

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
41st Legislative Day
Monday, April 26, 1993

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

Prayer by Pastor Carol N. Wolfe, Limestone United Methodist Church.

Pledge of Allegiance.

The Journal of Thursday, April 15, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 15, 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 the following:

Upon the recommendation of the Joint Standing Committee on Energy and Natural Resources:

Abbie McMillen of Harborside for appointment to the Facility Siting Board. Abbie McMillen is replacing David Van Wie.

Betty Lou Mitchell of Etna for appointment to the Low-Level Radioactive Waste Authority. Betty Lou Mitchell is replacing Peter DeAngelis.

Upon the recommendation of the Joint Standing Committee on Housing and Economic Development:

Orland McPherson of Eliot for appointment to the Maine State Housing Authority. Orland McPherson is replacing M. Kelly Matzen.

Elsie B. Morris of Bath for appointment to the Maine State Housing Authority. Elsie B. Morris is replacing Rebecca Flechtner.

Upon the recommendation of the Joint Standing Committee on Education:

Dr. David W. Brown of Bar Harbor for appointment to the Maine Educational Loan Authority.

Ronald P. Milliken of Farmington for reappointment to the Maine Educational Loan Authority.

Walter H. Moulton of Brunswick for reappointment to the Maine Educational Loan Authority.

Frederic A. Reynolds of Machias for reappointment

to the Maine Educational Loan Authority.

Sincerely,

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

Was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act Concerning Harness Racing" (H.P. 156) (L.D. 208) which was passed to be engrossed as amended by Committee Amendment "A" (H-121) in the House on April 12, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-121) and Senate Amendment "A" (S-75) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Laws Relating to Financial Institution Service Corporations" (H.P. 301) (L.D. 389) which was passed to be engrossed as amended by Committee Amendment "A" (H-131) in the House on April 12, 1993.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-131) as amended by Senate Amendment "A" (S-74) thereto in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (H.P. 992)

State of Maine
House of Representatives
Augusta, Maine 04333

April 20, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On April 20, 1993, twenty-five Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 20, 1993 as follows:

Aging, Retirement and Veterans

Bill "An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System" (H.P. 977) (L.D. 1308) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative: JALBERT of Lisbon)

Appropriations and Financial Affairs

Bill "An Act to Implement the Provision of Services Pursuant to the Augusta Mental Health Institute Consent Decree" (H.P. 971) (L.D. 1302) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Representative: CARROLL of Gray, Senators: BALDACCI of Penobscot, HARRIMAN of Cumberland) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Banking and Insurance

Bill "An Act to Amend the Preferred Provider Arrangement Act and to Otherwise Facilitate the Delivery of Health Care in the State" (H.P. 990) (L.D. 1321) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Representatives: ERWIN of Rumford, TRACY of Rome)

Business Legislation

Bill "An Act to Regulate Nonsewered Toilet Systems" (H.P. 981) (L.D. 1312) (Presented by Representative LIBBY of Kennebunk)

Bill "An Act to Amend the Laws Concerning Massage Therapists" (H.P. 982) (L.D. 1313) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representatives: ADAMS of Portland, CARROLL of Gray, CHASE of China, GOULD of Greenville, HOGLUND of Portland, O'GARA of Westbrook, RAND of Portland, Senators: BUSTIN of Kennebec, PARADIS of Aroostook)

Bill "An Act to Establish a Registration System for General Contractors" (H.P. 984) (L.D. 1315) (Presented by Representative VIGUE of Winslow)

Education

Bill "An Act Related to Conferring Degrees by Thomas College" (EMERGENCY) (H.P. 988) (L.D. 1319) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator: BUSTIN of Kennebec)

Energy and Natural Resources

Bill "An Act to Abolish the Low-level Radioactive Waste Advisory Commission" (H.P. 975) (L.D. 1306) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives: AHEARNE of Madawaska, CLARK of Millinocket, CLEMENT of Clinton, COFFMAN of Old Town, DRISCOLL of Calais, HUSSEY of Milo, MORRISON of Bangor, ROTONDI of Athens, SULLIVAN of Bangor, VIGUE of Winslow, Senators: GOULD of Waldo, HANDY of Androscoggin)

