

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

The House was called to order by the Speaker.

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 to Deappropriate Certain Expenditures and to Make Technical Corrections for the Fiscal Year Ending June 30, 1991 (H.P. 1259) (L.D. 1827)

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. 102 voted in favor of the same and 45 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, was ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Anthony of South Portland,
Adjourned at 12:24 a.m. to 4:00 p.m. in memory of Phyllis J. Roberts of Buxton.

**ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
47th Legislative Day
Wednesday, May 8, 1991**

The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend Lewis H. Beckford, Washington Avenue United Methodist Church, Portland.
The Journal of Tuesday, May 7, 1991, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 7, 1991

The Honorable John L. Martin
Speaker of the House
115th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be

advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife:

Gary Cobb of North New Portland for appointment to the Inland Fisheries and Wildlife Advisory Council. Gary Cobb is replacing Carroll York.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 7, 1991

The Honorable John L. Martin
Speaker of the House
115th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Housing and Economic Development:

Rebecca A. Flechtner of Old Town for appointment to the Maine State Housing Authority. Rebecca A. Flechtner is replacing Gloria Tardiff.

George B. Terrien of Portland for appointment to the Maine State Housing Authority. George B. Terrien is replacing David Friedman.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Provide for the Orderly Transfer of Contracts from Union Schools to Separate School Systems upon Dissolution" (S.P. 682) (L.D. 1810)

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

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

Bill "An Act to Discourage Motor Vehicle Theft" (S.P. 684) (L.D. 1812)

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

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Annex the Town of Richmond to Lincoln County" (S.P. 683) (L.D. 1811)

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

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

Study Report

**Committee on Appropriations and Financial Affairs,
Subcommittee on Federal and Dedicated Funds**

Report of the Committee on Appropriations and Financial Affairs, Subcommittee on Federal and Dedicated Funds to which was referred by the Legislative Council the Study Relative to Dedicated and Federal Fund Budget have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act Concerning Federal and Other Special Revenue Funds in Maine State Government" (S.P. 685) (L.D. 1819) be referred to the Committee Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 19.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Report was read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs and ordered printed in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act Regarding Survivor Benefits in the Event of Remarriage" (S.P. 549) (L.D. 1453)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Declare Western Style Square Dancing as the Official State Dance" (S.P. 183) (L.D. 492)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act Concerning the Establishment of a Coal-fired Plant for Electrical Energy Production" (S.P. 199) (L.D. 508)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Clarify the Voting Requirements for a

Board Containing 3 or More Members" (S.P. 285) (L.D. 767)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act Concerning the Maine Turnpike Authority" (S.P. 410) (L.D. 1124)

Report of the Committee on Utilities reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Governing the Kennebec Water District" (S.P. 622) (L.D. 1626)

Report of the Committee on Utilities reporting "Ought Not to Pass" on Resolve, to Establish a Commission to Study the Effects of Higher Utility Charges on Nonprofit Institutions (EMERGENCY) (S.P. 636) (L.D. 1684)

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 Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act Concerning Enforcement of Land Use Regulations" (S.P. 617) (L.D. 1621)

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

Refer to the Committee on Human Resources

Report of the Committee on Energy and Natural Resources on Bill "An Act to Provide Access for Persons with Physical Disability to the State's Recreational Areas" (S.P. 568) (L.D. 1488) reporting that it be referred to the Committee on Human Resources.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Judiciary.

Report was read and accepted.

On motion of Representative Manning of Portland, was referred to the Committee on Human Resources in non-concurrence and sent up for concurrence.

Ought to Pass as Amended

Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-124) on Bill "An Act Concerning Special Waste Landfills" (EMERGENCY) (S.P. 472) (L.D. 1264)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-124) as amended

by Senate Amendment "D" (S-132) thereto.

Report was read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of the Committee Report and later today assigned.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Resolve, to Allow Scott Keirstead and Don Keirstead, Who Are a Partnership Farming Operation Located in Presque Isle, Known as Keirstead Farm, to Bring a Civil Action against the State (S.P. 360) (L.D. 962)

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
STEVENS of Sabattus
TUPPER of Orrington
HICHENS of Eliot
BOWERS of Sherman

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-119) on same Resolve.

Signed:

Representative: JALBERT of Lisbon

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

Reports were read.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Require the State to Pay Municipal Permit Fees for New Construction or Improvements to State-owned Buildings" (S.P. 226) (L.D. 580)

Signed:

Senators: EMERSON of Penobscot
BERUBE of Androscoggin

Representatives: NASH of Camden
WATERMAN of Buxton

GRAY of Sedgwick
SAVAGE of Union
LOOK of Jonesboro

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-117) on same Bill.

Signed:

Senator: BUSTIN of Kennebec

Representatives: LARRIVEE of Gorham
ST. ONGE of Greene
HEESCHEN of Wilton
KERR of Old Orchard Beach
JOSEPH of Waterville

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

Reports were read.

On motion of Representative Joseph of Waterville, tabled pending acceptance of either report and later today assigned.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" on Bill "An Act to Require Administrative Agencies to Create Municipal Fiscal Impact Statements When They Create Rules" (S.P. 403) (L.D. 1079)

Signed:

Senators: EMERSON of Penobscot
BERUBE of Androscoggin

Representatives: NASH of Camden
LARRIVEE of Gorham
LOOK of Jonesboro
JOSEPH of Waterville
WATERMAN of Buxton
GRAY of Sedgwick
SAVAGE of Union
KERR of Old Orchard Beach
ST. ONGE of Greene

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

Signed:

Senator: BUSTIN of Kennebec

Representative: HEESCHEN of Wilton

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-130).

