

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
34th Legislative Day
Monday, April 8, 1991

Representative Michaud of East Millinocket assumed the Chair.

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

Prayer by Reverend Herbert Bailey, Williams Temple Church of God in Christ, Portland.

Pledge of Allegiance.

The Journal of Thursday, April 4, 1991, was read and approved.

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Increase the Period of Suspension for Persons Convicted of Operating under the Influence" (S.P. 156) (L.D. 368)

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Requiring the Governor to Proclaim a Vacancy When a Candidate for Nomination to Legislative Office Fails to Receive the Minimum Required Votes" (S.P. 238) (L.D. 629)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide that Income Data for Maine State Retirement System Retirees be Made Available to the Maine State Retirement System" (S.P. 286) (L.D. 768)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Update Special Education Costs" (S.P. 52) (L.D. 82)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Concerning Federal Impact Aid for Education" (S.P. 72) (L.D. 128)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Providing for Low-income Student Adjustment in Education Funding" (S.P. 190) (L.D. 499)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Provide Funding for Asbestos Treatment, Underground Tank Removal and Replacement, Roof Repair and Other Costs Associated with Federal Mandates" (S.P. 191) (L.D. 500)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Concerning School Psychological Service Providers" (S.P. 293) (L.D. 791)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Encourage the Return of Students to School" (S.P. 294) (L.D. 792)

Report of the Committee on Education reporting H-445

"Ought Not to Pass" on Bill "An Act to Improve Special Education Services to State Wards" (S.P. 295) (L.D. 793)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Pertaining to School Budgets" (S.P. 306) (L.D. 815)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Relating to Restructuring Maine Schools" (S.P. 314) (L.D. 852)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Establish a Budget Authority within School Administrative Districts" (S.P. 330) (L.D. 886)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Provide Greater Local Review of Proposed Low-Level Radioactive Waste Sites" (S.P. 229) (L.D. 583)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Restrict the Transportation of Low-level Radioactive Waste" (S.P. 250) (L.D. 708)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Allow Fort Knox State Park in Prospect to Retain All or Part of Its Admission Fees" (S.P. 272) (L.D. 731)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Eliminate the Maine Land Use Regulation Commission" (S.P. 281) (L.D. 740)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Establish a Strategic Petroleum Products Reserve System for the State" (EMERGENCY) (S.P. 296) (L.D. 794)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Set a Moratorium on Issuing Permits for Septic Tanks" (S.P. 356) (L.D. 958)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Prohibit the Siting of Landfills within 10 Miles of Municipalities That Host or Have a Waste-to-energy Facility" (EMERGENCY) (S.P. 473) (L.D. 1265)

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Amend the Child Support Guidelines" (S.P. 53) (L.D. 83)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Aging, Retirement

and Veterans reporting "Leave to Withdraw" on Bill "An Act to Continue Disability Payments to Retirees" (S.P. 205) (L.D. 532)

TUPPER of Orrington
HICHENS of Eliot
BOWERS of Sherman

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Relating to Eligibility for the Elderly Low-cost Drug Program" (S.P. 214) (L.D. 541)

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-40) on same Bill.

Signed:

Representatives: JALBERT of Lisbon
STEVENS of Sabattus

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act Concerning Certain Personnel Records" (S.P. 263) (L.D. 722)

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

Reports were read.

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act Authorizing Measured Telephone Service for Business Customers" (S.P. 275) (L.D. 734)

On motion of Representative Lawrence of Kittery, the House accepted the Majority "Ought Not to Pass" Report in concurrence.

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System" (S.P. 283) (L.D. 765)

Non-Concurrent Matter

Bill "An Act to Improve Markets for Recycled Materials" (H.P. 967) (L.D. 1394) which was referred to the Committee on Energy and Natural Resources in the House on April 1, 1991.

Came from the Senate referred to the Committee on Housing and Economic Development in non-concurrence.

The House voted to recede and concur.

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Exempt Tree Farms from the Forest Practices Laws" (S.P. 241) (L.D. 645)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Provide Assistance to Small Business Owners of Underground Oil Storage Tanks" (S.P. 262) (L.D. 721)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Regarding Change of Name upon Divorce or Annulment" (S.P. 140) (L.D. 352)

COMMUNICATIONS

The following Communication: (S.P. 537)

115TH MAINE LEGISLATURE

April 3, 1991

Senator John E. Baldacci
Rep. Carl F. Sheltra
Chairpersons
Joint Standing Committee on Business Legislation
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated J. Franklin Howe of Bath for reappointment to the Maine Real Estate Commission.

Pursuant to Title 32, MRSa Section 13062, this nomination will require review by the Joint Standing Committee on Business Legislation and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Prohibit Persons Holding State, County or Municipal Office from Soliciting Election Funds from Their Employees" (S.P. 210) (L.D. 537)

Signed:

Senators: MILLS of Oxford
KANY of Kennebec
SUMMERS of Cumberland

Representatives: LAWRENCE of Kittery
PLOURDE of Biddeford
DAGGETT of Augusta
POULIN of Oakland
RICHARDSON of Portland

Speaker of the House

Came from the Senate, Read and Referred to the Committee on **Business Legislation**.

Was Read and Referred to the Committee on **Business Legislation** in concurrence.

The following Communication: (S.P. 542)

115TH MAINE LEGISLATURE

April 4, 1991

Senator Joseph C. Brannigan
Rep. Rita B. Melendy
Chairpersons
Joint Standing Committee on
Housing and Economic Development
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated George B. Terrien of Portland and Rebecca A. Flechtner of Old Town for appointments to the Maine State Housing Authority.

Pursuant to Title 30A, MRSA Section 4723, these nominations will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on **Housing and Economic Development**.

Was Read and Referred to the Committee on **Housing and Economic Development** in concurrence.

The following Communication:

**INTERAGENCY TASK FORCE ON HOMELESSNESS
AND HOUSING OPPORTUNITIES**

April 5, 1991

The Honorable John L. Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

Pursuant to L.D. 1809, An Act Relating to Various Commissions, Task Forces and Committees, Sub-Chapter V, which created the Interagency Task Force on Homelessness and Housing Opportunities, I am pleased

to forward this report, "By Sundown," for your review.

