

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
26th Legislative Day
Monday, March 15, 1993

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

At this point, the Federal and State Colors were presented by the First Maine Heavy Artillery in celebration of the 173rd Anniversary of Maine Statehood which was granted March 15, 1820.

Prayer by Reverend Robert Hargreaves, St. Mark's Episcopal Church, Augusta.

National Anthem by Hall-Dale High School Jazz Band.

The Journal of Wednesday, March 10, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 4, 1993

The Honorable John L. Martin
Speaker of the House
116th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today, upon the recommendation of the Joint Standing Committee on Education, confirmed the following:

Edward F. Gorham of Randolph for reappointment to the Maine Technical College System Board of Trustees.

Roy P. Hibyan of Jonesport for reappointment to the Maine Technical College System Board of Trustees.

Robert J. Roy of Yarmouth for appointment to the Maine Technical College System Board of Trustees as Student Member. Robert J. Roy is replacing Dawn Miller.

Brian C. Thayer of Manchester for appointment to the Maine Technical College System Board of Trustees. Brian C. Thayer is replacing Michael Aube.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Later Today Assigned

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-40) on Bill "An Act to Abolish the Board of Licensure of Railroad Personnel" (S.P. 98) (L.D. 251)

Signed:

Senators: CIANCHETTE of Somerset
BUSTIN of Kennebec
MARDEN of Kennebec

Representatives: THOMPSON of Lincoln
HOGLUND of Portland
VIGUE of Winslow
REED of Dexter
ST. ONGE of Greene
CLEMENT of Clinton

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

Representatives: HILLOCK of Gorham
CAMERON of Rumford

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-40)

Reports were read.

On motion of Representative Heglund of Portland, tabled pending acceptance of either report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-39) on Bill "An Act to Require the State to Pay for Mediation Sessions" (S.P. 107) (L.D. 310)

Signed:

Senators: HANDY of Androscoggin
BEGLEY of Lincoln

Representatives: AIKMAN of Poland
RUHLIN of Brewer
ST. ONGE of Greene
SULLIVAN of Bangor
CHASE of China
LINDAHL of Northport
CARR of Sanford
CLEMENT of Clinton

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

Signed:

Representative: LIBBY of Buxton

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-39)

Reports were read.

Representative Ruhlin of Brewer moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on 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)

Signed:

Senator: BEGLEY of Lincoln

Representatives: AIKMAN of Poland
LINDAHL of Northport
RUHLIN of Brewer
SULLIVAN of Bangor
CARR of Sanford
LIBBY of Buxton

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator: HANDY of Androscoggin

Representatives: CHASE of China
CLEMENT of Clinton

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

Reports were read.

On motion of Representative Ruhlin of Brewer, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Amend the Lounge License Provisions" (H.P. 19) (L.D. 21) which was passed to be engrossed in the House on February 17, 1993.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and

later today assigned.

COMMUNICATIONS

The following Communication:

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March 1, 1993

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

Dear Mr. Speaker:

I am pleased to submit the first annual report of the Maine State Cultural Affairs Council as required by Title 27, Section 557 of the Maine Revised Statutes.

Established in February 1991, the Council unites four of the State's cultural agencies: Maine State Museum, Historical Preservation Commission, Arts Commission and State Library. This alliance provides more efficient administrative procedure, encourages cooperation between the cultural agencies, and consolidates support for cultural affairs in Maine.

This report includes the Establishment Period, February-June 1991 and Fiscal Year 1992.

Respectfully submitted,

S/Elaine M. Albright
Acting Chair
Maine State Cultural Affairs Council

Was read and with accompanying report 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 Facilitate State Payments" (H.P. 669) (L.D. 907) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: CASHMAN of Old Town, COTE of Auburn, ERWIN of Rumford, FAIRCLOTH of Bangor, TREAT of Gardiner, Senator: ESTY of Cumberland)

Resolve, to Reduce Positions within State Government (H.P. 668) (L.D. 906) (Presented by Representative COFFMAN of Old Town) (Cosponsored by Representatives: KUTASI of Bridgton, MARSHALL of

Eliot, MURPHY of Berwick)

Ordered Printed.
Sent up for Concurrence.

pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Improve Access of Injured Workers to Medical Care" (H.P. 644) (L.D. 875) (Presented by Representative ST. ONGE of Greene) (Cosponsored by Representatives: AIKMAN of Poland, RUHLIN of Brewer, Senator: CONLEY of Cumberland)

(The Committee on Reference of Bills had suggested reference to the Committee on **Banking and Insurance**.)

