

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
34th Legislative Day
Thursday, April 1, 1993

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

Prayer by the Honorable Marge Kilkelly of Wiscasset.

The Journal of Tuesday, March 30, 1993, was read and approved.

SENATE PAPERS

Bill "An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System" (S.P. 360) (L.D. 1074)

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

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

Bill "An Act to Clarify Ambiguous Language and Correct Errors in Licensing Procedures and Requirements for Licensees Regulated by the Superintendent of Insurance" (S.P. 361) (L.D. 1075)

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

Was referred to the Committee on **Banking and Insurance** in concurrence.

Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services" (S.P. 356) (L.D. 1070)

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

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

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

Bill "An Act to Create a Student Seat on the Board of Trustees of the Maine Maritime Academy" (S.P. 359) (L.D. 1073)

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

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

Ought to Pass

Report of the Committee on **Marine Resources** reporting "**Ought to Pass**" on Bill "An Act to Amend the Laws Concerning Transfers of Commercial Moorings" (S.P. 166) (L.D. 558)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-51).

Report was read and accepted, the bill read once. Senate Amendment "A" (S-51) was read by the Clerk and adopted and the Bill assigned for second reading Monday, April 5, 1993.

Non-Concurrent Matter

Bill "An Act to Establish the Public Advocate Regulatory Fund Assessment for the Next Biennium" (EMERGENCY) (H.P. 786) (L.D. 1059) which was referred to the Committee on **Utilities** in the House on March 29, 1993.

Came from the Senate referred to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and specially assigned for Monday, April 5, 1993.

Non-Concurrent Matter

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) (C. "A" H-31) which was passed to be enacted in the House on March 25, 1993.

Came from the Senate, failing of passage to be enacted in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and specially assigned for Monday, April 5, 1993.

COMMUNICATIONS

The following Communication:

ADVISORY COMMISSION ON RADIOACTIVE WASTE
STATE HOUSE STATION 120
AUGUSTA, MAINE 04333

March 23, 1993

Hon. John L. Martin
Speaker of the House
State House Station #2
Augusta, ME 04333

Dear Speaker Martin:

The accompanying document is the Advisory Commission on Radioactive Waste's annual report for the calendar year 1992. This report is submitted to you in accordance with 38 M.R.S.A. 1453(4), which requires the Advisory Commission to "report to the Governor and the Legislature annually, during the regular legislative session and at other times as necessary."

The Advisory Commission's office is on the third floor of the Maine State Retirement System building at the corner of Sewall and Capitol streets. The office telephone number is 287-3059. If no one answers (the staff is mostly part-time), our toll-free telephone number, 1-800-453-4013, is connected to a 24-hour answering machine. You are cordially invited to call whenever you or your constituents need information about radioactive waste management.

Sincerely,

S/Rep. James Mitchell
Chair
Advisory Commission on
Radioactive Waste

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF LABOR
Bureau of Labor Standards
State House Station #45
Augusta, Maine 04333-0045

March 30, 1993

The Honorable John L. Martin
Speaker of the House
116th Maine Legislature
State House Station #2
Augusta, ME 04333

Dear Speaker Martin:

I am pleased to submit the fourth annual report on substance abuse testing in Maine, in accordance with 26 M.R.S.A. Section 690.

The report covers the calendar year 1992 which was the third full year under the law.

This report was prepared by the Department of Labor, with the assistance of Philip Haines, Ph.D., Director, Health and Environmental Testing Laboratory, Department of Human Services and Thomas Hughes, Employee Assistance Program Coordinator, Office of Substance Abuse. The cooperative efforts of both Dr. Haines, Mr. Hughes, and William Peabody, Deputy Director, Bureau of Labor Standards, goes a long way in explaining the progress to-date in the successful implementation of the law.

If you have any questions or comments about this report, please do not hesitate to contact me at 624-6400.

Sincerely,

S/James H. McGowan
Director

Was read and with accompanying report ordered placed on file.

