

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
13th Legislative Day
Thursday, February 4, 1993

The Speaker resumed the Chair.

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

Prayer by Reverend Susan M. Davenport, Brown Memorial United Methodist Church, Clinton.

The Journal of Tuesday, February 2, 1993, was read and approved.

SENATE PAPERS

Bill "An Act to Clarify the Procedures by Which Fees Are Collected under the Petroleum Market Share Act" (EMERGENCY) (S.P. 94) (L.D. 248)

Bill "An Act to Abolish the Board of Licensure of Railroad Personnel" (S.P. 98) (L.D. 251)

Bill "An Act Relating to the Licensing of Counselors" (S.P. 103) (L.D. 281)

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

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

Resolve, Directing the Department of Corrections to Develop a Plan for the Employment of Correctional Facility Inmates (S.P. 88) (L.D. 242)

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 Discontinue Legislative Approval of Technical College Collective Bargaining Agreements" (S.P. 93) (L.D. 247)

Resolve, to Consolidate the University of Maine at Fort Kent into the University of Maine at Presque Isle (S.P. 84) (L.D. 197)

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 Allow the Sale of Surplus Lands from the State Nursery" (EMERGENCY) (S.P. 89) (L.D. 243)

Came from the Senate, referred to the Committee on **Energy and Natural Resources** and Ordered Printed.

Was referred to the Committee on **Energy and Natural Resources** in concurrence.

Bill "An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents" (S.P. 87) (L.D. 241)

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

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

Was referred to the Committee on **Human Resources** in concurrence.

Bill "An Act to Prevent Discrimination" (S.P. 92) (L.D. 246)

Bill "An Act to Amend the Child Protection Laws" (S.P. 102) (L.D. 280)

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

Were referred to the Committee on **Judiciary** in concurrence.

Bill "An Act Regarding the Purchase of Spirits at State Liquor Stores" (S.P. 91) (L.D. 245)

Bill "An Act to Amend the Campaign Finance Laws" (S.P. 97) (L.D. 250)

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

Were referred to the Committee on **Legal Affairs** in concurrence.

Bill "An Act to Make the Terms of Certain Commissioners Coterminous with the Term of the Governor" (S.P. 104) (L.D. 282)

Resolve, Creating a Special Commission to Erect a Plaque in the Hall of Flags Honoring Medal of Honor Recipients from Maine (S.P. 101) (L.D. 279)

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.

Bill "An Act to Establish a Sales Tax Exemption for Project Graduation Organizations" (S.P. 90) (L.D. 244)

Bill "An Act to Exempt Certain Real Estate

Transfers from the Real Estate Transfer Tax" (S.P. 95) (L.D. 249)

Bill "An Act to Aid in the Administration of the Motor Vehicle Excise Tax" (S.P. 99) (L.D. 277)

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

Were referred to the Committee on Taxation in concurrence.

Bill "An Act to Provide Additional Powers to the Public Utilities Commission" (S.P. 100) (L.D. 278)

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

Was referred to the Committee on Utilities in concurrence.

COMMUNICATIONS

The following Communication:

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES STATE HOUSE STATION 101 OFFICE OF THE SECRETARY OF STATE AUGUSTA, MAINE 04333

February 3, 1993

The Honorable Joseph W. Mayo, Clerk Maine House of Representatives State House Station #2 Augusta, Maine 04333

Dear Clerk Mayo:

Enclosed is a copy of the decision of the Commission on Governmental Ethics and Election Practices regarding the appeal of Daniel Billings from the results of the November 3, 1992 election in House District 73.

Sincerely,

S/Marilyn Canavan Director

STATE OF MAINE COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

IN RE: APPEAL OF DANIEL I. BILLINGS House of Representatives District 73)))) DECISION ON MOTION TO WAIVE TIME FOR FILING APPEAL

On January 28, 1993, the Commission on Governmental Ethics and Election Practices ("Commission") heard argument on the request of

Daniel I. Billings that the Commission waive the requirements of 21-A M.R.S.A. sections 742 and 743 that his appeal to the Commission for a review of the recount of the election in House District 73 and an investigation of that election be made within five days after the close of the recount proceedings. All Commission members were present at the argument, as were the Executive Director of the Commission, Marilyn E. Canavan, and Commission counsel, Deputy Attorney General Cabanne Howard. Mr. Billings was represented by John C. Bott, Esq. and the respondent, Representative Lorraine N. Chonko, was represented by Jonathan C. Hull, Esq.

