

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## **One Hundred And Fifteenth Legislature**

OF THE

## **State Of Maine**

### **VOLUME V**

#### **FIRST SPECIAL SESSION**

July 11, 1991 to July 18, 1991

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#### **FIRST CONFIRMATION SESSION**

October 2, 1991

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#### **SECOND SPECIAL SESSION**

December 18, 1991 to January 7, 1992

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#### **SECOND REGULAR SESSION**

House of Representatives

January 8, 1992 to March 9, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
3rd Legislative Day  
Tuesday, January 14, 1992

COMMUNICATIONS

The Speaker resumed the Chair.  
The House met according to adjournment and was called to order by the Speaker.  
Prayer by Reverend Doctor Peter Misner, Belgrade Lakes Union Church.  
Pledge of Allegiance.  
The Journal of Thursday, January 9, 1992, was read and approved.

The following Communication:

DEPARTMENT OF EDUCATION  
STATE HOUSE STATION 23  
AUGUSTA, MAINE 04333

To: Edwin H. Pert, Clerk of the House  
From: S/Eve M. Bither, Commissioner  
Date: December 31, 1991  
Re: Report on habitual truants for the 1988-89 school year

SENATE PAPERS

Tabled and Assigned

The following Joint Order: (S.P. 841)

ORDERED, the House concurring, that a Joint Select Committee on Governmental Restructuring be established. The select committee consists of 5 members from the Senate, appointed by the President of the Senate, and 14 members from the House of Representatives, appointed by the Speaker of the House of Representatives. The select committee shall review the legislation referred to it relating to restructuring of State Government and report its recommendations to the Legislature.

Came from the Senate, read and passed.

Was read.

On motion of Representative Gwadosky of Fairfield, tabled pending passage in concurrence and specially assigned for January 15, 1992.

In accordance with 20-A MRSA Section 5051, I am hereby submitting our annual report of habitual truants identified by school superintendents during the school year 1990-91. An habitual truant is defined under section 5051 as a student under age 17 who has attained the equivalent of 10 full days of nonexcused absences or 7 consecutive days of nonexcused absences during a school year.

The total number of identified habitual truants has decreased by 15% as compared to the previous school year. We believe this reduction is due to the increased attention being given to school attendance by school officials across the state and our Department's continuing efforts to provide assistance to schools in identifying students at risk and developing strategies to meet their needs.

Additional information regarding this report can be obtained from Frank Antonucci, consultant for Truancy, Dropout and Alternative Education at 289-5110.

Was read and with accompanying report ordered placed on file.

Non-Concurrent Matter

Bill "An Act to Amend the Charter of the Casco Bay Island Transit District" (H.P. 1414) (L.D. 2026) which was referred to the Committee on Transportation in the House on January 7, 1992.

Came from the Senate referred to the Committee on Utilities in non-concurrence.

On motion of Representative Clark of Millinocket, the House voted to Insist.

The following Communication:

115TH MAINE LEGISLATURE

January 8, 1992

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that we have made the following appointments:

Pursuant to our authority under Chapter 53 of the Resolves of 1991, we have appointed Senator Donald Esty, Jr. to the Commission to Study the Use of Professional Strikebreakers.

Pursuant to our authority under Chapter 556 of

Non-Concurrent Matter

Bill "An Act to Make Electronic Monitoring and Substance Testing Programs Economically Feasible" (EMERGENCY) (H.P. 1451) (L.D. 2063) which was referred to the Committee on Judiciary in the House on January 7, 1992.

Came from the Senate referred to the Joint Select Committee on Corrections in non-concurrence.

The House voted to recede and concur.

the Public Laws of 1989, we have appointed Senator Dale McCormick to the Mandated Benefits Advisory Committee. She will replace Senator Theriault.

Sincerely,

S/Charles P. Pray                      S/John L. Martin  
President of the Senate      Speaker of the House

Was read and ordered placed on file.

The following Communication:

115TH MAINE LEGISLATURE

January 10, 1992

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333

Dear Clerk Pert:

Pursuant to our authority under Joint Rule 39, we are appointing Carol Carothers Partisan Staff Assistant for Nominations.

Carol will fill the remaining term of Kathy Goodwin, who has retired.

Sincerely,

S/Charles P. Pray                      S/John L. Martin  
President of the Senate      Speaker of the House

Was read and ordered placed on file.

**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:

**Human Resources**

Bill "An Act to Fund the Crisis and Counseling Center's Residential Care Unit" (EMERGENCY) (H.P. 1523) (L.D. 2152) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representative SIMONDS of Cape Elizabeth, Representative HEPBURN of Skowhegan and Senator GILL of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Restore Home Health and Community Care Funding" (H.P. 1525) (L.D. 2154) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative MAHANY of Easton, Senator COLLINS of Aroostook and Representative CARROLL of Gray) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

The Committee on Reference of Bills had suggested the Committee on **Appropriations and Financial Affairs.**)

On motion of Representative Chonko of Topsham, was referred to the Committee on **Human Resources**, ordered printed and sent up for concurrence.

