

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Sixteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

House of Representatives
January 5, 1994 to April 14, 1994

ONE HUNDRED AND SIXTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
1st Legislative Day
Wednesday, January 5, 1994

Representative DEXTER of Kingfield

Pursuant to Article IV, Part 3, Section 1 of the Constitution and Laws of the State of Maine, the Representatives to the One Hundred and Sixteenth Legislature assembled in the Hall of the House and were called to order by JOHN L. MARTIN of Eagle Lake, Speaker of the House.

Prayer by Father Royal J. Parent, Our Lady Queen of Peace Catholic Church, Boothbay Harbor.

Pledge of Allegiance.

A roll call was taken. 140 out of 151 members answered to their names and accordingly a quorum was found to be present.

Those absent were:

Representative BEAM of Lewiston
Representative CATHCART of Orono
Representative COLES of Harpswell
Representative FARNSWORTH of Hallowell
Representative HOLT of Bath
Representative MARTIN of Van Buren
Representative MICHAEL of Auburn
Representative POULIN of Oakland
Representative RYDELL of Brunswick
Representative TOWNSEND of Portland
Representative WENTWORTH of Kennebunkport

A message was received from the Senate, borne by Senator BUSTIN of that body announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

On Motion of Representative GWADOSKY of Fairfield, the following Order:

ORDERED, that a Committee of ten be appointed to wait upon his Excellency, Governor John R. McKernan, Jr., and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

Was read and passed and the Speaker appointed the following members:

The Speaker appoints the following members:

Representative ERWIN of Rumford
Representative TOWNSEND of Eastport
Representative LEMKE of Westbrook
Representative HALE of Sanford
Representative DAGGETT of Augusta
Representative MURPHY of Berwick
Representative FARNUM of South Berwick
Representative STEVENS of Sabattus
Representative BARTH of Bethel

At this point, the Speaker announced that Representative PENDLETON would be assigned seat 28 and Representative TUFTS would be assigned seat 64.

On Motion of Representative PARADIS of Augusta, the following order:

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Was read and passed and Representative GWADOSKY of Fairfield was appointed to convey the message and subsequently reported that he had delivered the message with which he was charged.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

October 14, 1993

The Honorable John L. Martin
Speaker of the House
116th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following:

Upon the recommendation of the Joint Standing Committee on **Business Legislation**:

Jeffrey S. Mitchell of Farmington for appointment to the Maine Real Estate Commission. Jeffrey S. Mitchell is replacing Sharon Millett.

Upon the recommendation of the Joint Standing Committee on **Fisheries and Wildlife**:

Ray B. Owen, Jr. of Orono for appointment as Commissioner of Inland Fisheries and Wildlife. Ray B. Owen, Jr. is replacing William Vail.

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

Maine Science and Technology Foundation:
Donna Akers of Bangor for appointment
Michael W. Aube of Bangor for appointment
Richard D. Clime of Nobleboro for appointment
David M. Coit of Portland for appointment
Richard Curtis of Gorham for appointment
Margaret R. Downing of Yarmouth for appointment
Dr. Robert H. Edwards of Brunswick for appointment

Stanley W. Eller of Manchester for appointment
Robert G. Foster of Yarmouth for appointment
Martin S. Grimnes of Brunswick for appointment
Dr. Frederick E. Hutchinson of Orono for appointment
Charles L. Johnson, III of Hallowell for appointment
Bruce W. Larsen of Yarmouth for appointment
Edmund J. Lovett, III of Cape Elizabeth for appointment
Richard L. Pattenaude of Gorham for appointment
James C. Patterson of Presque Isle for appointment
Elizabeth B. Reuthe of Vassalboro for appointment
Barbara W. Woodlee of Waterville for appointment

Maine Education & Training Export Partnership:
William D. Andrews of Portland for appointment
Michael F. Beaudoin of Limerick for appointment
Verge Forbes of Castine for appointment
Dr. Frederick E. Hutchinson of Orono for appointment
Joanna M. Jones of Waldoboro for appointment
John A. LaCasse of Augusta for appointment
Mary Magner of Portland for appointment
Dr. Richard Pattenaude of Gorham for appointment
Gordon R. Pow of Belgrade for appointment
Robert M. Sargent of Sargentville for appointment
Charles G. Tetro of Bucksport for appointment
Michael G. Wygant of Scarborough for appointment

Loring Development Authority:
Paul R. Cariani of Presque Isle for appointment
Honorable Donald F. Collins of Caribou for appointment
David I. Dorsey of Fort Fairfield for appointment
Daniel LaPointe of Van Buren for appointment
Elizabeth B. Reuthe of Vassalboro for appointment
Brian E. Thibeau of Fort Fairfield for appointment
Arthur H. Thompson of Limestone for appointment
Robert D. Umphrey of Presque Isle for appointment
Albert L. Watt of Limestone for appointment
Lyndel J. Wishcamper of Freeport for appointment

Finance Authority of Maine:
Toby B. Hammond of Naples for appointment, replacing Sam Davidson.
Bradford S. Wellman of Bangor for reappointment

Adaptive Equipment Loan Program Fund Board:
James K. Keefe of Benton for appointment, replacing Cynthia Spires.