Mr. Billings conceded that the recount in House District 73 was completed on December 3, 1992, and that his request that the Commission waive the five-day requirement for the filing of an appeal was filed on January 25, 1993, but urged the Commission to permit his appeal to go forward on the ground that, subsequent to the expiration of the five-day period, a serious question arose as to the security of the ballots when they were in the possession of the Secretary of State during the recount proceedings. The Commission found, however, that this was not a sufficient basis for a waiver of the five-day requirement, and denied Mr. Billings' request by a 6-3 vote. Chairman McArthur and Commission members Cyr, Ezhaya, Morton, Trafton, and Violette voted in favor; Commission members Chamberlin, Tierney and Webster voted against.

The appeal of Mr. Billings from the results of the election in District 73 as declared by the Secretary of State was therefore dismissed.

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Dated: February 3, 1993 S/ROBERT P. McARTHUR Chairman

Was read and ordered placed on file.

The following Communication:

Bureau of Corporations, Elections, and Commissions Department of the Secretary of State State House Station #101 Augusta, Maine 04333-0101

February 3, 1993

Hon. Joseph W. Mayo Clerk of the House One Hundred and Sixteenth Legislature State House Station 2 Augusta, Maine 04333

Dear Clerk Mayo:

On December 7, 1992 a recount was held in Representative District 1 between Kurt W. Adams (D) of Kittery and Kenneth F. Lemont (R) of Kittery.

After the recount Mr. Lemont remained the winner. An agreement signed by Mr. Adams and Mr. Lemont is

attached.

Sincerely,

S/Gary Cooper
Deputy Secretary of State

STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES

Bureau of Corporations, Elections, and Commissions
Department of
the Secretary of State
State House Station #101
Augusta, Maine 04333-0101

IN RE: APPEAL OF)
CLAYTON L. FOWLIE) FINDINGS OF FACT
House of Representatives) AND OPINION

Date: December 7, 1992

Hon. G. William Diamond
Secretary of State
State House Station 148
Augusta, Maine 04333

On January 28, 1993, the Commission on Governmental Ethics and Election Practices ("Commission") held a hearing to consider the election appeal and request for investigation filed by Clayton L. Fowlie in House District 82, concerning the general election held on November 3, 1992. The following are the Commission's findings of fact and conclusions of law, and its recommendation concerning the election, pursuant to 21-M.R.S.A. section 744.

We, Kurt W. Adams and Kenneth F. Lemont, both of Kittery, having participated in a recount of the votes cast in the General Election of November 3, 1992, in Representative District 1, agree that,

Present at the hearing were the Commission Chairman, Robert P. McArthur, and Commission members Virginia Chamberlin, Gregory G. Cyr, Joseph B. Ezhaya, Richard G. Morton, Richard L. Trafton, Robert E. Tierney and Peter B. Webster. Commission member Trafton was absent from the hearing for the presentation of the respondent's evidence on Issue II (see below). Also present were Executive Director of the Commission, Marilyn E. Canavan and Commission counsel, Deputy Attorney General Cabanne Howard. Mr. Fowlie was represented by Sumner H. Lipman, Esq. and James W. Brannan, Esq. The respondent, Representative Rita B. Melendy, was represented by Jonathan C. Hull, Esq. and Jean Chalmers, Esq.

Kurt W. Adams received 1584 instead of 1573 votes; and Kenneth F. Lemont received 1592 votes instead of 1591 votes. Ballots in dispute 0.

Kurt Adams hereby withdraws his request for a recount and concedes that Ken Lemont is the legally elected Representative for District 1.

S/Kurt W. Adams

S/Kenneth F. Lemont

Was read and ordered placed on file.

I. BALLOT COUNT

The parties stipulated, and the Commission finds, that at the election on November 3, 1992 in House District 82, Mrs. Melendy received 1,522 votes and Mr. Fowlie received 1,458 votes, a difference of 64 votes.