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

SENATE PAPER

Ought to Pass as Amended

Report of the Committee on Labor reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-54) on Bill "An Act to Preserve the Solvency of the Unemployment Compensation Fund" (EMERGENCY) (S.P. 326) (L.D. 978) (Governor's Bill)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-54).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-54) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Men and Women of the House: I would like to request some information. Is the unemployment fund in debt? I seem to recall last year that there was a \$200 million deficit. I would like to know a little bit more about this, whether the deficit still exists and what impact this is going to have on it?

The SPEAKER PRO TEM: Representative Lipman of Augusta has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I appreciate the good Representative's questions, they are worthwhile questions. We had intended to enter into the Record at the point of enactment the complete history of this particular legislation. I will be more than glad to do it right now.

This bill, which is accompanied by a unanimous Committee Report, recognizes that as of today the Unemployment Compensation Fund in the State of Maine is broke. We have a process whereby we can borrow — and the good legislator was right, it was \$210 million — that is not there, it is not a deficit at this point. At this point, it is at zero balance, officially.

Once we have this document passed, it will enable us to go to the federal government and borrow approximately some \$30 million, interest free, for about a two month period. This bill enables us to do that but the other thing it does, and the really important thing that it does, is it changes the funding mechanism for this trust fund. It adjusts it so that some of the benefits that the unemployed have

received will be reduced.

In other words, we have been trying to take too much out due to the recession and that is why we are broke. We have got to do something to replenish it. There are two ways of doing that, one is by reducing the benefits, the other is by increasing the unemployment taxes that the employers pay in the State of Maine. This would have been, I think, potentially a very contentious and divisive issue to come before the legislative body.

What I am very pleased to report to this body is that the Advisory Council to the Unemployment Trust Fund, consisting of people of various philosophical backgrounds and differences in the State of Maine, labor, management, employers and so forth, over a period of months with difficult discussions in negotiations, negotiated a package that was unanimously accepted by their Advisory Council and they brought it to the Labor Committee.

So often we hear about government always being at loggerheads and so forth — I really feel and want it to show on the Record that this Advisory Council or group did an outstanding job and everybody gave. I guess that is the spirit of a true compromise. But, in the process of everybody giving, we will now be able to go to the federal government, borrow money on a short-term basis, interest free, to allow the trust fund to keep working and, in the meantime, start the replenishment process which would repay those funds over that time period.

I hope that this, although lengthy, fully answers the Representative from Augusta's question.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-54) in concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Aging, Retirement and Veterans

Bill "An Act to Change the Base Period for Calculation of Maine State Retirement System Benefits" (H.P. 814) (L.D. 1100) (Presented by Representative VIGUE of Winslow) (Cosponsored by Senator CAREY of Kennebec and Representatives: AHEARNE of Madawaska, DUTREMBLE of Biddeford, JALBERT of Lisbon, JOY of Island Falls, TUFTS of Stockton Springs, Senator: LUTHER of Oxford)

Bill "An Act to Change the Nomination Procedure of the Board of Trustees of the Maine State Retirement System" (H.P. 824) (L.D. 1110) (Presented by Representative VIGUE of Winslow) (Cosponsored by Representatives: AHEARNE of Madawaska, DiPIETRO of South Portland, DUTREMBLE of Biddeford, JALBERT of Lisbon, PLOURDE of Biddeford, TARDY of Palmyra, Senator: CAREY of Kennebec)

Bill "An Act to Improve the Functions and

Operations of the Maine State Retirement System" (H.P. 831) (L.D. 1117) (Presented by Representative WENTWORTH of Arundel) (Cosponsored by Representatives: JALBERT of Lisbon, QUINT of Paris, Senators: McCORMICK of Kennebec, TITCOMB of Cumberland) (Submitted by the Maine State Retirement System pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Audit and Program Review

Bill "An Act to Reform the Audit and Program Review Process" (H.P. 849) (L.D. 1154) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senator: BERUBE of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Require Insurers to Obtain Written Consent from the Policy Owner before Transferring a Policy to Another Insurer" (H.P. 829) (L.D. 1115) (Presented by Representative CARLETON of Wells) (Cosponsored by Representative: PINEAU of Jay)

