

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
4th Legislative Day
Thursday, January 13, 1994

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

Prayer by the Reverend Philip Shearman, First Parish Congregational Church, Gorham.

The Journal of Tuesday, January 11, 1994 was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

January 11, 1994

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

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Human Resources, Sue W. Davenport of Marstons Mills, MA for appointment as Commissioner of Mental Health and Mental Retardation. Sue W. Davenport is replacing Robert Glover.

Sincerely,

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

Was read and ordered placed on file.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Schedule for Paying Off the Unfunded Liability of the Maine State Retirement System (S.P. 607) (L.D. 1705)

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.

Bill "An Act to Promote Flexibility in Health Care Delivery Systems" (S.P. 592) (L.D. 1651)

Bill "An Act Concerning the Payment of Medical Expenses in Controverted Workers' Compensation Cases" (S.P. 605) (L.D. 1703)

Bill "An Act to Protect Consumers in Loan Broker Transactions" (S.P. 610) (L.D. 1708)

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.

Bill "An Act to Amend the Petroleum Market Share Act" (S.P. 596) (L.D. 1655)

Bill "An Act to Clarify Agency Relationships in Real Estate Transactions" (S.P. 616) (L.D. 1714)

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

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

Bill "An Act to Clarify the Method for Calculating Inmate Good Time" (S.P. 597) (L.D. 1656)

Bill "An Act to Revise the Execution of Certain Mandatory Consecutive Sentences" (S.P. 608) (L.D. 1706)

Came from the Senate, referred to the **Joint Select Committee on Corrections** and Ordered Printed.

Were referred to the **Joint Select Committee on Corrections** in concurrence.

Bill "An Act to Eliminate the Maine School Building Authority" (S.P. 600) (L.D. 1698)

Bill "An Act to Establish the Debt Service Limit for Fiscal Year 1997 and Fiscal Year 1998" (S.P. 601) (L.D. 1699)

Bill "An Act Regarding the Implementation of the Provisions of the Higher Education Act of 1965 as Amended" (EMERGENCY) (S.P. 606) (L.D. 1704)

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

Were referred to the Committee on **Education** in concurrence.

Bill "An Act Pertaining to Stage II Vapor Recovery" (EMERGENCY) (S.P. 595) (L.D. 1654)

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

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

Bill "An Act to Amend the Probate Code with Respect to Powers of Fiduciaries" (S.P. 598) (L.D. 1657)

Bill "An Act to Maintain Confidentiality of Certain Information Received by the Board of Counseling Professionals Licensure and the State Board of Substance Abuse Counselors" (S.P. 602) (L.D. 1700)

Bill "An Act to Provide Better Information Concerning Tort Reform" (S.P. 609) (L.D. 1707)

Bill "An Act to Clarify the Assignment of Hotel Revenues as Rent under Maine Law" (S.P. 611) (L.D. 1709)

Bill "An Act to Clarify Maine Corporate Laws" (S.P. 615) (L.D. 1713)

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

Were referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Amend the Private Security Guards Act" (S.P. 599) (L.D. 1658)

Bill "An Act to Simplify the State's Liquor Tax" (S.P. 612) (L.D. 1710)

Bill "An Act to Clarify Liquor Licensing Authority" (S.P. 614) (L.D. 1712)

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

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

Bill "An Act to Assess Excise Tax on a Pro Rata Basis on Automobiles Utilized for Rental" (S.P. 603) (L.D. 1701)

Bill "An Act to Conform the Maine Tax Laws for 1993 With the United States Internal Revenue Code" (EMERGENCY) (S.P. 604) (L.D. 1702)

Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) (S.P. 613) (L.D. 1711)

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

Were referred to the Committee on **Taxation** in concurrence.

Bill "An Act to Enable the Use of Former Exit 5 on the Maine Turnpike for Access to an Adjacent Liquor Store and Hotel and Conference Center Facility" (S.P. 594) (L.D. 1653)

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

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

Non-Concurrent Matter

Bill "An Act to Clarify the Application of Nursing Facility Admissions Criteria" (EMERGENCY) (H.P. 1230) (L.D. 1650) which was referred to the Committee on **Human Resources** in the House on January 6, 1994.

Came from the Senate referred to the Committee on **Appropriations and Financial Affairs** in non-concurrence.

On motion Representative CHONKO of Topsham, tabled pending further consideration and specially assigned for Tuesday, January 18, 1994.

COMMUNICATIONS

The following Communication:

DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

December 23, 1993

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

Dear Clerk Mayo:

Please find enclosed a copy of the application submitted to the Bureau of Justice Assistance for the funding of the FY94 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program.

The program requires that the application be submitted to the State Legislature or its designated body for review. Unless I receive further instructions, I will consider that the Department of Public Safety has fulfilled its obligation in this area.