Human Resources

Bill "An Act Related to Medical Treatment Decisions for Psychotic Disorders" (H.P. 983) (L.D. 1314) (Presented by Representative FITZPATRICK of

Durham) (Cosponsored by Representatives: DORE of Auburn, JOHNSON of South Portland)

Judiciary

Bill "An Act Regarding Sentences for Career Criminals" (H.P. 974) (L.D. 1305) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representatives: DUTREMBLE of Biddeford, PLOURDE of Biddeford, VIGUE of Winslow)

Resolve, to Establish the Commission on the Status of Alleged Child Abusers (EMERGENCY) (H.P. 991) (L.D. 1322) (Presented by Representative MELENDY of Rockland) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: COTE of Auburn, DRISCOLL of Calais, HOGLUND of Portland, JACQUES of Waterville, LORD of Waterboro, MARSHALL of Eliot, MITCHELL of Vassalboro, MURPHY of Berwick, OLIVER of Portland, PLOURDE of Biddeford, Senator: PARADIS of Aroostook)

Labor

Bill "An Act to Clarify Responsibility for Workers' Compensation Coverage for Town Forest Fire Wardens and Laborers Hired for Forest Fire-fighting Activities" (EMERGENCY) (H.P. 976) (L.D. 1307) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BENNETT of Norway, GRAY of Sedgwick, Senator: BALDACCI of Penobscot) (Submitted by the Department of Conservation pursuant to Joint Rule 24.)

Legal Affairs

Bill "An Act Concerning Payment of Legal Fees in Eviction Cases" (H.P. 968) (L.D. 1299) (Presented by Representative LIBBY of Kennebunk) (By Request)

Bill "An Act Regarding Disorderly Conduct" (H.P. 969) (L.D. 1300) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative: COTE of Auburn, Senator: CONLEY of Cumberland)

Bill "An Act to Promote Professionalism in the Law Enforcement Community" (H.P. 979) (L.D. 1310) (Presented by Representative KETTERER of Madison) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: BOWERS of Washington, CATHCART of Orono, HATCH of Skowhegan, HEESCHEN of Wilton, LIPMAN of Augusta, OTT of York, PARADIS of Augusta, RICHARDSON of Portland, ROTONDI of Athens, TRACY of Rome, Senator: CAREY of Kennebec)

Bill "An Act to Amend the Law Concerning Habitual Offenders under the Motor Vehicle Laws" (H.P. 985) (L.D. 1316) (Presented by Representative WENTWORTH of Arundel) (Cosponsored by Representative: STEVENS of Orono)

Marine Resources

Bill "An Act Concerning Commercial Divers" (H.P. 973) (L.D. 1304) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Senator VOSE of Washington and Representatives: HEINO of Boothbay, LOOK of Jonesboro, TOWNSEND of Eastport, Senator: GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint

Rule 27.)

State and Local Government

Bill "An Act to Authorize Sagadahoc County to Provide Centralized Administrative Services to Those Sagadahoc County Municipalities That Desire to Share the Cost of Those Services" (H.P. 978) (L.D. 1309) (Presented by Representative COLES of Harpswell) (Cosponsored by Senator: CAHILL of Sagadahoc)

Bill "An Act to Amend the Laws Governing the Recording of Deeds" (H.P. 986) (L.D. 1317) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representatives: FARREN of Cherryfield, LORD of Waterboro, REED of Dexter)

Bill "An Act Prohibiting Local Ordinances that Regulate Indoor Private Gatherings" (H.P. 987) (L.D. 1318) (Presented by Representative STEVENS of Orono) (Cosponsored by Senator O'DEA of Penobscot and Representatives: BRENNAN of Portland, OLIVER of Portland, PFEIFFER of Brunswick, SIMONDS of Cape Elizabeth)

