

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 2, 1992 to May 13, 1993

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
5th Legislative Day
Tuesday, January 12, 1993

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

Prayer by Reverend George Curtis, Old Town United Methodist Church.

Pledge of Allegiance.

The Journal of Friday, January 8, 1993, was read and approved.

SENATE PAPERS

Bill "An Act Regarding the Holding of Juveniles in the Androscoggin County Jail" (EMERGENCY) (S.P. 26) (L.D. 19)

Came from the Senate, referred to the Joint Select Committee on Corrections and Ordered Printed.

Was referred to the Joint Select Committee on Corrections in concurrence.

Bill "An Act to Clarify Insurance Eligibility" (EMERGENCY) (S.P. 29) (L.D. 25)

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

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

COMMUNICATIONS

The following Communication: (S.P. 27)

116TH MAINE LEGISLATURE

January 6, 1993

Chairs
Joint Standing Committee on Judiciary
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Nancy Mills of Cornville and Peter Murray of Portland for appointments as Justices of the Maine Superior Court.

Pursuant to the Constitution, Article V, Part 1, Section 8, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Dennis L. Dutremble
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 28)

116TH MAINE LEGISLATURE

January 6, 1993

Chairs
Joint Standing Committee on Judiciary
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Howard H. Dana, Jr. of Cape Elizabeth for appointment as a Justice of the Maine Supreme Judicial Court.

Pursuant to the Constitution, Article V, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,
S/Dennis L. Dutremble
President of the Senate
S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Judiciary.

Was Read and Referred to the Committee on Judiciary in concurrence.

The following Communication:

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
State House Station 59
Augusta, Maine 04333

To: John L. Martin, Speaker of the House
From: S/Michael W. Aube, Commissioner
Date: January 5, 1993
Re: 1992 Maine Jobs Bond Creation Program
A Report to the 116th Legislature

Pursuant to Maine P.L. 1992, Chapter 849, the Department of Economic and Community Development is pleased to report on the 1992 Maine Job Bond Creation Program.

The attached report takes the form of an evaluation measuring not only the impact, but proposes to make recommendations for future municipal infrastructure bond issues.

Should you have any questions or wish further information, please do not hesitate to contact me.

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Aging, Retirement and Veterans

Bill "An Act to Clarify Eligibility for Ordinary Death Benefits under the Maine State Retirement System" (EMERGENCY) (H.P. 25) (L.D. 28) (Presented by Representative SIMONDS of Cape Elizabeth) (Cosponsored by Senator BRANNIGAN of Cumberland and Representative JALBERT of Lisbon)

Bill "An Act to Permit Retired Teachers to Rejoin the Teachers Health Insurance Plan after Serving in the Legislature" (H.P. 26) (L.D. 29) (Presented by Representative TUFTS of Stockton Springs) (Cosponsored by Representative TRUE of Fryeburg)

Bill "An Act to Permit Arthur Rogers to Change His Retirement Option" (H.P. 27) (L.D. 30) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator CAREY of Kennebec, Representative JOSEPH of Waterville and Senator TITCOMB of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1993" (EMERGENCY) (H.P. 24) (L.D. 27) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator PEARSON of Penobscot) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Compensate Landowners for Property Value Loss Due to Wetlands Conservation" (H.P. 32) (L.D. 35) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representative ANDERSON of Woodland, Representative GOULD of Greenville, Representative KILKELLY of Wiscasset and Senator PINGREE of Knox)

Bill "An Act Concerning Fees Imposed by the Department of Environmental Protection Regarding Hazardous Waste" (H.P. 33) (L.D. 36) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representative LORD of Waterboro, Representative BAILEY of Farmington and Senator BEGLEY of Lincoln)

Bill "An Act to Amend the Laws Safeguarding Production of Ground Water" (H.P. 34) (L.D. 37) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representative JACQUES of Waterville, Representative LORD of Waterboro and Senator BALDACCI of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Lower the Age at Which Residents Are Entitled to Complimentary Hunting and Fishing Licenses" (H.P. 28) (L.D. 31) (Presented by Representative ANDERSON of Woodland) (Cosponsored by Representative TUFTS of Stockton Springs)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Resolve, Authorizing Albert W. Hallowell to Bring a Civil Action against the State (H.P. 29) (L.D. 32) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representative SPEAR of Nobleboro, Representative TOWNSEND of Eastport and Senator PINGREE of Knox)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Establish a Date for Removal of Fishing Shacks from Tidal Waters" (H.P. 30) (L.D. 33) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representative COLES of Harpswell, Representative SKOGLUND of St. George and Senator VOSE of Washington)

Bill "An Act to Allow the Possession of Hatchery Produced, Sublegal, Red, Yellow or Blue Lobsters as Aquarium Pets" (H.P. 31) (L.D. 34) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representative HEINO of Boothbay, Representative LINDAHL of Northport and Senator BEGLEY of Lincoln)

Ordered Printed.
Sent up for Concurrence.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, January 8, 1993, 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:

Expression of Legislative Sentiment recognizing members of the Maine 4.5 women's team (HLS 24).
TABLED - January 5, 1993 by Representative RYDELL of Brunswick.
PENDING - Passage.

