

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
23rd Legislative Day
Thursday, March 4, 1993

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

Prayer by Reverend Doctor Charles L. Tyer, First Baptist Church, Belfast.

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

SENATE PAPERS

Bill "An Act to Facilitate Disclosure of Insurance Coverage" (S.P. 239) (L.D. 732)

Bill "An Act to Prohibit Businesses from Requiring Social Security Numbers in Certain Cases" (S.P. 242) (L.D. 735)

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 Require Postgraduate Residency Training for Podiatric Medical Licensure and to Permit Temporary Residency Licensure" (S.P. 234) (L.D. 727)

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 Amend the Laws Governing Protective Custody" (S.P. 240) (L.D. 733)

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 Update and Clarify Certain Provisions of Fish and Wildlife Laws" (S.P. 243) (L.D. 736)

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

Was referred to the Committee on **Fisheries and Wildlife** in concurrence.

Bill "An Act to Provide Local Control for the Job-start Program" (S.P. 246) (L.D. 765)

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 to Ensure Small Boarding Homes Sufficient Funds to Remain Economically Viable" (S.P. 238) (L.D. 731)

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 Determine Eligibility of Child for Benefits" (S.P. 245) (L.D. 764)

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

On motion of Representative Cote of Auburn, was referred to the Committee on **Judiciary** in non-concurrence and sent up for concurrence.

Bill "An Act Regarding the Use of Alternate Jurors" (S.P. 232) (L.D. 725)

Bill "An Act to Make Provisions of the Maine Human Rights Act Consistent with Federal Law" (S.P. 235) (L.D. 728)

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 to Provide a Remedy for a Violation of the Lead Poisoning Control Act" (S.P. 244) (L.D. 763)

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

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

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

Bill "An Act to Establish a Full Employment Program as a Pilot Project in Certain Counties of the State" (S.P. 212) (L.D. 683)

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 Permit Inspections upon Notice by Landlords of Apartments of At-will Tenants" (S.P. 237) (L.D. 730)

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 Provide State Government with Independent Cost Assessment of Federally Mandated and Regulated Programs" (S.P. 233) (L.D. 726)

Bill "An Act Concerning the Composition of Appointed Governmental Boards in the State" (S.P. 236) (L.D. 729)

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 Ensure Compliance with Existing Energy Efficiency Building Standards" (S.P. 241) (L.D. 734)

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

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

Ought to Pass

Report of the Committee on **State and Local Government** reporting "**Ought to Pass**" on 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, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-30).

Report was read and accepted, the Resolve read once.

Senate Amendment "A" (S-30) was read by the Clerk and adopted and the Resolve assigned for second reading Tuesday, March 9, 1993.

Non-Concurrent Matter

Bill "An Act to Encourage Payment of Child Support Obligations" (H.P. 441) (L.D. 567) which was

referred to the Committee on **Human Resources** in the House on February 23, 1993.

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

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

March 1, 1993

Hon. Joseph W. Mayo
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Mayo:

This is to notify you that pursuant to my authority under House Rule 1, I have today made the following appointments to the Joint Standing Committees and the Joint Select Committee on Corrections:

I have appointed Rep. Beverly Daggett, of Augusta, to the Joint Standing Committee on Audit and Program Review. She will be replacing Rep. John Aliberti;

I have appointed Rep. Louise Townsend, of Canaan, to the Joint Standing Committee on Banking and Insurance. She will be replacing former Rep. Sumner Jones;

I have appointed Rep. Carol Kontos, of Windham, to the Joint Standing Committee on Housing and Economic Development. She is replacing Rep. Ralph Coffman;

I have appointed Rep. Mary Sullivan, of Bangor, and Rep. Ralph Coffman, of Old Town, to the Joint Standing Committee on Labor;

I have appointed Rep. Hugh Morrison, of Bangor, to the Joint Select Committee on Corrections. He will be replacing Rep. Mary Cathcart.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
SUPREME JUDICIAL COURT
AUGUSTA, MAINE 04330

February 25, 1993

The Honorable Dennis L. Dutremble
President of the Senate

The Honorable John L. Martin
Speaker of the House
State House
Augusta, ME 04333

Dear President Dutremble and Speaker Martin:

I enclose a document transmitting a recodification of the Constitution of the State of Maine in accordance with section 6, Article X of the Constitution.