Taxation

Bill "An Act Regarding Real Estate Tax Relief for Property Held in Trust" (H.P. 967) (L.D. 1298) (Presented by Representative LIBBY of Kennebunk)

Bill "An Act Concerning the Taxable Status of Leased School Property" (EMERGENCY) (H.P. 970) (L.D. 1301) (Presented by Representative TRACY of Rome) (Cosponsored by Representative: RAND of Portland)

Bill "An Act to Provide Property Tax Adjustments Necessary for the Town of Portage Lake" (EMERGENCY) (H.P. 972) (L.D. 1303) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Senator: KIEFFER of Aroostook)

Bill "An Act Concerning the Requirement of Notification of Municipal Tax Liens to Mortgagees of Record" (H.P. 989) (L.D. 1320) (Presented by Representative DORE of Auburn) (Cosponsored by Representative: ADAMS of Portland)

Transportation

Bill "An Act to Change the Railroad Fire Protection Laws" (H.P. 980) (L.D. 1311) (Presented by Representative BAILEY of Farmington) (Cosponsored by Representatives: COLES of Harpswell, GOULD of Greenville, Senator: GOULD of Waldo) (Submitted by the Department of Conservation pursuant to Joint Rule 24.)

Sincerely,

S/ Joseph W. Mayo
Clerk of the House

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

Was read and ordered placed on file and sent up for concurrence.

The following Communication: (H.P. 995)

State of Maine
House of Representatives
Augusta, Maine 04333

April 21, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On April 21, 1993, two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 21, 1993 as follows:

Labor

Bill "An Act to Bring the State Tipping Wage up to the Federal Tipping Wage" (H.P. 993) (L.D. 1335) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Representatives: KUTASI of Bridgton, TRUE of Fryeburg, TUFTS of Stockton Springs, Senator: LUTHER of Oxford)

State and Local Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Maine Citizens to Propose Constitutional Amendments by Initiative (H.P. 994) (L.D. 1336) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Representatives: BENNETT of Norway, GRAY of Sedgwick, LEMKE of Westbrook, TUFTS of Stockton Springs, YOUNG of Limestone, Senator: LUTHER of Oxford)

Sincerely,

S/ Joseph W. Mayo
Clerk of the House

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

Was read and ordered placed on file and sent up for concurrence.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolutions 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:

Energy and Natural Resources

Bill "An Act to Amend the Shoreland Zoning Laws" (H.P. 959) (L.D. 1290) (Presented by Representative ST. ONGE of Greene) (Cosponsored by Representatives: GOULD of Greenville, HOGLUND of Portland, LORD of Waterboro)

Bill "An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990" (H.P. 963) (L.D. 1294) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Representative: COLES of Harpswell) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Bill "An Act to Amend Certain Laws Governing Solid Waste Management" (H.P. 966) (L.D. 1297) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: ANDERSON of Woodland, DEXTER of Kingfield, LORD of Waterboro, Senator: CIANCHETTE of Somerset)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Clarify Child Support Laws" (EMERGENCY) (H.P. 996) (L.D. 1337) (Presented by Representative COTE of Auburn) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Prevent Diversion of Solid Waste" (H.P. 958) (L.D. 1289) (Presented by Representative HOGLUND of Portland) (Cosponsored by Representatives: ADAMS of Portland, ANDERSON of Woodland, BAILEY of Farmington, CATHCART of Orono, COLES of Harpswell, COTE of Auburn, GOULD of Greenville, JACQUES of Waterville, KILKELLY of Wiscasset, KONTOS of Windham, LEMKE of Westbrook, LORD of Waterboro, NADEAU of Saco, RAND of Portland, SIMONDS of Cape Elizabeth, SPEAR of Nobleboro, ST. ONGE of Greene, STROUT of Corinth, SWAZEY of Bucksport, TOWNSEND of Portland, TREAT of Gardiner, WENTWORTH of Arundel, Senators: BUSTIN of Kennebec, CAREY of Kennebec, CIANCHETTE of Somerset, DUTREMBLE of York, ESTY of Cumberland, LAWRENCE of York, McCORMICK of Kennebec, SUMMERS of Cumberland)