Reports were read.

On motion of Representative Joseph of Waterville, the House accepted the Majority "Ought to Pass"

Report, the Bill read once.

Senate Amendment "A" (S-130) was read by the Clerk and adopted and the bill assigned for second reading Thursday, May 9, 1991.

Ordered Printed.
Sent up for Concurrence.

Non-Concurrent Matter

Bill "An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks" (H.P. 1217) (L.D. 1775) which was referred to the Committee on **Business Legislation** in the House on May 6, 1991.

Came from the Senate read twice under suspension of the rules without reference to a committee and passed to be engrossed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Minimum Requirements for Emergency Medical Technicians" (H.P. 1230) (L.D. 1794) which was referred to the Committee on **Human Resources** in the House on May 6, 1991.

Came from the Senate referred to the Committee on **Business Legislation** in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Establish the State of Maine Credit Card" (H.P. 248) (L.D. 339) on which the Majority "**Ought to Pass**" as amended Report of the Committee on **Banking and Insurance** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-197) in the House on May 6, 1991.

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

The House voted to Insist.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills 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:

Banking and Insurance

Bill "An Act to Amend the Laws Concerning Continuity of Individual Health Insurance" (EMERGENCY) (H.P. 1253) (L.D. 1821) (Presented by Representative GARLAND of Bangor) (Cosponsored by Senator BRAUN of Knox and Senator KANY of Kennebec)

Education

Bill "An Act to Amend the Determination of the Amount of a School District Budget when the Budget Amount Proposed Fails to Pass" (H.P. 1256) (L.D. 1824) (Presented by Representative MARSANO of Belfast) (Cosponsored by Senator BRAUN of Knox, Representative NASH of Camden, Representative BARTH of Bethel and Senator GOULD of Waldo)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend Maine's Underground Oil Storage Laws" (EMERGENCY) (H.P. 1258) (L.D. 1826) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative JACQUES of Waterville, Senator TITCOMB of Cumberland and Representative LORD of Waterboro)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Provide Accountability for Certain Purchased Services by the Bureau of Mental Health" (H.P. 1252) (L.D. 1820) (Presented by Representative GEAN of Alfred) (Cosponsored by Senator CONLEY of Cumberland, Speaker MARTIN of Eagle Lake and Senator GILL of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Amend the Laws Relating to the Collection of Debts by the Department of Human Services" (H.P. 1257) (L.D. 1825) (Presented by Representative PINES of Limestone) (Cosponsored by Representative MAHANY of Easton and Senator SUMMERS of Cumberland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Allow Admissible Evidence Concerning the Physical or Sexual Assault or Abuse of a Minor" (H.P. 1254) (L.D. 1822) (Presented by Representative BOUTILIER of Lewiston) (Cosponsored by Senator BERUBE of Androscoggin, Senator HOLLOWAY of Lincoln and Representative FARNSWORTH of Hallowell)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Increase the Debt Limit of the Ogunquit Sewer District" (EMERGENCY) (H.P. 1255) (L.D. 1823) (Presented by Representative CARLETON of Wells) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative PINES of Limestone, the following Joint Resolution: (H.P. 1260) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative CAHILL of Mattawamkeag, Representative MICHAUD of East Millinocket, Representative BAILEY of Township 27, Representative BOWERS of Sherman, Representative GRAHAM of Houlton, Representative MacBRIDE of Presque Isle, Representative DONNELLY of Presque Isle, Representative MAHANY of Easton, Representative BELL of Caribou, Representative ANDERSON of Woodland, Representative MARTIN of Van Buren, Representative MCHENRY of Madawaska, Representative PARADIS of Frenchville, Senator THERIAULT of Aroostook, Senator COLLINS of Aroostook and Senator LUDWIG of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE GOVERNMENT OF THE UNITED STATES TO MAINTAIN LORING AIR FORCE BASE

WE, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President of the United States, the Congress of the United States and the Military Base Closure and Realignment Commission, as follows:

WHEREAS, Loring Air Force Base has played an important role in the strategic defense of the United States for more than forty years and, by virtue of its geographic location, is uniquely qualified to continue that role; and

WHEREAS, the State of Maine, and in particular the northern portion of the State, has long demonstrated its enthusiastic and continuing support for the United States military; and

WHEREAS, the economy of northern Maine is strongly related to Loring Air Force Base and would face extreme difficulty in recovering from the effects of the closure of this base; and

WHEREAS, the study that underlay the decision by the Secretary of Defense to propose the closing of Loring significantly underestimated the economic effects of the loss of such a major facility on the State and on Aroostook County; and

WHEREAS, the proposal to close Loring Air Force Base is not in the best interests of the security of the United States or of the people of Maine; now, therefore, be it

RESOLVED: That We hereby indicate our strong opposition to the proposed closure of Loring Air Force Base; and be it further

RESOLVED: That We support the vigorous efforts of the Governor of Maine, members of our Congressional delegation and the people of Aroostook County to overturn this decision at the federal level; and be it further