I trust that I have discharged my responsibilities satisfactorily, and I stand ready to provide any further assistance that you might require.

Sincerely yours,

S/Daniel E. Wathen

Was read and with accompanying papers ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Appropriations and Financial Affairs

Bill "An Act to Introduce Greater Efficiency in the Provision of Certain State Services" (EMERGENCY) (H.P. 577) (L.D. 781) (Presented by Representative FOSS of Yarmouth)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$12,000,000 for Construction of Water Pollution Control Facilities" (H.P. 588) (L.D. 792) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representatives: CARROLL of Gray, HOGLUND of Portland, HOLT of Bath, POULIOT of Lewiston, SAXL of Bangor, SULLIVAN of Bangor, TOWNSEND Canaan, Senator: CIANCHETTE of Somerset)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act Clarifying Identification of Financial Institution Off-premise Facilities" (H.P. 580) (L.D. 784) (Presented by Representative PINEAU of Jay) (Cosponsored by Representatives: CARLETON of

Wells, KUTASI of Bridgton, Senator: McCORMICK of Kennebec)

Bill "An Act to Restrict the Referral of Patients by a Physician to Certain Facilities in Which the Physician Has a Financial Interest" (H.P. 585) (L.D. 789) (Presented by Representative CARLETON of Wells) (Cosponsored by Representatives: BARTH of Bethel, BRUNO of Raymond, ERWIN of Rumford, HALE of Sanford, MARTIN of Eagle Lake, MITCHELL of Vassalboro, PINEAU of Jay, TRACY of Rome, YOUNG of Limestone, Senator: McCORMICK of Kennebec)

Bill "An Act Establishing the Maine Community Reinvestment Program" (H.P. 590) (L.D. 794) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representative KONTOS of Windham and Representatives: HEESCHEN of Wilton, WENTWORTH of Arundel)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Prevent Unauthorized Use of the Name Passamaquoddy" (H.P. 584) (L.D. 788) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: DRISCOLL of Calais, FARREN of Cherryfield, LOOK of Jonesboro, TOWNSEND of Eastport, Senators: LUDWIG of Aroostook, VOSE of Washington)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues (EMERGENCY) (H.P. 572) (L.D. 777) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: ANDERSON of Woodland, JACQUES of Waterville, LORD of Waterboro, MARSH of West Gardiner, POULIN of Oakland, Senator: LUDWIG of Aroostook)

Resolve, Directing the Office of Waste Reduction and Recycling to Study the Recycling of Incinerator Ash (H.P. 581) (L.D. 785) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representatives: ADAMS of Portland, HEESCHEN of Wilton, O'GARA of Westbrook, ROWE of Portland, SIMONDS of Cape Elizabeth, Senator: CONLEY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Provide for an Open Season on Most Inland Fisheries in the State" (H.P. 567) (L.D. 772) (Presented by Representative GREENLAW of Standish)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Allow the Maine State Housing Authority to Grant Home Improvement Loans for Energy Efficiency through Its Home Improvement Loan Program" (H.P. 568) (L.D. 773) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Representatives: CARROLL of Gray, HOLT of Bath, KONTOS of Windham, Senator: FOSTER of Hancock)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Restructure AIDS Services and Education" (H.P. 570) (L.D. 775) (Presented by Representative CATHCART of Orono) (Cosponsored by Representatives: PFEIFFER of Brunswick, RAND of Portland, Senator: BALDACCI of Penobscot)