Bill "An Act to Allow Elementary and Secondary Schools to Obtain Insurance Coverage through the Risk Management Division within the Bureau of General Services" (H.P. 832) (L.D. 1118) (Presented by Representative CHASE of China) (Cosponsored by Representative: MITCHELL of Vassalboro)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act Related to Suppliers of Compressed Air for Breathing" (H.P. 816) (L.D. 1102) (Presented by Representative PENDEXTER of Scarborough) (Cosponsored by Representative: BRENNAN of Portland, Senators: BALDACCI of Penobscot, FOSTER of Hancock) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Bill "An Act to Amend the Laws Regulating the Practice of Optometry" (H.P. 846) (L.D. 1151) (Presented by Representative HOGLUND of Portland) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, ALIBERTI of Lewiston, BOWERS of Washington, BRENNAN of Portland, CARROLL of Gray, CATHCART of Orono, CLEMENT of Clinton, COLES of Harpswell, DAGGETT of Augusta, DORE of Auburn, ERWIN of Rumford, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, FITZPATRICK of Durham, GEAN of Alfred, GWADOSKY of Fairfield, HATCH of Skowhegan, HOLT of Bath, KILKELLY of Wiscasset, LARRIVEE of Gorham, MICHAEL of Auburn, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, OLIVER of Portland, PINEAU of Jay, RAND of Portland, RICHARDSON of Portland,

ROTONDI of Athens, RUHLIN of Brewer, SAXL of Bangor, SIMONEAU of Thomaston, ST. ONGE of Greene, STEVENS of Orono, TARDY of Palmyra, TOWNSEND of Portland, TOWNSEND of Eastport, TOWNSEND of Canaan, WINN of Glenburn, Senators: BRANNIGAN of Cumberland, CAREY of Kennebec, CIANCHETTE of Somerset, CONLEY of Cumberland, LUTHER of Oxford, MARDEN of Kennebec (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Provide Additional Funds to Educate Certain At-risk Students" (H.P. 841) (L.D. 1146) (Presented by Representative ROWE of Portland) (Cosponsored by Representative TOWNSEND of Portland, Senator PARADIS of Aroostook and Representatives: ADAMS of Portland, ALIBERTI of Lewiston, BEAM of Lewiston, BRENNAN of Portland, COFFMAN of Old Town, DiPIETRO of South Portland, FAIRCLOTH of Bangor, HOGLUND of Portland, LEMONT of Kittery, MICHAEL of Auburn, PARADIS of Augusta, RAND of Portland, RICHARDSON of Portland, SULLIVAN of Bangor, Senator: BRANNIGAN of Cumberland)

Resolve, to Make Public School Teachers Employees of the State (H.P. 826) (L.D. 1112) (Presented by Representative CARR of Sanford) (Cosponsored by Representatives: KUTASI of Bridgton, SIMONEAU of Thomaston, YOUNG of Limestone)

Resolve, to Extend the Commission to Study the Feasibility of a Capital Cultural Center and to Establish an Advisory Committee to the Commission (EMERGENCY) (H.P. 827) (L.D. 1113) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: DAGGETT of Augusta, MITCHELL of Vassalboro, NORTON of Winthrop, PARADIS of Augusta)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Authorize State Agencies to Accept Funds for a Natural Gas Vehicle Demonstration Project" (H.P. 819) (L.D. 1105) (Presented by Representative KONTOS of Windham)

Bill "An Act to Improve the Administration of the Landfill Closure Program" (EMERGENCY) (H.P. 848) (L.D. 1153) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representatives: COLES of Harpswell, MARSH of West Gardiner, Senator: CIANCHETTE of Somerset)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Amend the Laws Governing Resident Fishing Licenses" (H.P. 833) (L.D. 1138) (Presented by Representative NORTON of Winthrop) (Cosponsored by Senator BUTLAND of Cumberland and Representatives: CONSTANTINE of Bar Harbor, KUTASI of Bridgton, Senator: SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Resolve, Relating to Preparation for Defense Conversion (H.P. 821) (L.D. 1107) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: BRENNAN of Portland, CASHMAN of Old Town, TOWNSEND of Portland)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Sexual Assault Laws" (H.P. 823) (L.D. 1109) (Presented by Representative CATHCART of Orono) (Cosponsored by Representatives: BENNETT of Norway, COTE of Auburn, MORRISON of Bangor, OTT of York, PARADIS of Augusta, Senators: HANLEY of Oxford, PINGREE of Knox)

