

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
38th Legislative Day
Monday, April 12, 1993

Secretary of the Senate

Was read and ordered placed on file.

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

Prayer by Pastor Kenneth MacDonald, Lisbon Falls Baptist Church.

National Anthem by the Woodland High School Band.

The Journal of Thursday, April 8, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 8, 1993

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

Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its previous action whereby it Failed to Enact 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)

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 8, 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 confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, Leigh Ingalls Saufley of Portland for appointment as a Justice of the Maine Superior Court.

Sincerely,

S/Joy J. O'Brien

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills 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 Related to Disability Retirement under the Maine State Retirement System" (H.P. 921) (L.D. 1245) (Presented by Representative TUFTS of Stockton Springs) (Submitted by the Maine State Retirement System pursuant to Joint Rule 24.)

Bill "An Act to Amend Laws Administered by the Maine State Retirement System" (H.P. 922) (L.D. 1246) (Presented by Representative BARTH of Bethel) (Cosponsored by Representative VIGUE of Winslow, Senator: TITCOMB of Cumberland) (Submitted by the Maine State Retirement System pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Protect Leaseholders" (H.P. 920) (L.D. 1244) (Presented by Representative TUFTS of Stockton Springs) (Cosponsored by Representatives: DONNELLY of Presque Isle, KNEELAND of Easton)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Add Legal Damages to the Remedies under the Maine Unfair Trade Practices Act" (H.P. 912) (L.D. 1236) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: COTE of Auburn, LIPMAN of Augusta, PARADIS of Augusta, Senator: CONLEY of Cumberland)

Bill "An Act Concerning Child Sexual Abuse Laws" (H.P. 919) (L.D. 1243) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representatives: CATHCART of Orono, HOLT of Bath, JACQUES of Waterville, MORRISON of Bangor, TRACY of Rome, VIGUE of Winslow, Senator: VOSE of Washington)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act Concerning State Claims" (H.P. 911) (L.D. 1235) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representatives: BOWERS of Washington, DAGGETT of Augusta)

Bill "An Act to Exclude Certain Parks from the Definition of Mobile Home Parks" (H.P. 913) (L.D. 1237) (Presented by Representative KNEELAND of Easton) (Cosponsored by Representatives: ANDERSON of Woodland, MacBRIDE of Presque Isle, TUFTS of Stockton Springs, Senator: LUDWIG of Aroostook)

Bill "An Act to Reform Campaign Financing in State Elections" (H.P. 914) (L.D. 1238) (Presented by Representative BENNETT of Norway)

Bill "An Act Concerning Concealed Weapon Permits" (H.P. 918) (L.D. 1242) (Presented by Representative HALE of Sanford) (Cosponsored by Representatives: GRAY of Sedgwick, TOWNSEND of Eastport, TRACY of Rome)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Establish a Uniform Method for Taxation of Personal Property" (H.P. 910) (L.D. 1234) (Presented by Representative FARNSWORTH of Hallowell)

Bill "An Act to Amend the Charter of the East Pittston Water District" (EMERGENCY) (H.P. 915) (L.D. 1239) (Presented by Representative FARNSWORTH of Hallowell)

Bill "An Act to Increase the Stability of the State Sales Tax" (H.P. 916) (L.D. 1240) (Presented by Representative NADEAU of Saco)

Bill "An Act to Amend the Laws Related to the Taxation of Personal Property" (H.P. 917) (L.D. 1241) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: CARROLL of Gray, CLARK of Millinocket, DiPIETRO of South Portland, GWADOSKY of Fairfield, HOGLUND of Portland, KERR of Old Orchard Beach, PLOURDE of Biddeford, STROUT of Corinth, SULLIVAN of Bangor, TARDY of Palmyra, Senators: CAREY of Kennebec, ESTY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Reported Pursuant to the Constitution

Representative MICHAUD for the Legislative Apportionment Commission, pursuant to the Constitution of Maine, Article IV, Part Third, Section 1-A ask leave to submit its findings and to report the accompanying Bill "An Act to Apportion the State's Senate, House of Representatives and Congressional Districts" (H.P. 883) (L.D. 1197)

Report was read.

On motion of Representative Gwadosky of

Fairfield, tabled pending acceptance of the Report and later today assigned.