Bill "An Act to Eliminate the Prescription Requirement for Hypodermic Syringes" (H.P. 587) (L.D. 791) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representative CATHCART of Orono and Representatives: ADAMS of Portland, BARTH of Bethel, BRENNAN of Portland, BRUNO of Raymond, CARROLL of Gray, FITZPATRICK of Durham, HOLT of Bath, MITCHELL of Freeport, PENDEXTER of Scarborough, PENDLETON of Scarborough, TREAT of Gardiner, Senators: CONLEY of Cumberland, MCCORMICK of Kennebec, PARADIS of Arrostook)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Repeal Certain Provisions of the Maine Health Security Act" (H.P. 571) (L.D. 776) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives: KERR of Old Orchard Beach, MICHAUD of East Millinocket, RAND of Portland, STEVENS of Orono, STROUT of Corinth, TARDY of Palmyra)

Bill "An Act to Prevent Procurement of Controlled Substances through Fraud" (H.P. 573) (L.D. 778) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Representatives: BAILEY of Township 27, CARROLL of Gray, Senator: HANDY of Androscoggin)

Bill "An Act Regarding the Writing of Bad Checks" (H.P. 578) (L.D. 782) (Presented by Representative CLARK of Millinocket)

Bill "An Act for the Return of Stolen Property Retained as Evidence" (H.P. 583) (L.D. 787) (Presented by Representative KETTERER of Madison) (Cosponsored by Senator: CONLEY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Improve Local Control over Liquor Licensing" (H.P. 589) (L.D. 793) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: CROSS of Dover-Foxcroft, PLOURDE of Biddeford, Senators: BRANNIGAN of Cumberland, HANDY of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Prohibit the Sale of Menhaden Caught in Penobscot Bay to Foreign Processors in Internal Waters" (H.P. 569) (L.D. 774) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representative: DEXTER of Kingfield)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Implement the Constitutional Requirement for State Funding of Mandates Imposed on Local Units of Government" (EMERGENCY) (H.P. 574) (L.D. 779) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Senators: BERUBE of Androscoggin, FOSTER of Hancock)

Bill "An Act to Change the Composition of the Board of Directors of the Maine Criminal Justice Academy" (H.P. 579) (L.D. 783) (Presented by Representative AULT of Wayne)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Clarify the Tax-exempt Status of Community Mental Health Service Facilities" (H.P. 586) (L.D. 790) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Senator BEGLEY of Lincoln and Representatives: CARROLL of Gray, CATHCART of Orono, GRAY of Sedgwick, HOGLUND of Portland, HOLT of Bath, Senator: HANDY of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Authorize Modifications to Tolls on the Maine Turnpike" (H.P. 582) (L.D. 786) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Senator BRANNIGAN of Cumberland and Representatives: ADAMS of Portland, ROWE of Portland, SIMONDS of Cape Elizabeth, Senator: CONLEY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Clarify Certain Statutes Relating to the Public Utilities Commission" (H.P. 575) (L.D. 780) (Presented by Representative AIKMAN of Poland) (Cosponsored by Representatives: CLARK of Millinocket, HOLT of Bath, TAYLOR of Cumberland) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative FOSS of Yarmouth, the following Joint Resolution: (H.P. 576) (Cosponsors: Representatives CARROLL of Gray, CHONKO of Topsham, HICHBORN of Howland, KERR of Old Orchard Beach, MacBRIDE of Presque Isle, POULIOT of Lewiston, REED of Falmouth, Senators FOSTER of Hancock, PEARSON of Penobscot and TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO ENACT EMERGENCY LEGISLATION WAIVING UNFUNDED FEDERAL MANDATES THAT HAVE BEEN IMPOSED ON THE SEVERAL STATES OR THEIR POLITICAL SUBDIVISIONS

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 President and the Congress of the United States, as follows:

WHEREAS, the Federal Government has mandated new programs and transferred the responsibility of funding these programs to the several states and their political subdivisions; and

WHEREAS, the Federal Government has also reduced or eliminated funding for certain programs administered at the state or local government level; and