Upon the recommendation of the Joint Standing Committee on Judiciary:

Robert W. Clifford of Lewiston for reappointment as Associate Justice of the Maine Supreme Court.

Paul A. Cote, Jr. of Auburn for appointment as Judge-at-Large of the Maine District Court. Paul A. Cote, Jr. is replacing Robert Crowley.

Paul A. Fritzsche of Kennebunk for reappointment as Justice of the Maine Superior Court.

Andre G. Janelle of Saco for reappointment as Judge, Maine District Court.

Sincerely,

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

Was read and ordered placed on file.

COMMUNICATIONS

The following Communication:

State of Maine
Department of Audit
State House Station 66
Augusta, Maine 04333

Letter of Transmittal

Honorable John L. Martin
Speaker of the House of Representatives
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

We are pleased to submit the sixth Single Audit of the State of Maine, covering the fiscal year ended June 30, 1992.

We conducted the audit pursuant to Title 5 MRSA, Chapter 11 which authorizes the State Department of Audit:

To perform a postaudit of all accounts and other financial records of the state government or any department or agency thereof, including the Judiciary and the Executive Department of the Governor, except the Governor's expense account, and to report annually on this audit, and at such other times as the Legislature may require.

The state expended \$1.054 billion in federal financial assistance. The audit was conducted to meet the requirements of the Single Audit Act of 1984, authorized under the United States Code, USC 31, Chapter 75 and the regulations established by the U.S. Office of Management and Budget (OMB) Circular A-128, "Audits of State and Local Governments."

The objectives of the audit were:

- To examine the state's financial statements and determine if they were presented fairly and in accordance with generally accepted accounting principles;
- To assess whether the state's systems and procedures for financial accounting, reporting and internal controls were adequate;
- To assess the state's accountability for revenues; to determine the propriety of

- expenditures, the extent to which funds have been expended in accordance with prescribed state and federal laws and regulations; and to examine the state's compliance with federal regulations pertaining to financial reports and claims for reimbursements; and
- To recommend corrective actions for any deficiencies noted; and to include management's responses to our findings and recommendations.

The State of Maine's accounting system and procedures, internal control, and compliance with rules and regulations have certain weaknesses which we have included in the following reports:

- Reports on Compliance and Internal Controls - include those audit findings which, in our opinion, represent material weaknesses. There are two findings which identify material weaknesses in internal control; these can be found on pages 65 and 71; one that affects compliance with state laws and regulations is on page 94.
- Schedule of Reportable Conditions - includes those audit findings which we consider to be reportable conditions under standards established by the American Institute of Certified Public Accountants. The fifteen reportable conditions begin on page 75.
- Schedule of Findings and Questioned Costs - includes eighty findings which resulted from our review of the federal programs administered by the State of Maine. These findings begin on page 105.
- Management Letter - includes one hundred audit findings designed to strengthen internal controls and operating efficiencies that affect many state agencies. These findings begin on page 189.

We again must render a qualified opinion on the state's financial statements because the state does not record certain accruals as required by generally accepted accounting principles.

In addition, we do not express an opinion on the General Fixed Assets Account Group (GFAAG) because the state's accounting records for GFAAG are incomplete.

I commend the staff of the Department of Audit, whose professionalism and dedication made the preparation of this report possible. Through our efforts, and the ongoing cooperation of the Maine Department of Administrative and Financial Services and other state agencies, we will continue to provide financial information that serves the needs of governmental decision makers, federal regulators, credit rating agencies, financial institutions and interested citizens of Maine.

We would be pleased to respond to any of your questions or comments about the 1992 Single Audit Report.

S/Rodney L. Scribner, CPA

State Auditor

September 14, 1993

Was read and with accompanying report ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE
Augusta, Maine 04333

APPORTIONMENT COMMISSION

September 30, 1993

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

Dear Clerk Mayo:

Pursuant to Title 30-A, section 65 I am submitting to you the Plan approved by the Apportionment Commission for the redistricting of County Commissioner Districts. This Plan was approved unanimously on September 21, 1993.

Sincerely,

S/Justice Jack O. Smith
Chair

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

October 7, 1993

The Honorable John L. Martin
Speaker of the House of Representatives
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

Land Use Regulation Commission member Robert Hazelwood's term expired on July 9, 1993, and he has continued to serve in that capacity. As you know, by law he can only serve 90 days beyond the expiration of his term unless I notify the Legislature of my findings that extension of a member's term beyond this period is in the best interest of the work of the Commission. Pursuant to 12 MRSA, Section 683, I hereby submit a formal notification of my intention to extend Mr. Hazelwood's term beyond October 9, 1993.

It is my intention to have a nominee posted for this position when the Legislature returns for the Second Regular Session in January.