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to maintain an active Air Force presence at Loring Air Force Base; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; to the Honorable Richard Cheney, Secretary of Defense; to the Honorable James Courter, Chair of the Military Base Closure and Realignment Commission; to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative OLIVER from the Committee on Education on Bill "An Act to Amend the School Finance Laws" (H.P. 1055) (L.D. 1544) reporting "Ought Not to Pass"

Representative GOULD from the Committee on Energy and Natural Resources on Bill "An Act Concerning State Provision of Landfill Capacity for Municipal Solid Waste" (H.P. 798) (L.D. 1144) reporting "Ought Not to Pass"

Representative POWERS from the Committee on Energy and Natural Resources on Bill "An Act to Provide for Citizen Input to the Bureau of Public Lands" (H.P. 1031) (L.D. 1504) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Facilitate Municipal Road Reconstruction" (H.P. 252) (L.D. 343) reporting "Ought Not to Pass"

Representative TREAT from the Committee on Human Resources on Bill "An Act to Establish Professional Therapeutic Family Foster Homes" (H.P. 1117) (L.D. 1642) reporting "Ought Not to Pass"

Representative WENTWORTH from the Committee on **Human Resources** on Bill "An Act to Require Eating Establishments That Have Outdoor Seating to Have Restrooms" (H.P. 1002) (L.D. 1470) reporting **"Ought Not to Pass"**

Representative TREAT from the Committee on **Human Resources** on Bill "An Act to Provide Skilled Supervisors to Oversee Weekly Visits between Foster Children and Their Biological Families" (H.P. 1115) (L.D. 1640) reporting **"Ought Not to Pass"**

Representative WENTWORTH from the Committee on **Human Resources** on Bill "An Act to Reimburse Foster Parents for the True Cost of Raising a Foster Child" (H.P. 1167) (L.D. 1708) reporting **"Ought Not to Pass"**

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 JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act Establishing Procedures for Notice of Proposed Zoning Changes" (H.P. 783) (L.D. 1115) 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.

Ought to Pass as Amended

Representative MARSH from the Committee on **Energy and Natural Resources** on Bill "An Act to Reduce Littering" (H.P. 909) (L.D. 1306) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-255)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-255) was read by the Clerk and adopted and the bill assigned for second reading Thursday, May 9, 1991.

Divided Report

Majority Report of the Committee on **Education** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-244) on Bill "An Act to Define the Professional Responsibilities of Teachers" (H.P. 671) (L.D. 970)

Signed:

Senators: ESTES of York
McCORMICK of Kennebec

Representatives: CROWLEY of Stockton Springs
NORTON of Winthrop

CAHILL of Mattawamkeag
OLIVER of Portland
PFEIFFER of Brunswick
O'GARA of Westbrook
BARTH of Bethel
AULT of Wayne
HANDY of Lewiston
O'DEA of Orono

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

Signed:

Senator: BRAUN of Knox

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-244) was read by the Clerk and adopted and the bill assigned for second reading Thursday, May 9, 1991.

CONSENT CALENDAR

First Day

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

(H.P. 271) (L.D. 391) Bill "An Act to Prohibit the Installation of Electric Heating Systems" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-249)

(H.P. 858) (L.D. 1224) Bill "An Act to Amend the Charter of the Lubec Water and Electric District" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-250)

(H.P. 959) (L.D. 1386) Bill "An Act to Authorize Involvement of the Department of Human Services in Providing School-based Child Care" Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-251)

(H.P. 983) (L.D. 1428) Bill "An Act to Require Electric Utilities to Develop Proposals for Affordable Pricing for Low-income Residential Customers and for Financing Conversions from Electric Space Heat" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-252)

(H.P. 75) (L.D. 103) Bill "An Act to Amend the Law Concerning Family Medical Leave" Committee on **Labor** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-254)

(H.P. 299) (L.D. 420) Bill "An Act Concerning Overboard Discharge Inspection Fees" Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-256)

(H.P. 407) (L.D. 590) Bill "An Act to Amend the

Exemption of Certain Divisions from the Definition of Subdivision" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-257)

(H.P. 976) (L.D. 1419) Bill "An Act to Amend the Charter of the Gray Water District" (EMERGENCY) Committee on **Utilities** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-260)

(H.P. 972) (L.D. 1413) Bill "An Act to Restrict Unsolicited Computer-generated or Automated Telephone Calls" Committee on **Utilities** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-261)

(S.P. 457) (L.D. 1233) Bill "An Act Concerning the Suspension of Licenses by the Commissioner of Marine Resources" Committee on **Marine Resources** reporting "Ought to Pass"

(S.P. 299) (L.D. 797) Bill "An Act to Regulate Conflict of Interest within the Maine Science and Technology Commission" (EMERGENCY) Committee on **State and Local Government** reporting "Ought to Pass"

(S.P. 158) (L.D. 370) Bill "An Act Regarding Purchase of Service Credit by Teachers Who Previously Taught in Other than Public Schools" Committee on **Aging, Retirement and Veterans** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-115)

(S.P. 430) (L.D. 1151) Bill "An Act to Require Door-to-door Sellers of Frozen Foods to Disclose Actual Unit Prices" Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-118)

(S.P. 322) (L.D. 878) Bill "An Act to Clarify the Confidentiality of Public Employee Disciplinary Records" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-114)

