

# 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 8th Legislative Day Thursday, January 21, 1993

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

Prayer by Reverend John Skehan, St. Mary of the Visitation, Houlton.

The Journal of Tuesday, January 19, 1993, was read and approved.

#### SENATE PAPERS

#### (Tabled and Assigned)

Bill "An Act to Establish a Psychiatric Component for Community Health and Counseling Services in Washington County" (S.P. 44) (L.D. 56)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

On motion of Representative Treat of Gardiner, tabled pending reference in concurrence and specially assigned for Monday, January 25, 1993.

Bill "An Act to Amend the Dislocated Worker Benefits Program" (EMERGENCY) (S.P. 47) (L.D. 69)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Prohibit Greyhound Racing in Maine" (S.P. 46) (L.D. 68)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Establish the Boundary Between Enfield and Passadumkeag" (S.P. 49) (L.D. 71)

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.

Bill "An Act to Make Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1993" (EMERGENCY) (S.P. 48) (L.D. 70)

Came from the Senate, referred to the Committee

on Transportation and Ordered Printed.

Was referred to the Committee on Transportation in concurrence.

#### COMMUNICATIONS

The following Communication: (S.P. 50)

116TH MAINE LEGISLATURE

January 15, 1993

Senator John J. O'Dea Rep. Elizabeth H. Mitchell Chairpersons Joint Standing Committee on Education 116th Legislature Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following to the State Board of Education:

Carol D. Stewart of Presque Isle for appointment William J. McKee, Jr. of Kingfield for appointment Peter E. Geiger of Lewiston for appointment Marjorie M. Medd of Paris for reappointment.

Pursuant to Title 20A, MRSA Section 401, these nominations will require review by the Joint Standing Committee on Education 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 Education.

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

#### 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:

#### Aging, Retirement and Veterans

Bill "An Act to Amend the Retirement Laws" (H.P. 61) (L.D. 91) (Presented by Representative MITCHELL of Vassalboro)

Resolve, Instructing the Commissioner of the Department of Defense and Veterans' Services to

Transfer a Surplus Facility to the Town of Rumford (H.P. 60) (L.D. 90) (Presented by Representative ERWIN of Rumford) (Cosponsored by Representative JALBERT of Lisbon, Senator LUTHER of Oxford and Senator McCORMICK of Kennebec)

Ordered Printed. Sent up for Concurrence.

#### Agriculture

Bill "An Act to Impose a Fine on Owners of Dogs That Disturb the Peace" (H.P. 64) (L.D. 94) (Presented by Representative TARDY of Palmyra) (Cosponsored by Senator CAHILL of Sagadahoc and Representative STEVENS of Sabattus)

Bill "An Act to Create a Program to Promote the Purchase of State-grown Produce by Needy Persons" (EMERGENCY) (H.P. 83) (L.D. 113) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative ALIBERTI of Lewiston)

Ordered Printed. Sent up for Concurrence.

#### TABLED AND ASSIGNED

Bill "An Act to Maintain the Integrity of Commodity Tax Accounts" (EMERGENCY) (H.P. 92) (L.D. 122) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative FARREN of Cherryfield)

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

On motion of Representative Chonko of Topsham, tabled pending reference and specially assigned for Monday, January 25, 1993.

#### **Business Legislation**

Bill "An Act Regarding the Labeling of Returnable Containers" (H.P. 67) (L.D. 97) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representative ADAMS of Portland, Representative GOULD of Greenville and Representative HEESCHEN of Wilton)

Bill "An Act to Amend the Lemon Law" (H.P. 84) (L.D. 114) (Presented by Representative TRACY of Rome) (Cosponsored by Representative POULIN of Oakland, Representative GRAY of Sedgwick and Representative HOGLUND of Portland)

Bill "An Act to Provide an Inactive License for Barbers and Cosmetologists" (H.P. 87) (L.D. 117) (Presented by Representative POULIN of Oakland) (Cosponsored by Representative VIGUE of Winslow)

Ordered Printed. Sent up for Concurrence.

# Joint Select Committee on Corrections

Bill "An Act Providing Access to Library Books for Persons Sentenced to Maine Correctional Institutions" (H.P. 52) (L.D. 82) (Presented by Representative HOLT of Bath) (Cosponsored by Representative LARRIVEE of Gorham, Representative OLIVER of Portland and Senator BERUBE of Androscoggin)

Ordered Printed. Sent up for Concurrence.