Bill "An Act to Amend the Laws Pertaining to the Protestant Episcopal Church" (H.P. 964) (L.D. 1295) (Presented by Representative CATHCART of Orono)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Regarding Notaries Public" (H.P. 997) (L.D. 1338) (Presented by Representative KERR of

Old Orchard Beach)

Bill "An Act to Allow for the Recall of Municipal Officials" (H.P. 998) (L.D. 1339) (Presented by Representative SIMONEAU of Thomaston) (Cosponsored by Representatives: BARTH of Bethel, LINDAHL of Northport, PLOURDE of Biddeford)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Attorney General (H.P. 960) (L.D. 1291) (Presented by Representative BENNETT of Norway) (Cosponsored by Senator BERUBE of Androscoggin and Representatives: AHEARNE of Madawaska, AIKMAN of Poland, DONNELLY of Presque Isle, DUTREMBLE of Biddeford, FARNUM of South Berwick, GRAY of Sedgwick, HILLOCK of Gorham, JOY of Island Falls, KUTASI of Bridgton, LOOK of Jonesboro, OTT of York, PENDEXTER of Scarborough, QUINT of Paris, SIMONEAU of Thomaston, TAYLOR of Cumberland, WHITCOMB of Waldo, Senators: HALL of Piscataquis, HANLEY of Oxford)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of the Treasurer of State (H.P. 961) (L.D. 1292) (Presented by Representative BENNETT of Norway) (Cosponsored by Representatives: AHEARNE of Madawaska, AIKMAN of Poland, DUTREMBLE of Biddeford, FARNUM of South Berwick, GRAY of Sedgwick, JOY of Island Falls, LOOK of Jonesboro, OTT of York, PENDEXTER of Scarborough, QUINT of Paris, SIMONEAU of Thomaston, TAYLOR of Cumberland, WHITCOMB of Waldo, Senators: HALL of Piscataquis, HANLEY of Oxford)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Legislative Review of Delegated Rule-making Authority (H.P. 962) (L.D. 1293) (Presented by Speaker MARTIN of Eagle Lake)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Popular Election of the Secretary of State (H.P. 965) (L.D. 1296) (Presented by Representative BENNETT of Norway) (Cosponsored by Senator BERUBE of Androscoggin and Representatives: AULT of Wayne, BARTH of Bethel, FOSS of Yarmouth, GRAY of Sedgwick, KNEELAND of Easton, KUTASI of Bridgton, LOOK of Jonesboro, MARSHALL of Eliot, PLOWMAN of Hampden, SIMONEAU of Thomaston, WHITCOMB of Waldo, ZIRNKILTON of Mount Desert, Senator: BUTLAND of Cumberland)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Refer to the Committee on Business Legislation

Representative GEAN from the Committee on Human Resources on Bill "An Act Concerning Certain Counseling Services" (H.P. 906) (L.D. 1221) 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 DAGGETT from the Committee on Legal Affairs on Bill "An Act to Increase the Penalties for Littering" (H.P. 608) (L.D. 823) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-181)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-181) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, April 27, 1993.

Ought to Pass as Amended

Representative HUSSEY from the Committee on Transportation on Bill "An Act to Amend the Motor Vehicle Laws" (H.P. 482) (L.D. 619) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-183)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-183) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, April 27, 1993.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Conform Maine Law Related to Commission Salespersons with Federal Law" (H.P. 183) (L.D. 235)

Signed:

Senators: HANDY of Androscoggin
LUTHER of Oxford

Representatives: CLEMENT of Clinton
ST. ONGE of Greene
CHASE of China
SULLIVAN of Bangor
COFFMAN of Old Town

Minority Report of the same Committee reporting "Ought to Pass as amended by Committee Amendment "A" (H-150) on same Bill.