Bill "An Act to Provide Victims of Medical Injury Access to Information" (H.P. 837) (L.D. 1142) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representatives: MORRISON of Bangor, STROUT of Corinth)

Bill "An Act to Change the Maine Rules of Evidence That Currently Allow the Admission of Subsequent Remedial Measures as Evidence of Negligence" (H.P. 840) (L.D. 1145) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representatives: KERR of Old Orchard Beach, NASH of Camden, PLOURDE of Biddeford)

Bill "An Act to Amend the Power of Sale Foreclosure Laws" (H.P. 843) (L.D. 1148) (Presented by Representative FARNSWORTH of Hallowell)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Amend the Child Labor Laws" (H.P. 822) (L.D. 1108) (Presented by Representative AIKMAN of Poland) (Cosponsored by Representative: ST. ONGE of Greene, Senator: BEGLEY of Lincoln) (Submitted by the Department of Labor pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act Concerning Railroad Personnel" (H.P. 834) (L.D. 1139) (Presented by Representative HUSSEY of Milo) (Cosponsored by Senator HALL of Piscataquis and Representatives: CARROLL of Gray, DiPIETRO of South Portland, DRISCOLL of Calais, GOULD of Greenville, KERR of Old Orchard Beach, TARDY of Palmyra, TOWNSEND of Eastport, Senators: VOSE of Washington, WEBSTER of Franklin)

(The Committee on Reference of Bills had suggested reference to the Committee on Labor was suggested)

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

Labor

Bill "An Act Concerning the Working Hours of Minors" (H.P. 839) (L.D. 1144) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representatives: MARSHALL of Eliot, SULLIVAN of Bangor, Senators: HANDY of Androscoggin, SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Encourage Participation in Primary Elections" (H.P. 815) (L.D. 1101) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Representative: TUFTS of Stockton Springs)

Bill "An Act to Amend the Landfill Laws" (H.P. 817) (L.D. 1103) (Presented by Representative GREENLAW of Standish) (Cosponsored by Representatives: JACQUES of Waterville, LIBBY of Buxton, Senator: HANLEY of Oxford)

Bill "An Act to Ensure the Voting Rights of Homeless People" (H.P. 818) (L.D. 1104) (Presented by Representative GEAN of Alfred) (Cosponsored by Representatives: FARNSWORTH of Hallowell, HOGLUND of Portland, OLIVER of Portland, Senator: CONLEY of Cumberland)

Bill "An Act to Amend the Laws Governing the Training and Certification of Law Enforcement Officers" (H.P. 828) (L.D. 1114) (Presented by Representative KONTOS of Windham)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act to Amend the Laws Relating to the Lobster Promotion Council" (H.P. 842) (L.D. 1147)

(Presented by Representative MITCHELL of Freeport) (Cosponsored by Representatives: COLES of Harpswell, HEINO of Boothbay, LEMONT of Kittery, SKOGLUND of St. George, Senators: GOULD of Waldo, PINGREE of Knox)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Require Renegotiation of State Leases for Real Property" (H.P. 835) (L.D. 1140) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senator: BERUBE of Androscoggin)

Bill "An Act Allowing the Town of Hermon to Convey Certain Property within the Town" (H.P. 836) (L.D. 1141) (Presented by Representative WINN of Glenburn) (Cosponsored by Senator: CIANCHETTE of Somerset)

Bill "An Act to Promote Electronic Transfer of Funds and Other Information System Improvements in State Government" (H.P. 845) (L.D. 1150) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Senator: BERUBE of Androscoggin)

Resolve, to Promote Joint Purchasing by Nonprofit Organizations (H.P. 820) (L.D. 1106) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: BEAM of Lewiston, BRUNO of Raymond, CARROLL of Gray, FAIRCLOTH of Bangor, FITZPATRICK of Durham, KONTOS of Windham, MARTIN of Eagle Lake, MITCHELL of Vassalboro, SIMONDS of Cape Elizabeth, Senators: AMERO of Cumberland, HARRIMAN of Cumberland, PARADIS of Aroostook)

