

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
45th Legislative Day
Monday, May 3, 1993

The House met according to adjournment and was called to order by the Speaker.
Prayer by Pastor Richard I. Brink, Mountain Top Full Gospel Tabernacle, Oakland.
Pledge of Allegiance.
The Journal of Thursday, April 29, 1993, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 29, 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 Utilities, Thomas L. Welch of Harrisburg, PA for appointment as Chair of the Public Utilities Commission.

Sincerely,

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

Was read and ordered placed on file.

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Provide Flexibility in Establishing Payroll Schedules for Municipal Employees" (S.P. 148) (L.D. 480)

Signed:

Senators: HANDY of Androscoggin
LUTHER of Oxford

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment

"A" (S-91) on same Bill.

Signed:

Senator: BEGLEY of Lincoln

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

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

Reports were read.

Representative Ruhlin of Brewer moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

COMMUNICATIONS

The following Communication: (S.P. 437)

116TH MAINE LEGISLATURE

April 28, 1993

Senator Joseph C. Brannigan
Rep. William B. O'Gara
Chairpersons
Joint Standing Committee on Transportation
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Deborah H. S. Cianchette of Saco for appointment to the Maine Turnpike Authority.

Pursuant to Title 23, MRSA Section 1965, this nomination will require review by the Joint Standing Committee on Transportation and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Transportation.

Was Read and Referred to the Committee on Transportation in concurrence.

The following Communication: (S.P. 438)

116TH MAINE LEGISLATURE

April 28, 1993

Representative: FITZPATRICK of Durham)

Senator Judy A. Paradis
Representative Sharon A. Treat
Chairpersons
Joint Standing Committee on Human Resources
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Marlene McMullen-Pelsor of South Portland for appointment as the Director of the Office of Substance Abuse.

Pursuant to Title 5, MRSA Section 20006, this nomination will require review by the Joint Standing Committee on Human Resources and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on **Human Resources**.

Was Read and Referred to the Committee on **Human Resources** in concurrence.

Bill "An Act Regarding Registration of Nursing Assistants" (H.P. 1028) (L.D. 1380) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Representative: FITZPATRICK of Durham, Senators: AMERO of Cumberland, BALDACCI of Penobscot) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act Regarding the Holding of Juveniles in the Penobscot County Jail" (H.P. 1026) (L.D. 1378) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Representative RUHLIN of Brewer, Senator BALDACCI of Penobscot and Representatives: CAMPBELL of Holden, CLARK of Millinocket, COFFMAN of Old Town, CROSS of Dover-Foxcroft, FAIRCLOTH of Bangor, HUSSEY of Milo, MICHAUD of East Millinocket, MORRISON of Bangor, PLOWMAN of Hampden, SAXL of Bangor, STEVENS of Orono, STROUT of Corinth, SULLIVAN of Bangor, Senators: O'DEA of Penobscot, PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

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:

Labor

Bill "An Act to Clarify the Financial Authority of the Workers' Compensation Board" (EMERGENCY) (H.P. 1034) (L.D. 1386) (Presented by Representative AIKMAN of Poland) (Cosponsored by Representatives: CARLETON of Wells, RUHLIN of Brewer, Senators: DUTREMBLE of York, KIEFFER of Aroostook) (Governor's Bill)

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

On motion of Representative Pineau of Jay, was referred to the Committee on **Labor**, ordered printed and sent up for concurrence.

Business Legislation

Bill "An Act to Grant Conditional Licensure to Social Work Graduates from Schools That Are Awaiting Accreditation" (H.P. 1027) (L.D. 1379) (Presented by Representative DORE of Auburn) (Cosponsored by

Education

Bill "An Act to Provide University of Maine System Employees the Option of Biweekly Payment" (H.P. 1045) (L.D. 1397) (Presented by Representative AULT of Wayne) (Cosponsored by Representatives: DONNELLY of Presque Isle, FOSS of Yarmouth, MITCHELL of Vassalboro, OLIVER of Portland, SIMONDS of Cape Elizabeth, SMALL of Bath, Senators: AMERO of Cumberland, O'DEA of Penobscot)