The following Communication:

COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
STATE HOUSE STATION 101
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333

February 3, 1993

The Honorable Joseph W. Mayo, Clerk
House of Representatives
State House Station #2
Augusta, Maine 04333

II. CONTESTED ISSUES

Mr. Fowlie introduced evidence that the number of ballots used in District 82 (the number of ballots cast for the two candidates plus spoiled and unused ballots) was 52 more than the number of voters which the District's voting lists show as having voted. Mr. Fowlie also introduced evidence that the number of ballots issued to the City of Rockland for the District 82 election was two more than the number of ballots accounted for. These issues were described in paragraphs II(B) and II(H) of the Report of Prehearing Conference and were treated by the Commission as Issue Group I.

Dear Clerk Mayo:

In accordance with 21-A M.R.S.A. 744 (3)(A), the Commission on Governmental Ethics and Election Practices herewith submits its findings of fact and opinion relating to the November 3, 1992 election for House of Representatives District #82.

Sincerely,

S/Robert P. McArthur
Chairman

Mr. Fowlie introduced evidence that on election day, the City of Rockland permitted voters, pursuant to 21-A M.R.S.A. section 751, to vote by means of absentee ballots at the place where the city was registering new voters, rather than to wait in what developed to be lengthy lines at the regular polling place. Mr. Fowlie introduced further evidence that Mrs. Melendy had an unfair advantage with regard to these voters, since she was aware at the beginning of the day of the availability of the absentee ballot service and was therefore able to inform voters of

its availability, whereas Mr. Fowle was not so aware until later in the day. These issues were described in the Report of Prehearing Conference in paragraphs II(A), II(C), and II(F) and were treated by the Commission as Issue Group II.

In resolving these issues, the Commission first defeated a motion, by a 5-2 vote, to dismiss Issue Group II on the ground that the challenges contained therein were not tied to ballots which had been challenged on the day of the election as required by 21-A M.R.S.A. section 673. Commission members Ezhaya and Trafton voted in favor of the motion; Commission members Chamberlin, Cyr, Morton, Tierney, and Webster voted against. A subsequent motion by Commission member Cyr to the same effect was also defeated by a 5-3 vote, Commission members Cyr, Ezhaya, and Trafton voting in favor, and Commission members Chamberlin, Morton, Tierney, and Webster, as well as Chairman McArthur voting against.

At the conclusion of all the evidence, the Commission voted that the appeal be denied on the grounds that a) there was insufficient evidence to support Mr. Fowle's contention that any of the voters involved in Issue Group II had improperly voted or that any unfairness in the operation of the absentee voting service had occurred, and b) that there was insufficient evidence that the discrepancies in Issue Group I, which related at a maximum to 54 unaccounted ballots in an election in which the difference between the candidates was 64 votes, affected the outcome of the election. Chairman McArthur and Commission members Cyr, Ezhaya, Trafton and Tierney voted in favor; Commission members Chamberlin, Morton and Webster were opposed.

III. OTHER ISSUES

During the course of the hearing, Mr. Fowle indicated that he waived Commission consideration of the issues described in paragraphs II(D), II(E) and II(G) of the Report of Prehearing Conference. Mr. Fowle had also requested, prior to the hearing, that the Commission conduct an independent investigation of whether any breach of security occurred with regard to the ballots in the House District 82 election when those ballots were in the possession of the Secretary of State during the time of the recount, but the Commission did not consider or rule on this request.

IV. RECOMMENDATION

The Commission recommends that the Legislature declare the results of the ballot count set forth in paragraph I above to be final, and that Representative Rita B. Melendy be declared the winner of the election in House District 82.

COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES

Dated: February 3, 1993 S/ROBERT P. McARTHUR
Chairman

Was read and referred to the House Committee on Elections.

The following Communication:

116th Maine Legislature

February 2, 1993

Honorable Daniel Wathen
Chief Justice
Supreme Judicial Court
PO Box 4910
Portland, ME 04112

Dear Chief Justice Wathen:

We are writing to invite you to deliver your first annual State of the Judiciary Address to a Joint Convention of the House and Senate on Thursday, February 18, 1993 at 10:30 a.m.

If this time does not fit into your schedule, please let us know.

