

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Seventeenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

**House of Representatives**  
December 7, 1994 to May 23, 1995

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
7th Legislative Day  
Tuesday, January 17, 1995

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

Prayer by Chaplain Ray Dupere, Church of the Open Door, Hampden.

Pledge of Allegiance.

The Journal of Thursday, January 12, 1995 was read and approved.

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**SENATE PAPERS**

Bill "An Act to Protect Forest Management as a Viable Land Use" (S.P. 25) (L.D. 56)

Came from the Senate, referred to the Committee on **Agriculture, Conservation and Forestry** and Ordered Printed.

Was referred to the Committee on **Agriculture, Conservation and Forestry** in concurrence.

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Bill "An Act to Create Additional Employment Opportunities in the Financial Services Industry by Allowing Financial Organizations to Charge Additional Finance Charges" (S.P. 18) (L.D. 49)

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.

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Bill "An Act Concerning the Labeling of Refundable Beverage Containers" (S.P. 21) (L.D. 52)

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

Was referred to the Committee on **Business and Economic Development** in concurrence.

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Bill "An Act to Amend the School Administrative District Alternative Voting Procedures" (S.P. 24) (L.D. 55)

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

Was referred to the Committee on **Education and Cultural Affairs** in concurrence.

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Bill "An Act to Repeal the Sunset on the Grandparents Visitation Act" (S.P. 19) (L.D. 50)

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

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

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Bill "An Act to Amend the Laws Pertaining to Renewal of Liquor Licenses by Restaurants" (S.P. 20) (L.D. 51)

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

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

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Bill "An Act to Refund Money Collected from the

Disposal Fee on Major Appliances and Tires to Municipalities" (S.P. 23) (L.D. 54)

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

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

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Bill "An Act to Exempt Business Furniture from the Recycling Assistance Fee" (S.P. 22) (L.D. 53)

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

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

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills, Resolves and Resolutions 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:

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**Agriculture, Conservation and Forestry**

Bill "An Act to Increase Dog License Agent Fees for Municipal Clerks" (H.P. 115) (L.D. 150)  
(Presented by Representative BENEDIKT of Brunswick)  
(Cosponsored by Representatives: ETNIER of Harpswell, LABRECQUE of Gorham)

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**Appropriations and Financial Affairs**

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1995" (EMERGENCY) (H.P. 120) (L.D. 155) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Senator BUTLAND of Cumberland) (Governor's Bill)

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**Banking and Insurance**

Bill "An Act to Require Insurance Companies to Provide Loss Information to Insured Groups" (H.P. 79) (L.D. 115) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Representatives: BAILEY of Township 27, FARNUM of South Berwick, JOSEPH of Waterville, LANE of Enfield, LEMONT of Kittery, ROBICHAUD of Caribou, VIGUE of Winslow, Senators: CASSIDY of Washington, HALL of Piscataquis)

Bill "An Act to Allow the Maine Human Rights Commission to Request the Cooperation of the Bureau of Consumer Credit Protection in Enforcing the Fair Credit Extension Laws" (H.P. 104) (L.D. 139) (Presented by Representative TREAT of Gardiner) (Cosponsored by Senator RAND of Cumberland and Representatives: ADAMS of Portland, CHASE of China, GERRY of Auburn, JOSEPH of Waterville, KILKELLY of Wiscasset, LaFOUNTAIN of Biddeford, MITCHELL of Vassalboro, MITCHELL of Portland, Senator: PARADIS of Aroostook)

Bill "An Act to Expand the Protection of the Maine Consumer Credit Code" (H.P. 116) (L.D. 151) (Presented by Representative TREAT of Gardiner) (Cosponsored by Senator RAND of Cumberland and Representatives: ADAMS of Portland, DORE of Auburn,

JOHNSON of South Portland, JOSEPH of Waterville, LaFOUNTAIN of Biddeford, MITCHELL of Portland, THOMPSON of Naples, TYLER of Windham, Senator: PARADIS of Aroostook)

#### Business and Economic Development

Bill "An Act to Permit Motor Vehicle Dealerships to Operate on Sundays" (H.P. 73) (L.D. 109) (Presented by Representative LIBBY of Buxton) (Cosponsored by Representatives: DORE of Auburn, LEMKE of Westbrook, LOVETT of Scarborough, PENDLETON of Scarborough, RICE of South Bristol, Senators: AMERO of Cumberland, CAREY of Kennebec, PENDEXTER of Cumberland)