(S.P. 290) (L.D. 772) Bill "An Act Relating to the Knox County Budget Process" (EMERGENCY) Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-116)

(S.P. 171) (L.D. 426) Bill "An Act to Regulate Water Utility Contingency Reserve Funds" Committee on **Utilities** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-113)

(H.P. 1239) (L.D. 1805) Bill "An Act to Appropriate Funds for the Save Loring Committee" (EMERGENCY) Committee on **State and Local Government** reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, May 9, 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:

(H.P. 577) (L.D. 828) Bill "An Act to Clarify the Definition of Public Employer under the Municipal Public Employees Labor Relations Laws" (C. "A" H-242)

(H.P. 1084) (L.D. 1578) Bill "An Act to Amend the Laws Relating to the Group Life Insurance Program for Members of the Maine State Retirement System"

(H.P. 370) (L.D. 524) Bill "An Act to Prohibit the Charging of Rent in Advance by Landlords" (EMERGENCY) (C. "A" H-245)

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.

(H.P. 880) (L.D. 1271) Bill "An Act to Prohibit the Breaking of Glass Products in Games of Skill" (C. "A" H-246)

On motion of Representative Lawrence of Kittery, was removed from Consent Calendar, Second Day. Report was read and accepted and the bill read once.

Committee Amendment "A" (H-246) was read by the Clerk.

Representative Lawrence of Kittery offered House Amendment "A" (H-265) to Committee Amendment "A" (H-246) and moved its adoption.

House Amendment "A" (H-265) to Committee Amendment "A" (H-246) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: As an explanation to the members of the Legal Affairs Committee, this was at the request of a member of this body with the agreement of the sponsor of the bill. This merely reduces the criminal punishment for this crime from Class D to Class E.

Subsequently, House Amendment "A" (H-265) to Committee Amendment "A" (H-246) was adopted.

Committee Amendment "A" (H-246) as amended by House Amendment "A" (H-265) thereto was adopted and the bill assigned for second reading Thursday, May 9, 1991.

SECOND READER

Later Today Assigned

Bill "An Act to Amend the Laws Regarding Sunday Sales" (H.P. 1079) (L.D. 1573)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed and later today assigned.

PASSED TO BE ENGROSSED

Bill "An Act to Clarify the Procedures of Local Boards of Appeal" (H.P. 832) (L.D. 1198)

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

Representative Joseph of Waterville offered House Amendment "A" (H-248) and moved its adoption.

House Amendment "A" (H-248) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-248) and sent up for concurrence.

SECOND READER

As Amended

Later Today Assigned

Bill "An Act to Amend the Maine Human Rights Act Regarding Pregnancy" (H.P. 486) (L.D. 680) (C. "A" H-224)

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

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: We have a member who is in a committee meeting that would like to offer an amendment. I would request that this bill be tabled until later in today's session.

On motion of Representative Marsano of Belfast, tabled pending passage to be engrossed and later today assigned.

PASSED TO BE ENGROSSED

Bill "An Act to Require Proof of Insurance in Order to Register an Automobile" (H.P. 16) (L.D. 19) (C. "A" H-240)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as amended by Committee Amendment "A" (H-240) and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Establish a Home-Release Monitoring Program for Certain Inmates Sentenced to County Jails" (H.P. 879) (L.D. 1270) (C. "A" H-243)

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

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Before this item were to pass into history, I wanted the body to take a look at this because it is a subject of discussion in our sentencing procedures in what this bill is asking us.

It is sponsored by my good friend Representative Manning from Portland. It is in response, I believe, to a concern that he is addressing in Cumberland County.

I spoke to my own sheriff this morning in Kennebec County regarding this program and whether or not he supported this. He told me he did not have any feelings for this bill, any support for the bill, and that he has his own program. He has a First Offender OUI Program and they have instituted here in Kennebec County the Multiple Offender Program and that has taken care of what this bill would address for the entire state, all sixteen counties. This is a home intensive supervision type of program.

There is nothing wrong necessarily or generically with a home monitoring program, which is the title of the bill "An Act to Establish a Home-Release Monitoring Program."

Committee Amendment "A" goes further than the bill, the original L.D. 1270. We are talking about inmates who have been found guilty or pled guilty and are being sentenced under Class "C", "D" and "E" offenses. Class "C" carries a maximum of five years in jail. Most of you should know that the average sentence for a Class "C" is one year and nine months. Under Class "D", it is four months. Under "E", obviously it is a lot less. The inmate would have to serve half of the sentence if it is over 30 days. Half of the sentence would be served, so a little under a year in the county jail and then they could be eligible for the home release. Now, that is according to my reading of the bill. If the good chair of the Corrections Committee has something to add to that, I would stand corrected.

I am not trying to confuse the body, I am trying to add a little light here to exactly what we want to do with this legislation if it is implemented. The question arises as to whether or not the state has a liability if the judge releases the inmate for the home monitoring program or is it the sheriff, i.e., the county that has the liability if the inmate is released? That is a very important question that needs to be clarified for the record. Does the judge who releases this inmate, who approves of the home monitoring program have the liability, does the State of Maine carry that liability if that person then violates the home monitoring program and hurts someone or does the county have the liability because the sheriff is the custodian of that inmate if he is in the jail? If he is not in the jail, does that become the domain of the court or of the county? With insurance rates, I think we need that established for the record, it has to be cleared. It is a question in my mind, it is a question my own chair has raised to me.

