

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
12th Legislative Day
Tuesday, February 8, 1994

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

Prayer by the Most Reverend Joseph J. Gerry, O.S.B., the Roman Catholic Bishop of the Diocese of Portland.

National Anthem by the Mountain Valley High School Band, Rumford.

The Journal of Thursday, February 3, 1994 was read and approved.

SENATE PAPERS

Bill "An Act Regarding Maine's Comprehensive Early Intervention System for Infants and Children, Ages Zero to Five" (EMERGENCY) (S.P. 663) (L.D. 1831)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Award 5 Moose Hunting Permits through Public Auction to Fund Youth Conservation Education Programs" (S.P. 661) (L.D. 1829) (Governor's Bill)

Came from the Senate, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Concerning Authorization to Grow Certain Marine Species in Aquaculture" (S.P. 659) (L.D. 1827)

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

Was referred to the Committee on Marine Resources in concurrence.

Bill "An Act to Provide for Uniform Fees Paid to Registers of Deeds for the Filing of Secured Transactions" (S.P. 660) (L.D. 1828)

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 Provide for a Disaster Relief Fund" (EMERGENCY) (S.P. 649) (L.D. 1811)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Aging, Retirement and Veterans.)

Was referred to the Committee on Transportation in concurrence.

Bill "An Act to Amend the Charter of the Canton Water District" (EMERGENCY) (S.P. 662) (L.D. 1830)

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

Was referred to the Committee on Utilities in concurrence.

Ought to Pass as Amended

Report of the Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "B" (S-387) on Bill "An Act to Require that All Interest on Escrowed Assessments on Utilities Be Used for the Benefit of the Public Utilities Commission and the Office of the Public Advocate" (S.P. 417) (L.D. 1326)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" (S-387).

Report was read and accepted. The Bill read once. Committee Amendment "B" (S-387) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, February 10, 1994.

COMMUNICATIONS

The following Communication:

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
STATE CLAIMS COMMISSION
State House Station 49
Augusta, Maine 04333

February 3, 1994

The Honorable Dan A. Gwadosky
Speaker of the House
House of Representatives
State House Station 2
Augusta, Maine 04333

RE: Report of Small Claims to Legislature

Dear Speaker Gwadosky:

Herewith is Report of Small Claims which were received in this office during 1993 and which is being submitted to you for your information and records in accordance with Title 5 M.R.S.A., Section 1510-A, Subsection 8.

A similar report is also being submitted to the Honorable Dennis L. Dutremble, President of the Senate, and if you or your staff should have any questions in connection with this report, please communicate with this office.

Yours very truly,

S/Ronald M. Roy
Chief Counsel

Was read and with accompanying report ordered placed on file.

The following Communication: (S.P. 664)

116TH MAINE LEGISLATURE

February 2, 1994

Senator Gerard P. Conley, Jr.
Rep. Constance D. Cote
Chairpersons
Joint Standing Committee on Judiciary
116th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Joyce A. Wheeler of Portland for appointment as an Associate Judge of the Administrative Court and the honorable Roland Beaudoin of Falmouth for appointment as Chief Judge of the Administrative Court.

Pursuant to Title 4, MRSA Section 1151, these nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Dennis L. Dutremble
President of the Senate

S/John L. Martin
Speaker of the House

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

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

The following Communication: (S.P. 665)

STATE OF MAINE
DEPARTMENT OF STATE
AUGUSTA, MAINE 04333

June 18, 1993

Honorable Dennis L. Dutremble
President of the Senate
116th Maine State Legislature
State House Station 3
Augusta, Maine 04333-0003

Dear Mr. President,

I am herewith transmitting the proposed Knox County Budget Committee districts for approval as required by Chapter 345 of the Public Laws of 1993.

Respectfully,

S/Bill Diamond
Secretary of State

Came from the Senate, read and with accompanying papers ordered placed on file.