Sincerely,

S/Margaret R. Marshall
Chairperson
Interagency Task Force
on Homelessness &
Housing Opportunities

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills, Resolve and Resolution were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Aging, Retirement and Veterans

Resolve, to Provide a Retirement Benefit to Erma Painter (H.P. 991) (L.D. 1440) (Presented by Representative AULT of Wayne) (Cosponsored by Representative NORTON of Winthrop and Senator McCORMICK of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to License Installers of Milking Equipment" (H.P. 995) (L.D. 1444) (Presented by Representative PARENT of Benton) (Cosponsored by Senator TWITCHELL of Oxford) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act Transferring County Jail Operations to the State" (H.P. 998) (L.D. 1447) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative KETOVER of Portland, Senator BERUBE of Androscoggin and Representative JOSEPH of Waterville)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Restrict Clear-cutting on Land Used for Drinking Water Supplies" (H.P. 993) (L.D. 1442) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representative LORD of Waterboro and

Representative MERRILL of Dover-Foxcroft)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Snowmobile Registration Fees" (EMERGENCY) (H.P. 996) (L.D. 1445) (Presented by Representative CLARK of Millinocket) (Cosponsored by President PRAY of Penobscot, Senator COLLINS of Arostook and Representative MORRISON of Bangor)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Reduce the Caseload of the Workers' Compensation Commission" (H.P. 997) (L.D. 1446) (Presented by Representative AIKMAN of Poland) (Cosponsored by Senator CARPENTER of York)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure State Recognition of the Rights of Victims of Crime (H.P. 992) (L.D. 1441) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Senator HOLLOWAY of Lincoln)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act to Improve Records Management in Local Governments" (H.P. 994) (L.D. 1443) (Presented by Representative GOODRIDGE of Pittsfield) (Cosponsored by Representative MAHANY of Easton)

(The Committee on Reference of Bills had suggested the Committee on Taxation.)

On motion of Representative Mayo of Thomaston, tabled pending reference and later today assigned.

ORDERS

On motion of Representative HICHBORN of Howland, the following Order:

ORDERED, that Representative Wendy L. Ault of Wayne be excused March 5 to 13 for personal reasons and April 1 for health reasons.

AND BE IT FURTHER ORDERED, that Representative

Mary R. Cathcart of Orono be excused April 10, 11 and 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William B. O'Gara of Westbrook be excused April 11 and 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative John A. Aliberti of Lewiston be excused April 12 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative NORTON from the Committee on Education on Bill "An Act to Change the Minimum Reimbursement for Education to the Unorganized Territories" (H.P. 167) (L.D. 252) reporting "Ought Not to Pass"

Representative HANDY from the Committee on Education on Bill "An Act to Require That School Administrative Units Be Paid the Actual Per Pupil Cost for Students from the Unorganized Territory" (H.P. 491) (L.D. 685) reporting "Ought Not to Pass"

Representative OLIVER from the Committee on Education on Bill "An Act to Amend the Laws Relating to Funding of Education" (H.P. 560) (L.D. 803) reporting "Ought Not to Pass"

Representative PFEIFFER from the Committee on Education on Bill "An Act to Enhance the Effectiveness of the Quality Incentive Adjustment Allocation" (H.P. 195) (L.D. 286) reporting "Ought Not to Pass"

Representative CAHILL from the Committee on Education on Bill "An Act Concerning Impact Aid Funds" (H.P. 289) (L.D. 410) reporting "Ought Not to Pass"

Representative O'DEA from the Committee on Education on Bill "An Act to Partially Fund Extraordinary Costs of Education in Island Communities" (H.P. 331) (L.D. 461) reporting "Ought Not to Pass"

Representative BARTH from the Committee on Education on Bill "An Act to Provide Access to School Facilities and Programs for Home-instruction Students" (H.P. 469) (L.D. 663) reporting "Ought Not to Pass"

Representative BARTH from the Committee on Education on Bill "An Act Regarding Eligibility for Participation in Extracurricular Activities" (H.P. 634) (L.D. 904) reporting "Ought Not to Pass"

Representative NORTON from the Committee on Education on Bill "An Act Concerning Home Schooling" (H.P. 618) (L.D. 888) reporting "Ought Not to Pass"

Representative CROWLEY from the Committee on

Education on Bill "An Act to Establish a School Choice Program" (H.P. 597) (L.D. 848) reporting **"Ought Not to Pass"**

Representative NORTON from the Committee on Education on Bill "An Act to Establish an Office of the Ombudsman at each Campus of the University of Maine System" (H.P. 483) (L.D. 677) reporting **"Ought Not to Pass"**

Representative CROWLEY from the Committee on Education on Bill "An Act Regarding Recertification of Previously Certified Teachers and Other Educators" (H.P. 532) (L.D. 760) reporting **"Ought Not to Pass"**

Representative LORD from the Committee on Energy and Natural Resources on Bill "An Act to Promote Plumbing Efficiency" (H.P. 513) (L.D. 707) reporting **"Ought Not to Pass"**

Representative ANDERSON from the Committee on Energy and Natural Resources on Bill "An Act to Establish Equitable Environmental Relicensing Fees" (H.P. 584) (L.D. 835) reporting **"Ought Not to Pass"**

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Law Pertaining to the State's Contribution to Pollution Abatement" (H.P. 499) (L.D. 693) reporting **"Ought Not to Pass"**

Representative GOULD from the Committee on Energy and Natural Resources on Bill "An Act to Put a Moratorium on the Closing of Landfills" (H.P. 562) (L.D. 805) reporting **"Ought Not to Pass"**

Representative LORD from the Committee on Energy and Natural Resources on Resolve, to Establish a Maximum Water Level for Sebago Lake (H.P. 349) (L.D. 479) reporting **"Ought Not to Pass"**

Representative TOWNSEND from the Committee on Marine Resources on Resolve, to Establish the Commission to Study Lobster Trap Limits (EMERGENCY) (H.P. 93) (L.D. 134) reporting **"Ought Not to Pass"**

Representative COLES from the Committee on Marine Resources on Bill "An Act to Prohibit Dumping of Menhaden" (H.P. 526) (L.D. 754) reporting **"Ought Not to Pass"**

Representative LOOK from the Committee on Marine Resources on Bill "An Act Regarding Siting, Monitoring and Husbandry Practices in Aquaculture" (H.P. 567) (L.D. 810) reporting **"Ought Not to Pass"**

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act to Ensure the Safe Operation of Motorized Boats" (H.P. 460) (L.D. 651) reporting **"Ought Not to Pass"**

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Law Dealing with Foot Pursuit" (H.P. 578) (L.D. 829) reporting **"Ought Not to Pass"**

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative MANNING from the Committee on Human Resources on Bill "An Act to Ensure Patient Access to Medical Records" (H.P. 300) (L.D. 421) reporting **"Leave to Withdraw"**

Representative WENTWORTH from the Committee on Human Resources on Bill "An Act Concerning Availability of Income Between Spouses in the Determination of Medicaid Eligibility for Care at the Nursing Home Level" (H.P. 625) (L.D. 895) reporting **"Leave to Withdraw"**

Representative LORD from the Committee on Energy and Natural Resources on Bill "An Act to Allow Reconstruction of Structures Destroyed by Acts of God" (H.P. 587) (L.D. 838) reporting **"Leave to Withdraw"**

Representative LAWRENCE from the Committee on Legal Affairs on Bill "An Act Relating to Certain Types of Indemnity Provisions in Construction Contracts" (H.P. 721) (L.D. 1025) reporting **"Leave to Withdraw"**

Representative MANNING from the Committee on Human Resources on Bill "An Act to Provide More Adequate Funding for Contracted Human Service Programs" (EMERGENCY) (H.P. 400) (L.D. 574) reporting **"Leave to Withdraw"**

Representative MANNING from the Committee on Human Resources on Bill "An Act Concerning Deafness" (EMERGENCY) (H.P. 426) (L.D. 609) reporting **"Leave to Withdraw"**