Signed:

Senator: BEGLEY of Lincoln

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

Reports were read.

Representative Ruhlin of Brewer moved that the

House accept the Minority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Minority "Ought to Pass" as amended Report and specially assigned for Tuesday, April 27, 1993.

CONSENT CALENDAR

First Day

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

(H.P. 747) (L.D. 1014) Resolve, to Continue the Commission to Study the Feasibility of a Capital Cultural Center (EMERGENCY) Committee on Education reporting "Ought to Pass"

(H.P. 628) (L.D. 848) Bill "An Act to Amend Laws Related to Dependent's Group Life Insurance Coverage" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-172)

(H.P. 580) (L.D. 784) Bill "An Act Clarifying Identification of Financial Institution Off-premise Facilities" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-173)

(H.P. 267) (L.D. 345) Bill "An Act Clarifying the Laws Limiting Insurance Charged to Credit Cards" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-174)

(H.P. 230) (L.D. 298) Bill "An Act Authorizing Maine Banks to Export Certain Credit Terms" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-175)

(H.P. 194) (L.D. 257) Bill "An Act to Amend the Laws Governing the Task Force on Defense Realignment and the Economy" (EMERGENCY) Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-177)

(H.P. 210) (L.D. 272) Bill "An Act to License Flight Nurses within the Emergency Medical Services System" (EMERGENCY) Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-179)

(H.P. 674) (L.D. 912) Bill "An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-180)

(H.P. 283) (L.D. 370) Bill "An Act to Clarify the Laws Relating to Property Tax Abatements" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-182)

(H.P. 661) (L.D. 899) Resolve, to Direct Elected and Appointed Officials of the State to Work to

Maintain Canadian Atlantic Railway Service through the State (EMERGENCY) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-184)

(H.P. 679) (L.D. 921) Bill "An Act to Authorize the Operation of Articulated Buses on Maine Highways" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-185)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 27, 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. 582) (L.D. 786) Bill "An Act to Authorize Modifications to Tolls on the Maine Turnpike"

(H.P. 275) (L.D. 353) Bill "An Act to Amend the Charter of the North Berwick Water District" (EMERGENCY) (C. "A" H-148)

(H.P. 44) (L.D. 60) Bill "An Act to Extend to Land Surveyors the Limitation of Actions That Applies to Design Professionals" (C. "A" H-154)

(H.P. 205) (L.D. 267) Bill "An Act Concerning Court Approval of Minor Settlements" (C. "A" H-155)

(H.P. 367) (L.D. 470) Bill "An Act to Allow Service of Protective Orders on Sunday" (C. "A" H-156)

(H.P. 379) (L.D. 492) Bill "An Act to Require Judges to Consider the Desirability of Financial Forfeitures" (C. "A" H-157)

(H.P. 427) (L.D. 546) Bill "An Act Relating to the Theft of Utility Services" (C. "A" H-158)

(H.P. 273) (L.D. 351) Bill "An Act Related to Common Nuisances" (C. "A" H-163)

(H.P. 508) (L.D. 666) Bill "An Act to Facilitate the Conduct of Business of the Maine Technical College System" (EMERGENCY) (C. "A" H-164)

(H.P. 634) (L.D. 865) Bill "An Act to Establish the Town Line between Vassalboro and China" (C. "A" H-165)

(H.P. 726) (L.D. 985) Resolve, Approving the 1993 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (EMERGENCY) (C. "A" H-166)

(H.P. 470) (L.D. 607) Bill "An Act to Clarify the Laws Related to Debt Collectors and Repossession Companies" (C. "A" H-167)

No objections having been noted at the end of the Second Legislative Day, 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 Change the Scallop Harvesting Season" (H.P. 117) (L.D. 158) (C. "A" H-146)

Bill "An Act to Define Farmers' Market" (H.P. 265) (L.D. 343) (C. "A" H-168)

Bill "An Act to Continue the Maine Dairy Farm Stabilization Act" (H.P. 381) (L.D. 494) (C. "A" H-169)

Bill "An Act to Increase the Effectiveness of Child Support Enforcement" (H.P. 108) (L.D. 150) (C. "A" H-144)

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.