In the meantime, it is important that Robert Hazelwood continue to participate as a member of the Commission. The Commission has pending before it three applications for which public hearings have been held and which will be presented to the Commission for final decision within the next several months. In particular, the proposals for a subdivision, campground development, and a zoning change to facilitate siting of a regional landfill are pending matters in which Mr. Hazelwood has been involved. His knowledge of these cases makes it necessary to have him take part in the final deliberations to ensure fair consideration of those matters.

Thank you for your consideration.

Sincerely,

S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The following Communication:

DEPARTMENT OF EDUCATION
State House Station 23
Augusta, Maine 04333

August 16, 1993

The Honorable John L. Martin
Speaker
House of Representatives
Station #2
Augusta, Maine 04333

Dear Speaker Martin:

Under the Education Reform Act of 1984, the Commissioner of Education is required to annually publish a report on the status of public education in the State of Maine.

The Performance Report on Maine's Public Schools, 1993, updates ongoing efforts and current and new initiatives at the state and local levels to provide a quality education for our students.

Next year's report will better reflect the reorganization of the Department of Education now underway following the recent adjournment of the Legislature.

I hope this report will be useful to you and that you will contact the Department if you need further information.

Sincerely,

S/Leo G. Martin
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF EDUCATION
State House Station 23
Augusta, Maine 04333

November 17, 1993

TO:

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

FROM: S/Leo G. Martin, Commissioner

SUBJECT: FY 94 Report of All School Administrative
Unit State and Local Revenues

In accordance with 20-A MRSA, section 15618-A, a report of all school administrative unit state and local revenues designated in K-12 education in their FY 94 budgets has been compiled and a copy is provided for your use.

It should be noted that the amounts budgeted in the various categories may not be the same as actual expenditures for these categories, for the following reasons:

1. Some budgeted amounts may be unexpended and carried forward to the following year. The statewide balance forward, for all budget categories, is usually between 2% and 3%.
2. School administrative units which do not utilize a line-item budget may transfer funds to other categories.
3. For certain types of funds that are transferred between school administrative units (for tuition costs and for transportation and other services provided to another school administrative unit), the amount is budgeted in both school administrative units, since each unit must appropriate these funds. Since these instances cannot be netted out in the State Total Summary, the state totals will overestimate actual expenditures to some degree.

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF EDUCATION
State House Station 23
Augusta, Maine 04333

November 30, 1993

TO:

Members of the 116th Legislature
Bureau of the Budget

FROM: S/Leo G. Martin, Commissioner
 SUBJECT: Actual Education Costs for Base Year 1992-93

Pursuant to the provisions of 20-A MRSA section 15604, I am providing notification of the "actual education costs" as defined in subsection 1, of 20-A MRSA section 15604 for the base year 1992-93.

A. Operating costs	
(1) Elementary	\$508,656,423
(2) Secondary	269,194,840
B. Special education costs for programs operated by administrative units	
	98,626,815
C. Special education tuition and board excluding medical costs	
	24,209,948
(1) Tuition and board for pupils placed by administrative units	\$12,626,940
(2) Tuition and board for State Wards and direct State Placement	4,251,563
(3) Adjustments under section 15612, subsection 6 (Special Education Hardship (grants)	0
(4) Costs to the state for State agency clients (section 15613 subsection 5)	7,331,445
D. Vocational education costs	21,363,307
E. Transportation operating costs	56,069,481
F. Bus Purchases	
(1) Purchase of Buses-Regular Approvals	4,374,295
G. Debt Service Costs	
(1) Principal and Interest	60,833,622
(2) Insured Value Factor	1,975,721
(3) Leased (approved)	4,626,879
(4) Other major capital costs	2,167,112
H. Cost of reimbursement for private school services	201,000
I. Cost of state expenditure for teacher retirement benefits	139,184,431
J. Early childhood educational programs	515,246

These expenditures are from state and local monies only, except that Federal P.L. 81-874 funds are included.

Was read and ordered placed on file.

The following Communication:

HEALTH CARE FINANCE COMMISSION
 State House Station 102
 Augusta, Maine 04333

December 1, 1993

The Honorable John L. Martin
 Speaker, Maine House of Representatives
 State House Station 2
 Augusta, Maine 04333

Dear Speaker Martin:

When the Legislature enacted significant revisions to Maine's hospital payment system in 1989, it directed the Commission to conduct a review of two of the newly enacted provisions, the special exception adjustment and the variable adjustment factor. This review was to be conducted after these new provisions had been in place for two payment year cycles. The second payment year cycle following the statutory implementation date for these two provisions was completed on September 30, 1993.

The Legislature also directed the Commission to submit a report on its review with any recommendations for changes to the special exception adjustment and the variable adjustment factor. Enclosed is a copy of the Commission's report and its recommendations.

On the basis of its review, the Commission is not recommending further changes to the special exception adjustment at this time. A 1991 statutory amendment supplied an important clarification of the provision and the Commission believes that it is otherwise meeting the objectives identified at the time of its enactment.