Representative MANNING from the Committee on Human Resources on Bill "An Act to Expand the Elderly Low Cost Drug Program" (H.P. 26) (L.D. 29) reporting **"Leave to Withdraw"**

Representative MANNING from the Committee on Human Resources on Bill "An Act to Appropriate Funds to the Aroostook Alcohol and Drug Abuse Council" (H.P. 409) (L.D. 592) reporting **"Leave to Withdraw"**

Representative MANNING from the Committee on Human Resources on Bill "An Act to Facilitate Policies and Procedures of the Driver Education Evaluation Program" (H.P. 425) (L.D. 608) reporting **"Leave to Withdraw"**

Representative MANNING from the Committee on Human Resources on Bill "An Act to Appropriate State Funds to Enable the Bureau of Medical Services to Implement Consumer-directed Attendant Services in its State Plan" (EMERGENCY) (H.P. 535) (L.D. 763) reporting **"Leave to Withdraw"**

Representative MANNING from the Committee on Human Resources on Bill "An Act to Increase Availability of Family Preservation Services to Vulnerable Families" (EMERGENCY) (H.P. 610) (L.D. 870) reporting **"Leave to Withdraw"**

Representative MANNING from the Committee on

Human Resources on Bill "An Act to Provide Funds for the Mid-State United Cerebral Palsy Center" (H.P. 622) (L.D. 892) reporting **"Leave to Withdraw"**

Representative PENDLETON from the Committee on **Human Resources** on Bill "An Act Regarding Continuing Education for Administrators of Boarding Homes" (H.P. 515) (L.D. 743) reporting **"Leave to Withdraw"**

Representative PENDLETON from the Committee on **Human Resources** on Bill "An Act to Establish a Prospective Reimbursement System for Residential Care Facilities" (H.P. 630) (L.D. 900) reporting **"Leave to Withdraw"**

Representative PENDLETON from the Committee on **Human Resources** on Bill "An Act to Provide Mental Health Services to the Elderly" (H.P. 261) (L.D. 381) reporting **"Leave to Withdraw"**

Representative JACQUES from the Committee on **Fisheries and Wildlife** on Bill "An Act to Extend the Bow Hunting Season" (H.P. 569) (L.D. 820) reporting **"Leave to Withdraw"**

Representative RAND from the Committee on **Banking and Insurance** on Bill "An Act to Regulate Fees Imposed for the Use of Automated Teller Machines" (H.P. 121) (L.D. 166) reporting **"Leave to Withdraw"**

Representative PINEAU from the Committee on **Banking and Insurance** on Bill "An Act to Provide a Safe Driver's Discount for Motor Vehicle Insurance" (H.P. 500) (L.D. 694) reporting **"Leave to Withdraw"**

Representative PINEAU from the Committee on **Banking and Insurance** on Bill "An Act Concerning Collision Damage Waiver on Automobile Rental Agreements" (H.P. 717) (L.D. 1022) reporting **"Leave to Withdraw"**

Representative PINEAU from the Committee on **Banking and Insurance** on Bill "An Act to Require Insurance Companies to Inform Insureds of the Extent of Insured Value" (H.P. 657) (L.D. 936) reporting **"Leave to Withdraw"**

Representative ERWIN from the Committee on **Banking and Insurance** on Bill "An Act to Promote Choice for Bank Customers" (EMERGENCY) (H.P. 580) (L.D. 831) reporting **"Leave to Withdraw"**

Representative TOWNSEND from the Committee on **Marine Resources** on Bill "An Act to Require Labeling of Maine Finfish Produced by Aquaculture" (H.P. 334) (L.D. 464) reporting **"Leave to Withdraw"**

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act to Change the Age for Gross Sexual Assault" (H.P. 47) (L.D. 67) reporting **"Leave to Withdraw"**

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act to Establish a Victims' Bill of Rights" (H.P. 276) (L.D. 396) reporting **"Leave to Withdraw"**

Representative PARADIS from the Committee on

Judiciary on Bill "An Act to Enhance Protection of Children in Court Proceedings" (H.P. 303) (L.D. 424) reporting **"Leave to Withdraw"**

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act to Increase the Penalties for Career Criminals" (H.P. 317) (L.D. 447) reporting **"Leave to Withdraw"**

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act to Better Protect Adults and Children Giving Testimony of Alleged Abuse or Neglect Who Reside in Care Facilities" (H.P. 522) (L.D. 750) reporting **"Leave to Withdraw"**

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act to Assist Victims of Crime" (H.P. 592) (L.D. 843) reporting **"Leave to Withdraw"**

Representative RAND from the Committee on **Labor** on Bill "An Act to Prohibit Employers from Harassing Employees Who Are Absent from Work Due to Illness" (H.P. 581) (L.D. 832) reporting **"Leave to Withdraw"**

Representative PINEAU from the Committee on **Labor** on Bill "An Act to Amend Child Labor Laws" (H.P. 277) (L.D. 397) reporting **"Leave to Withdraw"**

Representative McHENRY from the Committee on **Labor** on Bill "An Act to Amend the Laws Pertaining to Leaves of Absence for a Legislator" (H.P. 294) (L.D. 415) reporting **"Leave to Withdraw"**

Representative McHENRY from the Committee on **Labor** on Bill "An Act to Regulate the Working Hours of Minors" (H.P. 326) (L.D. 456) reporting **"Leave to Withdraw"**

Representative RAND from the Committee on **Labor** on Bill "An Act Regulating the Working Hours of Minors During School Vacations" (H.P. 381) (L.D. 555) reporting **"Leave to Withdraw"**

Representative PINEAU from the Committee on **Labor** on Bill "An Act to Repeal the Student Minimum Wage" (H.P. 413) (L.D. 596) reporting **"Leave to Withdraw"**

Representative PINEAU from the Committee on **Labor** on Bill "An Act to Amend the Definition of Employment in the Unemployment Compensation Laws" (H.P. 736) (L.D. 1040) reporting **"Leave to Withdraw"**

Representative McHENRY from the Committee on **Labor** on Bill "An Act Concerning Teacher Collective Bargaining Agreements" (H.P. 259) (L.D. 350) reporting **"Leave to Withdraw"**

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

**Refer to the Committee on
State and Local Government**

Representative McHENRY from the Committee on **Labor** on Bill "An Act to Clarify the Definition of

State Employee in the State Employee Labor Relations Laws" (H.P. 574) (L.D. 825) reporting that it be referred to the Committee on State and Local Government.

Report was read and accepted and the bill referred to the Committee on State and Local Government and sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Increase the Fees for Local Registration of Motor Vehicles" (H.P. 470) (L.D. 664)

Signed:

Senators: GOULD of Waldo
THERIAULT of Aroostook

Representatives: MACOMBER of South Portland
STROUT of Corinth
HUSSEY of Milo
TAMMARO of Baileyville
SMALL of Bath

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

Signed:

Senator: MILLS of Oxford

Representatives: MARTIN of Van Buren
HALE of Sanford
BAILEY of Farmington
RICKER of Lewiston
BOUTILIER of Lewiston

Reports were read.