#### <u>Education</u>

Bill "An Act Concerning Employees of the Maine Technical College System" (H.P. 78) (L.D. 108) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representative CLEMENT of Clinton, Representative CLOUTIER of South Portland and Representative OLIVER of Portland)

Bill "An Act to Amend the Role of the State Board of Education" (H.P. 82) (L.D. 112) (Presented by Representative NORTON of Winthrop) (Cosponsored by Senator WEBSTER of Franklin, Representative MITCHELL of Vassalboro and Representative TUFTS of Stockton Springs)

Bill "An Act to Preserve Existing Elementary Guidance Services in Public Schools" (H.P. 88) (L.D. 118) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representative GEAN of Alfred, Representative OLIVER of Portland and Senator HANDY of Androscoggin)

Ordered Printed. Sent up for Concurrence.

#### Energy and Natural Resources

Bill "An Act to Require Outhouses to Be Removed from Shoreland Zones" (H.P. 63) (L.D. 93) (Presented by Representative KUTASI of Bridgton) (Cosponsored by Representative POULIN of Oakland)

Bill "An Act Prohibiting Licensed Septic Disposal Facilities on Leased Land" (H.P. 65) (L.D. 95) (Presented by Representative KUTASI of Bridgton) (Cosponsored by Representative POULIN of Oakland)

Bill "An Act to Classify the Medomak River" (H.P. 70) (L.D. 100) (Presented by Representative BOWERS of Washington) (Cosponsored by Senator PINGREE of Knox and Representative CHASE of China)

Bill "An Act to Amend the Energy Policy of the State" (H.P. 72) (L.D. 102) (Presented by Representative HOLT of Bath) (Cosponsored by Representative GRAY of Sedgwick, Senator McCORMICK of Kennebec and Senator TITCOMB of Cumberland)

Bill "An Act to Utilize Local Enforcement Mechanisms for Land Use Violations" (H.P. 73) (L.D. 103) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representative MARSH of West Gardiner, Representative NASH of Camden and Senator SUMMERS of Cumberland)

Bill "An Act to Extend the Deadline for Municipal Adoption of Mandatory Shoreland Zoning Ordinances" (H.P. 75) (L.D. 105) (Presented by Representative GRAY of Sedgwick) (By Request)

Ordered Printed. Sent up for Concurrence.

#### Fisheries and Wildlife

Bill "An Act to Amend the Laws Limiting the Number and Size of Fish Taken" (H.P. 71) (L.D. 101) (Presented by Representative LIBBY of Kennebunk) (Cosponsored by Representative SKOGLUND of St. George)

Bill "An Act to Improve Safety for Snowmobile and ATV Operators" (H.P. 79) (L.D. 109) (Presented by Representative WINN of Glenburn) (Cosponsored by Senator LUTHER of Oxford, Representative NORTON of Winthrop and Senator HARRIMAN of Cumberland)

Bill "An Act to Amend the Archery Hunting Requirements" (H.P. 93) (L.D. 123) (Presented by Representative CLARK of Millinocket) (Cosponsored by Senator SUMMERS of Cumberland, Representative MICHAUD of East Millinocket and Representative ROTONDI of Athens)

Ordered Printed. Sent up for Concurrence.

#### TABLED AND ASSIGNED

Bill "An Act to Provide Mental Health Services to the Elderly" (H.P. 57) (L.D. 87) (Presented by Representative SIMONDS of Cape Elizabeth) (Cosponsored by Representative WENTWORTH of Arundel and Representative PENDLETON of Scarborough)

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

On motion of Representative Treat of Gardiner, tabled pending reference and specially assigned for Monday, January 25, 1993.

#### Human Resources

Bill "An Act to Establish Parity in Medicaid Reimbursement Among Licensed Master Social Workers, Licensed Social Workers, Licensed Clinical Professional Counselors and Licensed Professional Counselors" (H.P. 89) (L.D. 119) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative RYDELL of Brunswick)

Ordered Printed.

Sent up for Concurrence.

## <u>Judiciary</u>

Bill "An Act to Clarify the Standard for Punitive Damages in Negligence Cases" (H.P. 59) (L.D. 89) (Presented by Representative COTE of Auburn) (Cosponsored by Representative KETTERER of Madison)

Bill "An Act to Modify the Law Concerning Public Indecency" (H.P. 68) (L.D. 98) (Presented by Representative FARNUM of South Berwick) (Cosponsored by Representative REED of Dexter, Representative VIGUE of Winslow and Representative DUTREMBLE of Biddeford)

Bill "An Act to Provide for Adequate Bail Conditions for High-risk Offenders" (H.P. 76) (L.D. 106) (Presented by Representative NASH of Camden) (Cosponsored by Representative HEINO of Boothbay, Representative LOOK of Jonesboro and Senator PINGREE of Knox)

Bill "An Act to Amend the Maine Health Security Act" (H.P. 86) (L.D. 116) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Representative COTE of Auburn)

Bill "An Act to Cover Employees of the Maine National Guard under the Maine Human Rights Act and the Whistleblowers' Protection Act" (H.P. 90) (L.D. 120) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative JOSEPH of Waterville and Representative MORRISON of Bangor)

Ordered Printed. Sent up for Concurrence.