On motion of Representative Ruhlin of Brewer, tabled pending the motion of Representative Erwin of Rumford that L.D. 875 be referred to the Committee on **Banking and Insurance** and specially assigned for Tuesday, March 16, 1993.

Banking and Insurance

Bill "An Act to Establish Maximum Interest Rates for Automobile Financing" (H.P. 656) (L.D. 894) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: HALE of Sanford, OLIVER of Portland, RYDELL of Brunswick)

Bill "An Act to Change the Fees Payable to the Bureau of Consumer Credit Protection" (H.P. 662) (L.D. 900) (Presented by Representative LARRIVEE of Gorham) (Cosponsored by Representatives: MORRISON of Bangor, ST. ONGE of Greene)

Bill "An Act to Reduce the Cost of Residential Care Treatment" (H.P. 677) (L.D. 915) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representatives: KUTASI of Bridgton, MARSH of West Gardiner, PINEAU of Jay, RAND of Portland, Senator: MCCORMICK of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Allow Amateur Mechanics to Make Certain Repairs to Motor Vehicles" (H.P. 633) (L.D. 864) (Presented by Representative TRACY of Rome) (Cosponsored by Senator CAREY of Kennebec and Representatives: CLARK of Millinocket, DEXTER of Kingfield, GOULD of Greenville, GRAY of Sedgwick, MITCHELL of Freeport, PINEAU of Jay, RAND of Portland, RICKER of Lewiston, SWAZEY of Bucksport)

Bill "An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982" (H.P. 674) (L.D. 912) (Presented by Representative VIGUE of Winslow) (Cosponsored by Representatives: CARROLL of Gray, PENDEXTER of Scarborough, TRACY of Rome) (Submitted by the Department of Public Safety

Education

Bill "An Act to Make Children Legally Responsible for Their Truancy" (H.P. 650) (L.D. 888) (Presented by Representative KETTERER of Madison)

Bill "An Act Concerning Fine Arts Instructional Requirements" (H.P. 651) (L.D. 889) (Presented by Representative KONTOS of Windham)

Bill "An Act Concerning Municipalities' Leasing of Portable Classrooms to School Units" (H.P. 657) (L.D. 895) (Presented by Representative LARRIVEE of Gorham) (Cosponsored by Representative: SAXL of Bangor, Senator: TITCOMB of Cumberland)

Bill "An Act to Amend the School Finance Act of 1985" (H.P. 659) (L.D. 897) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives: ANDERSON of Woodland, BAILEY of Farmington, CATHCART of Orono, CLEMENT of Clinton, CLUKEY of Houlton, COFFMAN of Old Town, DONNELLY of Presque Isle, DRISCOLL of Calais, JOY of Island Falls, KNEELAND of Easton, MURPHY of Berwick, PINETTE of Fort Kent, REED of Dexter, ROTONDI of Athens, STROUT of Corinth, TUFTS of Stockton Springs, VIGUE of Winslow, Senators: GOULD of Waldo, KIEFFER of Aroostook, LUDWIG of Aroostook, PARADIS of Aroostook)

Bill "An Act to Require State Funding for All Special Education Costs That Exceed Double the State Average Tuition Rates" (H.P. 673) (L.D. 911) (Presented by Representative COFFMAN of Old Town)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Allow the State to Enter into an Agreement with the State of South Carolina Concerning the Disposal of Low-level Radioactive Waste" (EMERGENCY) (H.P. 635) (L.D. 866) (Presented by Representative BARTH of Bethel) (Cosponsored by Representatives: ANDERSON of Woodland, GOULD of Greenville, JACQUES of Waterville, LORD of Waterboro, MARSH of West Gardiner, REED of Dexter, Senators: CIANCHETTE of Somerset, LUDWIG of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Confirm when Site Location of Development Approval Is Unnecessary" (EMERGENCY) (H.P. 640) (L.D. 871) (Presented by Representative LORD of Waterboro)