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

Representative MACOMBER: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

Mr. Speaker, Ladies and Gentlemen of the House: Just so we will all know what we are talking about, at this time when you register a car at your local municipality, there is a \$2 fee that the municipality receives and keeps. If this bill is accepted, the fee will go from \$2 to \$3 for reregistration and from \$2 to \$4 for a new registration. It is an option, you can either take this and use it or you don't have to, whatever way you want to do it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Men and Women of the House: I would ask you to vote against the pending motion on the floor. This does increase the registration fee when you register your vehicles. It does add a \$2 charge, it is a \$1 dollar charge for reregistration and \$2 for a new motor vehicle. This, again, is a new fee. This is an added burden on my constituents and yours.

This bill is an option for the

municipalities. As far as town meetings, in all probability they would probably vote it down. When you have a city council, you do not have that pleasure of voting, your council does it for you.

I think with all of the fees that have been increased and proposed increases and fees, this is just nickel and diming our constituents to death. They cannot handle their taxes now. They do pay a user fee for the highways and they certainly don't need to pay anymore, whether it is going to municipalities or the State of Maine.

My constituents have given me a very loud and clear message, "No more taxes, hidden, new revenues, enhancements, whatever you want to call them, no more."

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

Representative SPEAR: Mr. Speaker, Men and Women of the House: I would urge you to support the Majority Report and the passage of L.D. 664. This is a very important bill for each of the towns in this state and its residents. The Motor Vehicle Registration Program is a program which directly benefits the residents, especially the rural communities, by providing the taxpayers with a one-stop service center for most of their registration transactions, thereby avoiding lengthy and costly round trips to the nearest motor vehicle branch office to register their vehicles. In a lot of cases, this is apt to be 30, 40, or 50 miles away.

What this bill does is it allows the municipalities, the municipal officials, to increase their service fees by \$1 on reregistrations and \$2 on new registrations. You will notice that I said "it allows the municipal officials" — if they feel that it is costing them or they are losing money at this, it allows them to increase it by that much.

The Motor Vehicle Department has had a good thing going for them for a number of years. Prior to 1978, they had to do all the registering and it cost them a lot of money to do that. In 1978, they started with 19 towns in a pilot project to implement this. Now there are 450 towns that are using this service. These municipalities provide a real convenient service to its residents at a real bargain. I don't think these towns are looking to make any money but would just like to recoup their costs.

I heard people tell me, "I would be willing to pay \$5 if I didn't have to drive 30 or 40 miles and lose a half a day of work in order to be able to just drive down the road to my local town office and get my vehicle registered."

There is a lot of cost involved here. I had a neighboring town manager figure out just what it cost and he told me, figuring all the costs, it costs him \$3.55 for each registration that he processes. Ladies and gentlemen, I just kind of urge you to pass this so that all the towns can afford to provide this service and we can keep this service for our constituents.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Boutillier.

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I won't take up much time. This is a very simple bill, it is not really complex and you have already heard what the bill would do in terms of raising fees.

I just want to touch on one issue and that is, the bill was presented to the committee as a way to

recoup costs for this luxury that the towns requested and that was to do registrations at the local level. Many of them have opted to do that, including my city, the city of Lewiston. The fact is, some of the smaller towns are having trouble picking up the total cost of that, there is no doubt about that, some of the cities are not. In fact, the city of Lewiston, city of Portland, city of South Portland — it's gravy, it is not going to be a make or break for them staying at \$2 or increasing to \$4 or increasing to \$3.

When I asked at the hearing whether the town that had come in in support of this would make up the difference between what they felt their existing cost was and what their revenue was to do this, they said no, the extra \$2 or \$3 would not do that, we would have to go substantially higher than that to recoup the costs, so this is the first step to go to that end.

The towns that go with a warrant can vote out the ability to have that one-stop shopping if they want. If they feel that that is a luxury that they desire and the people of the town desire, then they should pick up the cost to do that. One more fee increased by legislative caveat to allow them do that means that, not only those towns that are losing money, they are going to raise it. So is Lewiston, Portland, South Portland and every town and city that is actually making money on those registrations at even a \$2 service fee.

So I would say in a time when we are in tight budget constraints and there's going to be a number of items that are going to be looked at through revenue increases, although an additional \$1, \$2, or \$3 does not seem like a lot, I think it doesn't bode well for the rest of the session if we start off and allow that to occur, even when we haven't seen the substantiation from the towns and cities that show that this additional increase is actually going to pick up the costs so I would urge you to vote down the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon to support this bill. Basically the reason I am supporting is that it is a local option.

What the gentleman from Lewiston explained to you is the exact opposite of what happens in the small communities. We are not concerned whether we are going to pick up the cost of doing this. On reregistrations, right now we get \$2 — what this will allow us, if the town so desires, is to get another dollar. Registrations is really not where the concern is of the smaller communities. Let me give you an example of the two problems we have in doing new registrations. An individual comes in that has gone to a dealer, they have paid their sales tax, they have their title application all made out and they come in and do a new registration. At the present time, we can charge \$2 and that is fine. A community like ours as we are doing business right now, we do our own community and we do three other neighboring communities. That's fine to do that but where the problem comes in is when we do a new registration where the individual buys from another individual. We end up doing the sales tax form for them, we have to do the title application and we have to do that registration. That takes anywhere from 15 to 25 minutes. Now, what I have run into, we elected to do this and that is fine, because we are 20 miles

from the nearest motor vehicle registry. Yes, we are providing a service but give us an opportunity if we so desire to go to \$4 or \$3 to at least help us pay for that extra person that we put in that office to help out doing some of these transactions. That's all it is going to do.

If the city of Lewiston wants to stay at \$2, fine. I have no problem with that. They are a bigger operation than we are. We will have the choice to either increase it or ask our people to drive 20 miles one way to do their motor vehicle registration. All we are asking is, let us have that option.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of the Representative from South Portland, Representative Macomber, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 38 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading Thursday, April 11, 1991.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act Regarding the Authority of Cumberland County to Take Land by Eminent Domain" (EMERGENCY) (H.P. 860) (L.D. 1240) reporting "Ought to Pass"

Report was read and accepted, the bill read once. Under suspension of the rules, the bill was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

CONSENT CALENDAR

First Day

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

(H.P. 645) (L.D. 919) Bill "An Act to Amend the Charter of the Berwick Sewer District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass"

On motion of Representative Clark of Millinocket, was removed from the Consent Calendar, First Day.

Subsequently the Committee Report was read and accepted, the Bill read once and assigned for second reading Thursday, April 11, 1991.