Bill "An Act to Provide for Direct Reimbursement of Special Education Costs" (H.P. 1046) (L.D. 1398) (Presented by Representative COLES of Harpswell) (Cosponsored by Representatives: KILKELLY of Wiscasset, MITCHELL of Vassalboro, NORTON of Winthrop, OLIVER of Portland, PFEIFFER of Brunswick, SIMONDS of Cape Elizabeth)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Requiring the Department of Environmental Protection to Adopt Rules for a Waiver of Fee and a 2-Year Extension to Low-income People in Meeting Motor Vehicle Emission Standards" (H.P. 1022) (L.D. 1374) (Presented by Representative MITCHELL of Freeport) (Cosponsored by Representatives: GOULD of Greenville, JACQUES of Waterville) (Approved for introduction by a majority of the Legislative Council

pursuant to Joint Rule 27.)

Bill "An Act Concerning Duplicate Fees Required by the Department of Environmental Protection" (H.P. 1023) (L.D. 1375) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator LAWRENCE of York and Representatives: ANDERSON of Woodland, CLOUTIER of South Portland, COLES of Harpswell, GOULD of Greenville, LORD of Waterboro, MICHAUD of East Millinocket, MITCHELL of Freeport, TARDY of Palmyra, Senators: CAREY of Kennebec, CIANCHETTE of Somerset, LUDWIG of Aroostook, TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Regulate the Impacts of Metallic Mining on Groundwater" (H.P. 1035) (L.D. 1387) (Presented by Representative ROTONDI of Athens) (Cosponsored by Representatives: ANDERSON of Woodland, DEXTER of Kingfield, GOULD of Greenville, TRACY of Rome, Senator: LUDWIG of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

INDEFINITELY POSTPONED

Bill "An Act to Regulate the Aboveground Storage of Oil and the Transportation of Oil in Inland Areas" (H.P. 1039) (L.D. 1391) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator LAWRENCE of York and Representatives: ANDERSON of Woodland, COLES of Harpswell, GOULD of Greenville, LORD of Waterboro, MICHAUD of East Millinocket, MITCHELL of Freeport, TARDY of Palmyra, Senators: CIANCHETTE of Somerset, LUDWIG of Aroostook, TITCOMB of Cumberland)

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

On motion of Representative Jacques of Waterville, L.D. 1391 was indefinitely postponed. Sent up for concurrence.

Housing and Economic Development

Bill "An Act to Encourage Residential Energy Efficiency" (H.P. 1047) (L.D. 1399) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representatives: KONTOS of Windham, WENTWORTH of Arundel, Senator: PINGREE of Knox)

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources.)

On motion of Representative Jacques of Waterville, was referred to the Committee on Housing and Economic Development, ordered printed and sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Clarify the Law Concerning Complimentary Licenses for Disabled War Veterans" (EMERGENCY) (H.P. 1029) (L.D. 1381) (Presented by Representative DRISCOLL of Calais) (Cosponsored by Senator VOSE of Washington and Representatives: ADAMS of Portland, AHEARNE of Madawaska, BAILEY of Township 27, CARR of Sanford, CASHMAN of Old Town, CHASE of China, CLARK of Millinocket, DiPIETRO of South Portland, FAIRCLOTH of Bangor, GAMACHE of Lewiston, HUSSEY of Milo, JALBERT of Lisbon, JOHNSON of South Portland, LEMKE of Westbrook, NORTON of Winthrop, O'GARA of Westbrook, PLOURDE of Biddeford, RICKER of Lewiston, ROWE of Portland, THOMPSON of Lincoln, TOWNSEND of Portland, YOUNG of Limestone) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Strengthen the Landowner Relations Program" (H.P. 1030) (L.D. 1382) (Presented by Representative REED of Falmouth) (Cosponsored by Representatives: FOSS of Yarmouth, GREENLAW of Standish, JACQUES of Waterville, MARSH of West Gardiner, MARTIN of Eagle Lake)

Ordered Printed.
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Provide One Centralized Location for Obtaining Permits" (H.P. 1033) (L.D. 1385) (Presented by Representative WINN of Glenburn) (Cosponsored by Representative MICHAEL of Auburn, Senator BUSTIN of Kennebec)