Bill "An Act to Improve Forest Management for Small Owner-managed Woodlots" (H.P. 646) (L.D. 877) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representative GOULD of Greenville, Senator PEARSON of Penobscot and Representatives:

COLES of Harpswell, MITCHELL of Freeport)

Bill "An Act to Promote More Effective Input to Environmental Regulation" (H.P. 648) (L.D. 879) (Presented by Representative GOULD of Greenville)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Grant Disabled Persons Antlerless Deer Permits upon Request" (H.P. 636) (L.D. 867) (Presented by Representative TRACY of Rome) (Cosponsored by Representative: HUSSEY of Milo)

Bill "An Act to Distribute the Number of Moose Hunting Permits Based on the Moose Population" (H.P. 667) (L.D. 905) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Senator HALL of Piscataquis and Representatives: BAILEY of Township 27, BOWERS of Washington, BRUNO of Raymond, CAMERON of Rumford, CAMPBELL of Holden, COFFMAN of Old Town, DEXTER of Kingfield, FOSS of Yarmouth, GRAY of Sedgwick, LEMONT of Kittery, LIBBY of Buxton, LINDAHL of Northport, MARSHALL of Eliot, PLOWMAN of Hampden, REED of Dexter, SPEAR of Nobleboro, THOMPSON of Lincoln, TUFTS of Stockton Springs, VIGUE of Winslow, YOUNG of Limestone, Senators: BEGLEY of Lincoln, BUTLAND of Cumberland, HARRIMAN of Cumberland, KIEFFER of Aroostook, SUMMERS of Cumberland, WEBSTER of Franklin)

Bill "An Act to Provide Waiting Periods for Special Hunting Permits" (H.P. 675) (L.D. 913) (Presented by Representative BENNETT of Norway) (Cosponsored by Representative: FAIRCLOTH of Bangor, Senator: CAREY of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Direct the Department of Human Services to Apply for a Medicaid Waiver for Home-based Care for Persons with HIV/AIDS" (H.P. 653) (L.D. 891) (Presented by Representative CATHCART of Orono) (Cosponsored by Senator PARADIS of Aroostook and Representatives: CARROLL of Gray, DORE of Auburn, JOHNSON of South Portland, MITCHELL of Freeport, MORRISON of Bangor, RYDELL of Brunswick, TOWNSEND of Portland, Senator: McCORMICK of Kennebec)

Bill "An Act to Clarify the Role of the Child Abuse and Neglect Councils" (H.P. 664) (L.D. 902) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Representatives: CARROLL of Gray, CLOUTIER of South Portland, CONSTANTINE of Bar Harbor, DRISCOLL of Calais, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, GEAN of Alfred, GWADOSKY of Fairfield, HUSSEY of Milo, KILKELLY of Wiscasset, LIPMAN of Augusta, MORRISON of Bangor, MURPHY of Berwick, PARADIS of Augusta, PENDLETON of Scarborough, PFEIFFER of Brunswick, PLOURDE of Biddeford, RYDELL of Brunswick, SKOGLUND of St.

George, TOWNSEND of Eastport, Senator: VOSE of Washington)

Bill "An Act to Protect Maine Citizens From the Effects of Environmental Tobacco Smoke" (H.P. 666) (L.D. 904) (Presented by Representative SIMONDS of Cape Elizabeth) (Cosponsored by Senator PARADIS of Aroostook and Representatives: ADAMS of Portland, AULT of Wayne, BRENNAN of Portland, JOSEPH of Waterville, MARSH of West Gardiner, PENDEXTER of Scarborough, PENDLETON of Scarborough, PINETTE of Fort Kent, TREAT of Gardiner, Senators: AMERO of Cumberland, McCORMICK of Kennebec)

Bill "An Act to Increase the Mileage Payment for Foster Families" (H.P. 671) (L.D. 909) (Presented by Representative GEAN of Alfred) (Cosponsored by Representative: JOHNSON of South Portland)