#### Labor

Bill "An Act to Encourage Municipal and County Officials to Be in Contract Negotiations" (H.P. 56) (L.D. 86) (Presented by Representative KUTASI of Bridgton) (By Request)

Ordered Printed. Sent up for Concurrence.

# Legal Affairs

Bill "An Act to Prohibit the Chief of the State Police from Participating in Political Advertising" (H.P. 55) (L.D. 85) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representative GRAY of Sedgwick and Senator ESTY of Cumberland)

Resolve, to Direct the State to Compensate Property Owners and Business Owners on Sebago Lake for Damages Incurred as a Result of Low Water Levels (H.P. 85) (L.D. 115) (Presented by Representative KUTASI of Bridgton)

Ordered Printed. Sent up for Concurrence.

#### Marine Resources

Bill "An Act to Abolish the Lobster Promotion Board and Repeal the Fees Supporting its Operations" (H.P. 54) (L.D. 84) (Presented by Representative GRAY of Sedgwick)

Bill "An Act Concerning Lobster Licensing" (H.P. 66) (L.D. 96) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representative LOOK of Jonesboro and Representative MITCHELL of Freeport)

Bill "An Act to Change the Legal Harvesting Size of Clams" (H.P. 80) (L.D. 110) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representative FARREN of Cherryfield, Representative HEINO of Boothbay and Senator GOULD of Waldo)

Ordered Printed. Sent up for Concurrence.

### State and Local Government

Bill "An Act to Expand the Membership of the National Conference of Commissioners on Uniform State Laws" (H.P. 74) (L.D. 104) (Presented by Representative OTT of York) (Cosponsored by Senator LAWRENCE of York)

Bill "An Act Relating to the Somerset County Budget Process" (H.P. 81) (L.D. 111) (Presented by Representative KETTERER of Madison) (Cosponsored by Representative HATCH of Skowhegan, Representative REED of Dexter and Senator CIANCHETTE of Somerset)

Ordered Printed. Sent up for Concurrence.

#### Taxation

Bill "An Act to Amend the Laws Governing Real Estate Transactions" (H.P. 69) (L.D. 99) (Presented by Representative KETTERER of Madison) (Cosponsored by Representative TARDY of Palmyra, Representative VIGUE of Winslow and Representative QUINT of Paris)

Ordered Printed. Sent up for Concurrence.

#### Transportation

Bill "An Act to Amend the Laws Governing Registration of Light Trailers" (H.P. 53) (L.D. 83) (Presented by Representative NORTON of Winthrop)

Bill "An Act to Amend the Laws Governing Use of Handicapped Plates" (H.P. 58) (L.D. 88) (Presented by Representative OTT of York) (By Request)

Bill "An Act to Authorize Municipal Snow Removal from Certain Private Driveways for Public Purposes" (H.P. 77) (L.D. 107) (Presented by Representative ERWIN of Rumford) (Cosponsored by Senator LUTHER of Oxford)

Ordered Printed. Sent up for Concurrence.

# <u>Utilities</u>

Bill "An Act to Provide for Water Rights to the Town of New Gloucester" (H.P. 62) (L.D. 92) (Presented by Representative CARROLL of Gray)

Bill "An Act Relating to the Protection of Public Water Supplies" (EMERGENCY) (H.P. 91) (L.D. 121) (Presented by Representative CARLETON of Wells) (Cosponsored by Representative LIBBY of Kennebunk)

Ordered Printed. Sent up for Concurrence.

#### ORDERS

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

ORDERED, that Representative Herbert C. Adams of Portland be excused January 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ronald C. Bailey of Farmington be excused January 14, 19 and 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James S. Bowers of Washington be excused December 21 to January 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michael F. Brennan of Portland be excused January 8 to 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert A. Cameron of Rumford be excused January 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Susan E. Dore of Auburn be excused January 18 to 22 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Susan Farnsworth of Hallowell be excused December 3 and January 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mona Walker Hale of Sanford be excused January 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Maria Glen Holt of Bath be excused January 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Andrew Ketterer of Madison be excused January 21 for legislative business.