WHEREAS, the several states and their political subdivisions, as a result of economic recession and the substantial costs of these programs are experiencing severe revenue shortfalls and budget imbalances that are further exacerbated by having to fund these unfunded federal mandates; and

WHEREAS, the several states, unlike the Federal

Government, are required by their constitutions to balance their budgets, which further reduces their ability to absorb unfunded federal mandates; and

WHEREAS, the State of Maine, recognizing the inequity of passing unfunded mandates on to its political subdivisions amended its Constitution in November of 1992 to prohibit state legislation or state administrative rules that require additional local government expenditures unless the Maine State Legislature funds those mandates; and

WHEREAS, the federal practice of deferring program costs to the states is inherently unfair because many states, such as Maine, lack the resources to fund these programs; and

WHEREAS, relief from unfunded mandates is most especially needed in the federal laws and rules governing benefits and utilization for Medicaid recipients, benefit levels for other entitlements and environmental regulation so that the several states and their political subdivisions can regain greater authority over their respective budgets and increase their ability to create jobs; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to enact legislation that provides waivers to unfunded federal mandates, be they wholly or partially unfunded; and be it further

RESOLVED: That this legislation direct the various agencies of the Federal Government to streamline the process by which federal mandates will be waived; 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, to the governor of each state, the Speaker of the Lower House and the President of the Senate in each state and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

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

ORDERED, that Representative Conrad Heeschen of Wilton be excused March 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John F. Marsh of West Gardiner be excused March 1 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Hilda C. Martin of Van Buren be excused March 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused February 23 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Sophia Douglass Pfeiffer of Brunswick be excused February 23 for health reasons.

AND BE IT FURTHER ORDERED, that Representative James G. Skoglund of St. George be excused February 18 and 23 for health reasons.

AND BE IT FURTHER ORDERED, that Representative George A. Townsend of Eastport be excused March 4 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Ellen Walker of Blue Hill be excused March 5 for personal reasons.

Was read and passed.

LATER TODAY ASSIGNED

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

House Order Propounding Questions to the Justices of the Supreme Judicial Court

WHEREAS, it appears to the House of Representatives of the 116th Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3, provides for the Justices of the Supreme Judicial Court to render their opinion on these questions; and

WHEREAS, there is now before the 116th Legislature for its consideration Initiated Bill 1, Legislative Document 751, "An Act to Impose Term Limitations on Legislators, Constitutional Officers and the State Auditor"; and

WHEREAS, that bill has been submitted to the Legislature as a result of a petition for direct initiative of legislation pursuant to the Constitution of Maine, Article IV, Part Third, Section 18; and

WHEREAS, that bill may have constitutional infirmities that can not be corrected by revision or amendment; and

WHEREAS, it is important that the Legislature be informed as to the questions raised in this order; now, therefore, be it

Ordered, that in accordance with the provisions of the Constitution of Maine, the House of Representatives respectfully requests the Justices of the Supreme Judicial Court to give the House of Representatives their opinion on the following questions of law:

Question No. 1. If Legislative Document 751 becomes law, would its limitations on the terms of Legislators be valid in light of the lack of those limitations in the Constitution of Maine, Article IV, Parts First and Second?

Question No. 2. If Legislative Document 751 becomes law, would its limitations on the terms of the Secretary of State, Treasurer of State and Attorney General be valid in light of the lack of those limitations in the Constitution of Maine, Article V, Parts Second and Third and Article IX, Section 11?

Question No. 3. If the answer to question 1 or 2 is negative, must the initiative nevertheless be submitted in its current form to the voters at referendum pursuant to the Constitution of Maine, Article IV, Part Third, Section 18?

Was read.

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

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

(At Ease)

The House was called to order by the Speaker.

REPORTS OF COMMITTEES

Divided Report

Tabled and Assigned

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Amend the Energy Policy of the State" (H.P. 72) (L.D. 102)

Signed:

Senators: CIANCHETTE of Somerset LUDWIG of Aroostook LAWRENCE of York

Representatives: POULIN of Oakland CONSTANTINE of Bar Harbor LORD of Waterboro JACQUES of Waterville GOULD of Greenville ANDERSON of Woodland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-30) on same Bill.

