford County in Memory of Captain Carl R. Churchill, United States Air Force, Killed in Action in Laos, May 3, 1970 (H.P. 95) (L.D. 119) (Presented by Representative BARTH of Bethel) (Cosponsored by Senator FERGUSON of Oxford, Senator: BENNETT of Oxford)

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

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

Bill "An Act to Make Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1997" (EMERGENCY) (H.P. 139) (L.D. 181) which was tabled by Representative KERR of Old Orchard Beach pending reference.

Under suspension of the rules, the Bill was read twice without reference to a Committee, passed to be engrossed and sent up for concurrence. Ordered sent forthwith.

ORDERS

On motion of Representative JONES of Pittsfield, the following House Order: (H.O. 9)

ORDERED, that House Rule 101 be amended to read:

Rule 101. Chaplains. Every morning the House on assembling shall join with the Chaplains in religious service. On the first legislative day of each week, the National Anthem must follow the religious service. Every morning the House after assembling shall recite the pledge of allegiance.

Was read .

On motion of Representative JONES of Pittsfield, tabled one legislative day pursuant to House Rule 524.

On motion of Representative DONNELLY of Presque Isle, the following Joint Order: (H.P. 130)

ORDERED, the Senate concurring, that Joint Rule 307 be amended to read:

Rule 307. Testimony.

Testimony before a joint standing committee is not presented under oath, except that a committee is authorized to administer oaths in the case of legislative confirmation hearings under the Maine Revised Statutes, Title 3, section 157 and may be so authorized by the Legislature when the committee is acting as a special investigating committee under the Maine Revised Statutes, Title 3, section 165, subsection 7.

All written materials presented to the committee must bear the name, address and affiliation, if applicable, of the presenter and the date presented.

Written testimony submitted by a person or agency that, in the current fiscal year or the 2 immediately preceding fiscal years, receives or has received a grant from a governmental agency or has entered into a contract with a governmental agency must include the amount received by the person or agency under the grant or contract and identify the source of the grant or contract by governmental agency and program name. For purposes of this paragraph, "grant" also includes a subgrant from another organization receiving a governmental grant or from the State pursuant to a federal block grant. If any witness at a committee hearing fails to make a good faith disclosure of the information required by this paragraph, then all testimony of that witness at that hearing must be expunged from the hearing record.

Was read.

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

Representative DONNELLY: Madam Speaker, Men and Women of the House. This order is for those that present written

testimony to committees just to identify and disclose if there is a special interest or a particular funding mechanism or grant which they are going to be receiving through the legislative process. When someone is testifying in front of you, you can ask them that question. When they are presenting written testimony only, you can't. All this is is a sunshine rule change. It is a full-disclosure rule change. It is to allow members of the committee to understand that someone has a particular interest in a particular expertise. It fashions that out. It is for written testimony only. I would appreciate your support. Thank you.

Representative KONTOS of Windham moved that the Joint Order (H.P. 130) be indefinitely postponed.

Representative DONNELLY of Presque Isle requested a roll call on the motion to indefinitely postpone the Joint Order (H.P. 130).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

Representative DONNELLY: I must say I am perplexed at the move that was just made, but that is part of the process. Once in a while you are surprised. It is merely a truth-in-testimony requiring witnesses that receive funds through governmental contracts to disclose the amount and source of funds when they testify before legislative committees. It is no secret agenda, no onerous portion. Having served on a committee that deals with finances, we had many, many, many pages of written testimony, which sometimes was very helpful in helping the committee come to its eventual support or lack thereof on a particular bill. It would just be further in line with Maine's sunshine laws to disclose these things. While I am perplexed at this move to kill this bill, I would ask your support to allow sunshine into the process and allow for the members of the body to understand where people are coming from. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion to Indefinitely Postpone. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 1

YEA - Ahearn, Bagley, Baker CL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chizmar, Clark, Colwell, Cowger, Davidson, Driscoll, Dunlap, Etner, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kontos, LaVerdiere, Lemaire, Mailhot, McAlevey, McKee, Mitchell JE, Morgan, Muse, O'Neal, O'Neil, Paul, Perry, Pih, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Volenik, Watson, Wheeler GJ, Winn, Wright.