(H.P. 550) (L.D. 787) Bill "An Act to Clarify Certain Provisions of the Hospital Care Financing System and Provide for Systematic Consideration of Consumer Viewpoints by the Maine Health Care Finance Commission" Committee on **Human Resources** reporting **"Ought to Pass"**

(H.P. 136) (L.D. 196) Bill "An Act to Expand the Blaine House Scholars Program to Assist in Teacher Certification" Committee on **Education** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-75)

(H.P. 67) (L.D. 95) Bill "An Act Concerning the Licensing of Organizations Operating Games of Chance or Beano" Committee on **Legal Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-77)

(H.P. 517) (L.D. 745) Bill "An Act to Amend the Laws Regarding State Assistance to Mass Transportation" Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-79)

(H.P. 391) (L.D. 565) Bill "An Act to Clarify the Licensing Status of Acute Care Units at State Mental Health Institutes" Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-82)

(S.P. 149) (L.D. 361) Bill "An Act to Expand the Applicability of Certain Energy Standards" Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-34)

(S.P. 313) (L.D. 851) Bill "An Act to Modify the Law Relating to Continuing Deliberation by a Civil Jury in the Face of Disagreement" Committee on **Judiciary** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-36)

(H.P. 601) (L.D. 861) Bill "An Act to Repeal the Restriction on Investments in Loans Secured by First Mortgages on Real Estate by State-chartered Credit Unions" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-83)

(H.P. 230) (L.D. 321) Bill "An Act to Require Insurance Coverage for Reconstructive Breast Surgery for Women Who Have Had Mastectomies" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-84)

(H.P. 497) (L.D. 691) Bill "An Act to Prohibit Discrimination against Insureds over 65 Years of Age in Automobile Insurance Rates" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-85)

(H.P. 572) (L.D. 823) Bill "An Act to Amend the Wrongful Death Laws" Committee on **Judiciary** reporting **"Ought to Pass"**

(H.P. 621) (L.D. 891) Bill "An Act to Clarify the Obligation of District Attorneys to Pay for Physical Examinations of Certain Crime Victims" Committee on **Judiciary** reporting **"Ought to Pass"**

(H.P. 100) (L.D. 141) Bill "An Act to Change the Title of the Commission on Safety in the Maine Workplace" Committee on **Labor** reporting **"Ought to Pass"**

(H.P. 267) (L.D. 387) Bill "An Act to Amend Employment Practices Regarding Employee Personnel Files" Committee on **Labor** reporting **"Ought to Pass"**

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 11, 1991, 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. 91) (L.D. 176) Bill "An Act to Define the Boundary between the Towns of Madison, Norridgewock and Skowhegan"

(S.P. 315) (L.D. 853) Bill "An Act to Amend the Maine Lemon Law"

(S.P. 19) (L.D. 8) Bill "An Act to Regulate Water Utilities" (EMERGENCY) (C. "A" S-31)

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

(H.P. 99) (L.D. 140) Bill "An Act to Establish Standards of Financial Need for Grants under the Small Community Grants Program" (EMERGENCY) (C. "A" H-61)

On motion of Representative Jacques of Waterville, was removed from the Consent Calendar, Second Day.

Subsequently the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-61) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 11, 1991.

(H.P. 113) (L.D. 156) Bill "An Act to Assist in the Cleanup of Contaminated Property" (C. "A" H-62)

(H.P. 450) (L.D. 640) Bill "An Act to Amend the Election Laws Relating to Ballot Counting" (C. "A" H-65)

(H.P. 274) (L.D. 394) Bill "An Act to Amend the Charitable Solicitations Act" (C. "A" H-66)

(H.P. 383) (L.D. 557) Bill "An Act Concerning the Commission on Governmental Ethics and Election

Practices" (C. "A" H-67)

(H.P. 318) (L.D. 448) Bill "An Act Concerning Waste Management" (EMERGENCY) (C. "A" H-68)

(H.P. 379) (L.D. 553) Bill "An Act to Protect Stone Walls, Stone Impoundments and Timber Bridges of Historical Significance" (C. "A" H-69)

(H.P. 680) (L.D. 979) Bill "An Act Concerning the Town of Rumford Water District"

(H.P. 474) (L.D. 668) Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Plan to Provide Appropriate Services for Severely Mentally Ill Persons Who Are Living in Homeless Shelters (EMERGENCY) (C. "A" H-71)

(H.P. 404) (L.D. 587) Bill "An Act to Increase Support for Affordable Housing" (C. "A" H-70)

(H.P. 72) (L.D. 100) Bill "An Act to Eliminate the Requirement of Mediation in Certain Domestic Cases"

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Providing a Procedure for the Termination of the Degree-granting Authority of Educational Institutions" (S.P. 273) (L.D. 732)

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

Representative Crowley of Stockton Springs offered House Amendment "A" (H-73) and moved its adoption.

House Amendment "A" (H-73) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-73) and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Provide Funding for Volunteer Literacy Services for Maine Citizens" (Emergency) (S.P. 291) (L.D. 773)

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

Representative Crowley of Stockton Springs offered House Amendment "A" (H-74) and moved its adoption.

House Amendment "A" (H-74) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-74) and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Open Burning (H.P. 2) (L.D. 2) (C. "A" H-41)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Laws Concerning Registration of Camp Trailers and to Permit Reregistration for People who Served in the Persian Gulf (H.P. 36) (L.D. 50) (C. "A" H-37)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Require Telephone Companies to Include Emergency Numbers for Sheriffs' Departments in Directories (H.P. 305) (L.D. 435) (C. "A" H-45)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Law Regarding the Display of Legislative Plates (H.P. 322) (L.D. 452)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 33 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

An Act to Revise the Law Respecting Insurers' Dividend Distributions (S.P. 71) (L.D. 127) (C. "A" S-28)

An Act to Clarify the Waste Transfer Station Setback Requirements (H.P. 12) (L.D. 15) (C. "A" H-42)

An Act to Amend Qualifying Standards Applicable to Reinsurance Transactions (H.P. 255) (L.D. 346) (C. "A" H-39)

Were reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR

Tabled and Assigned

An Act to Amend Certain Provisions of the Laws Relating to Health Insurance (H.P. 257) (L.D. 348) (C. "A" H-47)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative Mayo of Thomaston, tabled pending passage to be enacted and specially assigned for Thursday, April 11, 1991.

PASSED TO BE ENACTED

An Act to Amend the Juvenile Code Regarding Detention in Homicide Cases (H.P. 264) (L.D. 384) (C. "A" H-40)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR

Tabled and Assigned

An Act to Prohibit Tie-in Sales in Insurance (H.P. 273) (L.D. 393) (C. "A" H-46)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative Mayo of Thomaston, tabled pending passage to be enacted and specially assigned for Thursday, April 11, 1991.

PASSED TO BE ENACTED

An Act to Expand the Availability of Automatic Liens to Certain Businesses (H.P. 399) (L.D. 573)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

FINALLY PASSED

Resolve, Authorizing the State to Release Its Interest in Certain Real Property in Rumford, Maine (H.P. 68) (L.D. 96) (C. "A" H-44)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, finally passed, signed by the Speaker pro tem and sent to the Senate.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, April 4, 1991, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Allow the Part-time Chaplain's Position at the Maine State Prison to Be a Job-sharing Position" (H.P. 979) (L.D. 1422) (Joint Select Committee on Corrections suggested) TABLED - April 4, 1991 (Till Later Today) by Representative MAYO of Thomaston. PENDING - Reference.