ORDERS

Later Today Assigned

On motion of Representative STEVENS of Orono, the following Joint Resolution: (H.P. 923) (Cosponsored by Senator O'DEA of Penobscot, Representative CATHCART of Orono and Representatives: ADAMS of Portland, AHEARNE of Madawaska, AIKMAN of Poland, ALIBERTI of Lewiston, ANDERSON of Woodland, AULT of Wayne, BAILEY of Township 27, BAILEY of Farmington, BARTH of Bethel, BEAM of Lewiston, BENNETT of Norway, BOWERS of Washington, BRENNAN of Portland, BRUNO of Raymond, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CARON of Biddeford, CARR of Sanford, CARROLL of Gray, CASHMAN of Old Town, CHASE of China, CHONKO of Topsham, CLARK of Millinocket, CLEMENT of Clinton, CLOUTIER of South Portland, CLUKEY of Houlton, COFFMAN of Old Town, COLES of Harpswell, CONSTANTINE of Bar Harbor, COTE of Auburn, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DEXTER of Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, DRISCOLL of Calais, DUTREMBLE of Biddeford, ERWIN of Rumford, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, FARNUM of South Berwick, FARREN of Cherryfield, FITZPATRICK of Durham, FOSS of Yarmouth, GAMACHE of Lewiston, GEAN of Alfred, GOULD of Greenville, GRAY of Sedgwick, GREENLAW of Standish, GWADOSKY of Fairfield, HALE of Sanford, HATCH of Skowhegan, HEESCHEN of Wilton, HEINO of Boothbay, HICHBORN of Howland, HILLOCK of Gorham, HOGLUND of Portland, HOLT of Bath, HUSSEY of Milo, JACQUES of Waterville, JALBERT of Lisbon, JOHNSON of South Portland, JOSEPH of Waterville, JOY of Island Falls, KERR of Old Orchard Beach, KETTERER of Madison, KILKELLY of Wiscasset, KNEELAND of Easton, KONTOS of Windham, KUTASI of Bridgton, LARRIVEE of Gorham, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Kennebunk, LIBBY of Buxton, LINDAHL of Northport, LIPMAN of Augusta, LOOK of Jonesboro, LORD of Waterboro, MacBRIDE of Presque Isle, MARSH of West Gardiner, MARSHALL of Eliot, MARTIN of Van Buren, MARTIN of Eagle Lake, MELENDY of Rockland, MICHAEL of Auburn, MICHAUD of East Millinocket, MITCHELL of Vassalboro, MITCHELL of Freeport, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, NASH of Camden, NICKERSON of Turner, NORTON of Winthrop, O'GARA of Westbrook, OLIVER of Portland, OTT of York, PARADIS of Augusta, PENDEXTER of Scarborough, PENDLETON of Scarborough, PFEIFFER of Brunswick, PINEAU of Jay, PINETTE of Fort Kent, PLOURDE of Biddeford, PLOWMAN of Hampden, POULIN of Oakland, POULIOT of Lewiston, QUINT of Paris, RAND of Portland, REED of Falmouth, REED of Dexter, RICHARDSON of Portland, RICKER of Lewiston, ROBICHAUD of Caribou, ROTONDI of Athens, ROWE of Portland, RUHLIN of Brewer, RYDELL of Brunswick, SAXL of Bangor, SIMONDS of Cape Elizabeth, SIMONEAU of Thomaston, SKOGLUND of St. George, SMALL of Bath, SPEAR of Nobleboro, ST. ONGE of Greene, STEVENS of Sabattus, STROUT of Corinth, SULLIVAN of Bangor, SWAZEY of Bucksport, TARDY of Palmyra, TAYLOR of Cumberland, THOMPSON of Lincoln, TOWNSEND of Portland, TOWNSEND of Eastport, TOWNSEND of Canaan, TRACY of Rome, TREAT of Gardiner, TRUE of Fryeburg,