Bill "An Act to Assist Low-income Families with Children to Meet Their Winter Energy Costs" (H.P. 676) (L.D. 914) (Presented by Representative GEAN of Alfred) (Cosponsored by Representatives: JOHNSON of South Portland, TREAT of Gardiner)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Permit Owners of Property to Seek Indemnification from Parties Responsible for Violations of Clear-cutting Laws" (H.P. 649) (L.D. 887) (Presented by Representative KETTERER of Madison)

Bill "An Act to Amend the Law Regarding Insurance Fraud" (H.P. 652) (L.D. 890) (Presented by Representative PARADIS of Augusta) (Cosponsored by Representative: KETTERER of Madison)

Bill "An Act to Extend Criminal Sanctions to Certain Child Protective Orders" (H.P. 654) (L.D. 892) (Presented by Representative GEAN of Alfred) (Cosponsored by Representative: GWADOSKY of Fairfield) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Bill "An Act Concerning Juvenile Offenders" (H.P. 660) (L.D. 898) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative: LARRIVÉE of Gorham, Senator: BUSTIN of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Reinstate a System of Parole" (H.P. 663) (L.D. 901) (Presented by Representative HOLT of Bath) (Cosponsored by Senator BUSTIN of Kennebec and Representative: LARRIVÉE of Gorham)

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

On motion of Representative Cote of Auburn, was

referred to the **Joint Select Committee on Corrections**, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Bring the Bureau of State Police, the Department of the Attorney General and the Maine Drug Enforcement Agency into Conformity with the Criminal History Record Information Laws" (H.P. 665) (L.D. 903) (Presented by Representative PARADIS of Augusta) (Cosponsored by Representatives: ADAMS of Portland, CARROLL of Gray, CATHCART of Orono, CLOUTIER of South Portland, CONSTANTINE of Bar Harbor, COTE of Auburn, DAGGETT of Augusta, ERWIN of Rumford, FAIRCLOTH of Bangor, GWADOSKY of Fairfield, JOSEPH of Waterville, KERR of Old Orchard Beach, KETTERER of Madison, LIPMAN of Augusta, O'GARA of Westbrook, PLOWMAN of Hampden, TUFTS of Stockton Springs, ZIRNKILTON of Mount Desert, Senators: CONLEY of Cumberland, DUTREMBLE of York)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Restrict Helicopter Overflights by the Maine Drug Enforcement Agency" (H.P. 639) (L.D. 870) (Presented by Representative PFEIFFER of Brunswick) (Cosponsored by Representatives: CLOUTIER of South Portland, COLES of Harpswell, HOLT of Bath, OLIVER of Portland, PINETTE of Fort Kent, RICHARDSON of Portland, SIMONDS of Cape Elizabeth, TOWNSEND of Eastport, Senators: O'DEA of Penobscot, VOSE of Washington)

Bill "An Act to Protect Police Officers from Armor-piercing Ammunition" (H.P. 643) (L.D. 874) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representatives: CARR of Sanford, KERR of Old Orchard Beach, KUTASI of Bridgton, PLOURDE of Biddeford, REED of Dexter, VIGUE of Winslow, YOUNG of Limestone)

Bill "An Act to Reduce the Influence of Money in Elective Politics" (H.P. 647) (L.D. 878) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Representatives: AHEARNE of Madawaska, BOWERS of Washington, BRUNO of Raymond, COFFMAN of Old Town, HILLOCK of Gorham, JOY of Island Falls, KUTASI of Bridgton, LINDAHL of Northport, TUFTS of Stockton Springs, VIGUE of Winslow, YOUNG of Limestone)

Bill "An Act Implementing Comprehensive Election Reform" (H.P. 678) (L.D. 916) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representatives: BENNETT of Norway, OTT of York, STEVENS of Sabattus, Senator: CAREY of Kennebec)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Establish the Town Line between Vassalboro and China" (H.P. 634) (L.D. 865) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Senator BUSTIN of Kennebec and Representative: CHASE of China)

Ordered Printed.
Sent up for Concurrence.