PASSED TO BE ENACTED

Emergency Measure

An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (S.P. 320) (L.D. 973) (S. "A" S-71 to H. "B" H-135 and H. "A" H-77)

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. 122 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.

PASSED TO BE ENACTED

An Act to Increase the Penalty for Abuse of Animals (S.P. 82) (L.D. 195) (C. "A" S-56)

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

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.

PASSED TO BE ENACTED

An Act to Make the Terms of Certain Commissioners Coterminous with the Term of the Governor (S.P. 104) (L.D. 282) (C. "A" S-55)

Was reported by the Committee on Engrossed

Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: This bill would require a reelected governor to repost and the legislature to reconfirm all continuing cabinet members for the second term. This bill would not apply to the current governor and his cabinet.

Those of us who opposed this bill in committee believe that when a governor is reelected, his or her election is properly considered a referendum of approval for that governor's policies, programs and personnel. I urge you, if you share this view, to vote against the enactment of this bill.

I request a Division.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: L.D. 282 was a Majority Report out of the State and Local Government Committee, a 9 to 4 report with three members of this body objecting.

The Representative is correct that in fact, as a governor is reelected, the commissioners that were nominated and confirmed in the first term if they were still serving and renominated, they would have to be confirmed. It was the feeling of the committee, upon listening to all of the testimony before the committee, that this would be a check and balance. All of us that have watched state government have recognized that when commissioners are carried on from one term to another term to another term often are not accountable and often newer legislators are not familiar with their role.

It is the feeling of the committee as well is, why not confirmation? Why should confirmation be a process to fear rather than a process that would enlighten and provide legislators with the policies in that particular department or agency? I would urge you to vote for enactment of L.D. 282.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage to be enacted. 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, L.D. 282 was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

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)

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

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)

An Act to Protect Animal Enterprises (H.P. 163) (L.D. 215) (C. "A" H-119)

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.

ENACTOR

Tabled and Assigned

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Tuesday, April 27, 1993.

PASSED TO BE ENACTED

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

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

An Act to Define Composting as a Farm Operation (H.P. 270) (L.D. 348) (C. "A" H-127)

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 (H.P. 448) (L.D. 574) (C. "A" H-120)

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

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

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.

PASSED TO BE ENACTED

An Act Prohibiting Political Activity by Members of the Workers' Compensation Board (S.P. 19) (L.D. 9) (H. "B" H-130 to C. "A" S-37)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

Some of you may recall my proposing an amendment a couple of weeks ago to this bill that would establish a commission to take a comprehensive look at establishing limitations for a political activity

by members of all boards and all commissions in state government. You also may recall that that amendment was ruled not germane.

I am pleased to tell you today that Representative Joseph has filed, and the Legislative Council has approved, a bill request to set up such a commission. I have, just a few minutes ago before the session, signed as a cosponsor to that bill because I think it is a much more cautious and considered approach. I hope you will join me in working to pass that bill, but the same reasons that argue for that bill, however, argue against the bill before us.

First, whenever we limit a citizens full and free participation in the political process, we ought to be extremely cautious. We are talking about individual's fundamental rights of political involvement.

Second, we are discussing volunteer members of part-time boards and commissions. It is often difficult to find people now (at times) to serve on these boards. We would be establishing more limitations and more difficulties to such service.

Third, it has been suggested that the Workers' Comp board is by its nature a fragile board. It has a special nature and the special nature of its issues demand a special sensitivity to political participation by its members.

