

# 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  
47th Legislative Day  
Thursday, May 6, 1993

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

Prayer by The Reverend Doctor Sheldon T. Smith, First Congregational Church, Waterville.

The Journal of Tuesday, May 4, 1993, was read and approved.

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SENATE PAPERS

The following Communication:

Maine State Senate  
Augusta, Maine 04333

May 4, 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 Indefinitely Postponed Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers" (S.P. 135) (L.D. 426).

Sincerely,

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

Was read and ordered placed on file.

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Bill "An Act to Ensure Prompt and Equitable Payment for Construction Services" (S.P. 457) (L.D. 1424)

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

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

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Resolve, Directing That the State's Coastal Zone Management Program Be Amended to Include Monitoring of Shellfish Harvesting Areas by the Department of Marine Resources (EMERGENCY) (S.P. 456) (L.D. 1423)

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

Was referred to the Committee on **Marine Resources** in concurrence.

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Bill "An Act to Separate Little Diamond Island in

Casco Bay from the City of Portland and to Create the Little Diamond Island Village Corporation as Part of the Town of Long Island" (S.P. 458) (L.D. 1425)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Was referred to the Committee on **State and Local Government** in concurrence.

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Ought to Pass as Amended

Report of the **Joint Select Committee on Corrections** reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-97) on Bill "An Act Regarding the Holding of Juveniles in the Androscoggin County Jail" (EMERGENCY) (S.P. 26) (L.D. 19)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-97).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-97) was read by the Clerk and adopted and the Bill assigned for second reading Monday, May 10, 1993.

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Ought to Pass as Amended

Report of the Committee on **Utilities** reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-102) on Bill "An Act to Ensure Compliance with Existing Energy Efficiency Building Standards" (S.P. 241) (L.D. 734)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-102).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-102) was read by the Clerk and adopted and the Bill assigned for second reading Monday, May 10, 1993.

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Ought to Pass as Amended

Report of the Committee on **Utilities** reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-103) on Bill "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority" (S.P. 263) (L.D. 801)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-103).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-103) was read by the Clerk and adopted and the Bill assigned for second reading Monday, May 10, 1993.

**Ought to Pass as Amended**

Report of the Committee on Utilities reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-58) on Bill "An Act to Protect Consumers when Disconnecting Cable Television Services" (EMERGENCY) (S.P. 195) (L.D. 631)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-58) as amended by Senate Amendment "A" (S-106) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-58) was read by the Clerk.

Senate Amendment "A" (S-106) to Committee Amendment "A" (S-58) was read by the Clerk.

On motion of Representative Clark of Millinocket, tabled pending adoption of Senate Amendment "A" (S-106) to Committee Amendment "A" (S-58) and later today assigned.

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Related to Mobile Home Parks" (S.P. 112) (L.D. 313)

Signed:

Senators: CAREY of Kennebec  
HALL of Piscataquis

Representatives: DAGGETT of Augusta  
GAMACHE of Lewiston  
STEVENS of Sabattus  
BENNETT of Norway  
ROBICHAUD of Caribou  
TRUE of Fryeburg  
NASH of Camden

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

Signed:

Senator: HANDY of Androscoggin  
Representatives: MICHAEL of Auburn  
BOWERS of Washington

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-107)

Reports were read.

Representative Daggett of Augusta moved that the House accept the Majority "Ought Not to Pass" Report.

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

assigned.

**Non-Concurrent Matter**

Bill "An Act to Restructure the Department of Defense and Veterans' Services" (H.P. 1037) (L.D. 1389) which was referred to the Committee on State and Local Government in the House on May 3, 1993.

Came from the Senate referred to the Committee on Aging, Retirement and Veterans in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter**

Bill "An Act to Increase the County Share of the Government Operations Surcharge Fund" (H.P. 97) (L.D. 139) on which the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-114) as amended by House Amendment "A" (H-145) thereto in the House on April 15, 1993.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on State and Local Government read and accepted in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON AGING, RETIREMENT AND VETERANS

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Aging, Retirement & Veterans has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 602 An Act Concerning Funding of the Maine State Retirement System
- L.D. 872 An Act to Update and Modify the Appointment Process to the Board

of Trustees of the Maine Veterans' Homes

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bonnie L. Titcomb Senate Chair S/Rep. John Jalbert House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE ONE HUNDRED AND SIXTEENTH LEGISLATURE COMMITTEE ON AGRICULTURE

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate Honorable John L. Martin, Speaker of the House 116th Maine Legislature State House Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Agriculture has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1210 An Act to Require that Dogs Be Leashed

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis Senate Chair S/Rep. Robert J. Tardy House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE ONE HUNDRED AND SIXTEENTH LEGISLATURE COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate Honorable John L. Martin, Speaker of the House 116th Maine Legislature State House Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Appropriations & Financial Affairs has voted

unanimously to report the following bills out "Ought Not to Pass":

L.D. 4 An Act to Exempt Warden Service Vehicles from Participation in the Central Motor Pool

L.D. 126 An Act to Supplement and Maintain a Federal Grant to the Western Regional Council on Alcoholism, Incorporated

L.D. 365 An Act Concerning Tax Anticipation Notes for Fiscal Year 1993-94

L.D. 366 An Act to Improve the Level of Services Provided by the Bureau of General Services on Capital Improvement Projects

L.D. 524 An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for Fiscal Years Ending June 30, 1994 and June 30, 1995

L.D. 704 An Act to Reimburse Municipalities for Forest Fire Suppression Costs

L.D. 825 An Act to Enhance the Cost-effectiveness of the Central Motor Pool

L.D. 977 An Act to Make Allocations from the Public Advocate Regulatory Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995

L.D. 1086 An Act Repealing Advisory Boards on Appropriations and Financial Affairs

L.D. 1327 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow the Governor to Veto Specific Appropriations and Allocations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael D. Pearson Senate Chair S/Rep. Lorraine N. Chonko House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE ONE HUNDRED AND SIXTEENTH LEGISLATURE COMMITTEE ON BANKING AND INSURANCE

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate Honorable John L. Martin, Speaker of the House

116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Banking & Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 41 An Act Permitting the Bureau of General Services to Provide Insurance to Certain Group Homes for Children and for Persons with Mental Retardation
- L.D. 883 An Act to Allow the Bureau of General Services to Provide Insurance Services for Elementary and Secondary Schools in the State
- L.D. 991 An Act to Regulate the Extension of Credit Insurance to Persons Within the State
- L.D. 1017 An Act to Amend Self-insurance Investment Standards
- L.D. 1118 An Act to Allow Elementary and Secondary Schools to Obtain Insurance Coverage through the Risk Management Division within the Bureau of General Services

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dale McCormick S/Rep. Edward L. Pineau  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON BUSINESS LEGISLATION

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Business Legislation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 761 An Act to Allow Consumers to Request a Written Estimate for Car

Repairs

- L.D. 933 An Act to Allow Home Buyers to Conduct Inspections for Asbestos, Lead Paint, Radon and Other Hazardous Conditions
- L.D. 936 An Act to Require That Professional Boards Set Copying Fees for Members of the Professions They Regulate

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Alton E. Cianchette S/Rep. Annette M. Hoglund  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON EDUCATION

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Education has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 38 An Act Concerning Costs Related to Local Education Administration
- L.D. 167 An Act to Require Retention of Special Education Tests and Evaluations
- L.D. 187 An Act to Promote Educational Reform
- L.D. 476 An Act to Improve the Education of Exceptional Children
- L.D. 660 An Act to Ensure Flat Funding for Local School Units
- L.D. 888 An Act to Make Children Legally Responsible for Their Truancy
- L.D. 889 An Act Concerning Fine Arts Instructional Requirements
- L.D. 895 An Act Concerning Municipalities' Leasing of Portable Classrooms to School Units

L.D. 1112      Resolve, to Make Public School  
Teachers Employees of the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. John J. O'Dea      S/Rep. Elizabeth H. Mitchell  
Senate Chair              House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Energy & Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 368      An Act to Require Greater Accountability on the Part of the Department of Environmental Protection
- L.D. 479      An Act Concerning the Use of Fines Collected for Environmental Laws Violations
- L.D. 822      An Act to Reduce the Registration Fee on Small Hazardous Waste Generators
- L.D. 877      An Act to Improve Forest Management for Small Owner-managed Woodlots
- L.D. 879      An Act to Promote More Effective Input to Environmental Regulation
- L.D. 954      An Act to Protect the Allagash Wilderness Waterway
- L.D. 1153      An Act to Improve the Administration of the Landfill Closure Program
- L.D. 1176      An Act to Determine the Direct Economic Costs of Implementation of Environmental Regulations

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Mark W. Lawrence      S/Rep. Paul F. Jacques  
Senate Chair                  House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON FISHERIES AND WILDLIFE

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Fisheries & Wildlife has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 581      An Act to Require People Applying for the Moose Lottery to Have Hunting Licenses
- L.D. 612      An Act to Ensure Safe Hunting
- L.D. 644      An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Regulate the Hunting of Moose
- L.D. 650      An Act to Establish Natural Resource Enhancement Laws for the Aroostook River
- L.D. 652      An Act to Guide Cold-water Fisheries Management in Maine
- L.D. 674      An Act to Amend the Laws on Whitewater Rafting
- L.D. 689      An Act to Increase Fees Charged by Agents to Issue Sporting Licenses
- L.D. 737      An Act to Increase the Number of Moose Permits
- L.D. 829      An Act to Restrict the Harvesting of Smelts
- L.D. 850      An Act to Amend the Allocation System for Commercial Whitewater Outfitters
- L.D. 859      An Act Regarding the Penalty for Failing to Register a Deer
- L.D. 867      An Act to Grant Disabled Persons Antlerless Deer Permits upon

Request

- L.D. 905 An Act to Distribute the Number of Moose Hunting Permits Based on the Moose Population
- L.D. 913 An Act to Provide Waiting Periods for Special Hunting Permits
- L.D. 1021 An Act to Change the Moose Hunting Laws
- L.D. 1047 An Act to Increase the Number of Moose Hunting Permits from 1,000 to 1,500
- L.D. 1091 An Act Repealing Advisory Boards on Fisheries and Wildlife Matters
- L.D. 1129 An Act to Restrict Motorized Traffic on Fitts Pond in Clifton and Eddington
- L.D. 1138 An Act to Amend the Laws Governing Resident Fishing Licenses
- L.D. 1157 An Act to Provide Permits to Take Any Deer for People Hunting on Their Own Land
- L.D. 1165 An Act Regarding Hunting of Deer with Muzzle Loaders
- L.D. 1171 An Act to Amend the Hunting Laws

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. M. Ida Luther                      S/Rep. Dorothy A. Rotondi  
Senate Chair                                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Housing & Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 299            Resolve, Directing the Department of Economic and Community

Development to Review Assistance for Industries

- L.D. 575            An Act to Require Job Impact Statements for Investment Programs Administered by the Finance Authority of Maine
- L.D. 773            An Act to Allow the Maine State Housing Authority to Grant Home Improvement Loans for Energy Efficiency through Its Home Improvement Loan Program