Sincerely,

S/Dennis L. Dutremble 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 and Resolve and Resolution 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 Laws Related to the Maine State Retirement System" (H.P. 227) (L.D. 295) (Presented by Representative KONTOS of Windham) (Cosponsored by Representatives: DAGGETT of Augusta, O'GARA of Westbrook, SIMONDS of Cape Elizabeth, WENTWORTH of Arundel, Senator: McCORMICK of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

RESOLUTION, to Amend the Constitution of Maine Regarding the Rainy Day Fund (H.P. 234) (L.D. 302) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representatives: MacBRIDE of Presque Isle, REED of Falmouth, Senators: BUTLAND of Cumberland, FOSTER of Hancock)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Fisheries and Wildlife

Bill "An Act Authorizing Maine Banks to Export Certain Credit Terms" (H.P. 230) (L.D. 298) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator CAREY of Kennebec and Representatives: NORTON of Winthrop, PARADIS of Augusta)

Bill "An Act to Prohibit the Transfer of Credit Card Information" (H.P. 246) (L.D. 325) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representative ADAMS of Portland and Representatives: KUTASI of Bridgton, PINEAU of Jay, TRACY of Rome, WENTWORTH of Arundel, WINN of Glenburn, Senator: McCORMICK of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Establish An Automobile Recycling License" (H.P. 255) (L.D. 334) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator BALDACCI of Penobscot and Representatives: POULIN of Oakland, REED of Dexter, Senator: CIANCHETTE of Somerset)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Restore Funding to the Maine Youth Center and to Establish a Task Force on Funding" (EMERGENCY) (H.P. 254) (L.D. 333) (Presented by Representative JOHNSON of South Portland) (Cosponsored by Representatives: BRENNAN of Portland, CLOUTIER of South Portland, DRISCOLL of Calais, LARRIVEE of Gorham, MARTIN of Eagle Lake, OLIVER of Portland, ROWE of Portland)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Establish Uniform Building Designs for Public Schools" (H.P. 238) (L.D. 306) (Presented by Representative KUTASI of Bridgton) (Cosponsored by Representatives: BENNETT of Norway, CARLETON of Wells, HEINO of Boothbay, LINDAHL of Northport, PLOURDE of Biddeford, PLOWMAN of Hampden)

Bill "An Act Concerning the Degree-granting Authority of Educational Associates, Inc." (H.P. 242) (L.D. 321) (Presented by Representative REED of Falmouth)

Ordered Printed.
Sent up for Concurrence.

Bill "An Act to Amend the Hunting Laws" (H.P. 228) (L.D. 296) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator LUDWIG of Aroostook and Representatives: ADAMS of Portland, BOWERS of Washington, CLARK of Millinocket, COLES of Harpswell, DEXTER of Kingfield, GEAN of Alfred, GOULD of Greenville, GREENLAW of Standish, HICHBORN of Howland, KILKELLY of Wiscasset, MARSH of West Gardiner, PINEAU of Jay, POULIN of Oakland, REED of Falmouth, RUHLIN of Brewer, SWAZEY of Bucksport, TARDY of Palmyra, TRACY of Rome, Senators: CONLEY of Cumberland, O'DEA of Penobscot)

Bill "An Act to Change the Penalty for Night Hunting or Illegal Killing of Large Game Animals" (H.P. 229) (L.D. 297) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Senator PINGREE of Knox and Representatives: CLARK of Millinocket, DEXTER of Kingfield, JACQUES of Waterville, SWAZEY of Bucksport)

Bill "An Act to Repeal the Mandatory First-aid Requirement for Licensed Maine Guides" (H.P. 248) (L.D. 327) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representatives: DEXTER of Kingfield, MARSH of West Gardiner, TRACY of Rome, Senator: WEBSTER of Franklin)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act Regarding Energy Standards for Electrically Heated Residential Buildings" (H.P. 251) (L.D. 330) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: KUTASI of Bridgton, MITCHELL of Freeport)

(The Committee on Reference of Bills had suggested reference to the Committee on **Housing and Economic Development**.)

