

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
10th Legislative Day
Tuesday, February 4, 1992

Penobscot
Piscataquis
Somerset
Washington
York

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

Prayer by Reverend Rick Small, North Windham Union Church-United Church of Christ.

National Anthem by Windham High School Chamber Singers.

The Journal of Thursday, January 30, 1992, was read and approved.

At this point, the Speaker appointed Representative Gwadosky of Fairfield to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

SENATE PAPERS

Unanimous Ought Not to Pass

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act Authorizing the Town of Vanceboro to Issue Bonds and Notes for Construction of an Elementary School" (EMERGENCY) (S.P. 812) (L.D. 2011)

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

COMMUNICATIONS

The following Communication: (H.P. 1620)

STATE OF MAINE
SECRETARY OF STATE
AUGUSTA, MAINE 04333

January 22, 1992

Honorable John L. Martin
Speaker of the House
115th Maine State Legislature
State House Station #2
Augusta, Maine 04333

Dear Mr. Speaker:

In accordance with the provisions of Title 30-A, Section 701 of the Revised Statutes, as amended, I have the honor to transmit herewith the budget estimates of expenses of the counties within the State for the year 1991.

They are as follows: Androscoggin
 Hancock
 Kennebec

Respectfully,

S/G. William Diamond
Secretary of State

Was read and referred to the Committee on State and Local Government and sent up for concurrence.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

January 8, 1992

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

Dear Clerk Pert:

This is to notify you that pursuant to my authority under 1 MRSA, Section 1002 (1), I am reappointing Gregory G. Cyr, of Portage, to serve on the Commission on Governmental Ethics and Election Practices. This appointment requires the concurrence of 2/3 vote of the House of Representatives.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

In accordance with Title 1, Section 1002, of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 120 having voted in favor of same and none against, and accordingly the nominee was confirmed.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
MAJORITY OFFICE
AUGUSTA, MAINE 04333

January 9, 1992

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

Dear Clerk Pert:

This is to notify you that pursuant to my authority under 1 M.R.S.A., Section 1002, I am reappointing Joseph B. Ezhaya, of Waterville, to serve on the Commission on Governmental Ethics and Election Practices. This appointment requires a two-thirds vote of concurrence by the House of Representatives.

Sincerely,

S/Dan A. Gwadosky
House Majority Leader

Was read and ordered placed on file.

In accordance with Title 1, Section 1002, of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 100 having voted in favor of same and none against, and accordingly the nominee was confirmed.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
HOUSE MINORITY OFFICE
AUGUSTA, MAINE 04333

January 15, 1992

The Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

In accordance with 1 MRSA Section 1002 (1B), I am appointing Robert E. Tierney of Camden to serve on the Commission on Governmental Ethics and Election Practices for the 1992-1993 term.

Sincerely,

S/Walter E. Whitcomb
House Republican Floor Leader

Was read and ordered placed on file.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: Since this is a new appointment, I thought it might be worth our time to take a minute to describe a little bit of the qualifications of Mr. Tierney, who is not related to the Mr. Tierney that you all know.

He comes to this position from a unique setting in that he is an associate of the Institute on Global Ethics that is headquartered in Camden, Maine.

This Mr. Tierney has had 20 years of experience with the State Department including an assignment as a top advisor at the United Nations. I think one of his primary activities is organizing what has received bipartisan support, the Camden Conference on Foreign Policy. In fact, as of this Friday, Mr. Tierney's Camden Conference features as speakers, Tom Andrews, David Emery and a host of national and

international figures to discuss the new world order of "what will it be?"

We are most pleased that Mr. Tierney would make himself available to serve on our Ethics Commission.

In accordance with Title 1, Section 1002, of the Maine Revised Statutes Annotated, a 2/3 vote of those members present and voting is required. 116 having voted in favor of same and none against, and accordingly the nominee was confirmed.