Was read and with accompanying papers ordered placed on file in concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Aging, Retirement and Veterans

Bill "An Act Relating to Retirement Benefits for the State Police" (H.P. 1363) (L.D. 1842) (Presented by Representative PINEAU of Jay) (Cosponsored by Senator ESTY of Cumberland and Representatives: CARROLL of Gray, JACQUES of Waterville, Senator: SUMMERS of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Amend the Maine State Retirement System Laws Relating to Provision of Legal Services" (H.P. 1364) (L.D. 1844) (Presented by Representative TUFTS of Stockton Springs) (Cosponsored by Representatives: BARTH of Bethel, CLUKEY of Houlton, VIGUE of Winslow) (Submitted by the Maine State Retirement System pursuant to Joint Rule 24.)

Resolve, Concerning the Licensure of Off-track Betting Facilities (EMERGENCY) (H.P. 1365) (L.D. 1848) (Presented by Representative TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on Agriculture suggested and ordered printed.

Under suspension of the rules and without reference to a Committee the Resolve was read twice

and passed to be Engrossed, sent up for concurrence and ordered sent forthwith.

Utilities

Bill "An Act to Amend the Charter of the Berwick Sewer District" (H.P. 1360) (L.D. 1839) (Presented by Representative MURPHY of Berwick) (Cosponsored by Senator CARPENTER of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reported Pursuant to Public Law

Representative TARDY for the Maine Potato Board, pursuant to Public Law 1993, chapter 413, section 5 ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Maine Potato Board" (H.P. 1366) (L.D. 1849) be referred to the Joint Standing Committee on Agriculture for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

Reported Pursuant to Public Law

Representative JALBERT for the Committee to Study the Retirement System, pursuant to Public Law 1993, chapter 410, Part SSS, section 1 ask leave to submit its findings and to report that the accompanying Bill "An Act to Create Retirement Alternatives" (EMERGENCY) (H.P. 1362) (L.D. 1841) be referred to the Joint Standing Committee on Aging, Retirement & Veterans for Public Hearing and printed pursuant to Joint Rule 20.

Report was read and accepted, and the Bill referred to the Committee on Aging, Retirement & Veterans, ordered printed and sent up for concurrence.

Reported Pursuant to Statutes

Representative ERWIN for the Committee on Audit & Program Review, pursuant to the Maine Revised Statutes, Title 3, chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act to Ensure Adequate Administrative Support for Professional Regulatory Boards" (EMERGENCY) (H.P. 1361) (L.D. 1840) be referred to the Joint Standing Committee on Audit & Program Review for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the Bill referred to the Committee on Audit & Program Review, ordered printed and sent up for concurrence.

Reported Pursuant to Statutes

Representative ERWIN for the Committee on Audit & Program Review, pursuant to the Maine Revised Statutes, Title 3, chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve the License Renewal Procedure for the Board of Registration in Medicine" (EMERGENCY) (H.P. 1367) (L.D. 1850) be referred to the Joint Standing Committee on Audit & Program Review for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the Bill referred to the Committee on Audit & Program Review, ordered printed and sent up for concurrence.

Reported Pursuant to Statutes

Representative ERWIN for the Committee on Audit & Program Review, pursuant to the Maine Revised Statutes, Title 3, chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act Related to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (EMERGENCY) (H.P. 1368) (L.D. 1851) be referred to the Joint Standing Committee on Audit & Program Review for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the Bill referred to the Committee on Audit & Program Review, ordered printed and sent up for concurrence. Ordered sent forthwith.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative JOSEPH from the Committee on State & Local Government on Resolve, Regarding the Sale of State-owned Property (H.P. 1192) (L.D. 1589) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-719)

Report was read and accepted. The bill read once. Committee Amendment "A" (H-719) was read by the Clerk and adopted and the bill assigned for second reading Thursday, February 10, 1994.

CONSENT CALENDAR

First Day

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

(H.P. 1290) (L.D. 1738) Bill "An Act to Repeal Sanctions against Businesses Doing Business in South

Africa" Committee on State & Local Government reporting "Ought to Pass"

(H.P. 592) (L.D. 807) Bill "An Act Regarding Records of Notaries Public" Committee on State & Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-720)

(H.P. 1181) (L.D. 1579) Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1994" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-717)

(H.P. 1226) (L.D. 1645) Bill "An Act Concerning the Identification of Shellfish" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-723)

(H.P. 1246) (L.D. 1673) Bill "An Act to Amend the Charter of Kents Hill School" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-721)

(H.P. 1268) (L.D. 1695) Bill "An Act to Amend the Waldoboro Utility District Charter" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-722)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 10, 1994 under the listing of Second Day.