On motion of Representative Rydell of Brunswick, HLS 24 was indefinitely postponed.

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

Bill "An Act to Permit the Use of All-terrain Vehicles by Law Enforcement Officers" (H.P. 20) (L.D. 22)
(Committee on Fisheries and Wildlife suggested)
TABLED - January 8, 1993 (Till Later Today) by Representative PARADIS of Augusta.
PENDING - Reference.

On motion of Representative Gwadosky of Fairfield, was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Utilities

Bill "An Act to Promote the Location of a Federal Department of Defense Facility in Penobscot County" (H.P. 35) (L.D. 43) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Senator BALDACCI of Penobscot, Representative AHEARNE of Madawaska, Representative ALIBERTI of Lewiston, Representative BAILEY of Township 27, Representative BARTH of Bethel, Representative BEAM of Lewiston, Representative CAMPBELL of Holden, Representative CARR of Sanford, Representative CASHMAN of Old Town, Representative CATHCART of Orono, Representative CHONKO of Topsham, Representative CLARK of Millinocket, Representative CLEMENT of Clinton, Representative CLOUTIER of South Portland, Representative COFFMAN of Old Town, Representative COTE of Auburn, Representative DONNELLY of Presque Isle, Representative DORE of Auburn, Representative DRISCOLL of Calais, Representative ERWIN of Rumford, Representative FAIRCLOTH of Bangor, Representative FARNUM of South Berwick, Representative GEAN of Alfred, Representative GOULD of Greenville, Representative GWADOSKY of Fairfield, Representative HALE of Sanford, Representative HATCH of Skowhegan, Representative HEINO of Boothbay, Representative HICHBORN of Howland, Representative HUGLUND of Portland, Representative HUSSEY of Milo, Representative JACQUES of Waterville, Representative JALBERT of Lisbon, Representative JOHNSON of South Portland, Representative LARRIVEE of Gorham, Representative LEMKE of Westbrook, Representative LIBBY of Kennebunk, Representative LIBBY of Buxton, Representative LINDAHL of Northport, Representative LIPMAN of Augusta, Representative LORD of Waterboro, Representative MARSH of West Gardiner, Representative

MARTIN of Van Buren, Representative MELENDY of Rockland, Representative MICHAUD of East Millinocket, Representative MORRISON of Bangor, Representative O'GARA of Westbrook, Representative OLIVER of Portland, Representative PARADIS of Augusta, Representative PINETTE of Fort Kent, Representative PLOWMAN of Hampden, Representative POULIOT of Lewiston, Representative REED of Dexter, Representative RICHARDSON of Portland, Representative ROTONDI of Athens, Representative ROWE of Portland, Representative RUHLIN of Brewer, Representative SAXL of Bangor, Representative SIMONDS of Cape Elizabeth, Representative SIMONEAU of Thomaston, Representative STROUT of Corinth, Representative SULLIVAN of Bangor, Representative SWAZEY of Bucksport, Representative TARDY of Palmyra, Representative TAYLOR of Cumberland, Representative TOWNSEND of Eastport, Representative TRACY of Rome, Representative TRUE of Fryeburg, Representative TUFTS of Stockton Springs, Representative WALKER of Blue Hill, Representative WHITCOMB of Waldo, Representative WINN of Glenburn, Representative YOUNG of Limestone, Representative ZIRNKILTON of Mount Desert, Senator AMERO of Cumberland, Senator BEGLEY of Lincoln, Senator BRANNIGAN of Cumberland, Senator BUSTIN of Kennebec, Senator CAHILL of Sagadahoc, Senator CAREY of Kennebec, Senator CARPENTER of York, Senator CIANCHETTE of Somerset, Senator CONLEY of Cumberland, President DUTREMBLE of York, Senator ESTY of Cumberland, Senator FOSTER of Hancock, Senator GOULD of Waldo, Senator HALL of Piscataquis, Senator HANDY of Androscoggin, Senator HARRIMAN of Cumberland, Senator LAWRENCE of York, Senator MARDEN of Kennebec, Senator O'DEA of Penobscot, Senator PARADIS of Aroostook, Senator PEARSON of Penobscot, Senator PINGREE of Knox, Senator SUMMERS of Cumberland, Senator TITCOMB of Cumberland and Senator VOSE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

On motion of Representative Saxl of Bangor, Adjourned at 5:00 p.m. until Thursday, January 14, 1992, at four o'clock in the afternoon.