Second, the type of inmates that we are going to have sentenced in "C", "D", and "E" are not your petty thieves and are not your jaywalkers. I want every one of you to understand that. We are talking about drug dealers, we are talking about multiple OUI offenders, we are talking about domestic abusers, spousal abusers and other crimes that are personal, violent crimes. I want us to take a hard look before we allow this program to go in because one county is asking us to do that in Cumberland County when I do

not need this program in Kennebec County. Are the safeguards such that I am not going to have a telephone call a year from now from someone, a spouse, who had that person come back to the home because he was a model inmate in the county jail, but is the Mr. Jekyll and Dr. Hyde when he comes back home and begins again to be an abuser?

People might say I am raising a red herring, I would rather raise the type of issue here in this body where it is supposed to be raised than have it come back and haunt us. My understanding was that we would not make any significant changes in our corrections policy until the Second Regular Session after the corrections summit this Fall. We have had two corrections meetings. I participated yesterday and there was one prior to yesterday in April, they are very good meetings, I encourage everyone to participate. It could be healthier than it has been, i.e., there could be more legislators participating. I commend the Joint Select Committee on Corrections.

This is a change and I want us to be aware of that. I will sit back and hope that the Chair of the Select Committee on Corrections or the sponsor of the bill might answer any of the questions I have. I beg the House's indulgence this afternoon.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Let me explain what this bill does, what it doesn't do, and explain why it received a unanimous "Ought to Pass" Report from the Corrections Committee.

It is particularly interesting to hear the Sheriff of Kennebec County spoke to the good Representative of Augusta expressing opposition to this bill because, the very morning of the hearing he was present at a meeting of jail administrators, 12 of the 16 counties were there, he expressed support at that meeting for this bill. He expressed it clearly, he expressed it to the Department of Corrections as well and that association of jail administrators which, as I said, had 12 of the 16 counties present, there was unanimous support for this bill. In fact, this bill is not to benefit one county, there are a number of counties looking into this, including the counties of Cumberland, Oxford, Androscoggin, Knox, Penobscot, Aroostook, Sagadahoc and York, all of whom are exploring this as a possible part of dealing with the problem of jail overcrowding in their counties. In the case of Sagadahoc County, they don't have a jail.

What this bill does, very simply, is allow counties to establish a home release monitoring program, electronic monitors. Before somebody can be released to such a program, first of all you would have to be in a county that did establish such a program, secondly it is to deal only with Class "C", "D", or "E" offenses, but only for people who are sentenced to the county jail. Now you have got to understand that in Maine only sentences of nine months or less are served in county jails. So, while it is true that Class "C" offenses might have an average length of sentence in excess of nine months, you are only dealing with those individuals on Class "C" offenses which receive less than a nine month sentence and thus a judge has already determined it as one of the less serious of the Class "C" offenses.

Class "D" has a maximum of 12 months and "E" of six months. You are dealing with the less serious

offenders. Furthermore, there can be no history of violent behavior and no history of escape in a classification of medium or minimum before you are even eligible to be considered for home release under this program. Thus, the instance that the good Representative from Augusta identified of the spouse batterer would not be eligible for release under this program. Then you are only considered eligible if the sheriff of that county decides that he or she wants to petition to the court to ask that you be released. So, once again, there is an additional control before somebody is released.

Finally, it goes to court and the court has to be the one that authorizes the release so the court reviews in every instance, every instance, and the proposed statute says "expressly authorizes" so the court has to expressly authorize the release on the program. This person, as has been pointed out, would have had to have served one half of the sentence and then when the release happens, it only happens under a structured program of work, education or treatment. That is to say a person's participation in the program can only come about if there is a structured program in place and the individual will be participating in that. Then the release only happens if there are restrictions placed as to travel or movement. The amendment that we offered in fact clarifies that and says the jail administrator or designee shall restrict in advance any travel or movement. Home release can only occur if that has happened. The individual would have to agree to random searches, random urinalysis or other checks as to drug or alcohol usage and engage in electronic monitoring which means carry on your person a device that is strapped onto the ankle or wrist in a manner that cannot be tampered with and, if there is any tampering, the electronic device puts out a signal so one would immediately know that that has happened and it monitors your whereabouts.

The individual may be required to pay for the cost of this program, that is to say, in order to be eligible, the court may say you have to pay, you have to reimburse the county for the cost of having this program.

I would point out that one of the important things about this program is that individuals who are released to home under this home monitoring program, not only may have to pay the costs, they don't pay the cost of room and board that you and I pay for all those individuals when they are in the county jail and we pay it through the local property tax. This is, you might say, a local property tax relief approach as well. In fact, the estimate is that some \$2.4 million would be saved to the counties. That is the potential savings to the counties if this program is put into place in a fairly broad basis. I don't know if we are going to save that much because I don't know how many counties are going to adopt it and, once it is adopted, I don't know how many sheriffs are going to recommend how many people and how many judges are going to let them out and so on. It is not a very huge program as designed, it has the potential of saving some money. From my point of view, if we can save and I don't have to pay to incarcerate somebody that doesn't have to be incarcerated because they have been considered to be low risk, they are not a violent offender, and they have no history or threat of escape, then for my money, it makes good sense to put those people into a home release monitoring program, the type proposed

here, under these sort of controls that we have set forth here.