TUFTS of Stockton Springs, VIGUE of Winslow, WALKER of Blue Hill, WENTWORTH of Arundel, WHITCOMB of Waldo, WINN of Glenburn, YOUNG of Limestone, ZIRNKILTON of Mount Desert, Senators: AMERO of Cumberland, BALDACCI of Penobscot, BEGLEY of Lincoln, BERUBE of Androscoggin, BRANNIGAN of Cumberland, BUSTIN of Kennebec, BUTLAND of Cumberland, CAHILL of Sagadahoc, CAREY of Kennebec, CARPENTER of York, CIANCHETTE of Somerset, CLEVELAND of Androscoggin, CONLEY of Cumberland, DUTREMBLE of York, ESTY of Cumberland, FOSTER of Hancock, GOULD of Waldo, HALL of Piscataquis, HANDY of Androscoggin, HANLEY of Oxford, HARRIMAN of Cumberland, KIEFFER of Aroostook, LAWRENCE of York, LUDWIG of Aroostook, LUTHER of Oxford, MARDEN of Kennebec, McCORMICK of Kennebec, PARADIS of Aroostook, PEARSON of Penobscot, PINGREE of Knox, SUMMERS of Cumberland, TITCOMB of Cumberland, VOSE of Washington, WEBSTER of Franklin)

JOINT RESOLUTION HONORING THE UNIVERSITY OF MAINE BLACK BEARS HOCKEY TEAM

WHEREAS, the University of Maine's hockey team has capped a record-breaking season by winning the National Collegiate Athletic Association Division 1 championship and bringing home to Maine the first Division 1 team championship of any kind; and

WHEREAS, in a 42-1-2 season filled with glorious moments, the Black Bears saved the best for last, combining their renowned speed and depth, their discipline and their creativity with an extraordinary demonstration of teamwork and perseverance; and

WHEREAS, many members of this team achieved significant individual milestones during the championship series, but never lost sight of their shared dream; and

WHEREAS, along the way to their championship, this team of young men comprised of Reg Cardinal, Barry Clukey, Mike Dunham, Eric Fenton, Chris Ferraro, Peter Ferraro, Tony Frenette, Craig Gwin, Greg Hirsch, Chris Imes, Cal Ingraham, Paul Kariya, Dave LaCouture, Mike Latendresse, Dave MacIsaac, Brad Mahoney, Blair Marsh, Matt Martin, Martin Mercier, Jim Montgomery, Dan Murphy, Brad Purdie, Jack Rodrigue, Kent Salfi, Mike Santonelli, Lee Saunders, Andy Silverman, Garth Snow, Pat Tardif, Chuck Texiera, Jaime Thompson, Justin Tomberlin and Jason Weinrich, head coach Shawn Walsh and coaches Red Gendron, Bruce Major and Grant Standbrook showed not only their prowess in competition, but as ambassadors for the State of Maine, capturing the imagination and support of their host state as well as their home state and country; and

WHEREAS, they have demonstrated not only their athletic skills, but the heart, soul and imagination that sets apart the best of champions; now, therefore, be it

RESOLVED: That We, the Members of the 116th Legislature of the State of Maine, now assembled in the First Regular Session, take this occasion to recognize and celebrate the outstanding victory and achievement of the Maine Black Bears, and to welcome this "team of destiny" home to the State whose honor they have brightened, and to extend our heartiest congratulations; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each member of the team and the coaching staff and to the President of the University of Maine at Orono.

On motion of Representative Stevens of Orono, under suspension of the rules, tabled pending reading and later today assigned.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Shawn Walsh, whose outstanding ability as coach of the University of Maine Ice Hockey Team has led the Maine Black Bears to a proud and thrilling victory in the NCAA 1993 Ice Hockey Championship. Coach Walsh's devoted efforts to building a strong team and cultivating school and community support contributed to the team's high performance and made the Black Bears the first Maine team to win a NCAA Division I title. We, the members of the Legislature, and the citizens of this State, wish to express our pride in your success and extend our congratulations on your ultimate coaching achievement; (HLS 231) by Representative CAMPBELL of Holden. (Cosponsors: Senator O'DEA of Penobscot, Representative CATHCART of Orono, Representative STEVENS of Orono)

On motion of Representative Campbell of Holden, was removed from the Special Sentiment Calendar.

On further motion of the same Representative, under suspension of the rules, tabled pending reading and later today assigned.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative CLARK from the Committee on Utilities on Bill "An Act to Amend the Civil Violation and Civil Forfeiture Laws for Natural Gas and Natural Gas Pipeline Utilities" (H.P. 519) (L.D. 703) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-136)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-136) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, April 13, 1993.

