

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
10th Legislative Day
Tuesday, January 26, 1993

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

Prayer by Father Valmont Gilbert, St. Bernard's Catholic Church, Rockland.

The Journal of Monday, January 25, 1993, was read and approved.

SENATE PAPERS

Bill "An Act Regarding Survivor Benefits" (EMERGENCY) (S.P. 67) (L.D. 128)

Bill "An Act to Reinstate the Secretary of the Veterans' Counselor in Washington County" (S.P. 73) (L.D. 135)

Came from the Senate, referred to the Committee on **Aging, Retirement and Veterans** and Ordered Printed.

Were referred to the Committee on **Aging, Retirement and Veterans** in concurrence.

Bill "An Act to Require the Board of Barbering and Cosmetology to Consider Experience as a Barber in Determining Eligibility for a Cosmetologist's License" (S.P. 72) (L.D. 134)

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

Was referred to the Committee on **Business Legislation** in concurrence.

Bill "An Act to Authorize the New England School of Broadcasting to Award the Degree of Associate of Science in Broadcasting" (S.P. 70) (L.D. 132)

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 Regarding the Androscoggin County Budget Committee" (S.P. 66) (L.D. 130)

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 Amend the Traveler Information Services Laws" (EMERGENCY) (S.P. 69) (L.D. 131)

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

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

Bill "An Act Related to Private Facilities in the Public Way" (S.P. 71) (L.D. 133)

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

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

Non-Concurrent Matter

Bill "An Act to Extend to Land Surveyors the Limitation of Actions That Applies to Design Professionals" (H.P. 44) (L.D. 60) which was referred to the Committee on **Legal Affairs** in the House on January 19, 1993.

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

The House voted to recede and concur.

COMMUNICATION

The following Communication: (H.P. 134)

STATE OF MAINE
DEPARTMENT OF STATE
AUGUSTA, MAINE 04333

January 25, 1993

Honorable John L. Martin
Speaker of the House
116th 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 1993

They are as follows:

Androscoggin
Kennebec
Penobscot
Piscataquis
Somerset
Washington
York

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.

Ordered Printed.
Sent up for Concurrence.

**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:

Banking and Insurance

Bill "An Act to Prohibit Insurance Companies from Denying Coverage Based on Preexisting Conditions" (H.P. 118) (L.D. 159) (Presented by Representative LIBBY of Buxton) (Cosponsored by Representatives DONNELLY of Presque Isle, LARRIVEE of Gorham, LEMKE of Westbrook, PINEAU of Jay, WINN of Glenburn, Senator ESTY of Cumberland)

Bill "An Act to Reduce Paperwork for Health Care" (H.P. 129) (L.D. 170) (Presented by Representative BRUNO of Raymond) (Cosponsored by Representatives CARROLL of Gray, MITCHELL of Vassalboro, YOUNG of Limestone, Senator KIEFFER of Aroostook)

Bill "An Act to Amend the Credit Reporting Laws" (H.P. 131) (L.D. 172) (Presented by Representative CARLETON of Wells) (Cosponsored by Representatives BARTH of Bethel, DONNELLY of Presque Isle, HEESCHEN of Wilton, ROBICHAUD of Caribou, SMALL of Bath, Senator LAWRENCE of York)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Revise the Reciprocity Provisions for Licensing of Barbers and Cosmetologists" (H.P. 121) (L.D. 162) (Presented by Representative LEMONT of Kittery) (Cosponsored by Senator CARPENTER of York, Representatives JOY of Island Falls, MARSHALL of Eliot, MURPHY of Berwick, ROBICHAUD of Caribou, TRUE of Fryeburg, Senator LAWRENCE of York)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Require Retention of Special Education Tests and Evaluations" (H.P. 126) (L.D. 167) (Presented by Representative WINN of Glenburn) (Cosponsored by Representative MITCHELL of Vassalboro, Senator O'DEA of Penobscot, Representatives CATHCART of Orono, CLEMENT of Clinton, FITZPATRICK of Durham, HATCH of Skowhegan, MORRISON of Bangor, NORTON of Winthrop, STEVENS of Orono, TOWNSEND of Portland)

Energy and Natural Resources

Bill "An Act to Exempt Public Schools From Air Emission License Fees" (H.P. 125) (L.D. 166) (Presented by Representative CATHCART of Orono) (Cosponsored by Representatives CASHMAN of Old Town, LORD of Waterboro, STEVENS of Orono, Senator O'DEA of Penobscot)

Bill "An Act to Clarify the Application of Recent Increases in Annual Dam Registration Fees" (EMERGENCY) (H.P. 130) (L.D. 171) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives DEXTER of Kingfield, JACQUES of Waterville, LORD of Waterboro, MITCHELL of Freeport, POULIN of Oakland, YOUNG of Limestone, Senators CIANCHETTE of Somerset, LUDWIG of Aroostook)