The following Communication:

PUBLIC UTILITIES COMMISSION
242 State Street
State House Station 18
Augusta, Maine 04333-0018

February 3, 1992

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

Dear Speaker Martin:

In accordance with Title 35-A of the Maine Statutes, I am enclosing the Annual Report of the Maine Public Utilities Commission.

Please do not hesitate to call if you have any questions regarding the materials contained in the report.

Sincerely,

S/Charles A. Jacobs
Administrative Director

Was read and with accompanying report ordered placed on file.

The following Communication:

EXECUTIVE DEPARTMENT
OFFICE OF SUBSTANCE ABUSE
STATE HOUSE STATION #159
AUGUSTA, MAINE 04333

January 31, 1992

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

Dear Speaker Martin:

We are pleased to send you a copy of the report "Chemically Dependent Women in Maine." This report was requested in P & S, Chapter 18 of the Laws of 1991 and has been sent to the Committee on Human Resources as directed by that law.

Should you have any questions concerning the report,

please contact me at your convenience.

Sincerely,

S/Ronald G. Speckmann
Director

Was read and with accompanying report ordered placed on file.

The following Communication:

WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

January 30, 1992

Honorable John L. Martin
Speaker, House of Representatives
State House Station #2
Augusta, Maine 04333

RE: Quarterly Report for the Fourth Quarter of
Calendar 1991, 39 M.R.S.A. section 92(3)

Dear Speaker Martin:

This letter and statistical attachments are the fourth quarterly report of Commissioner caseload and progress mandated by 39 M.R.S.A. section 92(3).

The Commission disposed of 3,909 petitions by decision or dismissal in the fourth quarter of 1991, and received 3,839. The number of pending petitions decreased from 10,447 to 10,377 as of December 31, 1991. The backlog of petitions pending more than two years decreased 223 to 174.

During 1991, the Commissioners disposed of 15,006 petitions, a record number. Unfortunately, 15,357 petitions were filed. By comparison, the Commission disposed of 12,723 petitions and processed 14,555 petitions during 1990.

Throughout 1991, the number of pending petitions stayed in the area of 10,000, less than a year's filings. This is approximately 7,200 litigated cases as more than one petition may be filed in a case.

The number of contested cases relates to numbers of injuries in several previous years. It is not a subset of injuries in that calendar year. Employment levels began to decrease in 1990. We think this will start to have an effect in 1992. We anticipate a slight decrease in 1992 and a substantial decrease in 1993.

The Commission has been experimenting with statistical forecasting techniques based on employment in prior years. Last year we issued a prediction of 15,932 petitions in our annual report, close to the actual figure of 15,357. This year, we are forecasting 15,100 for 1992. With a little luck, it could be less.

The Commission is setting up a computerized docket management system. We think that it will

result in additional efficiency in scheduling hearings and resolving disputes. It also will give us better statistical information. For example, we will be able to measure directly the number of cases instead of the number of petitions.

There have been no formal complaints or filings concerning the 30 day decision rule of 39 M.R.S.A. section 99-B as implemented by Commission Rule 22.11.