In contrast, the Commission's review of the variable adjustment factor has led it to the conclusion that the statutory upper and lower limits on the factor should be eliminated. The Commission believes that the retention of these limits will add to the cost of hospital services in a manner that is not consistent with the purposes of the variable adjustment factor. The Commission will be requesting that the Legislature modify the variable adjustment factor in the Second Regular Session in order to avoid this unintended consequence of the current statutory language.

If you have questions about the enclosed report or any other aspects of the Commission's activities, please do not hesitate to let me know.

Sincerely,
 S/Robert K. Clarke

Executive Director

Was read and with accompanying report ordered placed on file.

The following Communication:

BUREAU OF TAXATION
State Office Building
Augusta, Maine 04333

December 14, 1993

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

The accompanying report of State-owned real estate is submitted in accordance with the provisions of Title 36 MRSA, section 1283.

This report includes twenty-five properties or interests acquired through liens maturing.

The Resolve includes the legal description of each property in Part A relative to 1991 matured tax liens and incorporates the entire amount of outstanding tax, interest and costs which have accrued, and recommendations for disposition. Part B includes a narrative description of each property of 1991 matured liens.

Respectfully submitted,

S/John D. LaFaver
State Tax Assessor

Was read and with accompanying report ordered placed on file.

The following Communication:

THE MAINE SENATE
OFFICE OF THE PRESIDENT
STATE HOUSE STATION 3
AUGUSTA, ME 04333

October 21, 1993

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

Dear Clerk Mayo:

This is to notify you that pursuant to my authority under Joint Rule 13-B, I am today appointing Senator David L. Carpenter to serve on the Joint Select Committee on Rules. Senator Carpenter will replace Senator Pamela L. Cahill who has resigned.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

Was read and ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE
Augusta, Maine 04333

JUVENILE CORRECTIONS TASK FORCE

December 8, 1993

The Honorable Dennis L. Dutremble
The Honorable John L. Martin
Maine Legislature
State House
Augusta, ME 04333

Dear President Dutremble and Speaker Martin:

This letter is to inform you that the Juvenile Corrections Task Force has submitted its report to the Health and Social Service Transition Team pursuant to Resolves of 1993, c. 36.

Sincerely,

S/Cushman D. Anthony, Chair

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 1179)

State of Maine
House of Representatives
Augusta, Maine 04333

December 14, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On December 14, 1993, two Bills were received by the Clerk of the House.

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

Banking and Insurance

Bill "An Act to Amend the Maine Banking Code to Clarify the Definition of Limited-time and Seasonal Branches and to Provide a Definition of In-school Branches" (H.P. 1178) (L.D. 1569) (Presented by Representative ERWIN of Rumford) (Cosponsored by Representatives: KUTASI of Bridgton, PINEAU of Jay, Senator: McCORMICK of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act to Allow Nonresidents to Possess Antique License Plates" (H.P. 1177) (L.D. 1568) (Presented by Representative ZIRNKILTON of Mount Desert) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

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

At this point, Representative ERWIN of Rumford reported that the Committee had delivered the message with which they were charged.

The following Communication: (H.P. 1183)

State of Maine
House of Representatives
Augusta, Maine 04333

December 20, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On December 20, 1993, three Bills were received by the Clerk of the House.

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

Marine Resources

Bill "An Act to Strengthen Penalties for the Unlawful Cutting of Lobster Traps" (EMERGENCY) (H.P. 1180) (L.D. 1578) (Presented by Representative ZIRNKILTON of Mount Desert) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Utilities

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1994" (EMERGENCY) (H.P. 1181) (L.D. 1579) (Presented by Representative CLARK of Millinocket) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

Bill "An Act Concerning Municipal Appointments" (H.P. 1182) (L.D. 1580) (Presented by Representative TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

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

The following Communication: (H.P. 1194)

State of Maine
House of Representatives
Augusta, Maine 04333

December 27, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On December 27, 1993, ten Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on December 27, 1993 as follows:

Agriculture

Bill "An Act to Provide for Greater Efficiency within the Department of Agriculture, Food and Rural Resources" (H.P. 1191) (L.D. 1588) (Presented by Representative TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Banking and Insurance

Bill "An Act to Clarify Automobile Insurance Laws" (H.P. 1186) (L.D. 1583) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representative: PINEAU of Jay, Senator: BUSTIN of

Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Laws Governing Foreclosure of Mortgages" (H.P. 1187) (L.D. 1584) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: CARLETON of Wells, HALE of Sanford, Senator: McCORMICK of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Energy and Natural Resources

Bill "An Act to Amend Road Dust Nuisance Laws" (H.P. 1185) (L.D. 1582) (Presented by Representative LORD of Waterboro) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Resolve, to Preserve the Competitiveness of Maine's Existing Business and Industry and to Preserve the Ability of the State to Attract New Investment by Petitioning for Removal from the Ozone Transport Region (EMERGENCY) (H.P. 1193) (L.D. 1590) (Presented by Representative CLARK of Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Human Resources