**Energy and Natural Resources**

Bill "An Act to Improve the Efficiency and Effectiveness of the State's Natural Resources Protection Programs" (H.P. 1528) (L.D. 2157) (Presented by Representative MITCHELL of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

**Legal Affairs**

Bill "An Act to Amend the Laws Governing Resident-owned Cooperative Mobile Home Parks" (EMERGENCY) (H.P. 1522) (L.D. 2151) (Presented by Representative PFEIFFER of Brunswick) (Cosponsored by Representative LAWRENCE of Kittery) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

**Banking and Insurance**

Bill "An Act to Provide More Efficient and Cost Effective Insurance for Maine State Employees" (H.P. 1524) (L.D. 2153) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Senator KANY of Kennebec, Representative MITCHELL of Vassalboro and Senator BRANNIGAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

(The Committee on Reference of Bills had suggested the Committee on **State and Local Government.**)

On motion of Representative Joseph of Waterville, was referred to the Committee on **Banking and Insurance**) ordered printed and sent up for concurrence.

**State and Local Government**

Bill "An Act to Amend the Corporation Laws" (H.P. 1529) (L.D. 2158) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Representative DAGGETT of Augusta and Representative NORTON of Winthrop) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

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**Transportation**

Bill "An Act to Amend the Motor Vehicle Laws" (H.P. 1526) (L.D. 2155) (Presented by Representative BAILEY of Farmington) (Cosponsored by Representative MACOMBER of South Portland, Representative STROUT of Corinth and Senator THERIAULT of Aroostook) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Bill "An Act to Clarify Permit Provisions for General Commodity Vehicles with a Maximum Gross Weight of 100,000 Pounds" (H.P. 1527) (L.D. 2156) (Presented by Representative BAILEY of Farmington) (Cosponsored by Representative MACOMBER of South Portland and Senator THERIAULT of Aroostook) (Submitted by the Department of Transportation pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

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**ORDERS**

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

ORDERED, that Representative Sumner H. Lipman of Augusta be excused January 16 for personal reasons.

Was read and passed.

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**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative PINEAU from the Committee on **Banking and Insurance** on Bill "An Act to Amend and to Clarify Confidentiality Provisions in the Maine Insurance Code" (H.P. 191) (L.D. 284) reporting "Ought Not to Pass"

Representative PINEAU from the Committee on **Banking and Insurance** on Bill "An Act to Facilitate the Purchase of Insurance by Purchasing Groups" (H.P. 1140) (L.D. 1665) reporting "Ought Not to Pass"

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act Relating to Surrogate Parenting" (H.P. 254) (L.D. 345) reporting "Ought Not to Pass"

Representative LAWRENCE from the Committee on **Legal Affairs** on Bill "An Act to Allow State Employees to Donate Funds to a Political Cause Through a Payroll Deduction Program" (H.P. 821) (L.D. 1175) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on **State and Local Government** on Resolve, to Override a Departmental Rule Imposing Certain ASHRAE Standards

on Local School Districts (EMERGENCY) (H.P. 1305) (L.D. 1887) reporting "Ought Not to Pass"

Representative WATERMAN from the Committee on **State and Local Government** on Bill "An Act Relating to Staff of the Maine State Retirement System" (H.P. 1279) (L.D. 1849) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act to Require the Department of Environmental Protection to Perform a Cost and Benefit Analysis of Permit Applications" (H.P. 747) (L.D. 1051) reporting "Ought Not to Pass"

Representative BOUTILIER from the Committee on **Transportation** on Bill "An Act to Amend the Farm Truck Registration Laws" (H.P. 1033) (L.D. 1506) reporting "Ought Not to Pass"

Representative SMALL from the Committee on **Transportation** on Bill "An Act to Establish Title for Snowmobiles and All-terrain Vehicles" (H.P. 1066) (L.D. 1555) reporting "Ought Not to Pass"

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

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**ORDERS OF THE DAY**

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, January 9, 1992 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 Fund an Additional Child Protective Services Caseworker Position" (EMERGENCY) (S.P. 835) (L.D. 2139) (Committee on **Appropriations and Financial Affairs** suggested)

TABLED - January 9, 1992 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Motion of same Representative to Reconsider whereby the Bill was Referred to the Committee on **Appropriations and Financial Affairs**.

Subsequently, Representative Mayo of Thomaston withdrew his motion that the House reconsider its action whereby L.D. 2139 was referred to the Committee on **Appropriations and Financial Affairs**.

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At this point, the names of Representatives Graham of Houlton and Hastings of Fryeburg were added to the roll of the Second Regular Session.

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On motion of Representative DiPietro of South Portland,

Adjourned at 4:41 p.m. until Wednesday, January  
15, 1992 at six o'clock in the evening.

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