Well, there are 298 boards and commissions in state government that I know members of this body would find just as fragile and perhaps just as special in their sensitivity on issues, boards like the DEP, LURC, the Maine Labor Relations Board, the Maine Turnpike Authority, the State Harness Commission, the Commission on Governmental Ethics and Campaign Practices. If these restrictions are appropriate for the Workers' Comp Board, I believe they should be appropriate for all boards and commissions.

Fourth, this bill would not apply. Despite the proponents' argument that this is a fragile and special board, this bill would not apply to the current members of the Workers' Comp Board anyway. So, why the rush? Let us take the time and proceed judiciously. Let us use Representative Joseph's bill as a vehicle do what is right and do it in a cautious and considered manner. Let us do the wise thing and indefinitely postpone this bill and its papers.

I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to vote against the motion to indefinitely postpone this bill and all its accompanying papers. I do so because the issue before us is dealing with one board, actually the board of Workers' Compensation Commission — excuse me, the board that replaced the Workers' Compensation Commission. Just in those few words, you can tell that the role of this board is different from the advisory boards that are named throughout state government.

Because this board replaces the Workers' Comp Commission, because the 115th Legislature created a new system of Workers' Compensation and in fact this board has had difficulty in getting itself to work together — I was going to say something else, as you can tell — and I believe, and the majority of the committee believes that this committee, this board, should be immuned to the fray of political partisan

politics. Much has been said in the last decade in political campaigns about Workers' Compensation and the system that we have in this state. It is an inflammatory issue and this board has just begun its work. In an attempt to get a unanimous committee report, we did not have this legislation apply to the current board in that attempt to show that this is not directed toward any individual member of the current Workers' Compensation Board, then we believed that we would have this board immuned from politics and therefore not able to run for a statewide political office until the next set of nominees and persons were named to that board.

So, I would urge you to vote against the indefinite postponement of this piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Young.

Representative YOUNG: Mr. Speaker, Ladies and Gentlemen of the House: I rise to ask that you support the motion to indefinitely postpone this bill and all its accompanying papers.

Several weeks ago in the discussion regarding greyhound racing, I found very compelling Representative Daggett's argument. As a student of metaphysics, I have spent a great part of my life studying the problem of non-being and one of Representative Daggett's arguments was, you tread on certain, thin ontological ice when you start passing laws for problems that don't exist.

In addition to the reasons that Representative Bennett presented for voting to indefinitely postpone this bill, I would like to offer one further one. When the sponsor of this bill approached our committee he did claim, and I guess it is a certain matter of fact, that the Workers' Compensation Board is involved in a fray, so to speak. But, he also admitted that the fray they are involved in, the pressure they are involved in, is not political pressure.

I recognize that this board is different from all of the other boards and commissions that we have, but we are about to enact discriminatory legislation here which purports to solve a problem which no one has yet demonstrated exists. So, I would ask for your support and hope that you would vote in favor of the pending motion.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to share a few thoughts with you. During the reform of 1992, when this legislature in its wisdom established the Workers' Comp Board, we did so, I think collectively, to try to remove the Workers' Comp System in the State of Maine from the political process.

One of the great problems that we had through the years — I had a chance to watch it, I think it helped turn my hair a little white over the years — is that you had many different parties appearing before the committees and before this legislature playing politics with the system. One would gain an advantage this session, the next session the opponent would have to come in and gain an advantage. Because of that, we never had a very durable and predictable Workers' Comp System. That was one of the problems. We are still living with the fallout from that problem.

So, in the wisdom of the 115th in its closing days it said, we will remove ourselves from the Workers' Comp business, we have not done well in the

Workers' Comp business, let somebody else do it but let them be non-partisan.

As a person who advocated that position to the 115th and as a person who has observed very carefully the workings of this existing board, I say to you tonight that we have problems with that board. I think those problems are solvable. I hope I am not being the eternal optimist when I say they are solvable but I think they are. But, if politics does enter into that very critical board, which has a major impact economically and sociologically on all workers and all employers in the State of Maine, if politics creep into that board — you think you had problems when we tried to manage it, you are going to have them multiplied many times. They key, the very essence of success to that board is those members on the board forgetting where they came from, that they are management's representative or that they are labor's representative, they should get to the point of saying, I am not Republican, I am not management, I am not a Democrat, I am not labor, I am there for the people to help a Workers' Comp System. To do that, they are going to have to be absolutely and totally non-partisan.