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Rochelle M. Pingree            S/Rep. Rita B. Melendy  
Senate Chair                                      House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON HUMAN RESOURCES

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 230            An Act to Restrict Administrative Costs of the Designated Protection and Advocacy Agency
- L.D. 286            An Act to Require Psychiatric Review Prior to Certain Medication Changes at the Maine Youth Center
- L.D. 314            An Act Regarding Parental Resources in Medicaid Eligibility Determinations for Certain Children's Services
- L.D. 446            An Act to Consolidate the Delivery of Human Services
- L.D. 595            An Act Regarding Licensing Regulations for Boarding Care Facilities
- L.D. 641            An Act to Equalize Mental Health Funding Across Regions



- L.D. 705 An Act to Repeal the Sterilization Procedures Review Committee
- L.D. 947 An Act to Expand the Rights of People with Mental Illness or Mental Retardation
- L.D. 1018 An Act to Provide Mental Health Services for Children and Youth Who Are Homeless

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Judy Paradis Senate Chair  
S/Rep. Sharon Anglin Treat House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON JUDICIARY

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 355 An Act to Require Restitution Rather Than Incarceration for Certain Crimes
- L.D. 416 An Act to Make Stalking a Crime in Maine
- L.D. 500 An Act to Prohibit the Stalking of an Individual
- L.D. 567 An Act to Encourage Payment of Child Support Obligations
- L.D. 627 An Act to Amend the Adult Protective Services Act
- L.D. 657 An Act to Charge a Fee for Superior Court and District Court File Searches for Criminal Convictions
- L.D. 665 An Act to Amend the Laws Governing Sexual Exploitation of Minors
- L.D. 725 An Act Regarding the Use of Alternate Jurors

- L.D. 787 An Act for the Return of Stolen Property Retained as Evidence
- L.D. 814 An Act to Specify Criminal Liability for Tampering with Food or Drugs and Related Crimes
- L.D. 854 An Act to Ensure the Timely Resolution of Complaints under the Maine Human Rights Act
- L.D. 855 An Act Concerning Victims of Stalking
- L.D. 890 An Act to Amend the Law Regarding Insurance Fraud
- L.D. 958 An Act Preventing Trial Judges from Hearing Motions for a New Trial
- L.D. 1027 An Act Concerning Liens Against Certain Property for Child Support Arrearages
- L.D. 1028 An Act to Exclude Certain Financial Contributions from Financial Resources to Justify Deviations from Child Support Guidelines
- L.D. 1080 An Act to Clarify Mandatory Accessible Waiver Authority
- L.D. 1123 An Act to Prohibit Stalking
- L.D. 1236 An Act to Add Legal Damages to the Remedies under the Maine Unfair Trade Practices Act

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Gerard P. Conley, Jr. Senate Chair  
S/Rep. Constance D. Cote House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON LABOR

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to

notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 86 An Act to Encourage Municipal and County Officials to Be in Contract Negotiations
- L.D. 160 An Act to Amend the Workers' Compensation Act As It Pertains to Officers' Immunity
- L.D. 164 An Act to Amend the Child Labor Laws
- L.D. 193 An Act to Ensure Continued Support for Dislocated Workers in Retraining Programs
- L.D. 350 An Act to Create Equality under the Workers' Compensation Laws for Volunteer Law Enforcement Officers
- L.D. 708 An Act to Change the Labor Laws that Apply to Students under 18 Years of Age
- L.D. 970 An Act to Repeal the Child Labor Laws
- L.D. 1128 An Act Concerning Unemployment Insurance BY REQUEST
- L.D. 1144 An Act Concerning the Working Hours of Minors
- L.D. 1163 An Act Repealing Advisory Boards on Labor Matters
- L.D. 1207 An Act to Improve Standards for Video Display Terminal Operators
- L.D. 1209 An Act Regarding Veterans' Disabilities under the Workers' Compensation System

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. James R. Handy  
Senate Chair

S/Rep. Richard P. Ruhlin  
House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON LEGAL AFFAIRS

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House

Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Legal Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 432 An Act to Extend the Application of Campaign Reports and Finance Laws
- L.D. 491 An Act to Amend the Laws Governing Condominiums
- L.D. 516 An Act to Establish a Voluntary Campaign Spending Law
- L.D. 561 An Act to Clarify the Laws Concerning Beano and Bingo
- L.D. 635 An Act to Allow Certain Minors on the Premises of Class A Lounges
- L.D. 730 An Act to Permit Inspections upon Notice by Landlords of Apartments of At-will Tenants
- L.D. 799 An Act to Strengthen the Laws Prohibiting Driving under the Influence of Alcohol or Drugs
- L.D. 937 An Act to Amend the Liquor Laws
- L.D. 1001 An Act to Enhance the Revenue of Agricultural Fairs and Commercial Racetracks
- L.D. 1175 An Act to Ensure Fairness in the Use of Radar by Law Enforcement Officers

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey  
Senate Chair

S/Rep. Beverly C. Daggett  
House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON MARINE RESOURCES

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 813 An Act to Change the Opening Date for the Harvesting of Scallops to December 1st
- L.D. 1029 An Act to Require Possession of a Maine Fishing License to Fish in Coastal Waters

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Harry L. Vose Senate Chair  
 S/Rep. James Mitchell House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
 ONE HUNDRED AND SIXTEENTH LEGISLATURE  
 COMMITTEE ON STATE AND LOCAL GOVERNMENT

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
 Honorable John L. Martin, Speaker of the House  
 116th Maine Legislature  
 State House  
 Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on State & Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 168 An Act to Provide for the Direct Election of the State Auditor
- L.D. 322 An Act to Facilitate the Efforts of the Commission on Governmental Ethics and Election Practices to Provide Advisory Opinions
- L.D. 502 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Modify Terms of Office for Senators and Members of the House of Representatives
- L.D. 692 An Act to Limit to 4 the Number of Consecutive Terms a Legislator May Serve
- L.D. 743 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Election Procedures for Constitutional Officers

- L.D. 795 An Act to Limit the Terms of the President of the Senate and the Speaker of the House of Representatives
- L.D. 885 An Act to Implement Constitutional Provisions Requiring the Funding of Mandates Imposed on Local Units of Government
- L.D. 917 Resolve, to Obtain Land for the Construction of a Juvenile Detention Center in Northern Maine
- L.D. 1004 An Act to Increase the Fee for Marriage Licenses
- L.D. 1081 An Act to Promote Stronger Interdepartmental Cooperation
- L.D. 1106 Resolve, to Promote Joint Purchasing by Nonprofit Organizations
- L.D. 1141 An Act Allowing the Town of Hermon to Convey Certain Property within the Town
- L.D. 1169 An Act Repealing Boards That Have Not Filed Annual Reports with the Secretary of State
- L.D. 1179 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit Terms of Certain State Office Holders
- L.D. 1195 An Act to Amend the Requirements for Hearing and Public Notice in the Adoption and Amendment of Zoning Ordinances
- L.D. 1196 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Number of Members in the House of Representatives and Create a Unicameral Legislature
- L.D. 1214 An Act to Share Proportionately the Public Safety Costs for the Capitol Area
- L.D. 1247 An Act to Implement the Constitutional Amendment Requiring the State to Fund Mandates
- L.D. 1279 Resolve, Creating the New England Regional Commission on Fiscal and Public Policy

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Georgette B. Berube Senate Chair  
 S/Rep. Ruth C. Joseph House Chair

Was read and ordered placed on file.

Sincerely,

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON TAXATION

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 157 An Act to Continue the Income Tax Surcharge to December 31, 1993
- L.D. 180 An Act to Adjust the 1992 State Valuation of Mechanic Falls
- L.D. 335 An Act to Create Economic Development Incentives
- L.D. 510 An Act to Amend the Laws Relating to Property Tax Appeals
- L.D. 513 An Act to Expand Resources and Eligibility for Child Care Programs
- L.D. 542 An Act to Facilitate State Income Tax Withholding from Ordered Civil Service Annuities
- L.D. 706 An Act to Require Job Impact Statements and Cost Benefit Analyses for Business Tax Incentives
- L.D. 738 An Act to Change the Residency Requirements for Income Tax Purposes
- L.D. 741 An Act to Allow Municipalities to Borrow against Property Tax Deferrals
- L.D. 744 An Act to Require Disclosure of Certain Property Status
- L.D. 810 An Act to Exempt from State Income Tax Individual Retirement Accounts Funds for the Purchase of Homes or the Renovations of Existing Homes
- L.D. 950 An Act to Enhance Public Recreational Opportunity

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

S/Sen. John E. Baldacci S/Rep. Susan E. Dore  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 63 An Act Regarding the Issuance of Special License Plates
- L.D. 136 An Act to Provide Operating Funds for the Casco Bay Island Ferry District
- L.D. 174 An Act Concerning Truck Weight Limits
- L.D. 269 An Act to Create A Special License Plate for Blue Knights
- L.D. 331 An Act to Make Available Special Handicap Veteran License Plates and Vanity Plates With a Veteran Designation
- L.D. 372 Resolve, to Privatize Road Maintenance
- L.D. 462 An Act to Provide Greater Access to Private Roads during Emergencies
- L.D. 598 An Act to Ensure That Towns Do Not Have to Pay for Ambulance or Emergency Vehicle Response on Controlled Access Highways within Their Boundaries
- L.D. 609 An Act to Establish the Maine Parks and Recreation Fund
- L.D. 745 An Act to Authorize the Issuance of Repair Plates to Automobile Repair Garages
- L.D. 747 An Act to Amend the Law Regarding Suspension of an Operator's

- L.D. 868 License for Nonpayment of Fines
- L.D. 868 An Act Concerning Renewal Registration of Motor Vehicles
- L.D. 1003 An Act to Allow Reimbursement to Local Fire Departments by the Turnpike Authority of Maine
- L.D. 1009 An Act to Facilitate Traffic Movement over Bridges and Ways
- L.D. 1127 An Act Concerning the Registration of Tree Farm Vehicles
- L.D. 1131 An Act to Give Law Enforcement Agencies the Option of Including Red Lights as a Part of Emergency Vehicle Auxiliary Lighting
- L.D. 1134 An Act to Facilitate the Procurement of License Plates for County-owned Vehicles
- L.D. 1172 An Act Regarding the Issuance of Registration Plates
- L.D. 1192 An Act to Provide Funding for Response to Spills of Hazardous Materials
- L.D. 1228 An Act to Ensure Access to Land Located on Discontinued Roads

- L.D. 573 An Act to Ensure Residential Consumer Representation on and before the Public Utilities Commission
- L.D. 1042 An Act to Provide Equitable Treatment of Electric Utility Conservation Costs
- L.D. 1098 An Act Repealing Advisory Boards on Utilities Matters
- L.D. 1135 An Act to Protect Electric Ratepayers from Unnecessary Rate Increases

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Brannigan Senate Chair      S/Rep. William B. O'Gara House Chair

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND SIXTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES

May 3, 1993

Honorable Dennis L. Dutremble, President of the Senate  
Honorable John L. Martin, Speaker of the House  
116th Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Dutremble and Speaker Martin:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 341 An Act to Encourage Conservation and Load Management by Electric Utilities