Under suspension of the rules, without reference to any committee, the Bill was read once and assigned for second reading Thursday, April 11, 1991.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-72) - Committee on Transportation on Bill "An Act to Implement the Recommendations of the Travel Information Advisory Council Concerning Informational Signs" (H.P. 86) (L.D. 121)

TABLED - April 4, 1991 by Representative GURNEY of Portland.

PENDING - Acceptance of Committee Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Corinth, Representative Strout.

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

Would it be in order if I was going to amend the Committee Amendment to offer my House Amendment at this time?

The SPEAKER PRO TEM: The answer is in the negative.

Subsequently the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-72) was read by the Clerk.

Representative Strout of Corinth offered House Amendment "C" (H-102) to Committee Amendment "A" (H-72) and moved its adoption.

House Amendment "C" (H-102) to Committee Amendment "A" (H-72) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognize the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, would it be in order now to debate Representative Strout's amendment to the Committee Amendment?

The SPEAKER PRO TEM: The Chair would answer in the affirmative.

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: Right here tonight, we have the opportunity, the first since 1977, to pass Maine's first commercial exemption to our billboard law. There are people here in this body who worked on this bill in 1977.

It distinguishes Maine from many other states, that we have a law prohibiting off-premise advertising unless they are the standard DOT signs. You have all seen them around, they are up on posts, they are on the public way. The distinguishing feature of the DOT sign is that they treat everybody the same. What makes our billboard law work, that keeps our landscape beautiful, is that everybody is treated the same.

It is my belief that as soon as we start eroding the billboard law, we are going to invite exemptions that will surely come forth. In my tenure here, when I was on the Business Legislation Committee, the scallop, clam, and lobster people came to us and they made the same arguments that the farmers have made. They said to us, "We have a seasonal business, we have a perishable crop and we are in a hard to locate location, you can't find us." What we said to them in the past was, we appreciate that, we know it is hard, but if we don't treat all people the same, the law will not work.

What you have here is by title a recommendation from the Travelers Advisory Information Commission. The bill is not that recommendation. This bill would allow agricultural farmstands to put up four signs, not on private property ladies and gentlemen, but the bill would extend to them a free lease from the state so they can put their signs on the public right-of-way. Now they are not going to pay for this leased space, they are going to put them on the public right-of-way and they can put them anywhere they want as long as it is not a federally funded highway. They can go out, take this sign, and just stick it up five miles from their business on any state road so what we offer to them is a competitive

advantage over all other businesses in the state and I don't deny that the farmers are deserving. I don't dispute that. I only say many other businesses are equally deserving and if we are not prepared to tell them yes, I think we have to be prepared to tell the farmers no.

Next week, we have real estate agents coming — revolving signs — it is the opportunity now, the first time since I have been here on the floor, that the exemption has been presented to a floor issue, it has always been killed in committee and so right now we have the opportunity to accept, reenforce, or start eroding the billboard law.

Both the Committee Amendment and Representative Strout's amendment have one other particularly glaring flaw in the bill besides letting them put them on the public way. The definition of what a farmer is is someone who primarily sells fruits, vegetables and berries. I asked DOT, "What does primary mean?" DOT said, "I don't know." Does it mean 51 percent? Does it mean 51 percent by volume, by dollar or by shelf space? Nobody knows, so does that mean if you have a business and you sell 52 percent of fruits, vegetables and berries and 49 percent business for a flea market or imported peaches from Georgia or hay or wool or honey — can you sell? What is 51 percent, what does primarily mean? That is unclear in the bill. So if someone who sells some fruits and vegetables, maybe 51 percent, but also imports fruits and vegetables that don't grow on their farm, they can also put up a sign but the Mom and Pop grocery store who sells those same fruits and vegetables (they are equally perishable on their shelves) cannot put up the signs.

In this bill, if you sell Christmas wreaths, you can't put up a sign. If you sell hay, in the autumn if you have a little hay left over, you cannot put up a sign. If you sell honey, you cannot put up a sign. What if you are going to sell the blueberries left over from pollination from your bees and you want to sell your blueberries, you can't put up a sign because your primary business is selling honey, not selling blueberries.

I ask the body to consider if it is fair to other businesses in the state and I ask you to make a conscious decision that you are going to start amending the billboard law that has been with us for wonderful, good, public policy reasons for so long, by passing this amendment and the committee amendment.

I would like to indefinitely postpone Representative Strout's amendment and all its accompanying papers.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I will keep my comments directly on the amendment, which is what the discussion should be about right now.

Representative Strout's amendment clearly minimizes the amount and the size of the signs that would be allowed under this bill.

Being in downtown Bangor, you don't find too many farmers right in the middle of town with signs on their lawns but I want to tell you, having a seasonal business and understanding that it is not the biggest money maker in the world, that this is the only way some small businesses and seasonal businesses, especially farmers, can advertise their goods.

I would urge you to pass the amendment which is what we are discussing right now and not the total

bill and allow it to go into law.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: This really bothers me to see this lady from Bangor, Representative Stevens, opposing the little farmers. It has really been hard this afternoon to try keep my composure (making believe he is crying). I can't imagine how anyone could get up here and oppose having these signs for these needed business people.

The amendment I offered (and I am going to stick to the amendment as the Representative from Bangor, Representative Duffy, has brought out) is a compromise. This wasn't what I would liked to have had. When I started working on this committee, I was trying to get the signs so we could have more than the six that came out in the committee report. The 16 square feet — I would have been willing to keep that and had four signs of the 16 square feet but, in the spirit of compromise, to allow these farmers in a short season, I was willing to go this route.

I must tell you, when you say these signs are going to be out from June to November, I don't think that is completely accurate. What I see happening is that, depending on the fruits and vegetables that you grow, it is probably going to be more in the neighborhood of four to six weeks. They will put these sign up during the season when their vegetables are mature or, in the case of berries, it could be with strawberries from the middle of June to the middle of July. Blueberries would be a month later.

I really don't think we are asking too much to allow these seasonal growers the chance to advertise their products.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise on one thing here that Representative Stevens and I agree on and I would like to say that I speak only for myself — the Transportation Committee is very willing to speak for themselves I have found. What we are talking about is four signs, two by four in size, and Representative Stevens says that everybody should be treated alike. I agree with that.

Let me give you a little example of how exactly we treat everybody alike. I am going to use Representative Parent for an example. He is a legislator, he is a farmer, he uses these signs to sell his products. I think he told me he sells strawberries. Under this particular bill that we are asking for, he could have four signs, two by four, within five miles of his property for a period of sixty days as Mr. Parent, the farmer. As Mr. Parent, the legislator, he can have any number of signs he wants, anywhere he wants them, whatever size he wants, for the same amount of time that this farmer is asking to have four signs. That is a double standard, I don't care how you look at it.

Somebody is going to get up and say that this has been to the courts and the courts have ruled that political signs are exempt. I am not going to argue the legal part of it but what I would say to you is, do you feel that you should sit here tonight and vote for something that your constituents would like to have — four signs, we will say — you are going to say no that they can't have their signs but yes I can have any number of signs that I want when I go out

campaigning? It is a double standard and I hope you don't go along with it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: The issue before us is one that has generated a great deal of discussion in the last few days. In speaking with other members of this body, I have had people say to me, "Well, what about a welding shop and what about the person who is running a shoe shop and what about someone who is running a bakery? Why can't they have the same provision?" Most welding shops, shoe shops and bakeries are year-round businesses and it is very reasonable to think that that person would invest in a DOT sign and have it put up because it would be there and available 12 months of the year and people would get used to looking for it and they would see it and know where to go.