This is a unanimous committee report. This bill was looked at and considered by our committee and we feel that it makes good sense to try this program out. As I said, this bill is here allowing the eight counties within the state who are looking into it and I hope you agree and support the bill.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you a little brief history about this individual bill. A couple of years ago, members of the Cumberland County Jail Committee were reviewing this type of idea and asked myself, former Representative Strout, Representative Anthony and a few others to put this bill in. Former Representative Strout, Representative Anthony and myself were on the Cumberland County Jail Committee.

Knowing that the facility (right now) has the capacity for 83 and we have somewhere in the neighborhood of 230 people in that facility, we thought it would be appropriate to go with something like this.

When I approached the Department of Corrections and the Attorney General's Office, because we had to change some statutes about this, they asked me if I would forego this idea for a year or so, simply to let the Department of Corrections, which has been doing this for over a year now, to go ahead and do this so they could get the pitfalls on how this procedure would work.

This bill was written in conjunction with the Department of Corrections and the Department of the Attorney General's Office. They endorsed it.

A few years ago, I was the prime sponsor of ISP, Intensive Supervision Program and we heard at that same time what Representative Paradis talked about, the red herrings — I don't think there is anybody here who would say that the ISP has been a red herring. I think it has worked well. I think most people said during the Supplemental Budget back in January, February and March when we were dealing with the Department of Corrections that maybe we ought to expand on ISP, maybe we ought to use more home monitoring and things like that. I think the House Chair has explained all the procedures that would protect everybody out there and I really think that this is not a red herring, this is a good bill, and I think there are many counties out there that would endorse this. This was endorsed, I repeat this was endorsed by the Sheriff's Association in the State of Maine. Their executive director was sent by the good sheriff in Kennebec, Sheriff Hackett, to attend that day because he had to go to a meeting and he endorsed it through the executive director of the Sheriff's Association.

I don't understand why the good sheriff now has problems with it but if he does, he should have been there during the work sessions.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, I would like to pose a question through the Chair to the Representative from South Portland, Representative Anthony.

I have always been concerned with the potential conflict between Section 5 of Article I of the Constitution of Maine, which protects people against

unreasonable searches and the requirement that, under Section 16073-d, any person with whom the released convict lives must give up their right to a search for inspection of the residence. I have some question about whether or not there was any extended discussion and any intent to ensure that the person, for instance, a spouse or parent or persons of that nature, would make an intelligent and knowing waiver of their constitutional rights against unreasonable intrusion. I wonder if you could tell me what kind of discussion was had with respect to that issue, if any?

The SPEAKER: The Representative from Belfast, Representative Marsano, has posed a question through the Chair to the Representative from South Portland, Representative Anthony, who may respond if he so desires.

The Chair recognizes that Representative.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the good Representative from Belfast, I would say that this is a voluntary program that nobody has to apply to be released to home monitoring. In terms of the constitutional protection against unreasonable search and seizure, you waive that when you go on the program. To that individual, there is no question but what you have a choice, you can stay in jail and continue to enjoy your constitutional protection or you can request to go home in which case the language states clearly that you agree to searches.

The question of how much inquiry is made of that person before making that waiver is obviously a very subjective one. In addition, I believe the Representative pointed out that it also subjects other members of the individual's family to searches. That could include a search of the home premises and, as the good Representative knows, the proposal does state that the sheriff or jail administrator may prohibit the inmate from residing with anyone who does not consent to a search or inspection of the residence to the extent necessary to search or inspect the inmate's personal residence, electronic equipment, papers and effects. Thus, it requires that the person only be released into a home monitoring program if other members of the household where the individual is going to reside also waives that constitutional protection.

Again, there is some subjective elements, obviously, of how knowing and intelligent that waiver is and all I can say is it is supposed to be knowing and intelligent and I would trust that it would be and, if it isn't, obviously there is a potential constitutional claim for violation of it.

This program is exactly the same as what is done under ISP. There haven't been claims raised like that and there haven't been problems raised so I assume that there has been effective training of correctional people about the meaning of the amendment dealing with protection from unreasonable search and seizure.

One other point while I am on my feet, the Representative from Augusta, Representative Paradis also raised the question of liability — I meant to answer that in my previous remarks. There is no question the sheriff continues to be the jailer of the individual and the state encouraged no liability through court action in this situation any more than the other situation in dealing with approval of furloughs or the like. This is exactly identical to furloughs and much of the language is drawn directly

from the furlough statute so there is no state liability. I want to establish that and answer the question so it would be clearly on the Record.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I thank the gentleman from South Portland and I guess I do want to make a statement. When the original home incarceration provisions were passed, I was greatly concerned because of the similar provisions that appeared and the gentleman is correct.

I was hoping during the course of the hearings with respect to this bill that there would have been some careful attention paid to the very delicate constitutional balance. I take as a given the fact that a convict of any sort waives certain constitutional freedoms and I have no problems with (and did not at the time the original bill was passed) the constitutional freedoms which the prisoner was forced to forego. He would have to forego those provisions whether he was in a private residence or in a state institution to the extent that the constitution does not protect criminals.