Ought to Pass as Amended

Representative BENNETT from the Committee on Legal Affairs on Bill "An Act to Allow Rebate Coupons in Agency Liquor Stores" (H.P. 304) (L.D. 392) reporting "Ought to Pass" as amended by

Committee Amendment "A" (H-141)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-141) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, April 13, 1993.

Divided Report

Majority Report of the Committee on Taxation reporting **"Ought Not to Pass"** on Bill "An Act to Require a Public Utilities Corporation to Pay Excise Tax on a Utilities Vehicle in the Town in Which the Utilities Vehicle Is Headquartered" (H.P. 348) (L.D. 451)

Signed:

Senators: BALDACCI of Penobscot
CAREY of Kennebec
SUMMERS of Cumberland

Representatives: DORE of Auburn
NADEAU of Saco
TARDY of Palmyra
DiPIETRO of South Portland
RAND of Portland
HOGLUND of Portland
FARNSWORTH of Hallowell
SIMONEAU of Thomaston

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-122) on same Bill.

Signed:

Representatives: MURPHY of Berwick
SPEAR of Nobleboro

Reports were read.

Representative Dore of Auburn moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: The overwhelming consensus on the committee (with a few notable exceptions) was that this would cause an economic disruption to the communities in which these utility vehicles were currently located, such as Portland, Lewiston, Auburn, Augusta and Bangor because it represents a sizeable amount of revenue to those communities in the form of excise taxes. Whereas, if you moved the utilities to the communities in which they are temporarily located, you would have two problems, one determining specifically where they are. That is, some utility vehicles spend a few days a week in Town A, another a few days a week in Town B, particularly in the rural areas, so it would be hard to identify to which community they belong.

There was discussion about garaging of the vehicles. Sometimes they might be garaged on, say, Mount Desert Island, and another time they might be garaged in, say, Thomaston, for instance. So, it was determined that the best way to identify the location of the utility vehicle in question was by the way we

currently do it which is where the particular utility is located. We have a large New England Telephone facility in Lewiston and excise tax is paid in Lewiston. We have a large Central Maine Power facility in Augusta and this excise tax is paid in Augusta. We have a large telecommunication facility in Portland and the tax is paid there. That way we are certain to collect the tax and also those communities (the second item) have become dependent upon that excise tax as part of their revenues. In other words, it is a matter of meaning very little around the state or a great deal to the communities that have come to rely on those excise tax revenues.

I hope you vote with the majority of the committee.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those that signed onto the Minority Report mainly because I feel it is a fairness issue. This bill says that all public utility vehicles will pay their excise tax in the town in which they are based, not in the town in which the corporate headquarters are located.

We are talking about an excise tax and you think about what an excise tax is. The reason for an excise tax is another way for local towns to gain revenues to operate and maintain their roads and other infrastructures. If a certain company has a facility in a town with a fleet of vehicles that operate daily within that area, then why should not that town get the excise money to help provide services and maintain those roads so the vehicles in that area can travel daily?

Once again, this is a fairness issue. I know I have watched my own town office as we do register vehicles for the state. Our town clerk is qualified to register vehicles of all sizes and weights so therefore a lot of surrounding towns come to register vehicles there. A lot of times she sends them back to their local town because they have not paid their excise tax there. We don't accept their excise tax. It is only fair that the excise tax is paid in the local town where the vehicle is used, located and uses the facilities and roads in that town. Once again, I feel it is a real fairness issue.

Back a few years ago, the companies that used to lease cars did the same thing. They wanted all the excise tax where the headquarters were that they had for leased cars but the law was changed in this legislature a few years ago that allowed the leased cars to be excised where they are located. Yes, the argument against this will be that it is a lot more convenient to do it in one city but, once again, the towns are providing the services and should have this excise tax.

Ladies and gentlemen, I urge you to vote against the "Ought Not to Pass" Report.

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

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I also hope that you will reject the Majority "Ought Not to Pass" Report.