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

Housing and Economic Development

Resolve, Directing the Department of Economic and Community Development to Review Assistance for Industries (H.P. 231) (L.D. 299) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representatives: CARON of Biddeford, CLARK of Millinocket, FAIRCLOTH of Bangor, MELENDY of Rockland, PINETTE of Fort Kent, PLOURDE of Biddeford, YOUNG of Limestone, Senators: ESTY of Cumberland, PARADIS of Aroostook, PINGREE of Knox)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Require Psychiatric Review Prior to Certain Medication Changes at the Maine Youth Center" (H.P. 218) (L.D. 286) (Presented by Representative GEAN of Alfred) (Cosponsored by Representatives: DORE of Auburn, FAIRCLOTH of Bangor, LARRIVEE of Gorham)

Bill "An Act to Restore Certain Benefits to Medically Needy Persons" (H.P. 220) (L.D. 288) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: MELENDY of Rockland, RYDELL of Brunswick, TREAT of Gardiner)

Bill "An Act Concerning Medicaid Services for People with Mental Illness" (H.P. 221) (L.D. 289) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: GEAN of Alfred, SAXL of Bangor)

Bill "An Act to Foster Family Self-sufficiency" (H.P. 240) (L.D. 319) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: CARROLL of Gray, CHASE of China, DORE of Auburn, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, FITZPATRICK of Durham, JOHNSON of South Portland, KILKELLY of Wiscasset, MARTIN of Eagle Lake, MITCHELL of Vassalboro, OLIVER of Portland, ROWE of Portland, SIMONDS of Cape Elizabeth, TOWNSEND of Portland, Senators: BRANNIGAN of Cumberland, CONLEY of Cumberland)

Bill "An Act to Extend the Reporting Date of the Task Force on Mental Health Education and Licensure" (EMERGENCY) (H.P. 241) (L.D. 320) (Presented by Representative GEAN of Alfred) (Cosponsored by Senator PARADIS of Aroostook and Representative: FITZPATRICK of Durham)

Bill "An Act Regarding Certain Property of the Department of Mental Health and Mental Retardation" (H.P. 250) (L.D. 329) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: BOWERS of Washington, BRENNAN of Portland, CARROLL of Gray, FAIRCLOTH of Bangor, GEAN of Alfred, JOHNSON of South Portland, MORRISON of Bangor, TOWNSEND of Portland)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Laws Governing Child Protection Orders" (H.P. 222) (L.D. 290) (Presented by Representative DORE of Auburn) (Cosponsored by Representative: KERR of Old Orchard Beach)

Bill "An Act to Provide a Deterrent to Child Sexual Abuse" (H.P. 224) (L.D. 292) (Presented by Representative FAIRCLOTH of Bangor) (Cosponsored by Senator LAWRENCE of York and Representatives: CATHCART of Orono, COTE of Auburn, OTT of York, PLOWMAN of Hampden, Senator: BERUBE of Androscoggin)

Bill "An Act Regarding Wrongful Death Actions" (H.P. 225) (L.D. 293) (Presented by Representative FARNSWORTH of Hallowell)

Bill "An Act Concerning the Structure of the State Court Library Committee and the System of State Law Libraries" (H.P. 226) (L.D. 294) (Presented by Representative KETTERER of Madison) (Cosponsored by Representatives: BAILEY of Farmington, FARNSWORTH of Hallowell, HUSSEY of Milo, OTT of York, PLOWMAN of Hampden, Senators: HANLEY of Oxford, LUDWIG of Aroostook, PARADIS of Aroostook, WEBSTER of Franklin)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Establish the Definition of Week for Purposes of Unemployment Compensation" (EMERGENCY) (H.P. 233) (L.D. 301) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representatives: CARON of Biddeford, CLARK of Millinocket, CLEMENT of Clinton, COFFMAN of Old Town, JOSEPH of Waterville, PINEAU of Jay, PINETTE of Fort Kent, PLOURDE of Biddeford, RUHLIN of Brewer, ST. ONGE of Greene, TRACY of Rome, YOUNG of Limestone, Senators: CONLEY of Cumberland, ESTY of Cumberland, HANDY of Androscoggin, LUTHER of Oxford, PARADIS of Aroostook)