Aging, Retirement and Veterans

Bill "An Act to Update and Modify the Appointment Process to the Board of Trustees of the Maine Veterans' Homes" (H.P. 641) (L.D. 872) (Presented by Representative HEINO of Boothbay) (Cosponsored by Representatives: JALBERT of Lisbon, LOOK of Jonesboro, SPEAR of Nobleboro, Senator: VOSE of Washington)

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

On motion of Representative Joseph of Waterville, was referred to the Committee on Aging, Retirement and Veterans, ordered printed and sent up for concurrence.

State and Local Government

Bill "An Act to Limit Terms of State Office Holders" (H.P. 672) (L.D. 910) (Presented by Representative BENNETT of Norway) (Cosponsored by Representatives: FOSS of Yarmouth, PENDEXTER of Scarborough, Senator: HALL of Piscataquis)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Resolve, to Establish a Land Swap in Carrabassett Valley (H.P. 632) (L.D. 863) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representatives: ANDERSON of Woodland, GOULD of Greenville, JACQUES of Waterville, LORD of Waterboro)

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

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

Taxation

Bill "An Act Related to the State Valuation of the Town of Limestone" (EMERGENCY) (H.P. 638) (L.D. 869) (Presented by Representative YOUNG of Limestone)

(Cosponsored by Senator PARADIS of Aroostook and Representatives: CAMPBELL of Holden, DiPIETRO of South Portland, MURPHY of Berwick, TARDY of Palmyra, Senator: KIEFFER of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Bill "An Act to Collect State Sales Tax" (H.P. 655) (L.D. 893) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Representatives: CAMPBELL of Holden, FITZPATRICK of Durham, JOSEPH of Waterville, KUTASI of Bridgton, PENDLETON of Scarborough, SPEAR of Nobleboro, TUFTS of Stockton Springs)

REPORTS OF COMMITTEES

Ought to Pass as Amended

Bill "An Act to Provide a Tax Exemption for Electronic Ministries" (H.P. 658) (L.D. 896) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative: MURPHY of Berwick)

Representative RUHLIN from the Committee on Labor on Bill "An Act to Facilitate the Payment and Collection of Safety Education and Training Fund Assessments" (H.P. 369) (L.D. 472) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-53)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-53) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, March 16, 1993.

Ordered Printed.
Sent up for Concurrence.

Ought to Pass as Amended

Transportation

Bill "An Act Concerning Renewal Registration of Motor Vehicles" (H.P. 637) (L.D. 868) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representatives: BAILEY of Township 27, FARNUM of South Berwick, PLOURDE of Biddeford, TOWNSEND of Eastport)

Representative RUHLIN from the Committee on Labor on Bill "An Act to Coordinate Public Sector Occupational Health and Safety Regulations" (H.P. 362) (L.D. 465) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-54)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-54) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, March 16, 1993.

Bill "An Act to Change the Wording on Maine State Automobile License Plates" (H.P. 645) (L.D. 876) (Presented by Representative PFEIFFER of Brunswick) (By Request)

Ought to Pass as Amended

Resolve, to Direct Elected and Appointed Officials of the State to Work to Maintain Canadian Atlantic Railway Service through the State (EMERGENCY) (H.P. 661) (L.D. 899) (Presented by Representative HUSSEY of Milo) (Cosponsored by Senator HALL of Piscataquis and Representatives: ANDERSON of Woodland, BAILEY of Township 27, BAILEY of Farmington, CLARK of Millinocket, CROSS of Dover-Foxcroft, DEXTER of Kingfield, DRISCOLL of Calais, GOULD of Greenville, HICHBORN of Howland, JACQUES of Waterville, MARTIN of Eagle Lake, MICHAUD of East Millinocket, ROTONDI of Athens, THOMPSON of Lincoln, TOWNSEND of Eastport, VIGUE of Winslow, Senators: GOULD of Waldo, VOSE of Washington, WEBSTER of Franklin)

Representative JOSEPH from the Committee on State and Local Government on Resolve, To Authorize the Director of the Bureau of General Services to Transfer in the Name of the State a Certain State Built Water Pipeline in the Town of Boothbay Harbor (H.P. 308) (L.D. 396) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-56)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-56) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, March 16, 1993.