My concern is, however, with the knowing and intelligent waiver of the person with whom the convict stays. If that person is not given every opportunity to knowingly waive those rights, then I have grave concerns about the constitutional freedoms. Since this bill is now being passed and was the subject of some attention, I did want to make a statement on the floor that, while I shall vote for this bill and I do agree in significant part with many of the things, I feel as though any program which does not advise a spouse or parent of the knowing and intelligent waiver which must be made, would mean that the constitutional provisions obtained for that person and that any seizure would still be unconstitutional. We are treading on very dangerous grounds but these are very different times.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the gentleman from Belfast's concerns but I would just like to remind you that this bill is almost word for word from the statutes that we have had on the books since 1984 or 1986. The Department of Corrections has worked with this same practical, same statute when they deal with their own ISP and it has worked well. We haven't heard any problems with ISP. As a matter of fact, as most people have said to the people on the Corrections Committee, you ought to increase ISP rather than decrease it. If there are concerns out there, I think we would have heard them by now.

One more thing, this is voluntary, that is the thing. People volunteer to go into ISP. It isn't that they are forced into it. They ask the sheriff if they can get into this type of program, knowing full well what the circumstances are. I hope you support the bill.

Subsequently, L.D. 1270 was passed to be engrossed as amended by Committee Amendment "A" (H-243) and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Assist the Expansion of Municipal Sewer Systems" (H.P. 781) (L.D. 1113) (C. "A" H-230)

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

Representative Tamaro of Baileyville offered House Amendment "A" (H-259) and moved its adoption.

House Amendment "A" (H-259) was read by the Clerk and adopted.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I am a little slow on this bill but I guess I caught it yesterday but I am kind of concerned about what we are doing here. I am not concerned about this last amendment, it is the Committee Amendment that has come out in the bill itself that I am concerned about.

What this bill is doing, in my opinion, is taking the local control away from our local sewer districts and our local towns people. The state is telling them that they have to have 75 percent of the people to extend a sewer district to be in favor of it when they are paying more than 50 percent of the cost. I think this belongs back in our municipalities. I believe that it belongs to the people. They all have policies covering this and I don't believe we should be putting in a state law to do it.

The DEP has come out and said that certain things have to be done, we have to clean up our ground water, septic systems are not acceptable in some places and they have to be removed. The DEP has said that if you are within 200 feet of a sewer, you have to hook up under certain conditions. This is very costly to some people and I just don't believe that we should be mandating this to the people back home. It is a local control problem.

Mr. Speaker, I request a Division.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address some of the concerns that Representative Murphy has raised. I do that because I am the sponsor of this measure.

Throughout the state there are certain small agrarian communities like Falmouth where there are pockets of close development and considerable spaces of agricultural activity, open space. Those sections of those communities that are closely developed and densely populated, from time to time, require the attention of municipal sewer systems. The present statutes, however, act (in my view) to constrict that expansion in that they require that the municipal officers may assess only 50 percent of the cost of any expansion to the benefiting landowners and, therefore, the other 50 percent to the other residents, i.e., taxpayers of the community.

The purpose of this bill was not, in any way, to mandate anything back to local officials. Its purpose was to give those local officials the opportunity to say to a group of taxpayers within your town who have requested the expansion of a sewer system — "All right, we will see if there are 75 percent of you folks who will benefit from this proposal, who are willing to pay more than the present statutory limit of 50 percent."

The original bill said 50 percent. The Committee

on State and Local Government, in its wisdom, felt that that was not an adequate level of protection. Therefore, they amended this bill to say 75 percent of the benefiting people must agree to above 50 percent of the cost so I hope what I have said will at least address the concerns Representative Murphy raised. It was never my intention nor do I think the intention of the committee to mandate anything back — quite the contrary, it was to give flexibility to municipal officers to say, "We will go ahead with this expansion but you are going to have to pay."

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with the good Representative from Falmouth in what it does. When you try to get 75 percent of the people to say, "Yes, I want to pay for this sewer" — it doesn't happen. If there is a person who happens to be out there who has to have a sewer or something done with their septic system, which is very costly today, it is saying to them, "We don't have to hook up, we don't have to pay, but you pay, and then we will get it for nothing." That is not the way it should be.

When we have to extend our sewer districts, we should all have to pay if we are going to benefit from it.

I don't know of a sewer district, at least in my area, who doesn't assess these people over 8 to 10 years, it is nothing they have to come up with right away. I believe we passed a law here where, if a person couldn't afford to do this, there was some grant money that would help them pay for it. We are not saying that we are putting this on to the backs of people who can't afford it because we took care of them. I believe it is not fair to those people who really need this and they have to pay the full price while others will just sit back and 75 percent of them will vote and say we don't need this. I do think it is mandating back to the municipalities and I say, let them have their own policy and let them control it back there.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 29 in the negative, L.D. 1113 was passed to be engrossed as amended by Committee Amendment "A" (H-230) and House Amendment "A" (H-259) thereto and sent up for concurrence.

SECOND READER

Later Today Assigned

Bill "An Act to Enhance the Filing of Documents in the Registry of Deeds" (H.P. 95) (L.D. 136) (C. "A" H-229)

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

On motion of Representative Mayo of Thomaston, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Codify the Rules of Maine" (H.P. 1) (L.D. 1) (H. "A" H-200 to C. "A" H-195)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

SECOND READER

Tabled and Assigned

Bill "An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices" (EMERGENCY) (H.P. 591) (L.D. 842) (C. "A" H-205)

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

On motion of Representative Mitchell of Freeport, tabled pending passage to be engrossed and specially assigned for Thursday, May 9, 1991.