Bill "An Act to Clarify Certain Provisions of Maine's Hospital Payment System" (H.P. 1188) (L.D. 1585) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representative: RYDELL of Brunswick, Senator: PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Legal Affairs

Bill "An Act to Decrease the Number of Sleeping Rooms a Hotel Must Have in Order to Obtain a Liquor License" (H.P. 1184) (L.D. 1581) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Senator PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Concerning the Possession of Firearms by Persons under the Influence of Intoxicating Liquor or Drugs or with an Excessive Blood-alcohol Level" (H.P. 1190) (L.D. 1587) (Presented by Representative LIPMAN of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

State and Local Government

Resolve, Regarding the Sale of State-owned Property (H.P. 1192) (L.D. 1589) (Presented by Representative CLARK of Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act to Raise the Motor Vehicle Registration Fee to Aid in the Construction of Salt and Sand Storage Facilities" (H.P. 1189) (L.D. 1586) (Presented by Representative GOULD of Greenville)

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

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

The following Communication: (H.P. 1203)

State of Maine
House of Representatives
Augusta, Maine 04333

December 29, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On December 29, 1993, eight Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on December 29, 1993 as follows:

Agriculture

Bill "An Act to Adjust the Dates for Distributions from the State Harness Racing Commission" (H.P. 1202) (L.D. 1611) (Presented by Representative TARDY of Palmyra) (Cosponsored by Representative: HUSSEY of Milo, Senator: TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Fisheries and Wildlife

Bill "An Act to Restrict the Type of Fishing Allowed on Long Pond, or Beaver Mountain Lake, to Artificial Lures and Flies" (H.P. 1195) (L.D. 1603) (Presented by Representative BARTH of Bethel) (Cosponsored by Representative: HOLT of Bath) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Judiciary

Bill "An Act to Clarify the Status of the Maine Indian Tribal-State Commission" (H.P. 1196) (L.D. 1604) (Presented by Representative CASHMAN of Old Town) (Cosponsored by Senator PEARSON of Penobscot)

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Legal Affairs

Bill "An Act to Clarify Maine Election Laws" (H.P. 1201) (L.D. 1609) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representative STEVENS of Sabattus, Senators: CAREY of Kennebec, HALL of Piscataquis) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

Resolve, Authorizing Glenn Greenlaugh to Sue the State (H.P. 1197) (L.D. 1605) (Presented by Representative TOWNSEND of Eastport) (By Request) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Marine Resources

Bill "An Act to Establish the Lobster Promotion Council as a Public Instrumentality" (EMERGENCY) (H.P. 1199) (L.D. 1607) (Presented by Representative MITCHELL of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act to Amend the Motor Vehicle Laws" (H.P. 1200) (L.D. 1608) (Presented by Representative BAILEY of Farmington) (Cosponsored by Representatives: HUSSEY of Milo, O'GARA of Westbrook, STROUT of Corinth, Senator: GOULD of Waldo) (Submitted by the Department of Public Safety pursuant to Joint Rule 24.)

Utilities

Bill "An Act to Amend the Charter of the Portland Water District" (EMERGENCY) (H.P. 1198) (L.D. 1606) (Presented by Representative TAYLOR of Cumberland) (Cosponsored by Representative: KONTOS of Windham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

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

The following Communication: (H.P. 1208)

State of Maine
House of Representatives
Augusta, Maine 04333

December 30, 1993

John L. Martin
Speaker of the House
116th Legislature

Dennis L. Dutremble
President of the Senate
116th Legislature

Dear Mr. Speaker and Mr. President:

On December 30, 1993, four Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on December 30, 1993 as follows:

Banking and Insurance

Bill "An Act to Amend the Workers' Compensation Laws By Allowing Guarantors of Self-Insurers to Utilize Approved Letters of Credit" (H.P. 1206) (L.D. 1614) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representative: PINEAU of Jay, Senators: KIEFFER of Aroostook, McCORMICK of Kennebec, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Repeal the Sunset on Rating Practices in Small Group Health Plans and Individual Health Insurance" (H.P. 1207) (L.D. 1615) (Presented by Representative PINEAU of Jay) (Cosponsored by Senator ESTY of Cumberland and Representative: RYDELL of Brunswick, Senator: TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Marine Resources

Bill "An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease" (H.P. 1204) (L.D. 1612) (Presented by Representative TOWNSEND of Eastport) (Cosponsored by Representatives: LOOK of Jonesboro, MITCHELL of Freeport, Senator: VOSE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Transportation

Bill "An Act Concerning Business Directional Signs on Certain Controlled Access Highways" (H.P. 1205) (L.D. 1613) (Presented by Representative LINDAHL of Northport) (Cosponsored by Senator GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Sincerely,

S/Joseph W. Mayo
Clerk of the House

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

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

The following Communication:

116TH MAINE LEGISLATURE

November 16, 1993

Hon. Joseph W. Mayo
Clerk of the House
State House Station #2
Augusta, ME 04333

Dear Clerk Mayo:

Pursuant to our authority under Section 929-A of 10 MRSA, we, together with Governor McKernan, have made the following appointments to the Maine Economic Growth Council:

Lucien Deschaine of Madawaska
Greg Cyr of Portage Lake
Albert Lepage of Auburn
John Fitzsimmons of Augusta
Ann Anctil of Augusta
Tom Ellsworth of Biddeford
George N. Campbell, Jr. of Portland
George P. Connick of Augusta
Ken Gibb of Bangor
Jim Ashe of Rockport
Ed Dinan of Portland
Joann Langlois of Lewiston
Helen Sloan Dudman of Ellsworth
Ray Hewes of Presque Isle
Senator Rochelle Pingree of Knox
Senator Leo R. Kieffer of Aroostook
Rep. Rita B. Melendy of Rockland
Rep. Stephen M. Zirnkilton of Mount Desert

Please let us know if you have any questions regarding these appointments.

Sincerely,

S/Dennis L. Dutremble S/John L. Martin
President of the Senate Speaker of the House

Was read and ordered placed on file.

The following Communication:

MAINE HUMAN RIGHTS COMMISSION
State House Station 51
Augusta, Maine 04333

October 25, 1993

The Honorable John L. Martin
Speaker of the House of Representatives
State House Sta # 2
Augusta, ME 04333

Dear Speaker Martin:

On behalf of the Commissioners and staff of the Maine Human Rights Commission, I am pleased to forward to you the Commission's Annual Report for the last fiscal year.

Sincerely,

S/Patricia E. Ryan

Executive Director

Was read and with accompanying report ordered placed on file.

The following Communication:

Bureau of Corporations, Elections, and Commissions

Department of
the Secretary of State
State House Station 101
Augusta, Maine 04333-0101

December 7, 1993

Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

Please find enclosed a certified copy of the Governor's Proclamations relating to the November 2, 1993 Election, for your files.

Sincerely,

S/Rebecca Wyke, Director
Corporations and Elections

STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE

I, the Secretary of State of the State of Maine, do hereby Certify that the paper to which this is attached is a true copy from the records of this office.

In Testimony Whereof, I have caused the Great Seal of the State to be hereunto affixed. GIVEN under my hand at Augusta, this seventh day of December in the year of our Lord one thousand nine hundred and ninety three.

S/Bill Diamond
Secretary of State

The following Proclamation:

STATE OF MAINE
PROCLAMATION

An Act to Impose Term Limitations on Legislators,
Constitutional Officers and the State Auditor

WHEREAS, the electors of the State of Maine presented to the One Hundred and Sixteenth Legislature in the First Regular Session an initiated bill entitled,

"An Act to Impose Term Limitations on Legislators,
Constitutional Officers and the State Auditor,"

under the provisions of Article IV, Part Third, Section 18 of the Constitution of Maine, and

WHEREAS, the Legislature failed to enact such initiated bill, and

WHEREAS, the initiated bill was submitted to the electors for approval, by proclamation of the Governor, at the election to be held on the Tuesday following the first Monday in November, 1993, and

WHEREAS, it appears by the return of votes cast by the electors of the various cities, towns and plantations voting upon said initiated bill on November 2, 1993, and reviewed by the Governor on November 18, 1993, that a majority of said votes were in favor of the initiated bill becoming law; namely,

159,785 for, and
76,732 opposed;

NOW, THEREFORE, I, JOHN R. MCKERNAN, JR., Governor of the State of Maine, in pursuance of the provisions of the Constitution of Maine in such case provided, declare said measure adopted, to take effect and become law thirty days after the date of this proclamation.

IN TESTIMONY WHEREOF I have caused the Great Seal of the State to be hereunto affixed given under my hand at Augusta this eighteenth day of November in the year One Thousand Nine Hundred and Ninety-Three.

S/JOHN R. MCKERNAN, Jr.
Governor

S/BILL DIAMOND
Secretary of State

Was read and with accompanying papers ordered placed on file.

The following Communication:

COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES

STATE HOUSE STATION 135
STATE OFFICE BUILDING
AUGUSTA, MAINE 04333

October 4, 1993

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

Dear Speaker Martin:

In accordance with Title 1 MRSA Section 1007, I submit herewith the Annual Report of the Commission on Governmental Ethics and Election Practices for the calendar year 1992.

Sincerely,

S/Marilyn Canavan
Director

Was read and with accompanying report ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

January 5, 1994

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

Dear Clerk Mayo:

On July 8, 1993, pursuant to my authority under Chapter 25 of the Resolves of Maine, 1993, I appointed Rep. Mary Cathcart, of Orono; Bonnie Post, of Owl's Head; and Pamela Correll, R.N., of Bangor, to serve on the Healthy Start Task Force.

On July 20, 1993, pursuant to my authority under Chapter 410 of the Public Laws of Maine, 1993, I appointed Rep. Donald H. Gean, of Alfred, to serve as the House member on the Substance Abuse Services Commission.