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Harry L. Vose Senate Chair      S/Rep. Herbert E. Clark House Chair

Was read and ordered placed on file.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

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

**Banking and Insurance**

Bill "An Act to Provide Choice within the Maine State Employee Health Insurance Program" (EMERGENCY) (H.P. 1078) (L.D. 1444) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Representatives: COLES of Harpswell, FOSS of Yarmouth, HOLT of Bath, JOSEPH of Waterville, MARTIN of Eagle Lake, PFEIFFER of Brunswick, Senators: CAHILL of Sagadahoc, ESTY of Cumberland, HARRIMAN of Cumberland, McCORMICK of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Amend Statutory Provisions Regarding Risk Management Funds" (H.P. 1086) (L.D. 1465) (Presented by Representative CARLETON of Wells) (Cosponsored by Senator: KIEFFER of Aroostook) (Governor's Bill)

Resolve, to Require That Doctors of Chiropractic Be Included as Select Physicians in the Maine State Employees Health Plan (EMERGENCY) (H.P. 1071) (L.D. 1437) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Representatives: AHEARNE of Madawaska, ALIBERTI of Lewiston, CARR of Sanford, CARROLL of Gray, CHONKO of Topsham, CLARK of Millinocket, COFFMAN of Old Town, COTE of Auburn, DORE of Auburn, DUTREMBLE of Biddeford, FAIRCLOTH of Bangor, FARNSWORTH of Hallowell, GOULD of Greenville, GRAY of Sedgwick, GREENLAW of Standish, GWADOSKY of Fairfield, HALE of Sanford, HICHBORN of Howland, HOGLUND of Portland, HOLT of Bath, HUSSEY of Milo,

JACQUES of Waterville, JALBERT of Lisbon, KERR of Old Orchard Beach, KONTOS of Windham, KUTASI of Bridgton, LARRIVEE of Gorham, LEMKE of Westbrook, MARTIN of Van Buren, MARTIN of Eagle Lake, MICHAEL of Auburn, MICHAUD of East Millinocket, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, O'GARA of Westbrook, OLIVER of Portland, PARADIS of Augusta, PENDLETON of Scarborough, PINEAU of Jay, PLOWMAN of Hampden, POULIN of Oakland, POULIOT of Lewiston, RAND of Portland, REED of Falmouth, RICKER of Lewiston, ROTONDI of Athens, RUHLIN of Brewer, SIMONEAU of Thomaston, STEVENS of Sabattus, STROUT of Corinth, SULLIVAN of Bangor, SWAZEY of Bucksport, TARDY of Palmyra, TRACY of Rome, VIGUE of Winslow, YOUNG of Limestone, Senators: BALDACCI of Penobscot, CAREY of Kennebec, CONLEY of Cumberland, DUTREMBLE of York, HALL of Piscataquis, HANDY of Androscoggin, LAWRENCE of York, O'DEA of Penobscot, PARADIS of Aroostook, PEARSON of Penobscot, SUMMERS of Cumberland, TITCOMB of Cumberland, WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

Business Legislation

Bill "An Act Relative to the Licensing and Training of Hoisting Engineers" (H.P. 1079) (L.D. 1445) (Presented by Representative COFFMAN of Old Town) (Cosponsored by Senators: HANDY of Androscoggin, LUTHER of Oxford)

Ordered Printed.  
Sent up for Concurrence.

Education

Bill "An Act to Support Literacy" (H.P. 1068) (L.D. 1434) (Presented by Representative LARRIVEE of Gorham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Guarantee Equal Access and Nondiscrimination to All Students Enrolled in Approved Equivalent Instruction Programs" (H.P. 1069) (L.D. 1435) (Presented by Representative COFFMAN of Old Town) (Cosponsored by Representatives: HOLT of Bath, KILKELLY of Wiscasset, MARSHALL of Eliot, MURPHY of Berwick, STEVENS of Sabattus, Senators: HANDY of Androscoggin, PARADIS of Aroostook)

Bill "An Act to Reapportion Maine School Administrative District Number 30" (EMERGENCY) (H.P. 1072) (L.D. 1438) (Presented by Representative HICHBORN of Howland) (Cosponsored by Senator: PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Amend Certain Laws Administered by the Department of Environmental Protection Governing Fees, Reconsiderations and Outside Permit Reviews" (EMERGENCY) (H.P. 1073) (L.D. 1439) (Presented by Representative DEXTER of Kingfield) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Bill "An Act to Establish an Ambient Water Toxins Program" (H.P. 1080) (L.D. 1446) (Presented by Representative COLES of Harpswell) (Cosponsored by Representatives: CONSTANTINE of Bar Harbor, GOULD of Greenville, JACQUES of Waterville, MARSH of West Gardiner, MITCHELL of Freeport, WENTWORTH of Arundel, Senators: LAWRENCE of York, PEARSON of Penobscot, TITCOMB of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

Housing and Economic Development

Bill "An Act to Promote Long-term Economic Growth" (H.P. 1088) (L.D. 1467) (Presented by Representative COLES of Harpswell) (Cosponsored by Senator PINGREE of Knox and Representatives: GWADOSKY of Fairfield, HEESCHEN of Wilton, KONTOS of Windham, MARTIN of Eagle Lake, MELENDY of Rockland, Senator: ESTY of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

Judiciary

Bill "An Act to Eliminate the Statute of Limitation in Child Molestation Cases" (H.P. 1070) (L.D. 1436) (Presented by Representative PARADIS of Augusta) (Cosponsored by Senator FOSTER of Hancock and Representatives: BOWERS of Washington, CLOUTIER of South Portland, COTE of Auburn, DAGGETT of Augusta, ERWIN of Rumford, JACQUES of Waterville, JOSEPH of Waterville, MITCHELL of Vassalboro, PINEAU of Jay, TOWNSEND of Eastport, TOWNSEND of Canaan, Senators: HANDY of Androscoggin, KIEFFER of Aroostook, McCORMICK of Kennebec)

Resolve, to Create a Pretrial Intervention Pilot Program for Sex Offenders (H.P. 1077) (L.D. 1443) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representative: CARON of Biddeford, Senator: CONLEY of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

Legal Affairs

Bill "An Act Concerning the Operation of Aircraft under the Influence of Intoxicating Liquor or Drugs" (H.P. 1084) (L.D. 1450) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representatives:

BAILEY of Farmington, DRISCOLL of Calais, HUSSEY of Milo, MARTIN of Van Buren, MELENDY of Rockland, O'GARA of Westbrook, PLOURDE of Biddeford, RICKER of Lewiston, STROUT of Corinth, Senators: BRANNIGAN of Cumberland, GOULD of Waldo, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Restrict Private Political Campaign Contributions in State Elections" (H.P. 1085) (L.D. 1451) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representative CARLETON of Wells, Senator HANDY of Androscoggin and Representatives: BARTH of Bethel, BOWERS of Washington, BRENNAN of Portland, CAMERON of Rumford, DONNELLY of Presque Isle, FARNSWORTH of Hallowell, KILKELLY of Wiscasset, TUFTS of Stockton Springs, YOUNG of Limestone, Senators: HALL of Piscataquis, McCORMICK of Kennebec)

Bill "An Act Making Campaign Finance Reforms" (H.P. 1087) (L.D. 1466) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative MARSH of West Gardiner, Senator BUTLAND of Cumberland and Representatives: AULT of Wayne, CARROLL of Gray, CATHCART of Orono, CHONKO of Topsham, CLARK of Millinocket, FAIRCLOTH of Bangor, GEAN of Alfred, JOSEPH of Waterville, KERR of Old Orchard Beach, MORRISON of Bangor, ST. ONGE of Greene, Senator: HANDY of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

**Joint Select Committee on Rules**

Bill "An Act to Make Statutory Changes to Implement the Recommendations of the Legislature's Total Quality Management Committee" (EMERGENCY) (H.P. 1083) (L.D. 1449) (Presented by Representative LARRIVEE of Gorham) (Cosponsored by Representatives: GWADOSKY of Fairfield, KONTOS of Windham, MARTIN of Eagle Lake, MORRISON of Bangor, Senators: CAHILL of Sagadahoc, DUTREMBLE of York)

Ordered Printed.  
Sent up for Concurrence.

**State and Local Government**

Bill "An Act to Amend the Laws Governing the Knox County Budget Committee" (H.P. 1075) (L.D. 1441) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representatives: BOWERS of Washington, GRAY of Sedgwick, NASH of Camden, SIMONEAU of Thomaston, SKOGLUND of St. George, Senators: FOSTER of Hancock, PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Distribute the Power and Privilege of Serving in Elected Office" (H.P. 1076) (L.D. 1442) (Presented by Representative MICHAEL of Auburn) (Cosponsored by Senator HALL of Piscataquis and Representatives: CAMPBELL of Holden, COFFMAN of Old Town, WINN of Glenburn, Senator: LUTHER of Oxford)

Bill "An Act to Separate Peaks Island and Certain Other Islands in Casco Bay from the City of Portland" (EMERGENCY) (H.P. 1082) (L.D. 1448) (Presented by Representative ADAMS of Portland) (Cosponsored by Representatives: GRAY of Sedgwick, KILKELLY of Wiscasset, RAND of Portland, Senator: HANDY of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

**Taxation**

Bill "An Act to Conform Maine Income Tax Laws and Rules to the Internal Revenue Code" (H.P. 1081) (L.D. 1447) (Presented by Representative SIMONEAU of Thomaston) (Cosponsored by Representatives: BOWERS of Washington, CARON of Biddeford, DiPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, FARNUM of South Berwick, FOSS of Yarmouth, GRAY of Sedgwick, HOGLUND of Portland, KUTASI of Bridgton, LINDAHL of Northport, MURPHY of Berwick, OTT of York, PLOWMAN of Hampden, RAND of Portland, SMALL of Bath, SPEAR of Nobleboro, YOUNG of Limestone, Senators: BALDACCI of Penobscot, CAREY of Kennebec, SUMMERS of Cumberland)

Resolve, to Create the Committee to Establish a Tax Appellate System (H.P. 1074) (L.D. 1440) (Presented by Representative SIMONEAU of Thomaston) (Cosponsored by Representatives: DiPIETRO of South Portland, DORE of Auburn, KUTASI of Bridgton, MURPHY of Berwick, NADEAU of Saco, RAND of Portland, SPEAR of Nobleboro, Senators: BALDACCI of Penobscot, SUMMERS of Cumberland)

Ordered Printed.  
Sent up for Concurrence.

**Reported Pursuant to Public Law**

Representative JOSEPH for the Revisor of Statutes and the Secretary of State, pursuant to Public Law 1991, chapter 844, section 5 ask leave to submit its findings and to report that the accompanying Bill "An Act to Place Appropriate Citations to Various Boards and Commissions within the Maine Revised Statutes, Title 5, Sections 12004-A to 12004-L" (H.P. 1089) (L.D. 1468) be referred to the Joint Standing Committee on **State and Local Government** for public hearing and printed pursuant to Joint Rule 20.