Bill "An Act Directing the Maine Low-level Radioactive Waste Authority to Commence a Technical Analysis of the Maine Yankee Site" (EMERGENCY) (H.P. 132) (L.D. 173) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by Senator PEARSON of Penobscot, Representatives ANDERSON of Woodland, GOULD of Greenville, GWADOSKY of Fairfield, JACQUES of Waterville, LORD of Waterboro, Senators DUTREMBLE of York, LUDWIG of Aroostook)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Authorize the Hunting of Bobwhite Quail" (H.P. 124) (L.D. 165) (Presented by Representative MARSH of West Gardiner) (By Request)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Amend the Workers' Compensation Act As It Pertains to Officers' Immunity" (H.P. 119) (L.D. 160) (Presented by Representative CARLETON of Wells) (Cosponsored by Representatives AIKMAN of Poland, BARTH of Bethel, DONNELLY of Presque Isle, JOY of Island Falls)

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

On motion of Representative Ruhlin of Brewer, was referred to the Committee on Labor, ordered printed and sent up for concurrence.

Labor

Bill "An Act to Amend the Child Labor Laws" (H.P. 123) (L.D. 164) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representatives ANDERSON of Woodland, LOOK of Jonesboro, Senators FOSTER of Hancock, VOSE of Washington)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Amend the Laws Concerning Beano and Games of Chance" (H.P. 128) (L.D. 169) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representatives COLES of Harpswell, DAGGETT of Augusta, FITZPATRICK of Durham, Senator HARRIMAN of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Change the Scallop Harvesting Season" (H.P. 117) (L.D. 158) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representatives FARREN of Cherryfield, HEINO of Boothbay, TOWNSEND of Eastport, Senator VOSE of Washington)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Provide for the Direct Election of the State Auditor" (H.P. 127) (L.D. 168) (Presented by Representative BENNETT of Norway) (Cosponsored by Representatives BRUNO of Raymond, CAMERON of Rumford, KUTASI of Bridgton, LOOK of Jonesboro, PENDEXTER of Scarborough, PLOWMAN of Hampden, YOUNG of Limestone, Senator HANLEY of Oxford)

Resolve, for Amending the Laws Pertaining to Job Classification Specifications (H.P. 122) (L.D. 163) (Presented by Representative NORTON of Winthrop) (Cosponsored by Representatives LOOK of Jonesboro, MARSH of West Gardiner, Senator VOSE of Washington)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Continue the Income Tax Surcharge to December 31, 1993" (EMERGENCY) (H.P. 116) (L.D. 157) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representatives FITZPATRICK of Durham, GEAN of Alfred, HOLT of Bath, JOHNSON of South Portland, OLIVER of Portland, RICHARDSON of Portland, RYDELL of Brunswick, Senators CAREY of Kennebec, CONLEY of Cumberland)

Bill "An Act Concerning the Overpayment of Taxes" (H.P. 120) (L.D. 161) (Presented by Representative NICKERSON of Turner) (Cosponsored by Senator BERUBE of Androscoggin, Representatives AIKMAN of Poland, CLARK of Millinocket, LORD of Waterboro, STEVENS of Sabattus)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act Concerning Truck Weight Limits" (H.P. 133) (L.D. 174) (Presented by Representative CATHCART of Orono) (Cosponsored by Representatives DAGGETT of Augusta, MITCHELL of Freeport, RUHLIN of Brewer, STEVENS of Orono, Senator O'DEA of Penobscot)

Ordered Printed.
Sent up for Concurrence.

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

SENATE PAPER

Ought to Pass

Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act to Amend the Dislocated Worker Benefits Program" (EMERGENCY) (S.P. 47) (L.D. 69)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-13).

Report was read and accepted, the bill read once. Senate Amendment "A" (S-13) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Senate Amendment "A" (S-13) in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

(At Ease to Gong)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Dislocated Worker Benefits Program (S.P. 47) (L.D. 69) (S. "A" S-13)

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. 118 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.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative MORRISON from the Committee on Utilities on Bill "An Act to Promote the Location of a Federal Department of Defense Facility in Penobscot County" (H.P. 35) (L.D. 43) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-14)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-14) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-14) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

COMMUNICATION

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SIXTEENTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

January 26, 1993

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

Dear Speaker Martin:

Earlier this year you appointed me to the House Committee on Elections. At the time of that appointment I believed that the election dispute in my House race was resolved as my opponent had conceded the race.

However, my opponent has now filed a petition appealing the entire matter. Though I am confident

that this petition will be rapidly considered and dismissed, I believe it would be inappropriate for me to remain on the Committee at this time.

Thus, I am hereby resigning my position on the House Committee on Elections.

Sincerely,

S/Lorraine N. Chonko

Was read and ordered placed on file.

At this point, the Speaker appointed Representative Mitchell of Vassalboro to replace Representative Chonko of Topsham to the House Committee on Elections.

(At Ease to Gong)

The House was called to order by the Speaker.

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

SENATE PAPER

Ought to Pass as Amended

Report of the Committee on Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-14) on Bill "An Act to Amend the Defense Finance and Accounting Service Financial Assistance Laws" (S.P. 68) (L.D. 129)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-14).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-14) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-14) in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

On motion of Representative Cathcart of Orono, Adjourned at 7:25 p.m. until Thursday, January 28, 1993, at four o'clock in the afternoon.