I ask you to support the reform movement that was made in 1992 and see to it that that particular delicate board that affects everybody in the State of Maine remains non-political.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I will not disagree at all with the good Representative from Brewer, Representative Ruhlin. This board is significant, it is sensitive, it is fragile and if it is fragile at any point in its history it is fragile now, but this bill does not address the current board members, it addresses board members of the future.

I would contend that there is no harm in waiting until later this year so the next session we can come up with a comprehensive policy that covers all boards and commissions. Perhaps we will decide then that the Workers' Comp Board should be considered separately, maybe it's unique in some respect.

I think the amendment that was created could just as easily apply to members of the DEP and LURC and all these other very important boards as well as the Workers' Comp Board.

I think it is good to have some consistency in state government. These are volunteers and when we ask volunteers to get involved, it would be nice to be able to tell them that all volunteer board members are under the same rules.

So, that is the goal I am seeking. I respect Representative Ruhlin and his point, it is very apt but there is no harm in waiting because this bill does not apply to current board members.

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 Bennett of Norway that L.D. 9 and all its accompanying papers be indefinitely postponed. Those in favor will vote

yes; those opposed will vote no.

ROLL CALL NO. 59

YEA - Ahearne, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Chase, Clement, Clukey, Coles, Constantine, Cross, Donnelly, Dore, Farnum, Farren, Foss, Greenlaw, Heino, Hillock, Joy, Kneeland, Kutasi, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Michael, Murphy, Nickerson, Norton, Oliver, Pendexter, Pfeiffer, Plowman, Quint, Reed, G.; Reed, W.; Robichaud, Simoneau, Skoglund, Small, Spear, Stevens, A.; Strout, Taylor, Thompson, Townsend, E.; Townsend, G.; True, Tufts, Whitcomb, Winn, Young, Zirkilton.

NAY - Adams, Aliberti, Beam, Bowers, Brennan, Caron, Carr, Carroll, Cashman, Cathcart, Chonko, Clark, Cloutier, Coffman, Cote, Daggett, DiPietro, Driscoll, Dutremble, L.; Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hatch, Heeschen, Hogle, Holt, Hussey, Jacques, Jalbert, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Lemke, Martin, H.; Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Paradis, P.; Pinette, Plourde, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Simonds, Stevens, K.; Sullivan, Swazey, Tardy, Townsend, L.; Tracy, Treat, Vigue, Walker, Wentworth, The Speaker.

ABSENT - Carleton, Dexter, Erwin, Hale, Hichborn, Larrivee, Libby Jack, Nash, Ott, Pendleton, Pineau, Poulin, Saint Onge, Saxl.

Yes, 65; No, 72; Absent, 14; Paired, 0; Excused, 0.

65 having voted in the affirmative and 72 in the negative with 14 being absent, the motion to indefinitely postpone did not prevail.

Subsequently, L.D. 9 was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Concerning the Degree-granting Authority of Husson College (S.P. 161) (L.D. 526)

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

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

An Act to Mandate Suspension of a Minor's Operator's License for Possession of Alcohol in a Motor Vehicle (H.P. 208) (L.D. 270) (C. "A" H-78)

An Act to Prohibit the Use of Electronic Calling Devices While Hunting Moose (H.P. 317) (L.D. 405) (C. "A" H-100)

An Act to Correct the Boundary Description of the Town of Long Island (H.P. 721) (L.D. 980)

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.

(Off Record Remarks)

On motion of Representative Jacques of Waterville,
Adjourned at 5:15 p.m. until Tuesday, April 27,
1993, at nine o'clock in the morning.