Bill "An Act to Amend the Exclusivity Provisions of the Workers' Compensation Laws" (H.P. 235) (L.D. 303) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Senator HANDY of Androscoggin and Representatives: CHASE of China, MARTIN of Eagle Lake)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Provide for Expedited Evictions in Cases of Imminent Danger to Persons or Property" (H.P. 236) (L.D. 304) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator HANDY of Androscoggin and Representatives: MICHAEL of Auburn, STEVENS of Sabattus, Senator: BERUBE of Androscoggin)

Bill "An Act to Improve Election Day Voter Registration" (H.P. 247) (L.D. 326) (Presented by Representative LARRIVEE of Gorham) (Cosponsored by Representatives: MURPHY of Berwick, SAXL of Bangor, Senator: AMERO of Cumberland) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Establish a Season for Sea Urchin

Fishing in a Restricted Area" (H.P. 249) (L.D. 328) (Presented by Representative HEINO of Boothbay) (Cosponsored by Representatives: FARREN of Cherryfield, LOOK of Jonesboro, Senator: VOSE of Washington)

Bill "An Act to Amend the Lobster Promotion Fund" (H.P. 253) (L.D. 332) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Representatives: CONSTANTINE of Bar Harbor, HEINO of Boothbay, LOOK of Jonesboro, TOWNSEND of Eastport, Senator: VOSE of Washington)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Require that the Clerk-of-the-works on State Construction Projects be Employed by the Owner, not the Architect" (H.P. 219) (L.D. 287) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Senator AMERO of Cumberland and Representatives: BENNETT of Norway, BRUNO of Raymond, CAMERON of Rumford, CATHCART of Orono, COFFMAN of Old Town, DEXTER of Kingfield, DONNELLY of Presque Isle, FARNUM of South Berwick, HILLOCK of Gorham, JONES of Pittsfield, JOSEPH of Waterville, KNEELAND of Easton, KUTASI of Bridgton, LEMONT of Kittery, LIBBY of Buxton, LORD of Waterboro, MARSHALL of Eliot, MORRISON of Bangor, NASH of Camden, NICKERSON of Turner, NORTON of Winthrop, PENDEXTER of Scarborough, PLOWMAN of Hampden, QUINT of Paris, REED of Dexter, ROBICHAUD of Caribou, ROWE of Portland, RUHLIN of Brewer, SIMONEAU of Thomaston, STEVENS of Sabattus, STROUT of Corinth, TARDY of Palmyra, WINN of Glenburn, Senators: CIANCHETTE of Somerset, HANDY of Androscoggin, MARDEN of Kennebec)

Bill "An Act to Prohibit Conflicts of Interest for Consultants Hired by the State" (H.P. 223) (L.D. 291) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representatives: AHEARNE of Madawaska, GRAY of Sedgwick, HALE of Sanford, HATCH of Skowhegan, HUSSEY of Milo, JOSEPH of Waterville, TOWNSEND of Eastport)

Bill "An Act to Facilitate the Efforts of the Commission on Governmental Ethics and Election Practices to Provide Advisory Opinions" (H.P. 243) (L.D. 322) (Presented by Representative GWADOSKY of Fairfield)

Bill "An Act to Continue the Franklin County Budget Committee" (H.P. 244) (L.D. 323) (Presented by Representative TRACY of Rome) (Cosponsored by Senator WEBSTER of Franklin and Representatives: BAILEY of Farmington, BARTH of Bethel, DEXTER of Kingfield, HEESCHEN of Wilton, PINEAU of Jay, Senator: LUTHER of Oxford)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Increase Insurance Tax Premiums" (H.P. 232) (L.D. 300) (Presented by Representative DORE of Auburn)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act Regarding Diesel Truck Registration" (H.P. 239) (L.D. 307) (Presented by Representative AULT of Wayne) (Cosponsored by Senator GOULD of Waldo and Representatives: BAILEY of Township 27, BAILEY of Farmington, HUSSEY of Milo, NORTON of Winthrop, PLOURDE of Biddeford, RICKER of Lewiston)

Bill "An Act to Clarify the Rights of Water Utilities with Respect to Water Lines Passing in or through Railroad Rights-of-way" (H.P. 245) (L.D. 324) (Presented by Representative FARNSWORTH of Hallowell)