Signed:

Representatives: COLES of Harpswell MITCHELL of Freeport MARSH of West Gardiner

WENTWORTH of Arundel

Reports were read.

Representative Jacques of Waterville moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, March 9, 1993.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-31) on Bill "An Act to Preserve the Public Advocate's Participation in Residual Market Deficit Proceedings at the Bureau of Insurance" (EMERGENCY) (H.P. 50) (L.D. 66)

Signed:

Senators: McCORMICK of Kennebec
CAREY of Kennebec

Representatives: PINEAU of Jay
CARLETON of Wells
KUTASI of Bridgton
JOSEPH of Waterville
TRACY of Rome
ERWIN of Rumford
HALE of Sanford
CAMPBELL of Holden
RAND of Portland

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

Signed:

Senator: KIEFFER of Aroostook

Representative: Jones of Pittsfield

Reports were read.

Representative Pineau of Jay moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Kutasi.

Representative KUTASI: Mr. Speaker, Men and Women of the House: A previous member of this body voted against this piece of legislation and I just want to address his arguments of why he voted against this piece of legislation.

This gets to be a very complex issue with the Public Advocate in the residual market and Workers' Compensation. It took me a little bit of education to understand it myself.

Basically, what the Public Advocate is going to do here is it is going to increase what they get from the NCCI, which is some kind of an assessment firm. They are going to get an increase of \$50,000 to help them get a case for setting the rates for Fresh Start, which is the Workers' Compensation deficit in the years, 1988, 1989, 1990, 1991 and 1992, and the

employers and the insurance companies will share 50/50 in those deficits.

A previous member of the body felt that the argument was that the insurance companies and the Public Advocate, who said that he represented employers, is going after the same end argument and that is that insurance companies and employers or the Public Advocate who represents the employers wants to keep that deficit as low as possible and wants to keep that assessment as low as possible and he felt that this was a duplication of a procedure that needs not to be done and that the funding should not be allowed. I wanted to present that argument on his behalf.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: Part of the Blue Ribbon Commission bill of the 115th adopted last year did, in a big way, take away a lot of the funds and the interaction the Public Advocate's Office could have on rate filings and Fresh Start proceedings on these hearings coming up to deal with the deficit that the good Representative Kutasi just mentioned.

What we have done in this bill is that we have increased the money on insurance assessment so that Maine employers will be properly represented at the Fresh Start filing. With the last Fresh Start filing, there was a \$40 million amount that the Superintendent of Insurance did not grant the insurers because of (in part) some of the work the Public Advocate's Office had done.

If we do not do this and do not do this by an emergency, we are going to be putting Maine employers at the hands of the NCCI in dealing with these Fresh Start proceedings because the Public Advocate's Office doesn't have what it needs to come in and argue for the employers.

I ask you to vote with the Majority "Ought to Pass" Report, and Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yeas; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of the Representative from Jay, Representative Pineau, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yeas; those opposed will vote no.

ROLL CALL NO. 11

YEA - Adams, Ahearne, Aliberti, Barth, Beam, Bowers, Brennan, Bruno, Cameron, Campbell, Carleton, Carroll, Cashman, Cathcart, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Dore, Driscoll, Erwin, Faircloth, Farnsworth, Farnum, Farren, Fitzpatrick, Gamache, Gould, R. A.; Gray, Gwadosky, Hale, Hatch, Heino, Hichborn, Hillock, Hogle, Hussey, Jacques, Jalbert, Johnson, Joseph, Joy, Kerr, Kilkelly, Kontos, Kutasi, Larrivee, Lemke, Lemont, Libby James, Lindahl, Look, Marsh, Marshall, Martin, H.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison,