The issue on seafood is one that is very interesting to me living on the coast — certainly scallops and clams are very perishable, which is one of the arguments with the farm bill. However, scallops and clams and lobsters are generally sold to co-ops or to a fish market and the co-ops and the fish markets are generally year-round businesses, generally located near or in a village or town and, again, can either make use of the directional signs or they are in an area that is populated and people know that they are there and available.

We have got to come to grips with what it is we want this state to be. We have asked in comprehensive planning legislation that every community take a look at farm space and tell us how they are going to deal with that. My suggestion to you is that, if we don't allow farmers to make a reasonable living off that farm space, it is going to turn into condos and lots of small houses.

The best thing that we can do to support farmers and to support open space is allow people to make a living from that space. Voting to indefinitely postpone this bill today will be a problem for those farmers to earn a living. It will be a problem for people in my area that do "pick your own strawberries" when it is four signs down from the main road before you can even find out where it is. If you know where it is already, that's fine, but if you don't, you aren't going to find it easily. Allowing people to put four signs up within five miles of the farm is very reasonable. We need to offer farmers a chance and I urge you to vote against indefinitely postponing this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, I would like to pose a question through the Chair.

I actually have two questions for anyone in the House who wishes to answer.

One is, is this intended to supersede local zoning as to the placement of signs where you are allowing them to be on anybody's land and/or in the highway?

Number two, does this allow a farm in New Hampshire which is within five miles to come into Maine and put four signs up?

The SPEAKER PRO TEM: The Representative from Fryeburg, Representative Hastings, has posed two questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from South Portland, Representative Macomber.

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to respond, I am not sure I have all the answers but as far as, would this supersede, I don't believe so. We have a member in our committee from Lewiston and Lewiston does not allow signs at any time, as I understand it, as far as campaigns go. In other words, local ordinance could supersede it.

As far as the New Hampshire question, I really don't have the answer. I would assume we are talking about Maine products but that is all I can tell you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: I can't let it go unmentioned that Maine originally included political signs in their billboard laws. It was held to be unconstitutional by the Court of Appeals so it is not that I am unreceptive to outlawing political signs, I certainly would be willing to do that, but since the Court of Appeals has held that provision as unconstitutional, I have every reason to suspect it would be held unconstitutional again, it's an abridgment of First Amendment Rights.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the current motion to indefinitely postpone this bill and I would like to give you some reasons why.

I am going to admit for the first time on the floor of this House that I am not a native Mainer, I am a native Vermonter and an adoptive Mainer, and two states in this country have a distinction of sharing a law which bans billboards for the most part, except for political advertising. I am always reminded of this fact as I drive back to my home state of Vermont having to pass through the state to our west, the State of New Hampshire, which does not have the same kind of controls on billboard placement. In fact, has a proliferation of billboards which, in my view, destroys the really rather beautiful quality of that state. I always have trouble seeing that quality — to me, it is always a far uglier place than my home here in Maine or my former home in Vermont.

I am concerned, even though this amendment is preferable to what was put on to the bill in committee, that even this goes far beyond what came out of the Advisory Commission Report that studied this issue, that had people representing all sides of the issue. That report recommended, and I know that this was a very large step for some people sitting on that commission, that had for many years, opposed any inroads into the billboard ban. They were willing to go along with a change, which even I as a purest, have some trouble with. But that change was a far cry from what we have before us today. That proposal was for two signs, only on private property, and what we have before us and recommended to this body is under the amendments that we are debating, four signs which would be able to be put on private property as well as on public right-of-way.

I would just like to let people know what is in current law right now. Farms are permitted to have up to ten signs, and as I read the law, there is an unlimited size for those signs, which they can put on their private property, within a thousand feet of the farm. You could literally have ten signs in a row

saying, "Pick strawberries here." In fact, there are some very large signs near the farms.

I think the concerns of the farms, which is a valid concern, is getting people to that road that is next to their farm. For that purpose, we do have DOT directional signs of which there are a fairly large number permitted which can go on numerous different intersections leading up to that road next to the farm. It is my belief that current law is adequate. I do have a fear that other seasonal businesses, and there are seasonal businesses besides farms, which include lobstering, clamming, or many other natural resource based businesses. We also sell seasonally balsam wreaths, which we are very well known for, and I am sure those businesses too would be happy to have some exceptions during the fall and winter leading up to the Christmas season.

I urge that you support the pending motion and vote for indefinite postponement of this piece of legislation.

Representative Duffy of Bangor requested a Division.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Men and Women of the House: I rise in support of this bill and against, of course, the motion to indefinitely postpone.

I think we need to realize what is happening here. Those businesses, whether they be farming or anything else who are on major highways, probably will not make use of this bill at all because they have the traffic going by, they are on a major route, such as Route 1 along the coast, and there is no problem. If I were selling clams or mussels or any kind of seafood, most of those are sold out of the back of trucks and they go to one of those busy highways, set up there and that is where they put their signs up and they are no problem.

The problem is, particularly those farms and farmstands which are well off from the major roads, and I think this bill is intended to assist them. They cannot afford year-round DOT signs, particularly when I believe there is another bill that increases the cost of those that is being proposed, so I would say this bill certainly can help those small farmers and farmstands and I urge everyone to vote for this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say in agreement with the Representative who spoke before me that, for farms that are far off the well traveled roads, there is a serious problem. To get the DOT signs does not necessarily resolve that problem. A blue sign that is up for 12 months is not going to say "fresh cukes." A blue sign that is up for 12 months does not have the same impact as a hand-painted green sign that says "fresh cukes." When you are dealing in rural areas that have weekly newspapers and the cucumbers ripen on Tuesday, which is the deadline for the paper and it is a week from Thursday before the paper is out again, how many people are even going to get the paper to know that the fresh cukes are ready? I think we have a problem, we have a problem with people being able to, not only get the information out, which a blue sign would do, but to get it out in a way that allows them

to additionally give the specific information that they need to avail people of the vegetables and the different produce that they have grown.

I would urge, again, that you vote to not indefinitely postpone this bill but vote against the current motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Men and Women of the House: I think all of us know that this is a "fresh cukes" bill. I am surprised that somebody hasn't said it before me because I have heard it many times, this is the classic, "the camel's nose is under the tent" bill.

I urge all of you to vote against it. There is no way that I want to go back to having Maine look the way it used to look on Route 1. Maine, during that era, was nothing more than a carnival when you drove down Route 1. Every time I drive through South Carolina, I am glad that those before me passed this bill. Certainly I urge everyone to vote against it. The statute has gone to the Supreme Court of the land, it has stood the test, I think Maine is a lot better for it and I urge you vote this down for what it is.