Sincerely,

S/John R. Atwood
Commissioner

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
AUGUSTA, ME 04333

January 13, 1994

Honorable Lorraine N. Chonko
House Chair
Honorable Michael D. Pearson
Senate Chair
Joint Standing Committee on
Appropriations and Financial Affairs
State House
Augusta, Maine 04333

Dear Chairs:

I am pleased to transmit herewith a copy of the application submitted to the Bureau of Justice Assistance for the FY 1994 Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program, pursuant to the Public Laws of Maine, 1987, chapter 816.

Sincerely,

S/Joseph W. Mayo
Clerk of the House

Was read and with accompanying papers referred to the Committee on **Appropriations and Financial Affairs**.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolve 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:

Agriculture

Bill "An Act Regarding the Inspection of Maine Potatoes" (H.P. 1273) (L.D. 1717) (Presented by Representative TARDY of Palmyra) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Housing and Economic Development

Bill "An Act to Increase the Jurisdiction of the Loring Development Authority of Maine" (H.P. 1275) (L.D. 1723) (Presented by Representative ROBICHAUD of Caribou) (Cosponsored by Representative YOUNG of Limestone, Senator KIEFFER of Aroostook and Representatives: AHEARNE of Madawaska, ANDERSON of Woodland, BAILEY of Township 27, CAMPBELL of Holden, CLUKEY of Houlton, DONNELLY of Presque Isle, JOY of Island Falls, KNEELAND of Easton, MacBRIDE of Presque Isle, MARTIN of Van Buren, MARTIN of Eagle Lake, PINETTE of Fort Kent, Senator: PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Human Resources

Bill "An Act to Ensure Accountability in Community Services for People with Mental Retardation" (H.P. 1277) (L.D. 1725) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representatives: BEAM of Lewiston, CARROLL of Gray, PARADIS of Augusta, PENDLETON of Scarborough, TOWNSEND of Portland, TOWNSEND of Eastport, Senator: PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Resolve, to Promote Consumer Choice and Quality Competition in Supported Living Arrangements (H.P. 1276) (L.D. 1724) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: BRENNAN of Portland, TREAT of Gardiner) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Judiciary

Bill "An Act to Affect the Credit of People Who Are in Default of Child Support Payments" (H.P. 1279) (L.D. 1727) (Presented by Representative SAXL of Bangor) (Cosponsored by Representatives: CARON of Biddeford, COTE of Auburn, KETTERER of Madison, TREAT of Gardiner, Senators: BERUBE of Androscoggin, CONLEY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Reference to the Committee on **Human Resources** suggested.

On motion of Representative TREAT of Gardiner, the Bill was referred to the Committee on **Judiciary**, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Protect Maine Children from Child Pornography Contraband" (H.P. 1274) (L.D. 1718) (Presented by Representative FAIRCLOTH of Bangor) (Cosponsored by Senator ESTY of Cumberland and Representatives: KILKELLY of Wiscasset, ROWE of Portland, Senator: CAHILL of Sagadahoc) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Labor

Bill "An Act to Modify the Workers' Compensation Board Assessment" (EMERGENCY) (H.P. 1278) (L.D. 1726) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Senator HANDY of Androscoggin and Representatives: AIKMAN of Poland, CARLETON of Wells, PINEAU of Jay, ST. ONGE of Greene, Senator: BEGLEY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

ORDERS

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

ORDERED, that Representative Donnell P. Carroll of Gray be excused January 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Maria Glen Holt of Bath be excused January 5 and 6 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Paul R. Young of Limestone be excused January 13 for legislative business.

Was read and passed.

The following items were taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Order: (S.P. 621)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 18, 1994, at four o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

SENATE PAPERS

Bill "An Act to Promote Economic and Employment Growth in the Financial Services Sector" (S.P. 620) (L.D. 1722)

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

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

Bill "An Act to Amend the Laws that Deal with the Protection of Natural Resources" (S.P. 619) (L.D. 1721)

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

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

Bill "An Act to Provide Job-site Inspectors Representing the Owner on Public Improvements" (S.P. 617) (L.D. 1719)

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.

Bill "An Act to Encourage Innovation and Competitiveness by Electric Utilities" (S.P. 618) (L.D. 1720)

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

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

SENATE PAPERS

Bill "An Act to Authorize the Maine State Prison and the Maine Correctional Institution - Warren to Combine Accounts" (S.P. 593) (L.D. 1652)

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

(The Committee on Reference of Bills had suggested reference to the **Joint Select Committee on Corrections**.)

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

On motion of Representative MICHAUD of Millinocket, adjourned at 4:25 p.m., pursuant to Joint Order (S.P. 621).