If you were incorporated in the State of Maine or if you have a partnership and you have any vehicles as a part of your business, state law now requires that you pay the vehicles excise taxes in the town where those vehicles are customarily located. In other words, if you have a business here in Augusta

and you have two or three branch offices around the state, you must pay your excise tax in the town where those cars are normally kept. But, if you are a public utilities corporation located in Maine, you might have several branch offices — take Bangor-Hydro, for example, they have offices in Lamoine, Ellsworth, Machias, Lubec, Millinocket, Lincoln, Veazie, Milford — do any of these towns receive any excise tax monies as a result of this? No, they do not. Bangor in fact receives all of that money.

Because our law grants a special exemption for the utilities, they actually have the choice of whether or not they pay the excise tax to the various different towns in which they have representation or whether or not they will pay in in the town where they are centrally located. They, of course, opt to pay it, at least most of them opt to pay it, where their headquarters are located because it is a lot easier for them to do so. Well, I would say it would be a lot easier for private companies to pay it in the towns where their headquarters are located as well but we don't allow them to do that. We require them to pay the tax in the town where their cars are located.

The same is true with New England Telephone and Central Maine Power. They have a number of small site facilities located around the state, they don't give money to any of those towns, they in fact pay that money to Portland and Augusta.

I would ask you whether or not you think it is fair? It really comes down to a fairness issue. Do you think that it is right that we set one standard for private corporations and another standard for utilities? I don't think it is. For me, the bill represents a difference of only \$2,000 but to the small town of Lamoine, which I represent, every little bit of money helps, that is why they asked me to submit this legislation. They couldn't understand why Bangor-Hydro, which has trucks located there year-round — they couldn't understand why those trucks are pounding their roads every single day and they get not one nickel in excise tax. They couldn't understand it and neither can I.

So, I thought that when I went ahead and presented this legislation on their behalf that one of two things would happen (a) we would either correct this injustice or (b) those that opposed this piece of legislation would arm me with some kind of great logic that I would be able to return home with and tell them why this bill should not pass. Unfortunately for me, I did not make the work session, that is my fault, so I was not privy to hearing the arguments that were advanced in that work session as to why this bill should fail. What I have heard so far, I don't think, is a justifiable reason.

I think if we are going to set standards with regard to paying the excise tax for vehicles, we should understand that the logistics of excising a vehicle in one town versus another is not anymore difficult or less difficult for a private corporation or for a public utility. I don't see why we make that special exception.

I would say to all of you who have towns in which you might have some small building or you might have a few vehicles located there almost all year long, whether it is Bangor-Hydro or Central Maine Power or New England Telephone, you are not seeing any of that money. You have to ask yourself whether or not your towns should be receiving any of that.

The gentlelady from Auburn mentioned economic disruption. Yes, it would be economic disruption, it would in fact be taking some money from cities who are now receiving monies for vehicles they never see. It would move that money to towns where those vehicles are normally located, disruption where the money would not be in the first place and re-channeling it to the place where the vehicles are, where the roads are being used and where the excise tax rightfully belongs.

It was argued that these vehicles move around a lot. Well, if the vehicles in fact move around a lot, the bill really doesn't address that because it states very clearly that it should be excised in the town where the vehicles are customarily headquartered. So, if the vehicle spends the majority of its time there, that is where I believe it should pay its excise tax.

I hope that you agree with that and at the very least, to the good Chair, if in fact this fails, I will look forward to having the great points to go back and explain to the Board of Selectmen in the Town of Lamoine, why this bill failed.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Dore of Auburn that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Zirnkilton of Mount Desert requested a roll call vote.

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 yes; 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 Representative Dore of Auburn that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 44

YEA - Adams, Aliberti, Beam, Bowers, Brennan, Caron, Carroll, Cashman, Cathcart, Chase, Chonko, Cloutier, Coles, Cote, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gwadosky, Hale, Hatch, Hichborn, Hogle, Holt, Hussey, Jacques, Joseph, Kerr, Ketterer, Kontos, Lemke, Lipman, MacBride, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Oliver, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Saxl, Simonds, Simoneau, Small, Stevens, K.; Strout, Sullivan, Tardy, Townsend, E.; Treat, Vigue, Walker, Wentworth, Winn.