Murphy, Nadeau, Nash, Nickerson, Norton, O'Gara, Oliver, Paradis, P.; Pendleton, Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Quint, Rand, Reed, G.; Richardson, Ricker, Robichaud, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Skoglund, Small, Spear, Stevens, A.; Stevens, K.; Strout, Sullivan, Swazey, Tardy, Taylor, Thompson, Townsend, E.; Townsend, L.; Tracy, Treat, Tufts, Vigue, Walker, Wentworth, Whitcomb, Winn, Zirnkilton.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Bennett, Clukey, Cross, Dexter, Foss, Greenlaw, Lipman, Lord, MacBride, Ott, Pendexter, Plowman, Reed, W.; True, Young.

ABSENT - Caron, Carr, Dutremble, L.; Gean, Heesch, Holt, Ketterer, Kneeland, Libby Jack, Michaud, Townsend, G.; The Speaker.

Yes, 119; No, 20; Absent, 12; Paired, 0; Excused, 0.

119 having voted in the affirmative and 20 in the negative with 12 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-31) 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-31) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

CONSENT CALENDAR

First Day

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

(S.P. 71) (L.D. 133) Bill "An Act Related to Private Facilities in the Public Way" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-27)

(H.P. 174) (L.D. 226) Bill "An Act to Allow Game Wardens to Receive Remuneration for Serving in Elected Municipal or County Positions" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 303) (L.D. 391) Bill "An Act to Repeal the Statutory Provisions Formerly Governing Unfunded State Mandates" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 368) (L.D. 471) Resolve, Renaming Ames Cove of Friendship as Flood's Cove Committee on State and Local Government reporting "Ought to Pass"

(H.P. 103) (L.D. 145) Bill "An Act to Permit Professional Review Committees to Work with Impaired Physician Assistants" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-33)

(H.P. 51) (L.D. 67) Bill "An Act to Amend the Public Works Contractors' Surety Bond Law of 1971" Committee on Business Legislation reporting "Ought

to Pass" as amended by Committee Amendment "A" (H-35)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 9, 1993, under the listing of Second Day.

(H.P. 165) (L.D. 217) Bill "An Act to Amend the Municipal Public Employees Labor Relations Laws" Committee on Labor reporting "Ought to Pass"

On motion of Representative Ruhlin of Brewer, was removed from the Consent Calendar, First Day.

Subsequently, the Committee Report was read and accepted, the Bill read once and assigned for second reading Tuesday, March 9, 1993.

(H.P. 93) (L.D. 123) Bill "An Act to Amend the Archery Hunting Requirements" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-36)

(H.P. 91) (L.D. 121) Bill "An Act Relating to the Protection of Public Water Supplies" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-37)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 9, 1993, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 70) (L.D. 132) Bill "An Act to Authorize the New England School of Broadcasting to Award the Degree of Associate of Science in Broadcasting" (C. "A" S-26)

(H.P. 320) (L.D. 408) Bill "An Act to Amend the Law Pertaining to Abandoned Vehicles"

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

(H.P. 73) (L.D. 103) Bill "An Act to Utilize Local Enforcement Mechanisms for Land Use Violations" (C. "A" H-28)

On motion of Representative Jacques of Waterville, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and

accepted, the Bill read once.

Committee Amendment "A" (H-28) was read by the Clerk.

Representative Jacques of Waterville offered House Amendment "A" (H-39) to Committee Amendment "A" (H-28) and moved its adoption.

House Amendment "A" (H-39) to Committee Amendment "A" (H-28) was read by the Clerk and adopted.

Committee Amendment "A" (H-28) as amended by House Amendment "A" (H-39) thereto was adopted and the Bill assigned for second reading Tuesday, March 9, 1993.