Ordered Printed.
Sent up for Concurrence.

CONSENT CALENDAR

First Day

Utilities

Bill "An Act to Eliminate the Seasonal Legal Researcher Position at the Public Utilities Commission and to Make Certain Other Changes" (H.P. 670) (L.D. 908) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representative: AIKMAN of Poland, Senators: CARPENTER of York, VOSE of Washington) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

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

(S.P. 49) (L.D. 71) Bill "An Act to Establish the Boundary Between Enfield and Passadumkeag" Committee on State and Local Government reporting "Ought to Pass"

(S.P. 132) (L.D. 423) Bill "An Act to Establish a Part of the Boundary Between Enfield and Lowell"

Committee on State and Local Government reporting "Ought to Pass"

(S.P. 136) (L.D. 427) Bill "An Act to Allow Young People to Accompany Their Parents When Voting" Committee on **Legal Affairs** reporting "**Ought to Pass**"

(S.P. 94) (L.D. 248) Bill "An Act to Clarify the Procedures by Which Fees Are Collected under the Petroleum Market Share Act" (EMERGENCY) Committee on **Business Legislation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-41)

(S.P. 40) (L.D. 52) Resolve, to Require the Department of Education to Develop Education Guidelines for Public Schools Committee on **Education** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-42)

(H.P. 26) (L.D. 29) Bill "An Act to Permit Retired Teachers to Rejoin the Teachers Health Insurance Plan after Serving in the Legislature" Committee on **Aging, Retirement and Veterans** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-49)

(H.P. 198) (L.D. 260) Bill "An Act to Require the Use of Standardized Evidence Kits for Cases of Gross Sexual Assault" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-50)

(H.P. 418) (L.D. 537) Resolve, Requiring All State Departments and Agencies to Analyze Unfunded Mandates (EMERGENCY) Committee on **State and Local Government** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-55)

(H.P. 294) (L.D. 382) Bill "An Act to Make the Minimum Age for a Muzzle-loading License the Same as the Minimum Age for a Hunting License" Committee on **Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-57)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 16, 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:

(H.P. 20) (L.D. 22) Bill "An Act to Permit the Use of All-terrain Vehicles by Law Enforcement Officers" (C. "A" H-43)

(H.P. 34) (L.D. 37) Bill "An Act to Amend the Laws Safeguarding Production of Ground Water" (C. "A" H-44)

(H.P. 70) (L.D. 100) Bill "An Act to Classify the Medomak River" (C. "A" H-45)

(H.P. 351) (L.D. 454) Bill "An Act Authorizing the Kennebec County Commissioners to Issue Bonds in the Amount of \$300,000 for Completion of the Renovation and Expansion of the County Jail Building in Augusta" (EMERGENCY)

(H.P. 361) (L.D. 464) Bill "An Act to Amend the Procedure for Settling Disputes on Construction Contract Claims" (C. "A" H-46)

(H.P. 244) (L.D. 323) Bill "An Act to Continue the Franklin County Budget Committee" (C. "A" H-47)

(S.P. 76) (L.D. 177) Bill "An Act to Amend Certain Laws Affecting Waste Discharges by Quasi-municipal Agencies" (C. "A" S-32)

(S.P. 63) (L.D. 125) Bill "An Act to Prohibit the Board of Land Surveyors from Enacting Continuing Education Rules" (C. "A" S-34)

(S.P. 38) (L.D. 50) Bill "An Act to Amend the Requirements for Notice of Public Proceedings of the Public Utilities Commission" (C. "A" S-36)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Regarding Closed Clam Flats" (EMERGENCY) (H.P. 18) (L.D. 20) (H. "A" H-48 to C. "A" H-41)

Bill "An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods" (S.P. 53) (L.D. 74) (C. "A" S-35)

Were reported by the Committee on Bills in the **Second Reading**, read the second time, the Senate Paper was Passed to be Engrossed as Amended in concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENACTED

An Act Related to Private Facilities in the Public Way (S.P. 71) (L.D. 133) (C. "A" S-27)

An Act to Amend the Laws Governing the Publication of Municipal Annual Reports (H.P. 102) (L.D. 144)

Were 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.