Bill "An Act to Make Available Special Handicap Veteran License Plates and Vanity Plates With a Veteran Designation" (H.P. 252) (L.D. 331) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representatives: DiPIETRO of South Portland, MARSHALL of Eliot, Senator: CARPENTER of York)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Require the Public Utilities Commission to Include Externalities in Least-cost Planning Procedures" (H.P. 237) (L.D. 305) (Presented by Representative KONTOS of Windham) (Cosponsored by Representatives: ADAMS of Portland, GRAY of Sedgwick, HEESCHEN of Wilton, HOLT of Bath, SIMONDS of Cape Elizabeth, TREAT of Gardiner)

Ordered Printed.
Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Alvin L. Barth, Jr., of Bethel be excused February 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert B. Carr of Sanford be excused February 3 to 5 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Susan E. Dore of Auburn be excused January 28 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Ruth Joseph of Waterville be excused January 12, 14, 19 and 21 for legislative business.

AND BE IT FURTHER ORDERED, that Representative William Lemke of Westbrook be excused January 19 and 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jack L. Libby of Kennebunk be excused February 1, 4 and 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Sumner H. Lipman of Augusta be excused January 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John F. Marsh of West Gardiner be excused February 2 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Rita B. Melendy of Rockland be excused January 19 and 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Elizabeth H. Mitchell of Vassalboro be excused January 19 to 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William B. O'Gara of Westbrook be excused January 25 to January 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul R. Young of Limestone be excused January 28 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Stephen M. Zirnkilton of Mount Desert be excused January 26 for personal reasons.

Was read and passed.

On motion of Representative GWADOSKY of Fairfield, the following Order:

Ordered, that the House of Representatives rescind its action provisionally seating Kenneth F. Lemont and Lorraine N. Chonko as the State Representatives from House District 1 and House District 73 respectively; and be it further

Ordered, that Kenneth F. Lemont and Lorraine N. Chonko be seated in the House of Representatives as the duly elected State Representatives from House District 1 and House District 73 respectively.

Was read and passed.

On motion of Representative WHITCOMB of Waldo, the following Order:

Ordered, that the House Rules be amended by adding a new House Rule to read:

6-A. Notwithstanding the Joint Rules, the combined total number of seats on the Standing Committee on Elections must be allocated between majority and minority members equally. Minority leaders of the House shall appoint the minority members to the Standing Committee on Elections.

Was read.

Pursuant to House Rule #54, tabled pending passage and specially assigned for Tuesday, February 9, 1993.

Tabled and Assigned

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 256)

Ordered, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule to read:

12-D. Election Recount Proceedings. A Legislator or an employee of the Legislature, including partisan and nonpartisan employees and persons employed pursuant to a contract with the Legislature, may not participate in any legislative district election recount proceeding. A Legislator or an employee of the Legislature, as defined in this rule, may not participate in an appeal proceeding before the Commission on Governmental Ethics and Election Practices with respect to a legislative district election. Participation in an appeal proceeding includes, but is not limited to, representing a Legislator whose election is being challenged and assisting a Legislator in any manner in an appeal proceeding.

A Legislator whose election is subject to a recount procedure may attend the recount proceeding and respond to questions concerning the election but may not participate in the counting of ballots. A Legislator whose election is appealed to the Commission on Governmental Ethics and Election Practices may participate in the appeal process by providing information to the commission and responding to questions of the commission.

Was read.

On motion of Representative Gwadosky of Fairfield, tabled pending passage and specially assigned for Tuesday, February 9, 1993.

CONSENT CALENDAR

Second Day

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

(H.P. 8) (L.D. 15) Bill "An Act to Increase the Debt Limit of the South Berwick Sewer District" (EMERGENCY)

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for concurrence.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matter, in the consideration of

which the House was engaged at the time of adjournment Tuesday, February 2, 1993, 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 Expand the Shelter Operating Subsidy Program" (H.P. 181) (L.D. 233) (Committee on Human Resources suggested) TABLED - February 2, 1993 (Till Later Today) by Representative MELENDY of Rockland. PENDING - Reference.

Subsequently, was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

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

SENATE PAPERS

The following Joint Order (S.P. 110)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 9, 1993, at ten o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

SENATE PAPERS

Bill, "An Act to Protect the Future of the United States Naval Shipyard at Kittery" (EMERGENCY) (S.P. 114) (L.D. 315)

Came from the Senate, referred to the Committee on Housing and Economic Development and Ordered Printed.