NAY - Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carleton, Carr, Clark, Clement, Clukey, Coffman, Constantine, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Gould, R. A.; Gray, Greenlaw, Heino, Hillock, Jalbert, Johnson, Joy, Kilkelly, Kneeland, Kutasi, Lemont, Libby James, Lindahl, Look, Lord, Marshall, Martin, H.; Michael, Murphy, Nash,

Nickerson, Norton, Pendexter, Plowman, Pouliot, Quint, Reed, G.; Reed, W.; Robichaud, Skoglund, Spear, Stevens, A.; Swazey, Taylor, Townsend, G.; Tracy, True, Tufts, Whitcomb, Young, Zirkilton.

ABSENT - Heesch, Larrivee, Libby Jack, Marsh, Ott, Pendleton, Thompson, Townsend, L.; The Speaker.
Yes, 76; No, 66; Absent, 9; Paired, 0; Excused, 0.

76 having voted in the affirmative and 66 in the negative with 9 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Committee on Education reporting "Ought to Pass"

(H.P. 619) (L.D. 843) Bill "An Act Regarding Certification Fees for Adult Education Teachers" Committee on Education reporting "Ought to Pass"

(H.P. 627) (L.D. 847) Bill "An Act to Authorize the Offset of Insurance Premiums" Committee on Banking and Insurance reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 13, 1993, under the listing of Second Day.

CONSENT CALENDAR

First Day

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

(S.P. 93) (L.D. 247) Bill "An Act to Discontinue Legislative Approval of Technical College Collective Bargaining Agreements" Committee on Education reporting "Ought to Pass"

(S.P. 161) (L.D. 526) Bill "An Act Concerning the Degree-granting Authority of Husson College" Committee on Education reporting "Ought to Pass"

(H.P. 501) (L.D. 659) Bill "An Act to Provide Protection for Mortgagees Under the Utility Laws" Committee on Utilities reporting "Ought to Pass"

(H.P. 670) (L.D. 908) Bill "An Act to Eliminate the Seasonal Legal Researcher Position at the Public Utilities Commission and to Make Certain Other Changes" Committee on Utilities reporting "Ought to Pass"

(H.P. 686) (L.D. 927) Bill "An Act to Include a Waiver Provision for the Advance Notice Required by the Public Utilities Commission for Energy Agreements and Contracts" Committee on Utilities reporting "Ought to Pass"

(H.P. 491) (L.D. 649) Bill "An Act Regarding Priorities in the Probate Code" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-140)

(H.P. 534) (L.D. 718) Bill "An Act to Amend the Recording Requirements for Proceedings Involving Real Estate" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-139)

(H.P. 401) (L.D. 514) Bill "An Act to Strengthen the State's Support Laws" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-138)

(H.P. 540) (L.D. 724) Bill "An Act to Amend the Mars Hill Utility District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-137)

(H.P. 185) (L.D. 237) Bill "An Act Regarding the Approval of School Warrants by Municipal Officers"

CONSENT CALENDAR

Second Day

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

(S.P. 270) (L.D. 834) Bill "An Act to Establish the Boundary between the Town of Cornville and the Town of Skowhegan"

(S.P. 288) (L.D. 858) Bill "An Act to Reestablish a Portion of the Boundary between Lincoln and Kennebec Counties"

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

(H.P. 575) (L.D. 780) Bill "An Act to Clarify Certain Statutes Relating to the Public Utilities Commission"

(H.P. 448) (L.D. 574) Bill "An Act Allowing Animal Welfare Personnel of the Department of Agriculture, Food and Rural Resources to Enforce Laws Prohibiting the Sale of Certain Fish and Wildlife" (C. "A" H-120)

(H.P. 156) (L.D. 208) Bill "An Act Concerning Harness Racing" (C. "A" H-121)

(H.P. 209) (L.D. 271) Bill "An Act to Encourage the Recycling of Tires from Municipal Landfills" (C. "A" H-123)

(H.P. 141) (L.D. 186) Bill "An Act to Retain the Federal Demonstration Grant Funding the Maine Health Program" (C. "A" H-124)

(H.P. 270) (L.D. 348) Bill "An Act to Define Composting Operations as Agricultural Activities for Environmental Purposes" (C. "A" H-127)