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

**ORDERS**

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

ORDERED, that Representative Robert B. Carr of

Sanford be excused May 3 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Mary R. Cathcart of Orono be excused May 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gail M. Chase of China be excused May 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Arthur H. Clement of Clinton be excused May 4 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Larrivee of Gorham be excused April 12 to 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kenneth F. Lemont of Kittery be excused April 28 and May 3 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Hilda C. Martin of Van Buren be excused May 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edward L. Pineau of Jay be excused April 14 and 15 for health reasons and April 28 and 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gary W. Reed of Falmouth be excused May 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative George A. Townsend of Eastport be excused April 27 and 29 for personal reasons and May 6 for legislative business.

Was read and passed.

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On motion of Speaker MARTIN of Eagle Lake, the following Joint Resolution: (H.P. 1090) (Cosponsored by Representatives: BARTH of Bethel, CATHCART of Orono, CLUKEY of Houlton, TUFTS of Stockton Springs, VIGUE of Winslow, WENTWORTH of Arundel) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING THE  
CONGRESS OF THE UNITED STATES TO ESTABLISH  
APPROPRIATE BURIAL SPACES FOR MAINE'S VETERANS**

WE, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States, as follows:

WHEREAS, there currently exists a critical shortage of burial spaces for Maine's veterans, a problem which promises to worsen in the future; and

WHEREAS, the nearest national cemetery is in Massachusetts, too far away for central and northern Maine veterans and their families; and

WHEREAS, the Maine Veterans' Memorial Cemetery is open only to those veterans who served during specific time periods, specifically war-time service; and

WHEREAS, the few remaining spaces at the Togus Veterans Administration cemetery are reserved only for veterans who have reservations on file; and

WHEREAS, there are currently 2 bills before the Congress of the United States making National Guard and Reserve members eligible for burial in national cemeteries, which would further compound the need for burial spaces; and

WHEREAS, the closing of the Loring Air Force Base in 1994 creates an opportunity to establish a national or state cemetery and as the portion of land needed for a cemetery, 80 acres, is a small percentage of the land available; and

WHEREAS, the United States Veterans Administration is in the process of identifying areas in greatest need of a national cemetery and submitted a report in January 1993 to the Congress of the United States; and

WHEREAS, the possibility now exists of receiving federal funds from the Veterans Administration for establishment of a new state veterans' cemetery; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to direct the United States Veterans Administration to recognize the problem of proper burial space for Maine's veterans and to provide a solution to that problem by establishing a national cemetery in Maine or, in the alternative, by providing the necessary federal funding for a state veterans' cemetery; and be it further

**RESOLVED:** That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

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**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

Representative HOGGLUND from the Committee on Business Legislation on Bill "An Act to Provide Additional Exemptions to the Need for a Cosmetology License" (H.P. 395) (L.D. 508) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-243)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-243) was read by the Clerk and adopted and the bill assigned for second reading Monday, May 10, 1993.



**CONSENT CALENDAR**

**First Day**

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

(S.P. 269) (L.D. 833) Bill "An Act to Amend the Provisions Related to the Supervised Community Confinement Program" **Joint Select Committee on Corrections** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-98)

(S.P. 342) (L.D. 1039) Bill "An Act to Reform the Insurance Code Laws" **Committee on Banking and Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-99)

(S.P. 311) (L.D. 944) Bill "An Act to Amend the Composition of the Port Authority for the Town of Kittery" **Committee on State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-100)

(S.P. 100) (L.D. 278) Bill "An Act to Provide Additional Powers to the Public Utilities Commission" **Committee on Utilities** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-101)

(S.P. 250) (L.D. 769) Bill "An Act to Clarify the Grounds for Civil Action for Child Sexual Abuse" **Committee on Judiciary** reporting "Ought to Pass"

(S.P. 377) (L.D. 1133) Bill "An Act to Implement the Recommendations of the Criminal Law Advisory Commission Regarding Revisions to the Maine Criminal Code" **Committee on Judiciary** reporting "Ought to Pass"

(H.P. 770) (L.D. 1043) Bill "An Act Concerning the Definition of Compact Area for Municipalities" **Committee on Transportation** reporting "Ought to Pass"

(H.P. 926) (L.D. 1249) Bill "An Act to Change Public Hearing Requirements for Certain Railroad Grade Crossing Projects" **Committee on Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-235)

(H.P. 901) (L.D. 1216) Resolve, to Name the So-called "Covered Bridge", No. 2189, Spanning the Aroostook River, in Presque Isle on Route 1, the Harold N. Flagg Memorial Bridge **Committee on Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-236)

(H.P. 699) (L.D. 951) Bill "An Act Regarding Law Court Staffing" **Committee on Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-240)

(H.P. 642) (L.D. 873) Bill "An Act to Establish the Maine Promotion Council Cooperative" **Committee on Housing and Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A"

(H-241)

(H.P. 613) (L.D. 828) Bill "An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees" **Committee on Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-242)

(H.P. 988) (L.D. 1319) Bill "An Act Related to Conferring Degrees by Thomas College" (EMERGENCY) **Committee on Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-244)

(H.P. 690) (L.D. 931) Bill "An Act to Require Sellers of Mobile Homes to Make Specific Disclosures Regarding Formaldehyde When the Purchase Agreement is Executed" **Committee on Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-245)

(H.P. 748) (L.D. 1015) Bill "An Act Relating to the Maine Endangered and Nongame Wildlife Fund" **Committee on Fisheries and Wildlife** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-246)

(H.P. 749) (L.D. 1016) Bill "An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Establish Open and Closed Seasons on the Hunting of Bear" **Committee on Fisheries and Wildlife** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-247)

(H.P. 811) (L.D. 1097) Bill "An Act Repealing Advisory Boards on Transportation Matters" **Committee on Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-248)

(H.P. 626) (L.D. 846) Bill "An Act Simplifying Dealer Sale of Firearms" **Committee on Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-249)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, May 10, 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:

(S.P. 114) (L.D. 315) Bill "An Act to Protect the Future of the United States Naval Shipyard at Kittery" (EMERGENCY) (C. "A" S-90)

(S.P. 287) (L.D. 857) Bill "An Act Requiring School Suspension or Expulsion in Cases Involving Dangerous or Concealed Weapons" (C. "A" S-86)

(S.P. 337) (L.D. 1011) Bill "An Act to Amend the Medicare Supplement Insurance Regulatory Program" (EMERGENCY)

(H.P. 593) (L.D. 808) Bill "An Act to Eliminate the Automatic Issuance of Conditional Withholding Orders" (C. "A" H-234)

(H.P. 827) (L.D. 1113) Resolve, to Extend the Commission to Study the Feasibility of a Capital Cultural Center and to Establish an Advisory Committee to the Commission (EMERGENCY)

(H.P. 694) (L.D. 935) Bill "An Act Concerning Suspension of Registrations under the Operating-under-the-influence Laws"

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Amend the Statutory Provisions Governing the Time and Method of Paying Restitution" (S.P. 176) (L.D. 590) (C. "A" S-89)

Bill "An Act to Change or Clarify Language in the Maine Insurance Code Relative to Procurement of Surplus Lines Insurance and Pertaining to Licensing Procedures in Order to Provide for a More Efficient Regulatory System" (S.P. 273) (L.D. 837) (C. "A" S-93)

Bill "An Act Regarding the Baiting of Animals" (S.P. 260) (L.D. 798) (C. "A" S-87)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed as Amended in concurrence.

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Promote Equity in Wages and Benefits in Public Contracts with Private Contractors" (S.P. 142) (L.D. 433) (C. "A" S-104)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Representative Whitcomb of Waldo 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 passage to be engrossed. Those in favor

will vote yes; those opposed will vote no.

**ROLL CALL NO. 72**

YE - Adams, Ahearne, Aliberti, Beam, Bowers, Brennan, Cameron, Carroll, Cashman, Chase, Chonko, Clark, Clement, Cloutier, Coffman, Coles, Cote, Daggett, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Faircloth, Fitzpatrick, Gean, Gould, R. A.; Gwadosky, Hale, Hatch, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Johnson, Kerr, Ketterer, Lemke, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Norton, O'Gara, Paradis, P.; Pfeiffer, Pinette, Poulin, Pouliot, Richardson, Ricker, Rotondi, Rowe, Ruhlin, Rydell, Saint Onge, Simonds, Skoglund, Stevens, K.; Strout, Sullivan, Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Walker, Wentworth, Winn, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Campbell, Carleton, Carr, Clukey, Constantine, Cross, Dexter, Farren, Foss, Gray, Greenlaw, Heino, Hillock, Joy, Kneeland, Kontos, Kutasi, Lemont, Libby James, Lindahl, Lipman, Look, Lord, MacBride, Marsh, Marshall, Nash, Nickerson, Pendexter, Pendleton, Plowman, Quint, Reed, W.; Robichaud, Simoneau, Small, Spear, Stevens, A.; Tardy, Taylor, Thompson, True, Tufts, Vigue, Whitcomb, Young, Zirnkilton.

ABSENT - Caron, Cathcart, Donnelly, Farnsworth, Farnum, Gamache, Joseph, Kilkelly, Larrivee, Libby Jack, Martin, H.; Morrison, Murphy, Nadeau, Oliver, Ott, Pineau, Plourde, Rand, Reed, G.; Saxl, Townsend, G..

Yes, 74; No, 55; Absent, 22; Paired, 0; Excused, 0.

74 having voted in the affirmative and 55 in the negative with 22 being absent, L.D. 433 was passed to be engrossed as amended by Committee Amendment "A" (S-104) in concurrence.

**PASSED TO BE ENGROSSED**

Bill "An Act Regarding Judicial Branch Publications" (H.P. 596) (L.D. 811) (C. "A" H-233)

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

**SECOND READER**

**Tabled and Assigned**

Bill "An Act Regarding the Use of Natural Gas in Motor Vehicles" (H.P. 421) (L.D. 540) (C. "A" H-222)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative Clark of Millinocket, tabled pending passage to be engrossed and specially assigned for Monday, May 10, 1993.

**PASSED TO BE ENGROSSED**

Bill "An Act to Amend the Waldoboro Utility District Charter" (H.P. 745) (L.D. 1012) (C. "A" H-225)

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

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**ENACTOR**

**Mandate**

**Tabled and Assigned**

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

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 Monday, May 10, 1993.

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

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**PASSED TO BE ENACTED**

An Act to Amend the Mechanic's Lien Laws (S.P. 197) (L.D. 633) (C. "A" S-80)

Was 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.

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**ENACTOR**

**(Reconsidered)**

An Act Providing a Limitation on Actions against Land Surveyors (H.P. 44) (L.D. 60) (C. "A" H-154)

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

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 60 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-154) was adopted.

The same Representative offered House Amendment "A" (H-237) to Committee Amendment "A" (H-154) and moved its adoption.

House Amendment "A" (H-237) to Committee Amendment "A" (H-154) was read by the Clerk and

adopted.

Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-237) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-237) thereto in non-concurrence and sent up for concurrence.

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**PASSED TO BE ENACTED**

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

Was 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.

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

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(At Ease)

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The House was called to order by the Speaker.