(H.P. 78) (L.D. 108) Bill "An Act Concerning Employees of the Maine Technical College System" (C. "A" H-29)

(H.P. 7) (L.D. 14) Bill "An Act to Retain the Current Standard for the Release of Tributyltin in Marine Antifouling Paints" (EMERGENCY) (C. "A" H-32)

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

PASSED TO BE ENACTED

An Act Concerning Installation of Propane Gas Water Heaters (H.P. 38) (L.D. 46) (H. "A" H-24 to C. "A" H-22)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Impose Term Limitations on Legislators, Constitutional Officers and the State Auditor" (I.B. 1) (L.D. 751)
TABLED - March 2, 1993 by Representative GWADOSKY of Fairfield.
PENDING - Reference.

On motion of Representative Gwadosky of Fairfield, retabled pending reference and specially assigned for Tuesday, March 9, 1993.

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

Bill "An Act to Establish the Maine Parks and Recreation Fund" (H.P. 472) (L.D. 609)
- In House, referred to the Committee on Energy and Natural Resources.
- In Senate, referred to the Committee on

Transportation in non-concurrence.

TABLED - March 2, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

On motion of Representative O'Gara of Westbrook, the House voted to recede and concur.

The Chair laid before the House the following matter: Bill "An Act to Encourage Payment of Child Support Obligations" (H.P. 441) (L.D. 567) (referred to the Committee on Human Resources in the House on February 23, 1993 and came from the Senate referred to the Committee on Judiciary in non-concurrence) which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

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

SENATE PAPERS

Bill "An Act to Enhance Voters' Rights in Budget Approval of School Districts" (EMERGENCY) (S.P. 252) (L.D. 771)

Bill "An Act Regarding the Credentialing of School Psychological Service Providers" (S.P. 262) (L.D. 800)

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 Clarify the Definition of Solid Waste in Local Flow-control Ordinances" (S.P. 247) (L.D. 766)

Bill "An Act Regarding the Motor Vehicle Emission Inspection Program" (S.P. 258) (L.D. 796)

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

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

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

SENATE PAPERS

Bill "An Act Regarding the Baiting of Animals" (S.P. 260) (L.D. 798)

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

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Expand the Definition of Escape" (S.P. 248) (L.D. 767)

Bill "An Act to Clarify the Grounds for Civil Action for Child Sexual Abuse" (S.P. 250) (L.D. 769)

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 to Improve the Unemployment Collection Process for Employer Contributions" (S.P. 264) (L.D. 802)

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

Was referred to the Committee on Labor in concurrence.

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

SENATE PAPERS

Bill "An Act to Establish Term Limitations for Presiding Officers, Leadership and Committee Chairs" (S.P. 249) (L.D. 768)

Bill "An Act to Limit the Terms of the President of the Senate and the Speaker of the House of Representatives" (S.P. 257) (L.D. 795)

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.

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

SENATE PAPERS

Bill "An Act to Conform the Sales Tax on Meals and Liquor to the Rate of the General Sales Tax" (S.P. 259) (L.D. 797)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority" (S.P. 263) (L.D. 801)

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

Was referred to the Committee on Utilities in concurrence.

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

SENATE PAPER

The following Joint Order: (S.P. 265)

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

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

SENATE PAPER

Bill "An Act to Amend the Confidentiality Provisions of the Maine Juvenile Code" (EMERGENCY) (S.P. 251) (L.D. 770) (Governor's Bill)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Joint Select Committee on Corrections.)

Under suspension of the rules and without reference to a Committee, the bill was read once and assigned for second reading Tuesday, March 9, 1993.

The following item appearing on Supplement No. 8 was taken up out of order by unanimous consent:

SENATE PAPER

Bill "An Act to Strengthen the Laws Prohibiting Driving under the Influence of Alcohol or Drugs" (S.P. 261) (L.D. 799)

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

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

On motion of Representative Gwadosky of Fairfield, tabled pending reference in concurrence

LEGISLATIVE RECORD - HOUSE, MARCH 4, 1993

and specially assigned for Tuesday, March 9, 1993.

(Off Record Remarks)

On motion of Representative Nadeau of Saco,
Adjourned at 12:04 p.m. until Tuesday, March 9,
1993, at ten o'clock in the morning pursuant to Joint
Order (S.P. 265).