Bill "An Act Fostering Advantageous Job Development" (H.P. 1040) (L.D. 1392) (Presented by Representative HOLT of Bath) (Cosponsored by Representatives: FARNSWORTH of Hallowell, MITCHELL of Vassalboro, TREAT of Gardiner, Senators: PARADIS of Aroostook, TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Establish Multidisciplinary Reviews of Child Abuse and Neglect Fatalities and Serious Injuries and to Provide Access to Confidential Information for the Multidisciplinary Reviews" (H.P. 1031) (L.D. 1383) (Presented by Representative PENDEXTER of Scarborough) (Cosponsored by Senator HARRIMAN of Cumberland and Representative: CARROLL of Gray, Senator: PARADIS of Aroostook) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Bill "An Act to Require Agencies to Maximize Medicaid Reimbursement" (H.P. 1048) (L.D. 1400)

(Presented by Representative PLOWMAN of Hampden)
(Cosponsored by Representatives: CAMPBELL of Holden,
CASHMAN of Old Town, MORRISON of Bangor)

Resolve, to Create the Healthy Start Task Force (EMERGENCY) (H.P. 1049) (L.D. 1401) (Presented by Representative FAIRCLOTH of Bangor) (Cosponsored by Representative TREAT of Gardiner, Senator PARADIS of Aroostook and Representatives: BRUNO of Raymond, MICHAUD of East Millinocket, POULIOT of Lewiston, TOWNSEND of Portland, Senator: CAREY of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Strengthen the Enforcement of the Civil Rights and Sexual Harassment Laws" (H.P. 1032) (L.D. 1384) (Presented by Representative TOWNSEND of Portland) (Cosponsored by Representative RAND of Portland and Representatives: BRENNAN of Portland, CASHMAN of Old Town, DORE of Auburn, FITZPATRICK of Durham, HOGLUND of Portland, JOHNSON of South Portland, JOSEPH of Waterville, KILKELLY of Wiscasset, PARADIS of Augusta, PENDLETON of Scarborough, ROWE of Portland, YOUNG of Limestone, Senators: AMERO of Cumberland, McCORMICK of Kennebec, PARADIS of Aroostook, PINGREE of Knox)

Bill "An Act Waiving Court Mediation Fees" (H.P. 1042) (L.D. 1394) (Presented by Representative STEVENS of Orono) (Cosponsored by Representatives: CATHCART of Orono, FARNSWORTH of Hallowell, MORRISON of Bangor, TOWNSEND of Portland, WENTWORTH of Arundel)

Bill "An Act Concerning Tribal Protection Orders" (EMERGENCY) (H.P. 1053) (L.D. 1405) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Senator PEARSON of Penobscot and Representatives: ADAMS of Portland, AHEARNE of Madawaska, BAILEY of Township 27, CARROLL of Gray, CATHCART of Orono, CHONKO of Topsham, COFFMAN of Old Town, COTE of Auburn, DEXTER of Kingfield, DRISCOLL of Calais, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, FARREN of Cherryfield, GREENLAW of Standish, HALE of Sanford, HICHBORN of Howland, KETTERER of Madison, LEMKE of Westbrook, LOOK of Jonesboro, MARTIN of Van Buren, MARTIN of Eagle Lake, MURPHY of Berwick, PARADIS of Augusta, PFEIFFER of Brunswick, PLOURDE of Biddeford, PLOWMAN of Hampden, POULIOT of Lewiston, REED of Falmouth, RUHLIN of Brewer, SKOGLUND of St. George, WHITCOMB of Waldo, Senators: BUSTIN of Kennebec, CAHILL of Sagadahoc, ESTY of Cumberland, HANLEY of Oxford, LAWRENCE of York, PARADIS of Aroostook, SUMMERS of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Concerning Primary Care and Parental Rights and Responsibilities in Cases of Domestic Abuse" (H.P. 1055) (L.D. 1407) (Presented by Representative CATHCART of Orono)

Ordered Printed.
Sent up for Concurrence.