A summary of caseload and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,

S/Ralph L. Tucker
Chairman

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Banking and Insurance

Bill "An Act to Require Group Insurance Companies to Notify Covered Employees of Nonpayment of Premiums by Employers" (H.P. 1617) (L.D. 2278) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative PINEAU of Jay and Representative KONTOS of Windham) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Amend the Law Regulating Architects" (H.P. 1624) (L.D. 2287) (Presented by Representative SWAZEY of Bucksport) (Cosponsored by Senator COLLINS of Aroostook, Representative CONSTANTINE of Bar Harbor and Representative HEESCHEN of Wilton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Laws Governing Respiratory Care Practitioners" (EMERGENCY) (H.P. 1631) (L.D. 2295) (Presented by Representative MANNING of Portland) (Cosponsored by Senator CONLEY of Cumberland and Representative LARRIVEE of Gorham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Expand the Membership of the Maine Committee for Global Education" (H.P. 1623) (L.D. 2286) (Presented by Representative SIMONDS of Cape Elizabeth) (Cosponsored by Senator ESTES of York and Representative AULT of Wayne) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Allow Municipalities to Operate Stump Dumps" (H.P. 1613) (L.D. 2274) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative GOULD of Greenville, Representative JACQUES of Waterville and Senator TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Definition of 'Freshwater Wetlands' for Purposes of Development Laws" (H.P. 1615) (L.D. 2276) (Presented by Representative HOGGLUND of Portland) (Cosponsored by Senator TITCOMB of Cumberland, Representative JACQUES of Waterville and Representative LORD of Waterboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Concerning Landfill Operation on Certain Islands and to Correct an Error in the Landfill Operation Laws" (H.P. 1622) (L.D. 2285) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representative GRAY of Sedgwick, Senator GOULD of Waldo and Representative CARROLL of Southwest Harbor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Ensure the Safe Collection and Management of Certain Household Hazardous Wastes" (H.P. 1632) (L.D. 2296) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representative COLES of Harpswell, Senator TITCOMB of Cumberland and Representative MARSH of West Gardiner) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Resolve, Concerning the Removal of Residential Underground Oil Tanks (EMERGENCY) (H.P. 1614) (L.D. 2275) (Presented by Representative STEVENS of Bangor) (Cosponsored by Senator BALDACCI of Penobscot and 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.

Human Resources

Bill "An Act to Consolidate the 10 Existing

Committees Dealing with Children and Families into the Maine Commission for Children and Families" (H.P. 1628) (L.D. 2291) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Speaker MARTIN of Eagle Lake and President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Provide Accountability for Certain Purchased Services Related to Substance Abuse" (H.P. 1630) (L.D. 2294) (Presented by Representative GEAN of Alfred) (Cosponsored by Speaker MARTIN of Eagle Lake, Senator BERUBE of Androscoggin and Representative MANNING of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Resolve, to Ensure Protection and Family Support for Maine's Children (EMERGENCY) (H.P. 1633) (L.D. 2297) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representative GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Open State Government to Public View" (H.P. 1627) (L.D. 2290) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative JOSEPH of Waterville, Senator BERUBE of Androscoggin and Senator GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Require Out-of-control Children under 15 Years of Age to Receive Needed Substance Abuse and Mental Health and Educational Services Involuntarily" (H.P. 1626) (L.D. 2289) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Representative RICHARDS of Hampden, Representative MURPHY of Berwick and Senator TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning the Bureau of Intergovernmental Drug Enforcement" (EMERGENCY) (H.P. 1629) (L.D. 2292) (Presented by Representative CARROLL of Gray) (Cosponsored by Representative TRACY of Rome, Representative BAILEY of Township 27 and Representative LOOK of Jonesboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

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

On motion of Representative Paradis of Augusta,

was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

Legal Affairs

Bill "An Act to Broaden and Specify Conduct for Which the Certificate of a Law Enforcement Officer May Be Suspended or Revoked" (H.P. 1616) (L.D. 2277) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representative TUPPER of Orrington and Senator MILLS of Oxford) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Resolve, to Authorize the Director of the Bureau of Public Improvements to Condemn in the Name of the State Certain State-owned Land in the Town of Warren and the Town of Cushing and Exchange Boundary Line Agreements with Abutting Land Owners (H.P. 1611) (L.D. 2272) (Presented by Representative MAYO of Thomaston) (Cosponsored by Senator HOLLOWAY of Lincoln, Representative SKOGLUND of St. George and Representative MANNING of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Establish a Boundary between the Town of Skowhegan and the Town of Madison" (H.P. 1612) (L.D. 2273) (Presented by Representative KETTERER of Madison) (Cosponsored by Senator WEBSTER of Franklin, Representative HEPBURN of Skowhegan and Senator MATTHEWS of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Strengthen Maine's Governmental Ethics Laws" (EMERGENCY) (H.P. 1618) (L.D. 2279) (Presented by Representative MAYO of Thomaston) (Cosponsored by Representative LOOK of Jonesboro, Representative GWADOSKY of Fairfield and Representative JOSEPH of Waterville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Authorize a Bond Issue of \$300,000 to Expand the Sagadahoc County Courthouse to Include Detention Facilities" (EMERGENCY) (H.P. 1619) (L.D. 2280) (Presented by Representative COLES of Harpswell) (Cosponsored by Senator CAHILL of Sagadahoc, Representative HOLT of Bath and Representative SMALL of Bath) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Allow the Separation of Certain Islands in Casco Bay from the City of Portland" (H.P. 1634) (L.D. 2298) (Presented by Representative RAND of Portland) (Cosponsored by Representative ADAMS of Portland and Senator CONLEY of Cumberland) (Approved for introduction by a majority of the Legislative

Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Amend the Eligibility Requirements for the Maine Residents Property Tax Program" (H.P. 1621) (L.D. 2284) (Presented by Representative HOLT of Bath) (Cosponsored by Senator CONLEY of Cumberland, Representative SMALL of Bath and Representative KILKELLY of Wiscasset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Require a Total Least-cost Energy Plan and to Establish a Moratorium on Fossil-fuel Fired Electric Generation Facilities in This State" (EMERGENCY) (H.P. 1625) (L.D. 2288) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Representative CROWLEY of Stockton Springs, Senator FOSTER of Hancock and Senator McCORMICK of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative STEVENS from the Committee on Judiciary on Bill "An Act to Amend the Distribution of Money and Property Seized in Drug Busts" (H.P. 1408) (L.D. 2020) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Eliminate or Modify Certain Environmental Licensing and Permitting Requirements of the Department of Environmental Protection" (EMERGENCY) (H.P. 1530) (L.D. 2161) reporting "Ought Not to Pass"

Representative LAWRENCE from the Committee on Legal Affairs on Bill "An Act to Clarify the Law Concerning the Safety Course Necessary to Obtain a Concealed Firearms Permit" (H.P. 1424) (L.D. 2036) reporting "Ought Not to Pass"

Representative LAWRENCE from the Committee on Legal Affairs on Bill "An Act to Allow Sheriffs' Deputies to Seek Certain Nonpartisan Offices" (EMERGENCY) (H.P. 1439) (L.D. 2051) reporting "Ought Not to Pass"

Representative MITCHELL from the Committee on Banking and Insurance on Bill "An Act to Clarify

the Rights of Persons to Recover Insurance Proceeds When They Are Injured by an Underinsured Motorist" (H.P. 1476) (L.D. 2088) reporting "Ought Not to Pass"

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Establish a Limit on Noneconomic Damages in Medical Liability Actions" (H.P. 253) (L.D. 344)

Signed:

Senator: GAUVREAU of Androscoggin

Representatives: CATHCART of Orono
PARADIS of Augusta
COTE of Auburn
STEVENS of Bangor
FARNSWORTH of Hallowell
KETTERER of Madison
ANTHONY of South Portland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-875) on same Bill.

Signed:

Senators: BERUBE of Androscoggin
HOLLOWAY of Lincoln

Representatives: RICHARDS of Hampden
OTT of York
HANLEY of Paris

Reports were read.

Representative Paradis of Augusta moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, February 6, 1992.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-878) on Bill "An Act to Provide Equitable Insurance Reimbursement for Acupuncture Services Provided by Licensed Acupuncturists" (H.P. 683) (L.D. 982)

Signed:

Senators: KANY of Kennebec

MCCORMICK of Kennebec
BRAWN of Knox

Representatives: MITCHELL of Vassalboro
ERWIN of Rumford
TRACY of Rome
KETOVER of Portland
JOSEPH of Waterville
RAND of Portland
PINEAU of Jay
CARLETON of Wells

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

Signed:

Representatives: HASTINGS of Fryeburg
GARLAND of Bangor

Reports were read.