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**ORDERS OF THE DAY**

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, May 4, 1993, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

An Act to Amend the Mars Hill Utility District (EMERGENCY) (H.P. 540) (L.D. 724) (C. "A" H-137) TABLED - May 3, 1993 (Till Later Today) by Representative PARADIS of Augusta.  
PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Monday, May 10, 1993.

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The Chair laid before the House the second item of Unfinished Business:

An Act to Establish an Automobile Recycling Permit (H.P. 255) (L.D. 334) (C. "A" H-143) TABLED - May 3, 1993 by Representative PARADIS of Augusta.  
PENDING - Passage to be Enacted.

On motion of Representative Hoglund of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 334 was passed to be engrossed.

The same Representative offered House Amendment

"A" (H-239) and moved its adoption.

House Amendment "A" (H-239) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-143) and House Amendment "A" (H-239) in non-concurrence and sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect State Parks (H.P. 176) (L.D. 228) (C. "A" H-92)

TABLED - May 3, 1993 by Representative PARADIS of Augusta.

PENDING - Final Passage.

On motion of Representative Gwadosky of Fairfield, retabled pending final passage and specially assigned for Monday, May 10, 1993.

The Chair laid before the House the fourth item of Unfinished Business:

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" - Minority (6) "Ought Not to Pass" - Committee on Legal Affairs reporting on Bill "An Act to Prohibit Public Housing Authorities from Regulating Firearm Possession by Residents" (H.P. 259) (L.D. 337)

TABLED - May 4, 1993 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Motion of the same Representative to accept the Minority "Ought Not to Pass" Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Daggett of Augusta that the House accept the Minority "Ought Not to Pass" Report and specially assigned for Monday, May 10, 1993.

**TABLED AND TODAY ASSIGNED**

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-220) - Minority (4) "Ought Not to Pass" - Committee on Aging, Retirement and Veterans" on Bill "An Act to Extend the Retirement Incentive Option for Two Years" (H.P. 462) (L.D. 599)

TABLED - May 4, 1993 by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of Either Report.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, I move that the House accept the Minority "Ought Not to Pass" Report.

Ladies and Gentlemen of the House: This, on the face of it, looks like a great thing, but this is (I

wouldn't say pushed through) but this is something that was created in the waning hours of the 115th to try to balance the budget. What this does is that an employee of the state who reaches normal retirement age can retire, draw their pension based on years of service, and stay on the job that they have been doing for 80 percent of what they were getting for three years.

At the time, it seemed good. I had no part of it and I will tell you right now, this was somebody elses harebrained scheme. If we are trying to downsize the government, the way not to do is to do it this way.

There was one bad feature in the bill which I tried to get changed this year and I couldn't. It said "normal retirement age." When it ended up, that normal retirement age for almost all state employees was 60 years old, so you would not be able to avail yourself of this until you were 60 years old.

The teachers in the school system in this state could not avail themselves of this benefit, but one group that has quite a few contracts was separate. There are certain individuals who did benefit by it, those that can retire after 25 years. Well, this could be a stopgap measure but it is not the way to continue.

There was a sunset provision in this bill and I swallowed hard, but I did say at the time, you may have a sunset provision in there that will stop just to take care of the budget for the 115th, but we see a bill now to extend it.

Let's take for example someone who is making \$50,000 a year, decides to retire after 25 years, that means 2 percent a year which is 50 percent of the \$50,000. That person would draw that 50 percent. On top of that, that person could stay on the job the very next morning and get 80 percent, which would be \$35,000. So, someone making \$50,000 who has reached the normal retirement age can retire and say I want to stay on and work for 80 percent of their pay and get \$35,000 plus \$50,000 and that can go on for three years.

Now, if we are going to downsize the government, let's not use these gimmicks. This was a budget gimmick. I knew nothing about it until I sat down here - you know pretty well, I don't have to tell you who was all behind it because on that committee, I was just a crown prince. I had nothing to say about it and I went along with it rather than have the budget die. I say, let's not go into these gimmicks. Three years from now, they will come back for more.

I object to it because there is no incentive for promotion. I think there are many fine people out there but my objection this year especially was the fact that this was limited to people who were at normal retirement age.

There are many fine teachers out there who have to wait until they are 60 before they can avail themselves of this, yet they can retire after 25 years.

State employees can retire after 25 years but not if they are not in that particular system that allows them to retire after 25 years on a normal retirement age. There is a regular retirement age which is 60 for all state employees, except some, and all teachers, but there are some that can retire under normal retirement age after 25 years and avail themselves of this.

The objection I have with this, this is no way to

try to balance the budget. Somebody showed me something this morning where somebody is proposing — I don't know who it is, I don't think it is anybody in the legislature — the use of unemployment benefits to help corporations get along. Let's stop using gimmicks. Let's fund these things so somebody can retire and get their pension.

The Maine State Retirement System is in deep trouble right now and I can't express that enough — worry and argue now about funding the unfunded liability over 25 years instead of 40 years because if we went 40 years, it would cost us \$9 billion more.

The Superior Court threw us a curve last week which we can't do anything about. This is trying to play with the retirement system and I don't think it is right.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I would encourage you not to accept the Minority "Ought Not to Pass" Report so that we can go on to accept the Majority "Ought to Pass" Report.

It is true that two years ago when this incentive option idea was first floated and then passed by this legislature that it was not done with the consultation of the full Aging, Retirement and Veterans Committee. It was done in the eleventh hour and there were some mistakes made, some mistakes that cost the retirement system money. We never calculated the loss to the system for people staying on and working and not contributing the employers' share at the same time for their wages. There was a loss to the system and we will be making that up over the next 25 years.

The Committee Amendment which is supported by a strong majority of the committee deals with that problem. It assures that the retirement system will be made whole, that there will be no net loss to the retirement system from this option. It does that by guaranteeing that the employer share will be continued to be paid as if the employee who takes this option were getting paid the full 100 percent of his or her salary. The percentage of the person's salary has been reduced from 80 percent to 70 percent so that we could still provide an incentive for a person who otherwise would not likely retire after reaching normal retirement age over the next biennium to retire and, at the same time, assure a General Fund savings. If only one person takes this option, there will be a savings to the General Fund and the savings will be the 30 percent of the salary that we do not have to pay minus the cost for retirement, the employer's share of retirement, so it reduces that 30 percent depending on what plan the person is in, whether they are in a special plan or the regular plan, it could reduce that savings either substantially or very little.

The managers in the various departments have the ability to deny anyone who would not create a savings to that department from participating in this program. They do have that management capability. So, there is no way that this option is going to cost the state more money. The only thing it can do is save the General Fund money for the next two years.

It may not be good policy when you look at the large picture over many years to be offering this option but, in terms of saving money for the next two years, it does that in a substantial way. It assures that people (I want to make it clear again) who

otherwise would not retire during the biennium, for whatever reasons they choose not to retire, who actually are eligible to retire, will have an incentive now to do that because they can come back to work for up to three years, a maximum of three years, it does not have to be three years — that is the agreement that will be worked out between management and the employee — to come back for up to three years at 70 percent of salary and not have a limit on the earnings that they can receive while getting a retirement pension. Basically what it amounts to is they can receive their full pension and get 70 percent of their salary for three years. Last time, it did save us a significant amount of money in the General Fund and likely this time it would do the same. The savings may be less because a lot of people who took the option last time no longer would be eligible for this one, but many more people will become eligible for the extension of this and it would most definitely save money for the General Fund.

The last thing I would do is request that the Clerk read the Committee Report.

Subsequently, the Committee Report was read by the Clerk in its entirety.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

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

I understand that in the last retirement incentive option that fully 25 percent of the people taking advantage of this may have been State Police. Years ago, the State Police opted to have the state pay their share of the retirement in lieu of a pay raise, how would this affect those individuals? They still won't be paying into the retirement system, is that correct?

The SPEAKER: The Representative from Northport, Representative Lindahl, has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: In answer to that, the retirement system that they gave the State Police will not change. The person who is retiring and staying on at 70 percent will not pay into the retirement system but will be drawing from the system.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: This bill was before us two years ago. I didn't like it then and I like it less now. They talk about saving money on this bill. I don't think anyone here can give us the exact amount of money that they anticipate saving, the reason being that they are not factoring in the lesser salary if somebody is promoted in these positions. In my opinion, this bill is penny-wise and pound-foolish.

Ask yourself ladies and gentlemen, what is the ideal state employee? It is a person who is career-minded, they come and dedicate their years to the State of Maine and part of being a career person in state government is that climbing the ladder for promotions. This bill does one thing, it stifles promotion and it kills initiative.

If you choose to work for the state, don't you think that people ought to have the opportunity to progress under normal progressions up the ladder? I

believe they do. This bill will continue to hold back people from having a normal progression. If and when this is lifted, you will have a void at the top of each of our departments here in the State of Maine that will be very difficult to fill because what will happen is all of a sudden you will have dozens upon dozens of people leaving a department and you will have inexperienced people moving into these in one fell swoop rather than in a normal progression of two or three or four or five people moving into the top positions under normal progression.

It has been stated here that management has the opportunity not to allow someone to stay on. I ask you, how many have you heard of that has requested to stay on under this bill that has been refused? I would urge you, strongly urge you, to follow the good Representative from Lisbon's light and vote for this not to pass.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I thank Representative Heino because he has just mentioned all the things that I was going to.

I campaigned with a lot of state employees and I told them that I was going to try to bring stability and dignity back to state government and state employment. This does just the opposite. I certainly hope that you listened to Representative Jalbert and Representative Heino and that you follow their lights, because they are just right.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: We aren't doing for the state employees anything different than many large corporations do for their employees in order to encourage early retirement, yet retain the benefit of their services.

If we reject, and I urge you to reject the Minority "Ought Not to Pass" Report, we can go on to the Committee Amendment to the bill which provides for 70 percent of the pay which means we have a win/win situation. Win in that we keep the employees of the state that we want and they don't have to retire. Win in that we end up saving money so we can help meet the budget deficit. Win in that we no longer — this plan does not provide a further deficit in the state retirement fund.

We have provided in the amendment, if we get to it, that the unfunded share of the state retirement fund is going to be contributed, so all we end up doing is offering the state employees an option which many large corporations have used with their employees when those companies have been in trouble and we end up with significant budget savings. If no one takes advantage of it, we don't save any money but we haven't lost any. If people take advantage of it, then we have savings. Sure, if people take advantage of it and they are not retiring, then they are going to continue to work for the state and they are not being replaced by someone else. But these people don't have to retire anyway, they could continue to work regardless.

I would urge you to vote against the pending motion and go along with the majority of the committee.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In response to the last speaker, my good friend, Representative Lipman from Augusta, he used two words, "state employees" — we are not helping the state employees.

I shall repeat, this bill says you can only avail yourself of this if you are of normal retirement age — and you have got to be under those two plans. So, not all state employees will benefit from this unless they reach 60 years old. The way I feel now I know they wouldn't want to work after 60. That is right, let's repeat that, it is not to every state employee, just certain segments of state employees.

The next question, I would like to thank my good friend from Boothbay, Representative Heino, that was one of the questions I had, where is the incentive for promotion? What's going to happen in three or four years from now is that all these people that have stayed on, all of a sudden they decide to retire, what a void you are going to have. These people with no experience — somebody who is a head of a department, who are you going to put in there? Nobody has taken over and learned through it.