Labor

Resolve, Instructing the Department of Labor to Place Van Buren and Madawaska in Separate Labor Markets (H.P. 1044) (L.D. 1396) (Presented by Representative MARTIN of Van Buren) (Cosponsored by Senator PARADIS of Aroostook and Representatives: ANDERSON of Woodland, HALE of Sanford, JALBERT of Lisbon, MARTIN of Eagle Lake, PINETTE of Fort Kent, POULIOT of Lewiston, RUHLIN of Brewer, SULLIVAN of Bangor)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Expand the Authority of Property Managers" (H.P. 1024) (L.D. 1376) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representatives: BOWERS of Washington, JOHNSON of South Portland, MELENDY of Rockland, PENDLETON of Scarborough, Senator: PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Assist in Crime Prevention" (H.P. 1041) (L.D. 1393) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Representatives: BAILEY of Township 27, CAMPBELL of Holden, GRAY of Sedgwick, KUTASI of Bridgton, PLOWMAN of Hampden, ROBICHAUD of Caribou, SIMONEAU of Thomaston, YOUNG of Limestone)

Bill "An Act Concerning Renewals of Valid Concealed Weapons Permits" (H.P. 1043) (L.D. 1395) (Presented by Representative SWAZEY of Bucksport) (Cosponsored by Senator CAREY of Kennebec and Representatives: BOWERS of Washington, JACQUES of Waterville, STEVENS of Sabattus, Senator: HALL of Piscataquis) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State" (H.P. 1036) (L.D. 1388) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representatives: FARNSWORTH of Hallowell, JOSEPH of Waterville, KERR of Old Orchard Beach, KILKELLY of Wiscasset, Senator: CONLEY of Cumberland)

Bill "An Act to Restructure the Department of Defense and Veterans' Services" (H.P. 1037) (L.D. 1389) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: CATHCART of Orono, JOSEPH of Waterville, SULLIVAN of Bangor, WENTWORTH of Arundel, Senator: O'DEA of Penobscot)

Bill "An Act to Strengthen the Public Disclosure of Lobbying Activities" (H.P. 1038) (L.D. 1390) (Presented by Representative JOSEPH of Waterville)

(Cosponsored by Representatives: ADAMS of Portland, BENNETT of Norway, GRAY of Sedgwick, PARADIS of Augusta, YOUNG of Limestone, Senators: BUSTIN of Kennebec, CLEVELAND of Androscoggin) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

Bill "An Act to Establish the Penobscot County Budget Advisory Committee" (H.P. 1050) (L.D. 1402) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Representatives: CAMPBELL of Holden, CATHCART of Orono, HICHBORN of Howland, PLOWMAN of Hampden, RUHLIN of Brewer, SAXL of Bangor, STROUT of Corinth, SULLIVAN of Bangor, Senators: O'DEA of Penobscot, PEARSON of Penobscot)

Bill "An Act to Provide Access to Landlocked Property" (H.P. 1051) (L.D. 1403) (Presented by Representative BENNETT of Norway)

Bill "An Act to Allow the Town of Berwick to Rebuild Certain Private Roads" (EMERGENCY) (H.P. 1052) (L.D. 1404) (Presented by Representative MURPHY of Berwick) (Cosponsored by Senator: CARPENTER of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Create a Body Politic and Corporate by the Name of Great Diamond Island Village Corporation" (H.P. 1056) (L.D. 1408) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: GRAY of Sedgwick, KILKELLY of Wiscasset, RAND of Portland, Senator: CONLEY of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Create an Investment Tax Credit to Encourage New Capital Investments by Maine Businesses" (H.P. 1025) (L.D. 1377) (Presented by Representative CLUKEY of Houlton) (Cosponsored by Representatives: BAILEY of Farmington, JOY of Island Falls, KNEELAND of Easton, QUINT of Paris, SIMONEAU of Thomaston, Senator: HALL of Piscataquis)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 1057) (L.D. 1409) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: BAILEY of Township 27, BAILEY of Farmington, DiPIETRO of South Portland, DRISCOLL of Calais, HUSSEY of Milo, KNEELAND of Easton, MARTIN of Van Buren, MARTIN of Eagle Lake, O'GARA of Westbrook, PLOURDE of Biddeford, RICKER of Lewiston, TARDY of Palmyra, Senators: BRANNIGAN of Cumberland, GOULD of Waldo, PARADIS of Aroostook)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act Pertaining to Pole Attachment Rate Disputes" (H.P. 1054) (L.D. 1406) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Representatives: CLARK of Millinocket, KONTOS of Windham, MORRISON of Bangor, PARADIS of Augusta, ZIRNKILTON of Mount Desert, Senators: CARPENTER of York, DUTREMBLE of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Reported Pursuant to Public Law