Representative Mitchell of Vassalboro moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Thursday, February 6, 1992.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Authorizing Presidential Primary Elections in the State" (H.P. 744) (L.D. 1048)

Signed:

Senators: MILLS of Oxford
SUMMERS of Cumberland

Representatives: LAWRENCE of Kittery
PLOURDE of Biddeford
STEVENS of Sabattus
HICHENS of Eliot
BOWERS of Sherman
JALBERT of Lisbon
TUPPER of Orrington
POULIN of Oakland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-881) on same Bill.

Signed:

Senator: KANY of Kennebec
Representatives: RICHARDSON of Portland
DAGGETT of Augusta

Reports were read.

Representative Lawrence of Kittery moved that the House accept the Majority "Ought Not to Pass" Report. On further motion of the same Representative,

tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, February 6, 1992.

CONSENT CALENDAR

First Day

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

(S.P. 742) (L.D. 1937) Bill "An Act to Amend the Disability Laws Applicable to Members of the Maine Judicial Retirement System" Committee on **Aging, Retirement and Veterans** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-529)

(S.P. 794) (L.D. 1993) Resolve, That the Reporting Deadline for the Commission on Comprehensive Energy Planning Be Extended (EMERGENCY) Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-530)

(H.P. 1420) (L.D. 2032) Bill "An Act to Repeal the Provisions of the Uniform Commercial Code Relating to Bulk Transfers" Committee on **Business Legislation** reporting "Ought to Pass"

(H.P. 1448) (L.D. 2060) Bill "An Act to Establish Ambient Air Quality Standards for Toluene and Perchloroethylene" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-882)

(H.P. 1521) (L.D. 2146) Bill "An Act to Institute Conformity to the Low-cost Drug Program" Committee on **Human Resources** reporting "Ought to Pass"

(H.P. 620) (L.D. 890) Bill "An Act to Require the Department of Human Services to Have a Regular Presence in Every County of the State" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-884)

(H.P. 1135) (L.D. 1660) Bill "An Act to Establish the Electric Facilities Siting Council" Committee on **Utilities** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-889)

(H.P. 1435) (L.D. 2047) Bill "An Act to Extend the Deadline for Closure of Municipal Landfills by 18 Months" (EMERGENCY) Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-890)

(H.P. 1427) (L.D. 2039) Bill "An Act to Clarify the Status of Wood Yard Debris" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-891)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 6, 1992, 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. 656) (L.D. 1732) Bill "An Act to Require Certain Disclosures in Adoptions and to Provide Additional Protective Services for Children" (C. "A" S-526)

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

(H.P. 1172) (L.D. 1713) Bill "An Act to Safeguard Money Held for Minors" (C. "A" H-876)

On motion of Representative Paradis of Augusta, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-876) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, February 6, 1992.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Clarify the Scope of the Laws Governing Administrative Correction of Statutory Errors" (EMERGENCY) (H.P. 1492) (L.D. 2104)

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

Representative Paradis of Augusta offered House Amendment "A" (H-880) and moved its adoption.

House Amendment "A" (H-880) was read by the Clerk and adopted, passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Resolve, to Establish the Commission on Recall (H.P. 1377) (L.D. 1964) (C. "A" H-868)

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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Correct an Error in the Law Creating a

Special Housing Allowance (H.P. 977) (L.D. 1420) (C. "A" H-864)

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. 112 voted in favor of the same and none 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 Require that Financial Examinations of Home Service Companies Be Conducted by the Superintendent of Insurance (S.P. 688) (L.D. 1829) (C. "A" S-524)

Was 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.

ORDERS OF THE DAY

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-879) - Committee on Utilities on Bill "An Act to Regulate Incineration Plants" (H.P. 1059) (L.D. 1548)
TABLED - January 30, 1992 by Representative CLARK of Millinocket.
PENDING - Acceptance of the Committee Report.

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

Committee Amendment "A" (H-879) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, February 6, 1992.

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

JOINT ORDER (S.P. 841) Relative to Establishing a Joint Select Committee on Governmental Restructuring.
- In Senate, Read and Passed.
TABLED - January 30, 1992 by Representative GWADOSKY of Fairfield.
PENDING - Passage in concurrence.