Resolve, to Create the Commission to Establish Criteria and Qualifications for Certain State Officers (EMERGENCY) (H.P. 825) (L.D. 1111) (Presented by Representative LIBBY of Buxton)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Incorporate the Circuit Breaker Program into the Income Tax Process" (H.P. 813) (L.D. 1099) (Presented by Representative BOWERS of Washington) (Cosponsored by Representatives: GRAY of Sedgwick, KILKELLY of Wiscasset, LEMKE of Westbrook, Senators: CAREY of Kennebec, HANDY of Androscoggin)

Bill "An Act to Amend the Tree Growth and Open Space Laws" (H.P. 830) (L.D. 1116) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Representatives: BOWERS of Washington, SKOGLUND of St. George, SPEAR of Nobleboro, Senator: PINGREE of Knox)

Bill "An Act Concerning the Definition of Telecommunications Under the Tax Laws" (H.P. 838) (L.D. 1143) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representative: HOGLUND of Portland, Senator: BUSTIN of Kennebec)

Bill "An Act to Amend the Enforcement Provisions of the Bureau of Taxation" (H.P. 844) (L.D. 1149) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: HOGLUND of Portland, MURPHY of Berwick, RAND of Portland, SPEAR of Nobleboro, Senators: CARPENTER of York, CIANCHETTE of Somerset, SUMMERS of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Clarify the Authority of the Department of Transportation to Determine Condition of Property Prior to Acquiring" (EMERGENCY) (H.P. 847) (L.D. 1152) (Presented by Representative STROUT of Corinth) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

Reported Pursuant to Public Law

Representative JALBERT for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Aging, Retirement and Veterans' Matters" (H.P. 798) (L.D. 1084) be referred to the Joint Standing Committee on **Aging, Retirement and Veterans** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Aging, Retirement and Veterans**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative TARDY for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Agriculture Matters" (H.P. 799) (L.D. 1085) be referred to the Joint Standing Committee on **Agriculture** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Agriculture**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative CHONKO for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Appropriations and

Financial Affairs" (H.P. 800) (L.D. 1086) be referred to the Joint Standing Committee on **Appropriations and Financial Affairs** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Appropriations and Financial Affairs**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative PINEAU for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Banking and Insurance Matters" (H.P. 801) (L.D. 1087) be referred to the Joint Standing Committee on **Banking and Insurance** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Banking and Insurance**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative HOGLUND for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Business Legislation Matters" (H.P. 802) (L.D. 1088) be referred to the Joint Standing Committee on **Business Legislation** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Business Legislation**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative MITCHELL for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Education Matters" (H.P. 803) (L.D. 1089) be referred to the Joint Standing Committee on **Education** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Education**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative JACQUES for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its

findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Energy and Natural Resource Matters" (H.P. 804) (L.D. 1090) be referred to the Joint Standing Committee on **Energy and Natural Resources** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Energy and Natural Resources**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative ROTONDI for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Fisheries and Wildlife Matters" (H.P. 805) (L.D. 1091) be referred to the Joint Standing Committee on **Fisheries and Wildlife** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Fisheries and Wildlife**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative MELENDY for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Housing and Economic Development Matters" (H.P. 806) (L.D. 1092) be referred to the Joint Standing Committee on **Housing and Economic Development** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Housing and Economic Development**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative TREAT for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Human Resources" (H.P. 807) (L.D. 1093) be referred to the Joint Standing Committee on **Human Resources** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Human Resources**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative COTE for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Judiciary Matters" (H.P. 808) (L.D. 1094) be referred to the Joint Standing Committee on **Judiciary** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Judiciary**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative MITCHELL for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Marine Resources Matters" (H.P. 809) (L.D. 1095) be referred to the Joint Standing Committee on **Marine Resources** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Marine Resources**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative JOSEPH for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on State and Local Government Matters" (H.P. 810) (L.D. 1096) be referred to the Joint Standing Committee on **State and Local Government** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **State and Local Government**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative O'GARA for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Transportation Matters" (H.P. 811) (L.D. 1097) be referred to the Joint Standing Committee on **Transportation** for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on **Transportation**, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative CLARK for the Department of the Secretary of State, pursuant to Public Law 1991, chapter 844, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act Repealing Advisory Boards on Utilities Matters" (H.P. 812) (L.D. 1098) be referred to the Joint Standing Committee on Utilities for public hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the bill referred to the Committee on Utilities, ordered printed and sent up for concurrence.