Representative PARADIS for the Commission to Study the Future of Maine's Courts, pursuant to Public Law 1989, chapter 891, Part B ask leave to submit its findings and to report that the accompanying Resolve, Creating the Court Futures Implementation Commission (EMERGENCY) (H.P. 1021) (L.D. 1373) 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 Resolve referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

REPORTS OF COMMITTEES

Refer to the Committee on Judiciary

Representative LEMKE from the Committee on Legal Affairs on Bill "An Act Regarding Disorderly Conduct" (H.P. 969) (L.D. 1300) reporting that it be referred to the Committee on Judiciary.

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

At this point, the Speaker appointed the Representative from East Millinocket, Representative Michaud, to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

Ought to Pass as Amended

Representative COLES from the Committee on Energy and Natural Resources on Bill "An Act Concerning Mooring Permits" (H.P. 469) (L.D. 606) reporting "Ought to Pass" as amended by Committee

Amendment "A" (H-219)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-219) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, May 4, 1993.

CLUKEY of Houlton
JOY of Island Falls
QUINT of Paris

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-215) on same Bill.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-212) on Bill "An Act to Establish Maximum Interest Rates for Automobile Financing" (H.P. 656) (L.D. 894)

Signed:

Senator: McCORMICK of Kennebec

Representatives: CATHCART of Orono
WENTWORTH of Arundel
TUFTS of Stockton Springs

Signed:

Senators: McCORMICK of Kennebec
CAREY of Kennebec

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

Reports were read.

On motion of Representative Paradis of Augusta, tabled pending acceptance of either report and later today assigned.

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

Signed:

Senator: KIEFFER of Aroostook

Reports were read.

On motion of Representative Pineau of Jay, the House accepted the Majority "Ought to Pass" Report, the bill read once.

Committee Amendment "A" (H-212) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, May 4, 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. 191) (L.D. 254) Bill "An Act to Extend the Operating Deadline for Municipal Solid Waste Landfills" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-217)

(H.P. 388) (L.D. 501) Bill "An Act to Correct Errors and Inconsistencies in the Growth Management Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-218)

(H.P. 632) (L.D. 863) Resolve, to Establish a Land Swap in Carrabassett Valley Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 971) (L.D. 1302) Bill "An Act to Implement the Provision of Services Pursuant to the Augusta Mental Health Institute Consent Decree" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 511) (L.D. 669) Bill "An Act to Reapportion Maine School Administrative District No. 72" (EMERGENCY) Committee on Education reporting "Ought to Pass"

(H.P. 184) (L.D. 236) Bill "An Act to Permit Children 5 Years of Age to Enter Grade One" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-221)

(H.P. 421) (L.D. 540) Bill "An Act Regarding the Use of Natural Gas in Motor Vehicles" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-222)

(H.P. 500) (L.D. 658) Bill "An Act Related to

Divided Report

Later Today Assigned

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Related to the Maine State Retirement System" (H.P. 227) (L.D. 295)

Signed:

Senators: TITCOMB of Cumberland
WEBSTER of Franklin

Representatives: JALBERT of Lisbon
VIGUE of Winslow
HATCH of Skowhegan
BARTH of Bethel

Hook-up Fees for New Installations of Electric Heat" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-223)

(H.P. 685) (L.D. 926) Bill "An Act to Allow Disclosure of Residential Electrical Costs" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-224)

(H.P. 745) (L.D. 1012) Bill "An Act to Amend the Waldoboro Utility District Charter" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-225)

(H.P. 786) (L.D. 1059) Bill "An Act to Establish the Public Advocate Regulatory Fund Assessment for the Next Biennium" (EMERGENCY) Committee on **Appropriations and Financial Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-226)

(H.P. 577) (L.D. 781) Bill "An Act to Introduce Greater Efficiency in the Provision of Certain State Services" (EMERGENCY) Committee on **Appropriations and Financial Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-227)

(H.P. 487) (L.D. 645) Resolve, to Reduce the Administrative Costs of State Government (EMERGENCY) Committee on **Appropriations and Financial Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-228)