Was referred to the Committee on Housing and Economic Development in concurrence.

Bill "An Act Regarding Parental Resources in Medicaid Eligibility Determination for Certain Children's Services" (S.P. 113) (L.D. 314)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Protect Reproductive Privacy in Maine" (S.P. 117) (L.D. 318) (Governor's Bill)

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

Was referred to the Committee on Judiciary in concurrence.

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

SENATE PAPERS

Bill "An Act to Require Written Reason for Discharge, Demotion or Discipline" (S.P. 106) (L.D. 309)

Bill "An Act to Require the State to Pay for Mediation Sessions" (S.P. 107) (L.D. 310)

Bill "An Act to Require Tentative Agreements to be Considered a Part of the Arbitration Panel's Binding Recommendations" (S.P. 116) (L.D. 317)

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

Were referred to the Committee on Labor in concurrence.

Bill "An Act Related to Mobile Home Parks" (S.P. 112) (L.D. 313)

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

Was referred to the Committee on Legal Affairs in concurrence.

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

SENATE PAPERS

Bill "An Act to Prohibit Persons Harvesting Sea Urchins from Harvesting Lobsters" (S.P. 105) (L.D. 308)

Bill "An Act Concerning Shellfish Licenses" (S.P. 108) (L.D. 311)

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

Were referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Amend the Laws Governing Convening of Town Meetings" (EMERGENCY) (S.P. 115) (L.D. 316)

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 Establish a Surplus Energy Program" (S.P. 111) (L.D. 312)

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

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

The Chair laid before the House the following matter: Bill "An Act Regarding Energy Standards for Electrically Heated Residential Buildings" (H.P. 251) (L.D. 330) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Melendy of Rockland, was referred to the Committee on **Energy and Natural Resources**, ordered printed and sent up for concurrence.

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative JACQUES of Waterville, the following Order:

Ordered, that the House Committee on Elections is authorized to hire independent counsel to assist it in the conduct of its business. The amount of funds to be allocated to the committee for this purpose from the legislative account will be determined by future orders of the House.

Was read.

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

Representative WHITCOMB: Mr. Speaker, I would like to pose a question through the Chair.

To the sponsor of this Order, I wonder if we could have a clarification for the House as to the reason for this or even an idea of what the cost would be?

The SPEAKER: The Representative from Waldo, Representative Whitcomb, has posed a question through the Chair to the Representative from Waterville, Representative Jacques, who may respond if he so desires.

The Chair recognizes that Representative.

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: To answer the second part of the question first, we have no idea what the cost will be. That is what we are going to try to determine and then we will come back to the House.

The second reason is that everyone who has been involved in this that would normally be our advisors have been involved in everyone of these situations. The committee felt very strongly that we needed

someone from the outside who has no connections to any of the candidates involved or the Attorney General's Office who is right in the middle of this and who would normally give us some advice. We need somebody who is not tied to any of those things and that is why we voted unanimously to seek this Order from the House.

Subsequently, the Order was passed.

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

(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

The following Joint Resolution: (S.P. 118)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES ON THE FUTURE OF THE UNITED STATES NAVAL SHIPYARD AT KITTEERY, MAINE

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, the Department of the Navy has maintained a shipyard at Kittery, Maine since June 12, 1800; and

WHEREAS, the United States Naval Shipyard at Kittery has performed duties in an exemplary manner throughout its almost 2 centuries of history, and

WHEREAS, the Kittery shipyard is one of the most up-to-date facilities available in the United States for the repair, overhauling and refueling of naval vessels, and

WHEREAS, the communities in Maine, New Hampshire and Massachusetts located near the Kittery shipyard offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

WHEREAS, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Kittery; now, therefore, be it

RESOLVED: That we, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and

diversify the United States Naval Shipyard at Kittery, Maine; and be it further

RESOLVED: That we further urge the Congress of the United States to take all necessary action to ensure that the Kittery shipyard remains an integral component in a post-Cold War defense strategy; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

On motion of Representative Mitchell of Vassalboro,

Adjourned at 11:40 a.m. until Tuesday, February 9, 1993, at ten o'clock in the morning pursuant to Joint Order (S.P. 110)