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

ORDERS

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

ORDERED, that Representative Wendy L. Ault of Wayne be excused February 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Gail M. Chase of China be excused March 30 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Larrivee of Gorham be excused March 30 for health reasons.

AND BE IT FURTHER ORDERED, that Representative John F. Marsh of West Gardiner be excused March 22 to 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Calvin A. Thompson of Lincoln be excused March 22 to 25 for health reasons and March 30 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Refer to the Committee on Business Legislation

Representative PINEAU from the Committee on Banking and Insurance on 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) reporting that it be referred to the Committee on Business Legislation.

Report was read and accepted and the bill referred to the Committee on Business Legislation and sent up for concurrence.

Ought to Pass as Amended

Representative PLOURDE from the Committee on Transportation on Bill "An Act to Amend the Laws Governing the Dimming of Lights When Following Vehicles" (H.P. 498) (L.D. 656) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-87)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-87) was read by the Clerk and adopted and the bill assigned for second reading Monday, April 5, 1993.

Ought to Pass as Amended

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Change the Definition of Beverage Container for the Purposes of Recycling" (H.P. 306) (L.D. 394) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-96)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-96) was read by the Clerk and adopted and the bill assigned for second reading Monday, April 5, 1993.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Regarding Bow Hunting" (H.P. 382) (L.D. 495)

Signed:

Senator: LUTHER of Oxford

Representatives: CLARK of Millinocket
 FAREN of Cherryfield
 HEINO of Boothbay
 JACQUES of Waterville
 LARRIVEE of Gorham
 NICKERSON of Turner
 SWAZEY of Bucksport
 TRACY of Rome

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-85) on same Bill.

Signed:

Senator: HALL of Piscataquis

Representative: ROTONDI of Athens

Reports were read.

Representative Rotondi of Athens moved that the House accept the Minority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Minority "Ought to Pass" Report and specially assigned for Monday, April, 5, 1993.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Preserve the Solvency of the Unemployment Compensation Fund (S.P. 326) (L.D. 978) (Governor's Bill) (C. "A" S-54)

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. 120 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

By unanimous consent, was 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:

(H.P. 43) (L.D. 59) Bill "An Act to Change the Manner in Which Debt Service on Jail Facility Bonds Is Repaid to Counties" Joint Select Committee on Corrections reporting "Ought to Pass"

On motion of Representative Larrivee of Gorham, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once and assigned for Second Reading Monday, April 5, 1993.

(H.P. 544) (L.D. 740) Bill "An Act to Amend the Laws Exempting Aseptic Packaging of Milk Substitutes" Committee on Energy and Natural Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Monday, April 5, 1993, under the listing of Second Day.

(H.P. 62) (L.D. 92) Bill "An Act to Provide for Water Rights to the Town of New Gloucester" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-88)

On motion of Representative Clark of Millinocket, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-88) was read by the Clerk.

On motion of Representative Gwadosky of Fairfield, tabled Unassigned pending adoption of Committee Amendment "A" (H-88).

(H.P. 176) (L.D. 228) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-92)

(H.P. 223) (L.D. 291) Bill "An Act to Prohibit Conflicts of Interest for Consultants Hired by the State" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-93)

(H.P. 493) (L.D. 651) Bill "An Act to Promote Safety of School Buses" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-94)

(H.P. 467) (L.D. 604) Bill "An Act to Reaffirm the Prohibition of Spaghetti-lots" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-95)

(H.P. 601) (L.D. 816) Bill "An Act to Eliminate the Bureau of Public Administration" Committee on State and Local Government reporting "Ought to Pass"