On July 20, 1993, pursuant to my authority under Chapter 48 of the Private and Special Laws of Maine, 1993, I appointed Rep. Donald H. Gean, of Alfred; Rep. George J. Kerr, of Old Orchard Beach; and Rep. Joseph Bruno, of Raymond, to serve as House members on the Administrative Costs Task Force. I have also appointed Reynold Raymond, of Eagle Lake, and Thomas Nelson, of Sanford, as provider members.

On July 20, 1993, pursuant to my authority under Chapter 401 of the Public Laws of Maine, 1993, I appointed John Walker, of Portland, as the municipal member; Cushman Anthony, of South Portland, as the member with professional experience in dispute resolution; and Beth A. Nagusky, of Litchfield, as the public member to serve on the Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector.

On August 12, 1993, pursuant to my authority under Chapter 410 of the Public Laws of Maine, 1993, I appointed Rep. Charlene B. Rydell, of Brunswick, as my designee to serve on the Advisory Board to Privatize the Maine Health Program.

On August 18, 1993, pursuant to my authority under Chapter 410 of the Public Laws of Maine, 1993, I appointed Peter M. Leslie, of Cape Elizabeth, to serve on the Committee to Study the Retirement System.

On August 18, 1993, pursuant to my authority under Chapter 40 of the Resolves of Maine, 1993, I appointed Rep. Lorraine Chonko, of Topsham; Rep. Omar

Norton, of Winthrop; Rep. Sharon Anglin Treat, of Gardiner; and Rep. Anne Larrivee, of Gorham, to serve on the Federal Funds Task Force.

On August 19, 1993, pursuant to my authority under Chapter 698 of the Public Laws of Maine, 1991, I appointed Captain Howard L. Wentworth, Jr., of South Portland, to serve on the Maine Oil Spill Advisory Committee. He will be replacing Susan Farnsworth as the public member.

On September 13, 1993, pursuant to my authority under Chapter 297 of the Public Laws of Maine, 1993, I appointed Rep. Theone Look, of Jonesboro, to serve as the House member on the Task Force to Study the Safe Mobility of Maine's Aging Population.

On October 18, 1993, pursuant to my authority under Chapter 1 of the Resolves of Maine, 1993, I appointed Rep. Phyllis Erwin, of Rumford, to serve on the Special Commission to Erect a Plaque in the Hall of Flags Honoring Medal of Honor Recipients from Maine.

On October 18, 1993, pursuant to my authority under Chapter 384 of the Public Laws of Maine, 1993, I appointed Rep. Charlene Rydell, of Brunswick, to serve as the House member on the Maine HIV Advisory Committee which replaces the Committee to Advise the Department of Human Services on AIDS.

On October 18, 1993, pursuant to my authority under Chapter 158 of the Public Laws of Maine, 1993, I appointed Rep. Ellen Walker, of Blue Hill, and Rep. Peggy Pendleton, of Scarborough, to serve as House members on the Child Care Advisory Council.

On October 18, 1993, pursuant to my authority under Chapter 26 of the Resolves of Maine, 1993, I appointed Rep. Herbert Adams, of Portland, to serve as the House member on the Maine State 175th Anniversary Commemoration Commission.

On October 25, 1993, pursuant to my authority under Chapter 392 of the Public Laws of Maine, 1993, I appointed Gary J. Voisine, of Fort Kent, (business and industry); Stephanie Locke, of Sebec, (organized labor); and Robert Marquis, of Millinocket, (education) to serve on the Skill Standards Board of the Maine Youth Apprenticeship Program.

On October 25, 1993, pursuant to my authority under Chapter 26 of the Resolves of Maine, 1993, I appointed Neil Rolde, of York; Richard Snow, of Topsham; Joel Eastman, Ph.D., of Portland; and Sgt. Major Gary R. Dow, of South Portland, to serve on the Maine State 175th Anniversary Commemoration Commission.

On November 8, 1993, pursuant to my authority under Chapter 33 of the Resolves of Maine, 1993, I appointed Rep. Stephen Simonds, of Cape Elizabeth, and Rep. Anne Larrivee, of Gorham, to serve as House members on the Academy for Public Service Study Committee.

On November 10, 1993, pursuant to my authority under Chapter 417 of the Public Laws of Maine, 1991, I appointed Rep. Jane Saxl, of Bangor, to serve on

the Maine Criminal Justice Commission. She will be replacing Rep. Anne Larrivee who has resigned.