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

Representative NADEAU: Mr. Speaker, may I ask a question to the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative NADEAU: Mr. Speaker, the Board seems to indicate that the motion is to indefinitely postpone an amendment, not necessarily the whole bill. Am I correct in that assumption?

The SPEAKER PRO TEM: The Chair would answer in the affirmative.

Representative NADEAU: Mr. Speaker, I now propose to change the motion to indefinitely postpone the bill.

The SPEAKER PRO TEM: The Representative's motion is out of order.

The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I, frankly, am in a quandry living in the farming belt that I do to speak regarding this bill.

However, I would warn that in our area what is being proposed as a compromise amendment is vastly different than anything we understood was coming out of this committee. The people in my area, for years, have been wishing to be able to put up one roadside sign. They all have the state signs up, the DOT signs. None of them sell just their own products, most of them buy 90 percent of the produce that they sell and raise an item like corn or maybe some vegetables and the rest of them they buy and resell.

The issue also is exacerbated in my area because we have three quite large farm stands in New Hampshire, which is within a mile of the border or within a mile of where 302 goes through and I am concerned whether or not they could come over and put four signs up in Fryeburg to tell you to go over to East Conway to buy farm produce from them.

There are many wrinkles in this law that I think we have not thought through completely. I would still like to see a farmstand law that does encourage farmers to stay in business as best they can but I

think this law goes a long ways towards raping what we understood to be a reasonably well looking highway sign.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Palmyra, Representative Jardy.

Representative TARDY: Mr. Speaker, Ladies and Gentlemen of the House: In relation to House Amendment "C", an 8 square foot sign is a long way from the "Pedro" billboards that you would expect to see and probably look forward to seeing on your way through South Carolina. Keep in mind that when we took down these billboards, it was so that we would have unobstructed view of the wide open spaces and the picturesque, pastoral scenes. The only way you are going to maintain those picturesque, pastoral scenes is if you keep farming economically viable because they are the only ones that are going to keep those fields mowed and into crops. Without those farmers, you are going to think driving Route 1 is a day in the Haynesville woods. I would keep this in mind as you vote on these amendments and the bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I know that it is nice to think about the poor farmer but my son happens to be affiliated with Fun Town in Saco, which is a large amusement park and they have been having a wail of a problem directing the traffic from the Maine Turnpike to this facility. By the way, they have not been allowed to this date (by the DOT) to put up one of their signs at the pike entrance because there are too many there already. What happens now is, the minute the traffic gets to Main Street, Saco, they don't know whether to turn left or right and it causes a lot of traffic jams many, many times.

Consequently, I hope that you vote for this law because I am sure they are going to introduce a bill to clarify this other business.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: This is beginning my third term. I have three large farms in my district that grow and sell fresh fruit, berries and vegetable crops. I have been embarrassed since I have been here for the little bit that we have been able to do to help our farmers. I come from farmers on both sides of my family, Saco River Valley-Fryeburg, where the good Representative comes from who just has just spoken for the motion to kill the bill that I am speaking for.

The farms in my district have to do their business along the river valley off the main roads where the tourists come up in the season. This help to them would not deface anything. I am more concerned about protecting farms than a few, little signs around the farms of our struggling farmers. I have talked with them again today and they say this would truly help them.

I don't want this bill indefinitely postponed, I want it to pass.

What have we done for farmers? Precious little that I have been able to see because of our budget constraints, precious little to help save farmland from development, precious little to encourage farming in Maine. I beg you to think very carefully before you vote for cosmetics in fear of the camel under the tent, for I believe the camel under the tent is a farmer dying for a little water after all.

When we vote, I request a roll call.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Bangor, Representative Stevens, that House Amendment "C" (H-102) to Committee Amendment "A" (H-72) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 25

YEA - Adams, Aliberti, Carleton, Carroll, D.; Cathcart, Clark, M.; Coles, Constantine, Cote, Daggett, Farnsworth, Goodridge, Gray, Gurney, Handy, Hastings, Hoglund, Kerr, Ketterer, Kontos, Kutasi, Larrivee, Lawrence, Lipman, Luther, Marsh, Mayo, McKeen, Melendy, Mitchell, J.; Nadeau, O'Gara, Oliver, Pfeiffer, Rand, Richardson, Ruhlin, Rydell, Saint Onge, Simonds, Simpson, Stevens, P.; Treat, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Cahill, M.; Carroll, J.; Cashman, Clark, H.; DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farren, Foss, Garland, Gean, Gould, R. A.; Graham, Greenlaw, Hale, Hanley, Heeschen, Heino, Hepburn, Hichborn, Hichens, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Lebowitz, Lemke, Libby, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; McHenry, Merrill, Mitchell, E.; Morrison, Murphy, Nash, Norton, O'Dea, Ott, Parent, Paul, Pendexter, Pineau, Pines, Plourde, Poulin, Powers, Reed, G.; Reed, W.; Ricker, Rotondi, Salisbury, Savage, Sheltra, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Anthony, Bowers, Butland, Chonko, Crowley, Farnum, Gwadosky, Jalbert, Michaud, Nutting, Paradis, J.; Paradis, P.; Pendleton, Pouliot, Richards, The Speaker.

Yes, 44; No, 91; Absent, 16; Paired, 0; Excused, 0.

44 having voted in the affirmative and 91 in the negative with 16 being absent, the motion did not prevail.

Subsequently, House Amendment "C" (H-102) to Committee Amendment "A" (H-72) was adopted.

Committee Amendment "A" as amended by House Amendment "C" thereto was adopted and the bill assigned for second reading Thursday, April 11, 1991.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Regarding the Authority of Cumberland County to Take Land by Eminent Domain (H.P. 860)

(L.D. 1240)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 6 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 543)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, April 11, 1991, at five o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act to Protect Children from Illegal Tobacco Sales" (S.P. 506) (L.D. 1344) (Committee on Legal Affairs suggested)

- In Senate, Referred to Committee on Business Legislation.

TABLED - April 4, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Reference in concurrence.

On motion of Representative Mayo of Thomaston, retabled pending reference in concurrence and specially assigned for Thursday, April 11, 1991.

BILL HELD

JOINT RESOLUTION RECOGNIZING THE ESTABLISHMENT OF CHILDREN'S CASTLE (S.P. 300)

-In House, Indefinitely Postponed on February 26, 1991.

-In Senate, Adhered to its former action whereby the Joint Resolution was adopted in non-concurrence on March 28, 1991.

-In House, House Receded and Concurred.

HELD at the request of Representative HOLT of Bath.

Representative Holt of Bath moved that the House reconsider its action whereby the House voted to recede and concur.

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Holt of Bath that the House reconsider and specially assigned for Thursday, April 11, 1991.

The Chair laid before the House the following matter: Bill "An Act to Improve Records Management in Local Governments" (H.P. 994) (L.D. 1443) which was tabled earlier in the day and later today assigned pending reference.

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

(Off Record Remarks)

On motion of Representative Cahill of Mattawamkeag,

Adjourned at 6:36 p.m. until Thursday, April 11, 1991, at five o'clock in the afternoon pursuant to Joint Order (S.P. 543).