On motion of Representative Mayo of Thomaston, retabled pending passage in concurrence and specially assigned for Thursday, February 6, 1992.

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

Bill "An Act Relating to Medicare Assignment" (H.P. 1580) (L.D. 2230)

- In House, Referred to the Committee on Human Resources on January 28, 1992.
- In Senate, Referred to the Committee on Business Legislation in non-concurrence.
TABLED - January 30, 1992 by Representative MANNING of Portland.
PENDING - Further Consideration.

On motion of Representative Manning of Portland, retabled pending further consideration and specially assigned for Thursday, February 6, 1992.

BILL HELD

1. Bill "An Act to Modify Weight Limits for Farm Trucks" (S.P. 189) (L.D. 498)
- In Senate, Minority "Ought Not to Pass" Report of the Committee on Transportation read and accepted.

- In House, Minority "Ought Not to Pass" Report of the Committee on Transportation read and accepted in concurrence.

HELD at the request of Representative TREAT of Gardiner.

Representative Treat of Gardiner moved that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted in concurrence.

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Treat of Gardiner that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted in concurrence and specially assigned for Thursday, February 6, 1992.

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

ORDERS

On motion of Representative JACQUES of Waterville, the following Joint Order: (H.P. 1635)

Ordered, the Senate concurring, that "An Act Prohibiting the Driving or Parking of Vehicles on Ice-covered Bodies of Water," S.P. 216, L.D. 543, and all its accompanying papers, be recalled from the legislative files to the House.

Was read.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill that was sponsored by Senator Bustin that was before the Energy and Natural Resources Committee last year. It had been in front of the Fisheries and Wildlife Committee in past years. In past years, it was touted as a safety issue bill. Last year, it was touted as an environmental protection bill. After listening to the testimony of the law enforcement

officials and everybody involved, we decided to kill the bill.

I am sure you are all aware because of the openness of our winter this year that we have lost six people through the ice, most recently, four people on Parker Pond, one of which was a 12 year old girl who really didn't have too much to say whether or not she wanted to go riding around in a jeep at dark.

I received a phone call yesterday from the wife of a warden who is a diver by profession. Her concern was that we are continually putting her husband and others in the rescue field at risk by going out to recover bodies of people who really don't have enough sense to stay off the lakes. The Warden Service has just done over 600 public service announcements urging people not to go on the lakes because they are unsafe. These are mostly in the southern and central Maine area.

I feel very strongly that this legislature, before this season passes by, should review this once again. Those concerns were solidified to me in discussions with Commissioner Vail yesterday. His intent was to approach Commissioner Atwood and the Chief of the State Police and get their feelings about the whole matter. I think, unfortunately, the feeling we had that people would use good common sense and not do it has, once again, proven not to be the case.

I have presented this Order and I hope you will all (unanimously) adopt it because we do need a two-thirds vote so that the Energy and Natural Resources Committee can, once again, look at this issue because the time to do it is now. I don't think we have to wait for anymore people to drown.

I can tell you that there is a growing sense of frustration by the people who have to go pull them out of the water especially when you start pulling children out. This past week there was an 11 year old girl across the border in New Hampshire who is still in critical condition because they put her in a vehicle and her parents or guardians chose to drive out on the lake.

I could not urge more strongly for this House to pass this Order so we can address this very important issue and I thank you.

A two-thirds vote being necessary, a total was taken. 99 having voted in the affirmative and 1 in the negative, the Joint Order was passed and sent up for concurrence.

Representative Whitcomb of Waldo moved that the House reconsider its action whereby Resolve, to Establish the Commission on Recall (H.P. 1377) (L.D. 1964) (C. "A" H-868) was passed to be engrossed.

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Whitcomb of Waldo that the House reconsider its action whereby L.D. 1964 was passed to be engrossed and specially assigned for Thursday, February 6, 1992.

(Off Record Remarks)

On motion of Representative Nadeau of Saco,
Adjourned at 5:08 p.m. until Thursday, February
6, 1992, at four o'clock in the afternoon.