BILLS IN THE SECOND READING

As Amended

Bill "An Act to Allow Nonresidents to Possess Antique License Plates" (H.P. 1177) (L.D. 1568) (C. "A" H-716)

Bill "An Act to Enhance and Improve the Special Education Complaint Management Process" (S.P. 578) (L.D. 1622) (S. "A" S-386)

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

ENACTORS

Emergency Measure

Resolve, to Extend the Reporting Date of the Study to Identify the Extent of Violence among Children (H.P. 1271) (L.D. 1715)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0

against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Extend the Reporting Deadline of the Health and Social Services Transition Team (H.P. 1272) (L.D. 1716)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, February 3, 1994, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE ORDER - Relative to amending House Rule 52. In House, Read on January 25, 1994. TABLED - January 27, 1994 by Representative GWADOSKY of Fairfield. PENDING - Passage. (2/3 Vote Required)

On motion of Representative JACQUES of Waterville, tabled pending passage and later today assigned.

HOUSE ORDER - Relative to amending House Rule 23. In House, Read on January 5, 1994. TABLED - January 27, 1994 by Representative GWADOSKY of Fairfield. PENDING - Passage. (2/3 Vote Required)

On motion of Representative JACQUES of Waterville, tabled pending passage and later today assigned.

Bill "An Act to Establish Preapprenticeship Programs" (H.P. 1282) (L.D. 1730) (Committee on Labor suggested) TABLED - January 27, 1994 by Representative GWADOSKY of Fairfield. PENDING - Reference.

On motion of Representative RUHLIN of Brewer, the bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

By unanimous consent, H.P. 1282, L.D. 1730 was ordered sent forthwith.

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

SENATE PAPERS

Resolve, Concerning Reauthorization of the \$9,520,000 Bond Issue for Construction and Renovation of Juvenile Correctional Facilities (S.P. 673) (L.D. 1845)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Rehabilitate and Expand Fish Hatchery Facilities" (S.P. 674) (L.D. 1846) (Governor's Bill)

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

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

SENATE PAPERS

Bill "An Act to Establish the Door-to-door and Telemarketing Consumer Solicitation Sales Act" (S.P. 670) (L.D. 1838)

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

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

Bill "An Act to Regulate Revenues for Merged Hospitals" (S.P. 667) (L.D. 1835)

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

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

SENATE PAPERS

Bill "An Act to Enhance Criminal Penalties for Hate Crimes" (S.P. 668) (L.D. 1836)

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

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

Bill "An Act to Subject Motorists with Prior Out-of-state Operating-under-the-influence Convictions to the Sentencing Provisions of the State's Operating-under-the-influence Laws" (S.P. 669) (L.D. 1837)

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

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

SENATE PAPERS

Bill "An Act to Extend Penalty Sanctions to Employee Health Benefit Plans" (S.P. 671) (L.D. 1843)

Bill "An Act Concerning Agency Service Fees" (S.P. 675) (L.D. 1847)

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

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

(Recessed to the Sound of the Gong)

The House was called to order by the Speaker.

SENATE PAPERS

Bill "An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State" (S.P. 655) (L.D. 1824)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **Appropriations and Financial Affairs**.)

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

Non-Concurrent Matter

Bill "An Act to Promote the Continued Use of Private Lands for Recreation" (H.P. 1342) (L.D. 1809) which was referred to the Committee on **Legal Affairs** in the House on February 1, 1994.

Came from the Senate referred to the Committee on **Judiciary** in non-concurrence.

House voted to Recede and Concur.

On motion of Representative CLEMENT of Clinton, adjourned at 11:50 a.m., until 9:00 a.m., Thursday, February 10, 1994.