He also brought up trying to cut down the cost of the government but, in answer to my good friend and colleague on the committee, the good Representative from Arundel, he kept saying that this would help the General Fund. That is exactly what Judge Chandler said in court last week. We cannot use the retirement system to offset the General Fund, that is why he threw out everything. Everything you do to the retirement system must be on its own, you must give something in return for what you get. Again, he admitted that nobody on the committee knew about this. This was done by three people, two from the Executive Office and one from this legislature and this was done way into the nighttime that we saw it when it came for the budget. It was proposed but never brought forward as a bill. What I am saying is there has got to be a stop to it now. Where is the incentive for promotions?

I worked for the state for 35 years and I would hate to think that I had to wait around for ten or fifteen years before somebody either decided to quit or went to his eternal reward. That is exactly what is going to happen. We are trying to get incentives for young people to come to the State of Maine and be promoted. Where do you save money? I gave you the example of \$55,000 a year with 30 years of service, that is 60 percent. Sixty percent of \$50,000 or \$55,000 plus 75 percent of that pay, that is one heck of a pay.

I say again, this has got to be thought out better than this, there has to be some other system and there is no incentive to stop this. We will be back here three years from now trying to extend this on and on and on.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: Just to correct one point that has been made, the decision that was handed down by Judge Chandler has no bearing on this particular issue because the savings to the General Fund is not related to the retirement system in any way. The savings to the General Fund comes from the employee taking 70 percent of his or her salary rather than 100 percent that they would otherwise get.

Where the savings is created is, if you have an employee who has reached normal retirement age, (60

years old in the normal plan for state employees) and they are planning on staying for an additional year or two or three years, we have no mandatory retirement age so they can do that. They can stay on as long as they can perform the job and wish to stay in that position and the position is not eliminated. We would be paying that person who decides to stay on an extra two years, let's say, the full 100 percent of his or her salary. Under this incentive option, that person can agree to retire any time, one, two, three years or six months, that person can agree to retire at a point certain, not longer than three years, and receive 70 percent of salary plus the full retirement benefit that they are eligible for because they have reached the normal retirement age.

On terms of the issue of promotion, not all employees who take this option are deciding to go the full three years. Some of them are deciding only to take six months, some will take a year, some two, some three up to the maximum, so we are not going to have a whole host or large scale retirement at the end of three years. It is still spread out, it may be somewhat more concentrated in the third year but it is still spread out. So, that issue is not a major concern of the Executive Branch and management that was raised to the committee. Certainly the state employees indicated to us that this is a preferable option. If it can save money in the General Fund that would help maintain positions that would otherwise be forced to be eliminated, they definitely support it. The way the bill is written it cannot lose money for the General Fund or the retirement system, it can only save.

I urge you to reject the Minority "Ought Not to Pass" Report and go on to support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Men and Women of the House: I just want to concur with the good Representatives Heino and Marsh that this legislation, as far as I am concerned, is devastating to the small agencies. Consider the fact that a year from this June, 49 of the top ranking State Police officers are going to be gone because of the bill that we passed last year. There is no program at this point to replace those 49 troopers and if this bill passes, we are opening the door for another potential increase of troopers to leave.

I think it is a bad move, it cuts down on the incentive for people as far as promotions are concerned. I would urge all of you to support the "Ought Not to Pass" Report.

I request a roll call.

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 Jalbert of Lisbon that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 73

YEA - Adams, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bruno, Cameron, Carleton, Carr, Cashman, Chonko, Cloutier, Coffman, Cote, Cross, Dexter, DiPietro, Dore, Driscoll, Dutremble, L.; Erwin, Farnum, Farren, Fitzpatrick, Foss, Gray, Greenlaw, Gwadosky, Hale, Heino, Hichborn, Hussey, Jacques, Jalbert, Kerr, Kneeland, Kutasi, Lemke, Lemont, Lindahl, Look, Lord, MacBride, Marsh, Marshall, Melendy, Murphy, Nash, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pfeiffer, Plowman, Pouliot, Reed, W.; Richardson, Ricker, Rowe, Ruhlin, Skoglund, Small, Stevens, A.; Strout, Sullivan, Swazey, Tardy, Taylor, Townsend, L.; True, Vigue, Walker, Young, Zirkilton, The Speaker.

NAY - Ahearne, Beam, Bennett, Bowers, Brennan, Carroll, Chase, Clark, Clement, Clukey, Coles, Constantine, Daggett, Donnelly, Faircloth, Farnsworth, Gean, Hatch, Heeschen, Hillock, Hoglund, Holt, Johnson, Joy, Ketterer, Kontos, Larrivee, Libby James, Lipman, Michael, Michael, Mitchell, E.; Mitchell, J.; Nickerson, Oliver, Pinette, Poulin, Quint, Rand, Robichaud, Rotondi, Rydell, Simonds, Simoneau, Spear, Stevens, K.; Thompson, Townsend, E.; Tracy, Treat, Tufts, Wentworth, Whitcomb, Winn.

ABSENT - Aliberti, Campbell, Caron, Cathcart, Gamache, Gould, R. A.; Joseph, Kilkelly, Libby Jack, Martin, H.; Morrison, Nadeau, Pendleton, Pineau, Plourde, Reed, G.; Saint Onge, Saxl, Townsend, G..

Yes, 78; No, 54; Absent, 19; Paired, 0; Excused, 0.

78 having voted in the affirmative and 54 in the negative with 19 being absent, the Minority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

An Act to Regulate Home Repair by Transient Contractors (S.P. 228) (L.D. 699) (C. "A" S-72)

TABLED - May 4, 1993 by Representative COFFMAN of Old Town.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Monday, May 10, 1993.

The Chair laid before the House the following matter: Report of the Committee on Utilities reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-58) on Bill "An Act to Protect Consumers when Disconnecting Cable Television Services" (EMERGENCY) (S.P. 195) (L.D. 631) (Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-58) as amended by Senate Amendment "A" (S-106) thereto) which was tabled earlier in the day and later today assigned pending adoption of Senate Amendment "A" (S-106) to Committee Amendment "A" (S-58).

On motion of Representative Clark of Millinocket, Senate Amendment "A" (S-106) to Committee Amendment "A" (S-58) was indefinitely postponed.

Subsequently, Committee Amendment "A" (S-58) was adopted and the Bill assigned for second reading Monday, May 10, 1993.

The Chair laid before the House the following matter: Majority Report (9) of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Related to Mobile Home Parks" (S.P. 112) (L.D. 313) and Minority Report (3) of the same Committee reporting "Ought to Pass" on same Bill; Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-107) which was tabled earlier in the day and later today assigned pending the motion of Representative Daggett of Augusta that the House accept the Majority "Ought Not to Pass" Report.

Representative Gwadosky of Fairfield requested a Division.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: I would encourage you not to vote for this "Ought Not to Pass" Report. I will try to keep it short and simple.

I see entrance fees for a mobile home that already exists in a park as a transfer tax. If I owned a mobile home and it was in a park and I wanted to sell it, I would have to pay up to four times the amount of my monthly rent to the mobile home park operator, basically as a tax. If I wanted to sell this mobile home, I would be fixing it up and making it look nice. So, I fail to see where there would be any special expenses that the mobile home park operator would be paying out to be able to facilitate the sale of a mobile home that exists currently in a mobile home park.

The original bill was going to restrict a lot of fees. The Committee went back and forth, there was a lot of compromise attempted and I know that a few years back this chamber deliberated about whether or not there ought to be pet fees and all that sort of thing. If we vote against this "Ought Not to Pass" Report, then we can amend it with the Senate Amendment, which basically changes the amount that can be charged for an entrance fee for a home currently in the park, from four times to two times. We feel this is a good compromise. We feel that it would compromise on the fees that we are trying to get rid of and I encourage you to vote against the motion.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would like to speak briefly about the committee's deliberations over this bill. I hope that you will note that it is a majority that felt that we should not pass the bill.

The issue of mobile home park fees is long-standing and has been a highly contentious area in particular over the past few years. The charging of these fees is historic, it has gone on for many years and the charging of fees is not anything new.

My concern is that those interests that wish to change the fee structure and perhaps have some legitimate complaints, this only characterizes a few parks in the state. There are a few places where

this is an issue.

I hope that you all make note of the fact that there is a remedy other than the legislature. There is a mediation line that is established to handle complaints and to help deal with issues regarding mobile home parks, all issues.

I have had a recent (within the past hour and a half) discussion with a person that handles these mediation complaints in order to be able clarify it for you. There have been few complaints regarding fees and those were some time ago. The large majority of complaints deal with other kinds of issues, largely with conditions inside the park. It concerns me that the residents are coming to the legislature instead of going through the mediation service. If they go through the mediation service, then we have a good handle on exactly what the complaints are and what the problems are. In fact, earlier during a caucus, there was mention made of a park in Brunswick, it so happens that there has been one complaint with the mediation service from the Brunswick park, that complaint happened to be the most successfully resolved complaint that has come in. It was not about fees. In fact, it went to formal mediation through the help of this mediation service and was resolved quite successfully. It had to do with an issue over a rent increase. There has never been any evidence brought to us that the mediation service is not working to resolve these complaints.

I hope that you will follow the Majority Report on this. There were a number of efforts made to get the parties to come to some kind of agreement. There never was an agreement. There never was a compromise that was reached in any way whatsoever. I think it is totally appropriate that this issue go to the mediation service.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: It is with some reluctance that I will disagree with my chair on this particular issue. I would urge you to vote against the Majority "Ought Not to Pass" on the floor and to consider the "Ought to Pass" Report coming from the other body as amended.

This is something which we did discuss at length in the Legal Affairs Committee. It is my opinion or my view that the amendment that you could then vote upon does represent a workable compromise and a compromise that is fair to all parties concerned.

If you vote for this, what this continues to allow is for owners of mobile home parks — I have been around so long and I am so politically incorrect, I remember when I was at one of these, they were called trailer parks but whatever you want to call them — it allows them to charge up to four times, four times, the monthly fee. What this bill does is that.

What the amendment would allow would be to lower it to two times, two times, in terms of the entrance fee. At the same time, the amendment cuts out a lot of clutter, if you will, that was in the original bill as put in, which would make people responsible for parakeets, for guests and everything else. That is all out of this bill. So, it already is a compromise in terms of what was presented to the committee and what would be before you.

I take quite seriously the issue of tenant's rights because I am one of the few people at least on the committee who has spent some time in a mobile



home or a trailer park or whatever you want to call it. I am well aware of the abuses that are possible and I am also well aware of the other side of the coin. I think this is a middle way, I think it is a compromise, I think it would send the right kind of message out to the State of Maine.

The good Representative from Augusta mentions that she has heard few complaints regarding fees. Well, I am in a neighborhood where I have heard all kinds of complaints about fees involving these parks.

As far as mediation being available, I believe the historical record is that that mediation available has been just about as successful as some other mediation projects we are familiar with in this chamber.