FINALLY PASSED

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) (S. "A" S-30)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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 Amend the Confidentiality Provisions of the Maine Juvenile Code" (EMERGENCY) (S.P. 251) (L.D. 770) (Governor's Bill)

TABLED - March 10, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

Representative Larrivee of Gorham offered House Amendment "A" (H-60) and moved its adoption.

House Amendment "A" (H-60) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-60) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Amend the Lounge License Provisions" (H.P. 19) (L.D. 21) which was passed to be engrossed in the House on February 17, 1993 and came from the Senate with the Bill and accompanying papers indefinitely postponed 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.

(At Ease to Gong)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-40) on Bill "An Act to Abolish the Board of Licensure of Railroad Personnel" (S.P. 98) (L.D. 251) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill; Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by

Committee Amendment "A" (S-40), which was tabled earlier in the day and later today assigned pending acceptance of either report.

On motion of Representative Hogle of Portland, the Majority "Ought to Pass" as Amended Report was accepted, the bill read once.

Committee Amendment "A" (S-40) was read by the Clerk and adopted and the Bill was assigned for Second Reading, Tuesday, March 16, 1993.

The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-39) on Bill "An Act to Require the State to Pay for Mediation Sessions" (S.P. 107) (L.D. 310) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill; Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-39) which was tabled earlier in the day and later today assigned pending the motion of Representative Ruhlin of Brewer that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Men and Women of the House: I didn't have a chance to come in here and speak to you during your Democratic caucus because I was in my Republican caucus so I couldn't be two places at once - I really wish I could.

I think this issue comes down to an issue of priorities. I want to speak to you about it just for a moment.

Does the state need to pay for mediation? That is the question that we are discussing today, does the state need to pay for mediation? Should it? No one argues that mediation doesn't work, it definitely works. It is a fantastic method to resolve disputes, that is not in question here at all. Mediation is a service and it certainly provides a benefit to those parties that are seeking mediation, but I believe those parties should split the cost, share the payment for those services and benefits. They already have been for the past year.

Passage of this proposal would change the way we are not funding mediation at the current time. The parties are currently splitting the cost for mediation, I want you to know that.

There has been no noticeable drop in mediation cases since the parties have been asked to split the cost of mediation. I am a former member of the Maine Labor Relations Board, which some of you people know, and I have been on the board for the last two years. I have spoken to some people on the board, they concur there has been no change at all in the mediation cases since the two parties involved have been asked to pick up the cost.

Second, I believe that if this bill was in front of the Appropriations Committee today (this is my opinion now) with a price tag of \$43,000, I don't think it would get by. That is just my opinion.

The state has not been paying for this service. Should we pick up the tab now? Should we pick up the tab after this legislature has asked me to vote, for instance, to reduce payments to AFDC recipients or

lower outlays to those in need of mental health services? No, I just can't accept these kinds of priorities and it would be impossible for me to vote that way.

I hope that some of the members of the House will feel the same way that I do.

Locally, I think there are some great built-in incentives to the current method of the parties splitting the cost. When the mediation shows up on a local budget instead of a state budget, the local people fight to keep the mediation costs down or they even push to avoid mediation, arbitration or court costs altogether. It is another good reason I think to settle labor negotiations and avoid mediation, arbitration, etcetera.

Mediation works but the payment mechanism that we are asking for in this bill does not. It is my hope that you will say no to more needless state spending. Aren't those the decisions that we are supposed to be making here? There is no comfort in the fact that committee members voted a certain way on this bill. There is comfort in the fact that your vote will allow us to spend money somewhere else where it is needed for people that cannot afford services.

So, the question is, should the state begin to pick up this tab? I believe the answer is no. I realize that I am going it alone on this particular one but I feel like I am in a pretty good position to say that, so I am asking for your support.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: Twelve members of the Labor Committee on a bipartisan basis felt it is the responsibility of the policy committees of this legislature to decide what is the best policy for the areas within the state, whether it be Labor, Public Utilities or Transportation. The Labor Committee deals with what is best to keep the social labor fabric of this state at peace, to continue, hopefully, the good feeling in labor. You do that by encouraging mediation.