(H.P. 301) (L.D. 389) Bill "An Act to Amend the Laws Relating to Financial Institution Service Corporations" (C. "A" H-131)

(H.P. 459) (L.D. 585) Bill "An Act to Further Clarify Appellate Procedures under the Public Sector Labor Laws" (C. "A" H-133)

No objections having been noted at the end of the

Second Legislative Day, the Senate Papers were Passed to be Engrossed 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 to Protect Animal Enterprises" (H.P. 163) (L.D. 215) (C. "A" H-119)

Bill "An Act to Prohibit the Transfer of Credit Card Information" (H.P. 246) (L.D. 325) (C. "A" H-125)

Bill "An Act to Establish a Consistent Expiration Date for Shellfish Licenses and Marine Worm Digger's Licenses" (H.P. 45) (L.D. 61) (C. "A" H-132)

Bill "An Act to Require Legislative Confirmation of the Director of the Maine Drug Enforcement Agency" (H.P. 358) (L.D. 461) (C. "A" H-110)

Bill "An Act to Establish a Statute of Limitations for Claims against Titles to Property Acquired for Nonpayment of Taxes" (H.P. 149) (L.D. 201) (C. "A" H-111)

Were 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.

The Chair laid before the House the following matter which was tabled earlier in the day and later today assigned pending adoption:

JOINT RESOLUTION HONORING THE UNIVERSITY OF MAINE BLACK BEARS HOCKEY TEAM

WHEREAS, the University of Maine's hockey team has capped a record-breaking season by winning the National Collegiate Athletic Association Division I championship and bringing home to Maine the first Division I team championship of any kind; and

WHEREAS, in a 42-1-2 season filled with glorious moments, the Black Bears saved the best for last, combining their renowned speed and depth, their discipline and their creativity with an extraordinary demonstration of teamwork and perseverance; and

WHEREAS, many members of this team achieved significant individual milestones during the championship series, but never lost sight of their shared dream; and

WHEREAS, along the way to their championship, this team of young men comprised of Reg Cardinal, Barry Clukey, Mike Dunham, Eric Fenton, Chris Ferraro, Peter Ferraro, Tony Frenette, Craig Gwinn, Greg Hirsch, Chris Imes, Cal Ingraham, Paul Kariya, Dave LaCouture, Mike Latendresse, Dave MacIsaac, Brad Mahoney, Blair Marsh, Matt Martin, Martin Mercier, Jim Montgomery, Dan Murphy, Brad Purdie, Jack Rodrigue, Kent Salfi, Mike Santonelli, Lee Saunders, Andy Silverman, Garth Snow, Pat Tardif, Chuck

Texiera, Jaime Thompson, Justin Tomberlin and Jason Weinrich, head coach Shawn Walsh and coaches Red Gendron, Bruce Major and Grant Standbrook showed not only their prowess in competition, but as ambassadors for the State of Maine, capturing the imagination and support of their host state as well as their home state and country; and

WHEREAS, they have demonstrated not only their athletic skills, but the heart, soul and imagination that sets apart the best of champions; now, therefore, be it

RESOLVED: That We, the Members of the 116th Legislature of the State of Maine, now assembled in the First Regular Session, take this occasion to recognize and celebrate the outstanding victory and achievement of the Maine Black Bears, and to welcome this "team of destiny" home to the State whose honor they have brightened, and to extend our heartiest congratulations; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each member of the team and the coaching staff and to the President of the University of Maine at Orono.

Was read.

Subsequently, was adopted and sent up for concurrence.

The Chair laid before the House the following matter: Recognizing: Shawn Walsh, whose outstanding ability as coach of the University of Maine Ice Hockey Team has led the Maine Black Bears to a proud and thrilling victory in the NCAA 1993 Ice Hockey Championship. Coach Walsh's devoted efforts to building a strong team and cultivating school and community support contributed to the team's high performance and made the Black Bears the first Maine team to win a NCAA Division I title. We, the members of the Legislature, and the citizens of this State, wish to express our pride in your success and extend our congratulations on your ultimate coaching achievement; (HLS 231) which was tabled earlier in the day and later today assigned pending passage.

Was read and passed.

At this point, the University of Maine Black Bears Hockey Team entered the Hall of the House, amid prolonged applause, the members rising.