Sincerely,

S/John L. Martin
Speaker of the House

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 Authorize a Limited License to Permit Funeral Service Practitioners to Offer Additional Preneed Funeral Service Products" (H.P. 1216) (L.D. 1635) (Presented by Representative ERWIN of Rumford) (Cosponsored by Representative: KUTASI of Bridgton, Senators: BUSTIN of Kennebec, CARPENTER of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Regarding Insurance Coverage for Mental Illness" (H.P. 1218) (L.D. 1637) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: FITZPATRICK of Durham, RAND of Portland, Senator: CAREY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Business Legislation

Bill "An Act to Clarify Plumbing Permit Fees" (EMERGENCY) (H.P. 1215) (L.D. 1634) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representative: PLOURDE of Biddeford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Joint Select Committee on Corrections

Bill "An Act to Amend the Community Correction Law" (H.P. 1213) (L.D. 1632) (Presented by Representative CLUKEY of Houlton) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, LARRIVEE of Gorham, Senator: KIEFFER of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Education

Bill "An Act to Authorize the Towns of Appleton, Camden, Hope, Lincolnville and Rockport to Form a Community School District" (EMERGENCY) (H.P. 1221) (L.D. 1640) (Presented by Representative WHITCOMB of Waldo) (Cosponsored by Representatives: BOWERS of Washington, NASH of Camden, Senator: PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Resolve, to Reclassify the Position of a Former Teacher's Aide (H.P. 1212) (L.D. 1631) (Presented by Representative BEAM of Lewiston) (Cosponsored by Senator HANDY of Androscoggin and Representatives: MORRISON of Bangor, ST. ONGE of Greene) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Energy and Natural Resources

Bill "An Act to Amend the Solid Waste Laws to Permit Quasi-municipal Corporations to Enter Agreements for Development and Financing of Waste Facilities" (H.P. 1222) (L.D. 1641) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representative: CARON of Biddeford, Senator: AMERO of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Human Resources

Bill "An Act Authorizing Medicaid Reimbursement for Certain Providers of Counseling Services" (H.P. 1209) (L.D. 1628) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: CATHCART of Orono, JOHNSON of South Portland, SULLIVAN of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Require Disclosure of Corporate Interests in Applications for Public Assistance" (H.P. 1210) (L.D. 1629) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsored by Senator: FOSTER of Hancock) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Judiciary

Bill "An Act to Amend the Provisions Relating to Mental Examination and Observation of Persons Accused of a Crime" (H.P. 1214) (L.D. 1633) (Presented by Representative FAIRCLOTH of Bangor) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Legal Affairs

Bill "An Act to Strengthen Enforcement of Manufactured Housing Warranties" (H.P. 1219) (L.D. 1638) (Presented by Representative DAGGETT of

Augusta) (Cosponsored by Representative: STEVENS of Sabattus, Senators: CAREY of Kennebec, ESTY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Begin the Scallop Season on November 30th Annually" (H.P. 1211) (L.D. 1630) (Presented by Representative ZIRNKILTON of Mount Desert) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Committee on Marine Resources suggested and ordered printed.

Representative MITCHELL of Freeport asked ruling from the Chair if Bill appears in violation of Joint Rule 37.

Subsequently, Bill was tabled pending ruling from the Chair.

Transportation

Bill "An Act to Modify the Manufacture of Motor Vehicle Registration Plates" (H.P. 1217) (L.D. 1636) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: BAILEY of Farmington, O'GARA of Westbrook, Senators: BRANNIGAN of Cumberland, GOULD of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Utilities

Bill "An Act to Enhance Assessment and Collection Powers of the Boothbay Harbor Sewer District" (EMERGENCY) (H.P. 1220) (L.D. 1639) (Presented by Representative HEINO of Boothbay) (Cosponsored by Senator BEGLEY of Lincoln and Representative: CLARK of Millinocket, Senator: VOSE of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

ORDERS

On motion of Representative KILKELLY of Wiscasset, the following Order:

Ordered, that House Rule 23 be amended to read:

23. It shall be the duty of the Clerk to make up daily a calendar of bills, resolves and other papers, assigned for that day's consideration, and also a calendar of bills and resolves which have had their first reading, and showing the disposition that has been made of each. An order in final form presented to the Clerk by a member of the House must be included in the calendar being prepared at the time the Clerk receives the order.

Was read.

On motion of Representative KILKELLY of Wiscasset, tabled pending passage and specially assigned for Thursday, January 6, 1994.

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 585)

ORDERED, the House concurring, that Bill "An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System" H.P. 680, L.D. 922, and all its accompanying papers, be recalled from the Legislative Files to the Senate.

Came from the Senate, read and passed.

Was read. Two-thirds vote of the members present being necessary, a total was taken. 128 having voted in favor of the same and 4 against, the Joint Order was passed in concurrence.

At this point, the Speaker recognized the Representative from Lewiston, Representative BEAM, the Representative from Harpswell, Representative COLES, the Representative from Hallowell, Representative FARNSWORTH, the Representative from Auburn, Representative MICHAEL, the Representative from Brunswick, Representative RYDELL, the Representative from Kennebunkport, Representative WENTWORTH, and the Representative from Portland, Representative TOWNSEND and they were added to the quorum call of the Second Regular Session.

On motion of Representative PINEAU of Jay adjourned at 6:35 p.m. until 2:00 p.m., Thursday, January 6, 1994.