AND BE IT FURTHER ORDERED, that Representative

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Richard Kneeland of Easton be excused January 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Carol A. Kontos of Windham be excused January 12 and 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sumner H. Lipman of Augusta be excused January 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Theone F. Look of Jonesboro be excused January 5 to 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Hilda C. Martin of Van Buren be excused January 5 and 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Hugh A. Morrison of Bangor be excused January 14 and 15 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Roy I. Nickerson of Turner be excused January 27, 28 and 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused January 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edward L. Pineau of Jay be excused January 14 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Thomas E. Poulin of Oakland be excused December 12 to 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charlene B. Rydell of Brunswick be excused January 6 to 11 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Jane W. Saxl of Bangor be excused January 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James G. Skoglund of St. George be excused December 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kathleen Stevens of Orono be excused January 19 and 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert J. Tardy of Palmyra be excused January 19 to 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative George A. Townsend of Eastport be excused January 14 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Sharon Anglin Treat of Gardiner be excused January 19 for personal reasons.

Was read and passed.

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

#### SENATE PAPERS

Bill "An Act to Supplement and Maintain a Federal Grant to the Western Regional Council on Alcoholism, Incorporated" (S.P. 64) (L.D. 126)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Concerning Medically Necessary Mastectomy Surgery" (S.P. 57) (L.D. 78)

Bill "An Act to Amend the Laws Related to Pawn Transactions" (S.P. 65) (L.D. 127)

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

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

Bill "An Act to Establish Hours of Education for the Practice of Public Accountancy" (S.P. 52) (L.D. 73)

Bill "An Act to Prohibit the Board of Land Surveyors from Enacting Continuing Education Rules" (S.P. 63) (L.D. 125)

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

Were referred to the Committee on Business Legislation in concurrence.

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

#### SENATE PAPERS

Bill "An Act Concerning Incarceration of Sex Offenders" (S.P. 55) (L.D. 76)

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 Authorizing School Unions to Act as Fiscal Agents for Regional Cooperative Programs" (S.P. 54) (L.D. 75)

Bill "An Act to Provide Funds for School Lunches"

(S.P. 56) (L.D. 77)

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

Were referred to the Committee on Education in concurrence.

Bill "An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods" (S.P. 53) (L.D. 74)

Bill "An Act to Improve Enforcement of Small Claims Actions" (S.P. 62) (L.D. 124)

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

Were referred to the Committee on Judiciary in concurrence.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

### SENATE PAPER

# (Later Today Assigned)

The following Joint Order: (S.P. 61)

ORDERED, the House concurring, that Joint Rule 13-B be amended to read:

<u>13-B.</u> Joint Select Committee on Rules. There shall be a Joint Select Committee on Rules. The 10 House members shall be appointed by the Speaker of the House. The 5 Senate members shall be appointed by the President of the Senate. The first-named House member shall be the House Chair. The first-named Senate member shall be the Senate Chair. The committee shall make recommendations to the House and the Senate. The committee shall, in addition to other changes, determine changes necessary to incorporate gender-neutral language in the rules.

The Joint Select Committee on Rules may only report those recommendations adopted by majority vote. Minority reports are not authorized.

Notwithstanding Joint Rule 9, majority reports of the committee that propose amendments to the rules may be adopted by a majority vote in each House, until and including the end of the session on January ZZ <u>28</u>, 1993.

Came from the Senate, read and passed.

Was read.

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

The following items appearing on Supplement No. 4

were taken up out of order by unanimous consent:

Bill "An Act to Permit the Saco River Corridor Commission to Adopt Ordinances Governing Alcohol Use within the Corridor" (EMERGENCY) (S.P. 59) (L.D. 80)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Establish Certain Voting Rights for Landowners" (S.P. 51) (L.D. 72)

Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient and Less Costly to Maine Taxpayers" (S.P. 58) (L.D. 79)

Bill "An Act to Reduce the Number of Full-time Legislative Staff Employees" (S.P. 60) (L.D. 81)

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

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

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Joint Order (S.P. 61) <u>13-B. Joint Select</u> <u>Committee on Rules</u> which was tabled earlier in the day and later today assigned pending passage in concurrence.

A two-thirds vote being necessary, a total was taken. 98 having voted in the affirmative and 4 in the negative, the Joint Order was passed in concurrence.

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

#### SENATE PAPER

Bill "An Act Providing for the Election of Commissioners of the Public Utilities Commission" (S.P. 45) (L.D. 57)

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.

The following item appearing on Supplement No. 6

was taken up out of order by unanimous consent:

# SENATE PAPER

Bill "An Act to Amend the Defense Finance and Accounting Service Financial Assistance Laws" (S.P. 68) (L.D. 129)

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

Was referred to the Committee on Taxation in concurrence.

(Off Record Remarks)

On motion of Representative Anderson of Woodland, Adjourned at 5:15 p.m. until Monday, January 25, 1993, at four o'clock in the afternoon.

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