NAY - Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Campbell, Carleton, Chick, Cianchette, Clukey, Cross, Desmond, Donnelly, Fisk, Foster, Gamache, Gerry, Gieringer, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kerr, Kneeland, Labrecque, Lane, Layton, Lemke, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McElroy, Meres, Murphy, Nass, Nickerson, O'Brien, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Vigue, Waterhouse, Wheeler EM, Winsor.

ABSENT - Dexter, Dutremble, Lemont, Madore, Poulin, Spear, Stevens, Underwood, Wingle, Madam Speaker.

Yes, 72; No, 69; Absent, 10; Excused, 0.

72 having voted in the affirmative and 69 voted in the negative, with 10 being absent, the Joint Order (H.P. 130) was indefinitely postponed.

On motion of Representative PERKINS of Penobscot, the following Joint Order: (H.P. 140)

ORDERED, the Senate concurring, that Joint Rule 302 be amended to read:

Rule 302. Membership.

Each of the joint standing committees consists of 13 members, 3 from the Senate and 10 from the House of Representatives. A joint standing committee may not consist of more than 4 members who are salaried public employees or who have been salaried public employees for 5 or more years in the field over which that committee has jurisdiction. For purposes of this rule, the term "public employee" includes a federal, state, county, municipal, school district or school union employee, including an employee on a leave of absence. The first Senate member named is the Senate chair. The first House member named is the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each chamber in the sequence of their appointment to the committee. The sequence of appointment for the biennium is as announced by the presiding officers in each chamber. Every member of the Senate and the House of Representatives is entitled to at least one initial committee assignment.

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank you Mr. Speaker. I am very happy to present this Joint Order. It should be nonpartisan, I am sure. I expect to get overwhelming support for this. It is clearly a good idea.

I guess everybody understands what it is about and you have it in front of you. I overheard somebody going down stairs the other day and they said, yes, I know what it is about. We can't have six cops on the Criminal Justice Committee anymore. I don't use that language because it kind of belittles the expertise and the wisdom and the experience that these people bring. It is kind of a delicate and difficult thing to talk about because when you talk about limiting, you are talking about people who are very dedicated and by and large are very independent thinkers, like we all are.

What I am trying to do here is to make sure that the government has only a certain impact on these committees and in the Legislature as a whole. People who have had a career in government, let's face it, we would be part of the government. When citizens come here, they expect a citizen's Legislature and this would go a long ways in making sure that we keep that. Some of the arguments that have come up, what if we have more than four fishermen on Marine Resources Committee? These aren't government people, okay. We are focusing on the government. Someone said, what about more than four lawyers on Judiciary? This is not government that we are talking about. I understand the sentiment. There is a fear that this would just snowball and then what if, what if and what about, what about. If you just focus the fact that these are government people being part of the government, I think they should be limited to four. We need to maintain this as a citizen government. We run the risk of becoming government by the government. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Saxl.

Representative SAXL: Madam Speaker, Ladies and Gentlemen of the House. The good Representative from Penobscot says that we risk having government ruled by the government, but here in the State of Maine we have a grand tradition in a citizen Legislature, where people of all walks of life in the State of Maine come and join us to represent as best they can. So whether a teacher sits on the Marine Resources Committee or a teacher sits on the Education Committee, is not the issue. The issue here is whether, as the experienced people bring to bear in their personal lives and throughout their experience from their communities and what that brings to our committee process. To me, whether people work in state government or whether they are fishermen, they offer something special to our committee process. It has worked pretty darn good since the very beginning of this body.