(H.P. 228) (L.D. 296) Bill "An Act to Amend the Hunting Laws" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-99) (Representative FARREN of Cherryfield - of the House - Abstained)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, April 5, 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. 200) (L.D. 262) Bill "An Act to Amend the Membership of the State Employee Health Commission" (C. "A" H-82)

(H.P. 150) (L.D. 202) Bill "An Act to Deter Felons from Carrying Firearms during the Maine Hunting Season" (C. "A" H-83)

(H.P. 385) (L.D. 498) Bill "An Act to Transfer the Predetermination of Independent Contractor Status Responsibility in the Workers' Compensation Laws" (C. "A" H-84)

(H.P. 83) (L.D. 113) Bill "An Act to Create a Program to Promote the Purchase of State-grown Produce by Needy Persons" (EMERGENCY) (C. "A" H-86)

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 ENGROSSED

As Amended

Bill "An Act to Improve Compliance with the Laws Governing Financial Responsibility" (H.P. 312) (L.D. 400) (C. "A" H-81)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as Amended, and sent up for concurrence.

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

TABLED - March 30, 1993 by Representative TREAT of Gardiner.

PENDING - Passage to be Engrossed.

On motion of Representative Gwadodsky of Fairfield, retabled pending passage to be engrossed and specially assigned for Monday, April 5, 1993.

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

SENATE PAPERS

Bill "An Act to Clarify and Amend the Law Regarding Open-end Mortgages" (S.P. 380) (L.D. 1136)

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

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

Bill "An Act to Ensure Access to the University of Maine System" (S.P. 365) (L.D. 1122)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act Concerning Continuous Emission Monitoring Devices" (S.P. 368) (L.D. 1125)

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.

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

SENATE PAPERS

Bill "An Act to Provide Additional Funding for the Department of Inland Fisheries and Wildlife through Increased License Fees" (S.P. 369) (L.D. 1126)

Bill "An Act to Restrict Motorized Traffic on Fitts Pond in Clifton and Eddington" (S.P. 373) (L.D. 1129)

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

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

Bill "An Act to Amend the Law Regarding Rate Setting at Residential Treatment Centers" (S.P. 363) (L.D. 1120)

Bill "An Act to Require the Office of Vital Statistics to Have Death Certificates Issued within a Two-week Period" (S.P. 364) (L.D. 1121)

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

Were referred to the Committee on Human Resources 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 Prohibit Stalking" (EMERGENCY) (S.P. 366) (L.D. 1123) (Governor's Bill)

Bill "An Act to Amend the Laws Governing Desertion and Nonsupport" (S.P. 367) (L.D. 1124)

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act Authorizing Judicial Retirement Service Credit for Service as a Workers' Compensation Commissioner" (S.P. 376) (L.D. 1132)

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

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

Bill "An Act to Implement the Recommendations of the Criminal Law Advisory Commission Regarding Revisions to the Maine Criminal Code" (S.P. 377) (L.D. 1133)

concurrence.

Bill "An Act to Amend the Maine Business Corporation Act" (S.P. 381) (L.D. 1137)

On motion of Representative Young of Limestone,
Adjourned at 5:07 p.m. until Monday, April 5,
1993, at twelve o'clock noon.

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

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

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

SENATE PAPERS

Bill "An Act Concerning Unemployment Insurance" (S.P. 372) (L.D. 1128)

Bill "An Act to Amend the Minimum Safety Standards for Firefighters" (EMERGENCY) (S.P. 374) (L.D. 1130)

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 Concerning the Registration of Tree Farm Vehicles" (S.P. 371) (L.D. 1127)

Bill "An Act to Give Law Enforcement Agencies the Option of Including Red Lights as a Part of Emergency Vehicle Auxiliary Lighting" (S.P. 375) (L.D. 1131)

Bill "An Act to Facilitate the Procurement of License Plates for County-owned Vehicles" (S.P. 378) (L.D. 1134)

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

Were referred to the Committee on **Transportation** 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 Deregulate Consumer-owned Electric Utilities" (S.P. 362) (L.D. 1119)

Bill "An Act to Protect Electric Ratepayers from Unnecessary Rate Increases" (EMERGENCY) (S.P. 379) (L.D. 1135)

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

Were referred to the Committee on **Utilities** in H-379