(H.P. 562) (L.D. 759) Resolve, Authorizing the Merger of MCD Residential Care, Inc., a Maine For-profit Corporation, with Medical Care Development, Inc., a Nonprofit Corporation Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-229)

(H.P. 527) (L.D. 711) Resolve, Concerning a Special Revenue Account for Emergency Medical Services Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-230)

(H.P. 531) (L.D. 715) Bill "An Act to Foster the Bringing Together of Venture Capital and Innovative Business Ideas" (EMERGENCY) Committee on **Housing and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-231)

(H.P. 407) (L.D. 520) Bill "An Act to Amend the Maine Housing Authorities Act" Committee on **Housing and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-232)

(S.P. 41) (L.D. 53) Bill "An Act to Improve Access to Maine's Veterans' Homes" (EMERGENCY) Committee on **Aging, Retirement and Veterans** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-84)

(S.P. 175) (L.D. 589) Bill "An Act to Continue Certain Provisions of the Seed Certification Laws That Encourage the Development of New Varieties" Committee on **Agriculture** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-85)

There being no objections, the above items were

ordered to appear on the Consent Calendar of Tuesday, May 4, 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. 515) (L.D. 673) Bill "An Act to Amend the Provisions of the Probate Code Providing Filing Fees and Duties of Registers of Probate" (C. "A" H-195)

(H.P. 584) (L.D. 788) Bill "An Act to Prevent Unauthorized Use of the Name Passamaquoddy" (C. "A" H-210)

(H.P. 489) (L.D. 647) Bill "An Act to Amend the Law Pertaining to the Termination of Credit Insurance" (C. "A" H-211)

(H.P. 764) (L.D. 1031) Bill "An Act to Extend Burial Eligibility for Dependent Children" (C. "A" H-213)

(H.P. 436) (L.D. 555) Bill "An Act to Limit Administrative Costs in Contracted Services" (EMERGENCY) (C. "A" H-214)

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 Exempt Certain Greenhouse and Nursery Owners from Licensing Fees" (H.P. 166) (L.D. 218) (C. "A" H-209)

Bill "An Act to Provide for an Open Season on Most Inland Fisheries in the State" (H.P. 567) (L.D. 772) (C. "A" H-199)

Bill "An Act Regarding Family Leave" (H.P. 318) (L.D. 406) (C. "A" H-178)

Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers" (S.P. 135) (L.D. 426) (C. "A" S-81)

Bill "An Act to Require That the Inspection and Investigation Responsibilities of the Electricians' Examining Board Receive Funding Priority" (H.P. 490) (L.D. 648) (C. "A" H-176)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Harness Racing (H.P. 156) (L.D. 208) (C. "A" H-121 and S. "A" S-75)

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. 110 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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Laws Relating to Financial Institution Service Corporations (H.P. 301) (L.D. 389) (S. "A" S-74 to C. "A" H-131)

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. 110 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.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Amend the Mars Hill Utility District (H.P. 540) (L.D. 724) (C. "A" H-137)

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

On motion of Representative Paradis of Augusta, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents (S.P. 87) (L.D. 241) (H. "A" H-171)

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

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

ENACTOR

Tabled and Assigned

An Act to Establish an Automobile Recycling Permit (H.P. 255) (L.D. 334) (C. "A" H-143)

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

On motion of Representative Paradis of Augusta, tabled pending passage to be enacted and specially assigned for Tuesday, May 4, 1993.

PASSED TO BE ENACTED

An Act to Allow Rebate Coupons in Agency Liquor Stores (H.P. 304) (L.D. 392) (C. "A" H-141)

An Act to Strengthen the State's Support Laws (H.P. 401) (L.D. 514) (C. "A" H-138)

An Act Regarding Priorities in the Probate Code (H.P. 491) (L.D. 649) (C. "A" H-140)

An Act to Provide Protection for Mortgagees Under the Utility Laws (H.P. 501) (L.D. 659)

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) (C. "A" H-136)

An Act to Amend the Recording Requirements for Proceedings Involving Real Estate (H.P. 534) (L.D. 718) (C. "A" H-139)

An Act Regarding Certification Fees for Adult Education Teachers (H.P. 619) (L.D. 843) (H. "A" H-170)

An Act to Authorize the Offset of Insurance Premiums (H.P. 627) (L.D. 847)

An Act to Eliminate the Seasonal Legal Researcher Position at the Public Utilities Commission and to Make Certain Other Changes (H.P. 670) (L.D. 908)

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

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker pro tem 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:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks (H.P. 176) (L.D. 228) (C. "A" H-92)
TABLED - April 29, 1993 by Representative GWADOSKY of Fairfield.
PENDING - Final Passage.