I would urge you to vote against the pending motion and retain the right of the presiding officer of this chamber to assign whichever member of this body to a committee that they so choose. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Thank you Mr. Speaker. I just would like to briefly say that I agree with a lot that Representative Saxl said, except that if you really look at public policy, statewide, regarding public workers, you will see why there is probably a majority of people in this body, with all due respect, probably a majority, who are active or retired public workers. There again, it is great to have the expertise, but if you look at public policy regarding time-in service to retire, leave of absence to come over here, these types of things, there would be no danger of a fisherman or a small business person ever being loaded on any of these committees. They couldn't afford to come over here. With all due respect, it is a very difficult issue to talk about. Thank you.

Representative PERKINS of Penobscot requested a roll call on passage.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The pending question before the House is Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 2

YEA - Berry DP, Bigl, Bodwell, Bragdon, Buck, Bunker, Cameron, Campbell, Carleton, Cianchette, Cross, Fisk, Foster, Gerry, Gieringer, Honey, Jones KW, Jones SA, Joy, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lovett, MacDougall, Mack, Marvin, McAlevey, McElroy, Meres, Murphy, Nass, Nickerson, Ott, Peavey, Pendleton, Perkins, Pinkham RG, Pinkham WD, Plowman, Savage, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Bumps, Chartrand, Chick, Chizmar, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Donnelly, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Goodwin, Gooley, Green, Hatch, Jabar, Jones SL, Joyce, Joyner, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lindahl, Mailhot, Mayo, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Sirois, Skoglund, Stanley, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright.

ABSENT - Dexter, Dutremble, Lemont, Madore, Poulin, Shiah, Snowe-Mello, Spear, Stevens, Underwood, Winglass, Madam Speaker.

Yes, 52; No, 87; Absent, 12; Excused, 0.

52 having voted in the affirmative and 87 voted in the negative, with 12 being absent, the Joint Order (H.P. 140) failed of passage.

On motion of Representative KERR of Old Orchard Beach, the following Joint Order: (H.P. 141)

Ordered, the Senate concurring, that Joint Rule 211 be amended to read:

Rule 211. Signatures on Drafts of Bills, Resolves and Amendments.

The Revisor of Statutes shall notify the primary sponsor of a bill or resolve that the bill or resolve is ready in final form for signature. The primary sponsor is responsible for obtaining signatures from cosponsors. The primary sponsor shall sign the bill or notify the Revisor of Statutes of any changes that are necessary within deadlines established by the presiding officers. The primary sponsor shall present the signed cosponsor sheet to the Revisor of Statutes. If the primary sponsor does not contact the Office of the Revisor of Statutes within this period, the bill is void.

If changes are requested, the Revisor of Statutes shall notify the primary sponsor when changes have been made and the bill is available for nature; the primary sponsor and cosponsors shall sign the bill within the established deadlines. Further changes must be proposed to the committee of reference. If the primary sponsor does not sign the bill within this period, the bill is void. If cosponsors do not sign the bill within either period, their names must be removed from the bill.

Bills and resolves that are introduced by the Governor or a Department or Agency of State Government must include at the time of filing the name of the primary sponsor. If at the time of filing the members of the Joint Standing Committees have not been named this requirement is stayed until one week after the naming of these committees.

The Revisor of Statutes may make only those changes to a draft of a bill or resolve submitted by the Governor or a Department or Agency of State Government that have been authorized by the primary sponsor of the bill or resolve. The primary sponsor may be changed only with permission of the original primary sponsor.

Was read.

On motion of Representative KERR of Old Orchard Beach, tabled pending passage and was specially assigned for Thursday, January 16, 1997.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were tabled and today assigned:

Bill "An Act to Protect Internal Waters of the State" (H.P. 55) (L.D. 80)

(Committee on **Inland Fisheries and Wildlife** suggested)

TABLED - January 9, 1997 by Representative PAUL of Sanford.

PENDING - Reference.

On motion of Representative PAUL of Sanford the Bill was referred to the Committee on **Natural Resources**, ordered printed and sent up for concurrence.