We felt, as a committee, again both Republicans and Democrats, 12 out of 13 felt that they should be making the policy statement, a policy statement which has a long history of success in the State of Maine. That history has been that the state will never pay for all mediation unless it is very brief mediation, but it will start the first two or three sessions of mediation to encourage the two parties to come together at that table, to bring about that social peace that labor feels we need. That has worked. The number of cases over the years has remained somewhat constant. Over the years, the solution had a nice ratio of solutions to the number of cases.

What we have seen in the past two years is because of the stressed financial situation of this state, we have had cutbacks in the budget. When people look at services — the gentleman from Buxton was absolutely correct, I would rather not see this service than have a child go hungry. I would rather end this service than see the educational system cut back.

Of course, we have to establish priorities, that is what the whole chamber does together, they do it after the Appropriations Committee has made the recommendations. The Labor Committee's job is recommending to this legislature what good policy is in the field of labor. That is why we have made the

recommendations that we have.

In the last two years, how has it worked? It is true the number of cases going to mediation has not increased or decreased but the key factor is, what about the solution? The successful conclusion to those mediations, and I hold because some of them have been delayed, are off 30 some odd percent. That is the thing that you should be asking yourself. When you ask that question, I really feel that solutions, you will have to agree, are really what we should be looking for. We should be looking for a statement of policy. If this legislature passes this policy, it will be up to Appropriations and then again the full legislature to put a weight on that value. Is it going to be funded this year? I don't know. But, the committee of responsibility feels by a vote of 12 to 1 that it is our recommendation to you that the good labor policy in the State of Maine is to advocate the funding of this position.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill does restore funding for state provided mediation services under the Municipal Public Employees Relation Law. This restores state funding for only up to three days. The cost of any mediation beyond three days must be equally shared by the parties.

During the 115th Legislative session, state funding was eliminated for a number of services that were offered through the Maine Labor Relations Board. You have to remember that mediation is considered by all to be a very successful method for disputed resolutions.

I ask you to support the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

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

Is there a fiscal note on this bill and how much would that be if anyone knows?

The SPEAKER: The Representative from Bethel, Representative Barth, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I thank you for the question Representative Barth. There is a fiscal note, I don't have it right in front of me, but it is very close to \$44,000.

Excuse me, I have that fiscal note (it was another fiscal note that I was thinking about) — give me two minutes and I will get back to you with the right answer.

The SPEAKER: The Chair would advise the Representative from Brewer, Representative Ruhlin, and members of the House that he is absolutely correct. The amount of money is \$43,570.

Representative RUHLIN: Then I got that answer confused with another fiscal note I had before me a few minutes ago. I will go back to my original answer, around \$44,000.

The SPEAKER: The Chair recognizes the Representative from Mount Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, you addressed my concerns with your answer.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of

the Representative from Brewer, Representative Ruhlin, that the House accept the Majority "Ought to Pass" as Amended Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 56 in the negative, the Majority "Ought to Pass" as Amended Report was accepted, the bill read once.

Committee Amendment "A" (S-39) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, March 16, 1993.

On motion of Representative MacBride of Presque Isle,

Adjourned at 5:30 p.m. until Tuesday, March 16, 1993, at ten o'clock in the morning.

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

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Housing and Economic Development

Bill "An Act to Establish the Maine Promotion Council Cooperative" (H.P. 642) (L.D. 873) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsored by Representative GWADOSKY of Fairfield, President DUTREMBLE of York and Representatives: MARTIN of Eagle Lake, PARADIS of Augusta, WHITCOMB of Waldo, Senators: BUSTIN of Kennebec, CAHILL of Sagadahoc, CARPENTER of York, ESTY of Cumberland, FOSTER of Hancock)

Ordered Printed.
Sent up for Concurrence.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Confidentiality Provisions of the Maine Juvenile Code (S.P. 251) (L.D. 770) (Governor's Bill) (H. "A" H-60)

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. 129 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.

(Off Record Remarks)