On motion of Representative Paradis of Augusta, tabled pending final passage and specially assigned for Tuesday, May 4, 1993.

The Chair laid before the House the following matter: Divided Report - Majority Report (8) of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Provide Flexibility in Establishing Payroll Schedules for Municipal Employees" (S.P. 148) (L.D. 480) and Minority Report (5) of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-91) on same Bill (Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted) which was tabled earlier in the day and later today assigned pending the motion of Representative Ruhlin of Brewer that the House accept the Majority "Ought Not to Pass" Report.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: This particular piece of legislation which is entitled "An Act to Provide Flexibility in Establishing Payroll Schedules for Municipal Employees" in fact may not be so flexible and so new as it would sound.

Presently, the laws of the State of Maine say that a community in discussion or collective bargaining with its employees may together agree upon a pay schedule, whether it is once a month, every two weeks, once a week, whatever it is. Also any individual employee, non-unionized or non-organized has the right under our existing laws in the State of Maine to request of their community that they be paid — again, every other week, every third week, every fourth week or whatever it is.

This particular piece of legislation, the one that the Majority of the Labor Committee objects to, would allow the communities of this state to unilaterally, without discussion, without consideration of economic need or necessity, change the pay schedules of all the municipal employees that they decided upon.

Presently, the cities or municipalities pay their employees once a week. Rather than going to collective bargaining, they can now pay them once every two weeks if they want. We hold that the proper place for this is collective bargaining. We, therefore, have signed the "Ought Not to Pass" Report and we would appreciate your supporting that report.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: L.D. 480 simply allows municipalities the option to go to a biweekly payroll, this is an option, it would not be mandated.

Currently, a municipality is required to pay on a weekly basis and the savings, according to the Maine

Municipal Association, for one town alone, could be as high as \$20,000 per year. Total income or take-home pay would not change in going to this system. I didn't see any good reason to vote against it. So, as an employee, you opt out, you can stay weekly, but the municipality would have the flexibility to go to a biweekly payroll and the savings would be enormous. I think we ought to help out the municipalities and vote for this one.

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

Representative AIKMAN: Mr. Speaker, Men and Women of the House: I hope you will vote against the pending motion of the "Ought Not to Pass" and Mr. Speaker, I request a roll call.

This bill removes the requirement that municipalities pay their employees weekly. It allows municipalities to adopt payment schedules that are more flexible and less costly to administer. Payroll processing costs can be significantly reduced by switching from a weekly to a biweekly payroll schedule. The state pays its employees biweekly and so do many other businesses.

Savings could be substantial. Maine Municipal Association estimates a statewide savings of approximately \$750,000 to \$1 million, if all municipalities switched to a biweekly payroll.

To add to Representative Libby's comment about one town's estimation of population of 9,000 — an estimated savings of \$20,000. Municipalities would not be required by law to pay biweekly, they would be given the option and they would have to work it out with their employees like other aspects of employment.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clarify one point that may be confusing. The proponents of this legislation make it seem as though the communities are now restricted in what they can do. They are in no way restricted. It is an option they presently have, they may go to their employees and say, if you agree, we would like to go to a biweekly pay schedule, it will save us money, it will save the community money if we do this, if you agree.

What it does is it calls for the two parties coming together and giving due consideration to the economic necessities of the employees and the employees giving consideration to the economic savings to the community. That is the good way, that is the proper way, let each party look at the rights and benefits to the other party and act accordingly. To do otherwise would be to force the will of one upon the other and I don't think this legislature wants to do that.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I just want to make a couple more points clear here. This would allow the municipality to go to a biweekly payroll without the formality of going through negotiations. Any savings to the municipality, I just want to make this clear, definitely is going to also mean a savings to the property taxpayer. You can go that next step.