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

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

An Act to Require Repair of Septic Systems (EMERGENCY) (H.P. 504) (L.D. 698) (C. "A" H-182)
 TABLED - May 7, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, retabled pending passage to be enacted and later today assigned.

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

An Act to Provide an Expedited Process for the Commencement of Paternity Actions (S.P. 310) (L.D. 819) (C. "A" S-87)
 TABLED - May 7, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Thursday, May 9, 1991.

The Chair laid before the House the third item of

Unfinished Business:

An Act Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses (H.P. 443) (L.D. 633) (S. "A" S-90 to C. "A" H-106) TABLED - May 7, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled passage to be enacted and later today assigned.

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

An Act to Amend and Add to Certain Provisions of Geographic-based Information Services (H.P. 743) (L.D. 1047) TABLED - May 7, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled passage to be enacted and later today assigned.

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

Bill "An Act to Promote Cranberry Cultivation in Maine" (EMERGENCY) (H.P. 69) (L.D. 97) TABLED - May 7, 1991 (Till Later Today) by Representative TARDY of Palmyra.
PENDING - Adoption of Committee Amendment "A" (H-175)

Representative Tardy of Palmyra offered House Amendment "A" (H-266) to Committee Amendment "A" (H-175) and moved its adoption.

House Amendment "A" (H-266) to Committee Amendment "A" (H-175) was read by the Clerk and adopted.

Committee Amendment "A" (H-175) as amended by House Amendment "A" (H-266) thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-175) as amended by House Amendment "A" (H-266) thereto and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-228) - Minority (5) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Share Proportionately the Public Safety Costs for the Capitol Area" (H.P. 411) (L.D. 594) TABLED - May 7, 1991 by Representative JOSEPH of Waterville.
PENDING - Motion of same Representative to accept the

Majority "Ought to Pass" as amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Joseph of Waterville that the House accept the Majority "Ought to Pass" as amended Report and especially assigned for Thursday, May 9, 1991.

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

SENATE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (S-107) - Committee on Energy and Natural Resources on Bill "An Act to Amend the Voter Ratification Provisions of the Low-level Radioactive Waste Laws" (EMERGENCY) (S.P. 346) (L.D. 946) - In Senate, Majority "Ought Not to Pass" Report read and accepted.
TABLED - May 7, 1991 by Representative GWADOSKY of Fairfield.
PENDING - Acceptance of Either Report.

On motion of Representative Gwadosky of Fairfield, retabled pending acceptance of either report and especially assigned for Thursday, May 9, 1991.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect the Assets of State Retirement Plans (S.P. 122) (L.D. 224) (C. "A" S-82) TABLED - May 7, 1991 by Representative GWADOSKY of Fairfield.
PENDING - Final Passage.

On motion of Representative Gwadosky of Fairfield, retabled pending final passage and especially assigned for Thursday, May 9, 1991.

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

An Act Concerning Purchases of Alcohol from Agency Stores (EMERGENCY) (H.P. 91) (L.D. 132) (C. "A" H-155) TABLED - May 7, 1991 by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

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

Bill "An Act Concerning Late Support Payments" (H.P. 384) (L.D. 558)

TABLED - May 7, 1991 by Representative MANNING of Portland.
PENDING - Adoption of Committee Amendment "A" (H-221)

On motion of Representative Manning of Portland, retabled pending adoption of Committee Amendment "A" (H-221) and specially assigned for Thursday, May 9, 1991.

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

HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-218) - Committee on Energy and Natural Resources on Bill "An Act to Improve Energy Efficiency in Buildings" (H.P. 561) (L.D. 804)
TABLED - May 7, 1991 by Representative MacBRIDE of Presque Isle.
PENDING - Acceptance of Committee Report.

Thereupon, the Committee Report was accepted, the Bill read once.

Committee Amendment "A" (H-218) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, May 9, 1991.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Modify the Language Governing the Special Commission on Governmental Restructuring (S.P. 669) (L.D. 1767) (S. "A" S-120)

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. 103 voted in favor of the same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify Certain Laws Affecting the Maine State Archives, Admissibility of Documents and Local Government Records (S.P. 181) (L.D. 490)

An Act to Amend the School Approval Standards (H.P. 558) (L.D. 801) (H. "A" H-201 to C. "A" H-178)

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

The Chair laid before the House the following matter: An Act to Require Repair of Septic Systems (EMERGENCY) (H.P. 504) (L.D. 698) (C. "A" H-182)

which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 698 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-284) and moved its adoption.

House Amendment "A" (H-284) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-182) and House Amendment "A" (H-284) in non-concurrence and sent up for concurrence.

On motion of Representative Chonko of Topsham, the House reconsidered its action whereby the House receded and concurred on Bill "An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks" (H.P. 1217) (L.D. 1775)-(Came from the Senate read twice under suspension of the rules without reference to a committee and passed to be engrossed in non-concurrence.

The same Representative moved that the House recede.

On further motion of the same Representative, tabled pending her motion that the House recede and specially assigned for Thursday, May 9, 1991.

(Off Record Remarks)

On motion of Representative Erwin of Rumford,
Adjourned at 6:33 p.m. to Thursday, May 9, 1991,
at twelve o'clock noon.