Bill "An Act to Exempt Contract Dance Instructors from the

Unemployment Tax" (H.P. 24) (L.D. 49)

(Committee on **Taxation** suggested)

TABLED - January 9, 1997 by Representative TRIPP of Topsham.

PENDING - Reference.

On motion of Representative TRIPP of Topsham, the Bill was referred to the Committee on **Labor**, ordered printed and sent up for concurrence.

HOUSE ORDER - Relative to amending House Rule 401 (H.O. 7)

- In House, Read on January 9, 1997.

TABLED - January 9, 1997 by Representative CAMERON of Rumford.

(Pursuant to House Rule 524)

PENDING - Passage.

On motion of Representative DONNELLY of Presque Isle, tabled pending passage and specially assigned for Thursday, January 16, 1997.

JOINT ORDER - Relative to amending Joint Rule 302 (H.P. 90)

- In House, Read on January 9, 1997.

TABLED - January 9, 1997 by Representative PERKINS of Penobscot.

PENDING - Passage.

On motion of Representative PERKINS of Penobscot, the Joint Order was indefinitely postponed.

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

SENATE PAPERS

Bill "An Act to Fund Research Regarding the Reinstatement of a Meat Inspection Program" (S.P. 50) (L.D. 160)

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

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

Bill "An Act to Provide for Long-range Revenue Forecasts" (S.P. 62) (L.D. 172)

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

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

Bill "An Act to Clarify the Parity Provision in Maine Banking Law" (EMERGENCY) (S.P. 49) (L.D. 159)

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

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

Bill "An Act to Clarify the Right of Campground Owners To Evict or Deny Accommodations to Problem Guests" (S.P. 55) (L.D. 165)

Bill "An Act to Allow Members of Cooperatives to Vote by Proxy" (S.P. 60) (L.D. 170)

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

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

Bill "An Act to Allow Retired Law Enforcement Officials to Obtain a Lifetime Concealed Weapons Permit" (S.P. 52) (L.D. 162)

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

Was referred to the Committee on **Criminal Justice** in concurrence.

Bill "An Act to Amend the Laws Regarding Hunting from a Paved Way" (S.P. 45) (L.D. 155)

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

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

Bill "An Act to Shift from Small Business Owners to the Department of Labor the Responsibility for Providing the Department of Human Services with Information on New Employees" (S.P. 53) (L.D. 163)

Bill "An Act to Amend the Eligibility Requirements for Collecting Unemployment Benefits" (S.P. 58) (L.D. 168)

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

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

Resolve, to Extend the Reporting Deadline for the Task Force on Paperwork Reduction in Nursing Facilities (EMERGENCY) (S.P. 57) (L.D. 167)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Resolve was read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Health and Human Services**.)

Under suspension of the rules the Resolve was read once without reference to a Committee, the Resolve was read twice and passed to be engrossed in concurrence.

Bill "An Act to Amend the Charter of the Loring Development Authority as It Pertains to Immunity of the Authority"

(EMERGENCY) (S.P. 46) (L.D. 156)

Bill "An Act to Impose a Surcharge on Documents Recorded in a Registry of Deeds to Fund Preservation of Registry Documents" (S.P. 47) (L.D. 157)

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

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

Bill "An Act to Provide Tax Credits for Small Businesses Providing Health Insurance Benefits for Employees" (S.P. 54) (L.D. 164)

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

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

Bill "An Act to Preserve Public Springs" (S.P. 48) (L.D. 158)

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

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

Was referred to the Committee on **Health and Human Services** in concurrence.

Bill "An Act to Increase the Population Threshold at Which a Town is Responsible for Maintaining Highways" (S.P. 44) (L.D. 154)

Bill "An Act to Require that Cargo Being Hauled by Trucks Be Covered" (S.P. 51) (L.D. 161)

Bill "An Act to Issue Military Service Award License Plate Decals" (S.P. 56) (L.D. 166)

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

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

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

On motion of Representative CHARTRAND of Rockland, the House adjourned at 5:25 p.m. until Thursday, January 16, 1997.