I would just also like to make it clear that I am going to be voting against the proposed "Ought Not to Pass" here. I hope you will follow my light.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Clinton, Representative Clement.

Representative CLEMENT: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Labor Committee also and I listened to testimony on this bill. This bill, in the towns that I represent, won't have any effect on saving anybody any money. They make out about 14 checks in the town of Clinton for the people that work there, number one.

Number two, the employees that work for the towns, if they chose to today, could go to the town and ask to get paid every two weeks. They chose not to.

I will be supporting the motion on the floor.

The SPEAKER PRO TEM: 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 PRO TEM: The pending question before the House is the motion of Representative Ruhlin of Brewer 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. 68

YEA - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Caron, Carroll, Cashman, Cathcart, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Constantine, Cote, Daggett, DiPietro, Driscoll, Dutremble, L.; Erwin, Faircloth, Farnsworth, Fitzpatrick, Gamache, Gean, Gould, R. A.; Gray, Gwadosky, Hatch, Heeschen, Hichborn, Hوجلund, Hussey, Johnson, Joseph, Ketterer, Kontos, Larrivee, Lemke, Martin, H.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Gara, Paradis, P.; Pfeiffer, Pineau, Pinette, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, G.; Tracy, Treat, Walker, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carleton, Clukey, Cross, Dexter, Donnelly, Farnum, Farren, Foss, Greenlaw, Heino, Hillock, Joy, Kerr, Kneeland, Kutasi, Libby Jack, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Murphy, Nash, Nickerson, Norton, Pendexter, Pendleton, Plowman, Quint, Reed, G.; Reed, W.; Robichaud, Saxl, Simoneau, Small, Spear, Stevens, A.; Tardy, Taylor, Thompson, True, Tufts, Vigue, Whitcomb, Winn, Young, Zirnkilton.

ABSENT - Carr, Chase, Dore, Hale, Holt, Jacques, Jalbert, Kilkelly, Lemont, Michaud, Oliver, Ott, Townsend, L.; The Speaker.

Yes, 77; No, 60; Absent, 14; Paired, 0; Excused, 0.

77 having voted in the affirmative and 60 in the negative with 14 being absent, the Majority "Ought Not to Pass" Report was accepted in concurrence.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

SPECIAL SENTIMENT CALENDAR

(Reconsidered)

In Memory of:

John W. Ballou, senior partner in the Bangor law firm of Mitchell and Stearns and former Bangor city mayor, who will long be remembered for his outstanding service to the City of Bangor and his active participation in professional and cultural organizations throughout the State. Mr. Ballou received recognition from the Maine Civil Liberties Union and the Bangor Management Club as an exemplary citizen and was honored with the Justice Louis Scolnik Award and the Chamber of Commerce Community Service Award; (HLS 307) by Representative SULLIVAN of Bangor. (Cosponsors: Senator BALDACCI of Penobscot, Representative MORRISON of Bangor)

On motion of Representative Sullivan of Bangor, the House reconsidered its action whereby HLS 307 was adopted.

Was read.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Sullivan.

Representative SULLIVAN: Mr. Speaker, Men and Women of the House: The City of Bangor and the State of Maine suffered a loss recently with the passing of John W. Ballou, a noted attorney and a very active citizen in many, many ways.

John Ballou was a senior partner in the firm of Mitchell and Sterns in Bangor. Also, he served nine wonderful years on the City Council and served as the Mayor of Bangor.

John was very active in the community. In the theater, he was the Director of Penobscot Theater, Acadia Theater, the Bangor Symphony Orchestra and the list goes on and on. His portrayal of Captain Hook, his portrayal of King Arthur are two of the many, many roles that John shared with the community and people remember him so much for those roles.

John was a friend of mine and John was my opponent in the election last November. He was an able opponent and, as I said because we were friends, it was hard to campaign against him. Unfortunately, it was the day before the election that John found out that he had terminal cancer. We all lost an able citizen, a good person in the community and a friend. I hope you will remember him as I do.

Subsequently, HLS 307 was adopted and sent up for concurrence.

On motion of Representative Jacques of Waterville,

Adjourned at 4:55 p.m. until Tuesday, May 4, 1993, at ten o'clock in the morning.