So, I will stop at this point. Everybody will appreciate that, but I would certainly urge you to vote against the majority on this issue.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I would also agree with the Representative from Westbrook and ask you to vote against the "Ought Not to Pass" Report so we can go on to accept the "Ought to Pass" as amended Report by Senate Amendment "A."

What we are talking about here is a mobile home already established in a park, we are not talking about initial entrance fees but a home already established in a park. If I own that home and sell that to you, that mobile home park owner can come in and collect a new entrance fee from the person that I sold it to, whether or not there was any work provided, whether or not that mobile home park owner did anything of any sort, that fee can still be collected. We are allowing that fee to be maintained at twice the monthly rent.

What the amendment does is say we can't go up to four times, that is just way too much money for that owner to be collecting for the agreement between and me and you to sell that home. That home is already established in that park. This is a tenant's issue and it is a very important one. I believe we should reject the "Ought Not to Pass" Report.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I am happy to join Representative Daggett in the large and bipartisan Majority Report on this bill.

First of all, I would just like to correct the perception that may have been left from the remarks just made by Representative Larrivee. Entrance fees can apply to both homes that are currently existing in parks as well as new homes in parks, brand new homes, and generally they do.

As Representative Daggett has stated, the committee considered the amendment that is being talked about and rejected it. I find it particularly ironic and particularly odd that park residents and the people who purport to represent them have chosen this issue to advance the causes of their constituents. I do not believe that it does advance the cause of the constituents of people living in mobile home parks. Many of these mobile home parks, most of them I would say, are small family-owned businesses.

There are a few that have been alluded to here on the floor that were purchased in the real estate heydays of the late 1980's by some overzealous

entrepreneurs in this state. Frankly, they probably paid too much for them and now they are trying to recoup their considerable costs. It is unfortunate to create a law which will hurt many of these small family-owned businesses by solving some of those problems that should be solved locally in those situations.

It is ironic that the Park Residents Association should choose this particular approach because these small family-owned businesses have a certain limited amount of revenue and they get it from various sources. They get it from park rents, they get it from entrance fees and other fees that they can charge. If you limit their fees in one area, you just squeeze the balloon and you are going to drive up rents. What is going to happen is that this is not going to help those people who are currently residents. It may help future residents, people coming into the parks, but it is not going to help the current residents because they are going to end up paying higher rent. This is the position of the people on the large and bipartisan Majority Report on this bill. I encourage you to vote for the "Ought Not to Pass" Report.

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

Representative LIBBY: Mr. Speaker, Men and Women of the House: I would pose a question through the Chair, please.

I would like to pose a question to the Representative from Augusta, Representative Daggett. I am trying to get a handle on how much typical rent is. I am sorry I don't know the answer to that question but if I knew a typical rent range, I could multiply it by four and try to make an assessment of the affordability in my own mind.

The SPEAKER: Representative Libby of Buxton has posed a question through the Chair to Representative Daggett of Augusta who may respond if she so desires.

The Chair recognizes that Representative.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would like to be able to characterize a typical rent in the State of Maine, a mobile home lot rent, but I think that that is largely impossible. There are a variety of ways that rents are charged. In fact, there are some parks that have done away with all fees.

I think one of the points that I tried to make earlier, which I might not have been clear about, is that the circumstances of each individual park are very different. There are problems in some parks that are very different from others. The size of parks is different. The fee amounts are different. Some parks may only charge x-amount as an entrance fee and others may charge the full four times. There are many factors and it is very difficult to construct a piece of legislation that lays it over every single part.

We do, however, have the mediation service for those parks that have problems and that park or resident may take their issue to the mediation service for a resolution. The whole purpose behind establishing the mediation service was not to try to lay one blanket piece of legislation over everyone. The statute allows for you to charge up to four times, it does not mean you must charge four times. In fact, there are many parks today that are beginning to limit their fees or reducing their fees because there are so many vacant lots and the rental market is very different today than it was four years

ago.

I would repeat, there is a place to go, it is impossible to characterize lot rents because they differ depending on where you are and what community you live in and how the park is handled. In fact, there is one park in the state, which is the Westbrook park, that has a totally different structure for handling rent increases and other problems within the park. That park deals with situations with a board and is somewhat different than any of the other parks.

In regard to another issue that was mentioned earlier, the mobile home fee, the entrance fee, is a way of spreading capital costs across those people who are moving in and out of the parks. This is a legitimate cost, it is a way to pass those capital costs along of which there are many surrounding development of lots providing sewer and water service, there are numerous costs that have to be incurred due to the nature of a mobile home park and the entrance fee allows that to be spread evenly among the people who are moving in and out. If that source of revenue is removed, it will then be spread across all of the park residents, those who are stable and have lived there for a number of years and are not the ones moving and causing the costs to increase.

The SPEAKER: The Chair recognizes the Representative from China, Representative Chase.

Representative CHASE: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. I would like to pose a question to the Representative from Augusta, Representative Daggett.

Representative Daggett, you mentioned mediation and I just need to know how, if a fee is legal, someone would use mediation to try to address that problem — if it is legal for the park that I want to move into to charge me a fee four times the amount of rent, why would I ever attempt to address that through mediation?

The SPEAKER: Representative Chase of China has posed a question through the Chair to Representative Daggett of Augusta who may respond if she so desires.

The Chair recognizes that Representative.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I believe that there have been concerns in a variety of parks regarding the issue of fees in general. This bill dealt with other fees besides the entrance fees, pet fees, guest fees, etcetera. I think that at any time if there were a fee or a complaint of any type regarding the mobile home park that it is appropriate to take it to the mediation service. That would include if you felt a fee was too high, was unjust, just the fact that there has been legislation in is a reason for park owners to begin to try to address it in their park. I don't think there is any requirement that it would have to be a reasonable request from the mediation service, simply it be requested.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Bowers.

Representative BOWERS: Mr. Speaker, Men and Women of the House: I would like to respond to something that the good Representative from Augusta said in that these entrance fees are allowed now by the lease agreements for anybody that is moving a house or mobile home in or out of a mobile home park. Those entrance fees aren't restricted at all, so the mobile home park operator can recoup any and

all costs that are related to moving mobile homes in and out of a park.

The Senate Amendment that I would like to be able to consider just restricts those fees for mobile homes that are currently in the mobile home parks. So, I don't think we have to worry too much about spreading out capital costs.

One other item in response to Representative Bennett of Norway, most of the small mobile home parks that are owned by families don't have high turnovers. They also don't sell a lot of homes that currently reside in a mobile home park. So, I don't think it is really an issue for these small well-managed mobile home parks. It seems to me that most of the family-operated parks are more concerned about the potential fees that are in the original bill. None of us really support all those potential fees, the pet fees, the goldfish fees, all those sorts of things.

I think that this is a good compromise and I urge you all to vote against the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: This is a very important bill to a lot of people in the State of Maine. In the '80's, it was the alternative housing that they received in mobile home parks that made a difference whether they were owners or renters. So, it is very important to some very special people.

In my district, there are over 600 families in the radius of five miles from where I live that live in these parks and I visited every one of them last fall and overwhelmingly there was concern about entry fees into the park. I would like to explain what those concerns are to these people.

Clearly it only affects anyone that sells their mobile home. As a result of the economy the way it is now, when you sell a mobile home, they are a depreciating asset, really, and it is very difficult to get your money out. Now, when people sell these mobile homes, almost 95 percent of them stay on the lot, they rarely move, they don't even have wheels on them actually. The buyer comes in and sees four times the monthly rent — in one of our parks, that's a surcharge of \$1,200. Some of these mobile homes are going for \$10,000. You add in a broker's commission, that's over \$2,000 that is going to be lost to the seller. Any buyer in his right mind is not going to go with the selling price when he finds out that he or she is shackled with a potential \$1,200 entrance fee.

These people in these mobile homes are disenfranchised citizens in the process of the economics of the mobile home parks because they did not participate when these parks were resold in the 1980's for high inflated prices. As a result, their monthly rents went up, some of them have gone up over 100 percent in the last eight years.

Just a brief example of what it costs for you to have a mobile home, you buy a new one, say, from a mobile home park owner and pay \$45,000 for the mobile home. These people are obviously financing this for 15 years. You add to that a \$300 rental fee for the ground that it is on and that just covers the rental of the lot itself. You pay in addition to that utilities, you pay taxes, you pay insurance. What has happened here is the cost of living in a mobile home has now, in a lot of places, exceeded the cost

of buying a new ranch or cape. That is why the exodus of tenants from mobile homes which has created this problem. They cannot even get the equity they have in their mobile homes because of the depreciated value. You add to that the surcharge, which is exactly what this is, and it even makes it less appealing to a potential buyer. They are really disadvantaged citizens. It is not a free market place for sellers of mobile homes. A lot of these are elderly, some of them are going out of their mobile homes so they can go into a nursing home, that exacerbates the problem even more. The younger families that want to go into a new cape or a new ranch style home with the same monthly payment cannot do it. They are almost indentured servants to the mobile home park owners.

I am very sensitive to the rights of mobile home park owners, I own part of a campground myself and deal somewhat with this tenancy problem that we hear today but I am compassionate to their situation. We have to remember the fee is received in the transaction and the cost when the mobile home stays on the lot is the paperwork of the new tenant and giving them a mailbox key, is that worth \$1,200?

Also, there is a burden on the people who sell these mobile homes in that they are somewhat restricted in some parts on who (as an agent) can sell their mobile home for them. A lot of mobile home park owners have restrictions that force the mobile home owner to go through the park owner to sell their home or the park owner will force them to pull the mobile home off the lot, which even makes it less of a value. It is not a free market place for these people and we deal everyday with situations that are not in a free market place. These are disadvantaged, disenfranchised citizens that need some sort of attention here. Mediation has not worked in the past and it won't work in the future because we are dealing with the sales of homes that are very timely. So, we have got to be realistic on that fact.

I urge you to defeat the pending motion so we can get the Minority Report and put on the Senate Amendment that is already on in the Senate, which will reach a compromise to deal with this so it will only be two months rent versus four months rent.

Again, it doesn't deal with individual leases. If people come in new to a mobile home and onto a new lot, those are separate transactions. Thank you for your time and patience.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Friends and Colleagues of the House: I feel the need to rise and clarify a few points on behalf of the Majority Report of the Legal Affairs Committee. I feel very honored to be on the same side as the Chair of the Committee, Representative Daggett.

One point I would like to clarify is that we are talking about four times, two times, we are talking about a cap, a ceiling. This is the uppermost amount that a park owner may charge. That is no guarantee that the park owner charges that amount. We must take into consideration that we have a large number of mobile home lots available. We have seen instances where park owners would love to have people come in and fill those lots, come in and rent from the park owners. The rent is where the park owners get their income, not with the entrance fees. The entrance fees, to my understanding from the people

who testified at the hearing, cover certain upgrades that need to be made to the lot when someone new comes in like conforming to environmental changes that need to be made. Also, the park owner, many times, is the only consistent person involved during the exchange of a home that remains in a park. A person can sell their home in the park to a new person moving in and that former owner may leave town and there is no way, if there is a problem to get ahold of that former owner. So, the park owner now becomes the responsible party that the new owner has to turn to.