The SPEAKER: The Chair would now ask that Coach Walsh address the Maine Legislature.

Coach WALSH: Thank you, Speaker Martin and Legislators. We are certainly very proud to represent the State of Maine. I think that you people are the ultimate Representatives, you are the people that have to make the tough decisions day in and day out.

Certainly on a (probably) cool Saturday night in April, these young men represented the State of Maine

from Kittery to Madawaska and points in between. We were very, very proud to represent this state. We are certainly appreciative of the reception we received since we came home. This is probably the first time this group has been together that there hasn't been television cameras and radio microphones in front of their faces so it is kind of nice to be here and just see the microphones of the legislators.

But, I think the most important thing we showed is what you have got to show and is what everybody in the State of Maine has got to show and that is on Saturday, April 3rd, we showed resiliency. We showed a situation where we were in trouble. On the bus ride down here today — we have only seen the first two periods. We had to stop the tape because we ran out of time, so on the way home we are going to see the third period. But, I think that third period represents all of us especially in this day and age and in these times and my acceptance would not be complete without thanking you for your resiliency. Please be strong and please be positive and, if we can pass that on to everybody across the state, then this group of guys have done their little job and all of our big job and that is to keep Maine as positive and as great as it is.

Thank you very, very much. (Applause, the audience rising)

The SPEAKER: The Chair would now like to introduce Jim Montgomery. I have asked him to speak in both languages and, if you heard USPN replay, you will probably figure out why.

JIM MONTGOMERY: First of all, I don't know how I can top that speech but I am going to give it my best.

First, I would like to thank the state and the legislature and the whole State of Maine for the great support you have given us, me, and the seniors throughout our four years and especially this year. We couldn't have done it without you. The reception was just great that we got when we came back from Milwaukee.

(Subsequently, Jim Montgomery addressed the House in French.)

The SPEAKER: I would now like to have Representative Stevens, Representative Cathcart and Representative Campbell, all of Orono, to please come to the rostrum.

Representative STEVENS: Captain Montgomery, members of the 1993 UM Black Bears: As the Representative from Orono, including the University of Maine at Orono, it is my pleasure to present you with this Joint Resolution from the Maine State Legislature. We congratulate you on a well spent season and an earned victory in NCAA. (Applause)

Representative CAMPBELL: Shawn, on behalf of the legislature, I would like to present you with this sentiment as it was read in today's session. One of the things that I saw when I left the arena the other night after the reception was a little sign in a small store in Orono that said it best. Simply put it said, "NCAA Champs, you have made Maine proud." (Applause)

The SPEAKER: The House Pages will pass out to all the team members your own copy of what is in that frame. In my memory, it is the only time in the state's history that every single legislator has cosponsored a Resolution. You know this may never happen again, but if you win again, we will do

another one.

Subsequently, Coach Walsh and the University of Maine Black Bears Hockey Team withdrew amid applause, the audience rising.

By unanimous consent, H.P. 923 and HLS 231 were ordered sent forthwith to the Senate.

PASSED TO BE ENACTED

Emergency Measure

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

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. 109 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

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

An Act to Amend the Membership of the State Employee Health Commission (H.P. 200) (L.D. 262) (C. "A" H-82)

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

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

An Act to Amend the Laws Related to Pawn Transactions (S.P. 65) (L.D. 127) (C. "A" S-50)

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.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (H-114) - Committee on State and Local Government on Bill "An Act to Increase the County Share of the Government

Operations Surcharge Fund" (H.P. 97) (L.D. 139)
TABLED - April 8, 1993 by Representative JOSEPH of
Waterville.
PENDING - Motion of same Representative to accept the
Majority "Ought Not to Pass" Report.

On motion of Representative Paradis of Augusta,
retabled pending the motion of Representative Joseph
of Waterville that the House accept the Majority
"Ought Not to Pass" Report and specially assigned for
Tuesday, April 13, 1993.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Charter of the Newport Water
District (H.P. 705) (L.D. 957) (C. "A" H-134)

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. 117 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, was ordered sent forthwith
to the Senate.

(Off Record Remarks)

On motion of Representative Jacques of Waterville,
Adjourned at 5:18 p.m. until Tuesday, April 13,
1993, at ten o'clock in the morning.