Along with that, we heard testimony from park owners that there is a great deal of time expended both in inspecting a home in the park to make sure it still conforms to the rules and regulations before someone new moves into that home, a lot of time is spent on paperwork and making sure that people understand the leasing agreements and rules of that park.

What this bill has tried to do is target a few park owners who are not being (I will be blunt) responsible. I do not think it is fair for us at this point to accept the position that has come to the "Ought to Pass" which is not a compromise, it is very one-sided. As Representative Daggett pointed out, there were several attempts, both by committee members and by the parties interested, to work out a compromise and that fell through. There was a lack of good faith, I feel, and we were not able to reach a compromise. Consequently, I do not feel that what is contained in this bill would be of benefit to anyone and I would urge you to vote for the Majority, the bipartisan majority, that the Chair, Representative Daggett, has put forward of "Ought Not to Pass."

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I thought it somewhat ironic to debate Representative Hillock regarding the free market here on the floor. He states that there is a limited exposure to the free market for the people in manufactured housing communities and I would opine that this bill will probably produce the free market economy that does exist in these parks.

I, too, represent a large number of people, I am sure that all of us do, that live in manufactured home communities. It is an important industry to the state and it is an important industry to my area. I used to work for a manufacturing housing manufacturer in Oxford, I do not any longer. It is true that the affordability of these homes has been impaired. I would suggest that, at least in my area and many rural areas, there are growing numbers of empty spaces in these parks and it is extremely difficult for these small businesses to make these activities profitable so they can continue to offer what affordability is left in these manufactured housing communities. If those same number of empty spaces which reduce the incentive to charge high entrance fees that these park owners would have otherwise because they would rather have people there living in their park, they are not living in the parks because they get the rent money, which after all, is worth a heck of a lot more than the entrance fees. It is becoming more and more difficult for people to put in manufactured housing communities and to make them viable and this bill would simply make it more and more difficult for people to continue to do that.

When it is more and more difficult, fewer of these parks will be built, there will be less chance for this avenue of affordable housing for people across this state and, consequently, those sites that do exist and are already existing will be worth more and it will jack up the rents and this is the impact of this bill — higher rent.

It is as simple as that. So, I encourage you to go along with the Majority Report, again a bipartisan, large majority report, and kill this bill.

The SPEAKER: The Chair recognizes the Representative from Sabattus, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: As you can see, this is a Catch 22 for tenants and landlords, just the same as park owners and trailer owners. We are trying to manage private industries here. Four years ago, it was hard work to find a place to put a home in the park. Now, as we have heard, there are plenty of openings and I don't think anyone took their vote lightly on the committee and I would like to see you vote for the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I rise only to make one comment. The remarks of the Representative from Norway — I can't let it pass that he characterized my position earlier on the floor as ironic and then a little bit later he has characterized the position of Representative Hillock as ironic, I find some irony in that myself. Representative Hillock and I come from, let's say different ends of the spectrum in aisle, but we are in agreement definitely on this issue. Maybe there is irony in that but I think it shows a bipartisan approach to dealing with this problem.

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 the Representative from Augusta, Representative Daggett, that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Biddeford, Representative Plourde. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of the Representative from Augusta, Representative Daggett, 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. 74

YEA - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carr, Carroll, Clark, Clukey, Cross, Daggett, Dexter, Driscoll, Erwin, Farnum, Farren, Foss, Gould, R. A.;

Hale, Hatch, Hussey, Jalbert, Johnson, Joy, Kerr, Ketterer, Kneeland, Kutasi, Libby James, Lindahl, Look, Lord, MacBride, Marshall, Melendy, Michaud, Mitchell, E.; Nash, Nickerson, Norton, Ott, Paradis, P.; Pendexter, Plowman, Poulin, Quint, Reed, W.; Robichaud, Simonds, Simoneau, Small, Stevens, A.; Strout, Sullivan, Tardy, Taylor, Thompson, True, Vigue, Whitcomb, Zirnkilton.

NAY - Adams, Ahearne, Aikman, Beam, Bowers, Brennan, Cashman, Chase, Chonko, Clement, Cloutier, Coffman, Coles, Constantine, Cote, DiPietro, Donnelly, Dore, Dutremble, L.; Faircloth, Farnsworth, Fitzpatrick, Gean, Gray, Greenlaw, Heesch, Heino, Hochborn, Hillock, Hoggund, Holt, Jacques, Kontos, Larrivee, Lemke, Lemont, Lipman, Marsh, Michael, Mitchell, J.; Murphy, O'Gara, Oliver, Pendleton, Pfeiffer, Pinette, Pouliot, Rand, Richardson, Ricker, Rotondi, Rowe, Ruhlman, Rydell, Saint Onge, Skoglund, Spear, Stevens, K.; Swazey, Townsend, E.; Townsend, L.; Tracy, Treat, Tufts, Walker, Wentworth, Winn, Young, The Speaker.

ABSENT - Aliberti, Carleton, Caron, Cathcart, Gamache, Joseph, Kilkelly, Libby Jack, Martin, H.; Morrison, Nadeau, Pineau, Reed, G.; Saxl, Townsend, G..

PAIRED - Gwadosky (Nay)/Plourde (Yea)  
Yes, 65; No, 69; Absent, 15; Paired, 2;  
Excused, 0.

65 having voted in the affirmative and 69 in the negative with 15 being absent and 2 having paired, the Majority "Ought Not to Pass" Report was not accepted.

Subsequently, the Minority "Ought to Pass" Report was accepted, the bill read once.

Senate Amendment "A" (S-107) was read by the Clerk and adopted and the bill assigned for second reading Monday, May 10, 1993.

The Chair laid before the House the following matter: Bill "An Act to Restructure the Department of Defense and Veterans' Services" (H.P. 1037) (L.D. 1389) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Gwadosky of Fairfield, retabled pending further consideration and specially assigned for Monday, May 10, 1993.

The Chair laid before the House the following matter: Bill "An Act to Increase the County Share of the Government Operations Surcharge Fund" (H.P. 97) (L.D. 139) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Rowe of Portland, the House voted to Adhere.

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

SENATE PAPERS

Bill "An Act to Clarify the Role and Purpose of the Maine State Retirement System" (EMERGENCY) (S.P.

466) (L.D. 1458)

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

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

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Bill "An Act to Establish Minimum Regulatory Standards for Insurers to Permit the Bureau of Insurance to Seek National Accreditation" (S.P. 472) (L.D. 1464)

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

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

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Bill "An Act to Establish a Capital Access Program" (S.P. 469) (L.D. 1461)

Came from the Senate, referred to the Committee on **Housing and Economic Development** and Ordered Printed.

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

On motion of Representative Gwadsky of Fairfield, tabled pending reference in concurrence and specially assigned for Monday, May 10, 1993.

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

**SENATE PAPERS**

Bill "An Act to Amend the Professional Surveyors Licensing Requirements" (EMERGENCY) (S.P. 462) (L.D. 1454)

Bill "An Act to Register the Use of the Title of Registered Interior Designer" (S.P. 467) (L.D. 1459)

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

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

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Bill "An Act Regarding Low-level Radioactive Waste" (S.P. 463) (L.D. 1455)

Bill "An Act to Facilitate Oil Spill Cleanup Operations" (EMERGENCY) (S.P. 470) (L.D. 1462)

Came from the Senate, referred to the Committee on **Energy and Natural Resources** and Ordered Printed.

Were referred to the Committee on **Energy and Natural Resources** in concurrence.

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The following items appearing on Supplement No. 3 were taken out of order by unanimous consent:

**SENATE PAPERS**

Bill "An Act to Permit Collection of Public Assistance Overpayments by Administrative Process" (S.P. 471) (L.D. 1463) (Governor's Bill)

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

Was referred to the Committee on **Human Resources** in concurrence.

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Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Fiscal Year Ending December 31, 1994" (S.P. 464) (L.D. 1456)

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

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

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

**SENATE PAPERS**

Bill "An Act Concerning the Subject Matter of Referenda" (S.P. 460) (L.D. 1452)

Bill "An Act to Make Changes in the Manufactured Housing Laws" (EMERGENCY) (S.P. 461) (L.D. 1453)

Bill "An Act to Simplify Procedures for Property Abandoned by Tenants" (S.P. 465) (L.D. 1457)

Bill "An Act Relating to Publication of Legal Notices" (EMERGENCY) (S.P. 468) (L.D. 1460)

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

Were referred to the Committee on **Legal Affairs** in concurrence.

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The following items appearing on Supplement No. 5 were taken out of order by unanimous consent:

**SENATE PAPERS**

**Non-Concurrent Matter**

JOINT RESOLUTION (H.P. 1066) RELATIVE TO MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REVOKE ITS CONGRESSIONAL PAYRAISE, ROLLBACK ITS

SALARIES TO THE 1989 LEVEL AND REPEAL THE AUTOMATIC COST-OF-LIVING ALLOWANCE which was adopted in the House on May 4, 1993.

Came from the Senate indefinitely postponed in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and specially assigned for Monday, May 10, 1993.

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**BILLS HELD**

Bill "An Act to Amend the Laws Concerning Emergency 911" (S.P. 452) (L.D. 1419)  
- In House, Referred to the Committee on Legal Affairs in concurrence.  
HELD at the Request of Representative CLARK of Millinocket.

On motion of Representative Clark of Millinocket, the House reconsidered its action whereby L.D. 1419 was referred to the Committee on Legal Affairs in concurrence.

On further motion of the same Representative, was referred to the Committee on Utilities in non-concurrence and sent up for concurrence.

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Bill "An Act to Amend the Laws Related to the Maine State Retirement System" (H.P. 227) (L.D. 295)  
- In House, Majority "Ought Not to Pass" Report of the Committee on Aging, Retirement and Veterans read and accepted.  
HELD at the Request of Representative GRAY of Sedgwick.

On motion of Representative Gray of Sedgwick, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted.

The same Representative moved that L.D. 295 be tabled one legislative day.

The same Representative withdrew her motion to table one legislative day.

The same Representative moved that the House reconsider its action whereby the Minority "Ought to Pass" Report was not accepted.

On further motion of the same Representative, tabled pending her motion that the House reconsider its action whereby the Minority "Ought to Pass" Report was not accepted and specially assigned for Monday, May 10, 1993.

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An Act to Change the Scallop Harvesting Season (H.P. 117) (L.D. 158) (C. "A" H-146)

- In House, Passed to be Enacted.

HELD at the Request of Representative MITCHELL of Freeport.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 158 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 158 was passed to be

engrossed.

On further motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Monday, May 10, 1993.

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An Act to Exempt Employees of the Public Utilities Commission from Furlough and Shutdown Days (EMERGENCY) (S.P. 119) (L.D. 357) (C. "A" S-70)  
- In House, Failed of Passage to be Enacted.  
HELD at the Request of Representative GWADOSKY of Fairfield.

On motion of Representative GWADOSKY of Fairfield, the House reconsidered its action whereby L.D. 357 failed passage to be enacted.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Monday, May 10, 1993.

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(Off Record Remarks)

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On motion of Representative Rotondi of Athens, Adjourned at 1:00 p.m. until Monday, May 10, 1993, at three o'clock in the afternoon.

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