Bill "An Act to Amend the Laws Governing Real Estate Appraisers" (H.P. 91) (L.D. 126) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representatives: CAMERON of Rumford, HATCH of Skowhegan, LEMAIRE of Lewiston, SIMONEAU of Thomaston, Senators: BUSTIN of Kennebec, CAREY of Kennebec, HALL of Piscataquis, MICHAUD of Penobscot, RUHLIN of Penobscot)

#### Criminal Justice

Bill "An Act to Enable Sworn Law Enforcement Employees of the Immigration and Naturalization Service of the Department of Justice and Officers of the United States Custom Service of the Department of the Treasury to Enforce Maine Law" (H.P. 67) (L.D. 103) (Presented by Representative CLUKEY of Houlton) (Cosponsored by Representatives: AHEARNE of Madawaska, BAILEY of Township 27, WHEELER of Bridgewater, Senator: HALL of Piscataquis)

Bill "An Act to Increase the County Share and Change the Name of the Government Operations Surcharge Fund" (H.P. 74) (L.D. 110) (Presented by Representative ROWE of Portland) (Cosponsored by Representatives: KILKELLY of Wiscasset, LINDAHL of Northport)

Bill "An Act to Require that Notification be Distributed Prior to the Release of a Convicted Child Molester" (H.P. 76) (L.D. 112) (Presented by Representative JOY of Crystal) (Cosponsored by Representatives: AHEARNE of Madawaska, BIRNEY of Paris, GREENLAW of Standish, JONES of Pittsfield, LEMONT of Kittery, LOOK of Jonesboro, TAYLOR of Cumberland, TRUE of Fryeburg, TUFTS of Stockton Springs)

Bill "An Act to Require Mandatory HIV Testing for Assaultants of Law Enforcement Officers" (H.P. 81) (L.D. 117) (Presented by Representative CLUKEY of Houlton) (Cosponsored by Representatives: BAILEY of Township 27, LINDAHL of Northport, O'NEAL of Limestone, WHEELER of Bridgewater, Senator: HARRIMAN of Cumberland)

#### Education and Cultural Affairs

Bill "An Act to Promote Fairness and Due Process within Collegiate Athletics in the State" (H.P. 83) (L.D. 119) (Presented by Representative LIBBY of Buxton)

Bill "An Act to Lower the Cost of New School Construction by Including the Design Phase in the Bidding Process" (H.P. 98) (L.D. 133) (Presented by Representative WHITCOMB of Waldo)

#### Human Resources

Bill "An Act to Provide Funding to a Domestic Violence Shelter in Ellsworth" (H.P. 65) (L.D. 101) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: BIGL of Bucksport, BUNKER of Kossuth Township, DORE of Auburn, FISHER of Brewer, FITZPATRICK of Durham, JONES of Bar Harbor, KEANE of Old Town, MITCHELL of Vassalboro, RICHARDSON of Portland, STEVENS of Orono, TREAT of Gardiner, TRUMAN of Biddeford, VOLENIK of Sedgwick, Senators: GOLDTHWAIT of Hancock, O'DEA of Penobscot)

Bill "An Act to Enhance Access to Ombudsman Program Services for Consumers of Residential Care and Nursing Home Residents" (H.P. 93) (L.D. 128) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: BRENNAN of Portland, JOHNSON of South Portland, TOWNSEND of Portland, TREAT of Gardiner, Senator: PARADIS of Aroostook)

Bill "An Act to Protect Nursing Home Residents" (H.P. 95) (L.D. 130) (Presented by Representative BERRY of Livermore) (Cosponsored by Representatives: JACQUES of Waterville, LUTHER of Mexico, MARTIN of Eagle Lake, VOLENIK of Sedgwick, Senators: BERUBE of Androscoggin, CLEVELAND of Androscoggin)

Bill "An Act to Increase Access to Mental Health Services for Medicaid Recipients" (H.P. 97) (L.D. 132) (Presented by Representative TOWNSEND of Portland) (Cosponsored by Representative DORE of Auburn, Senator BUSTIN of Kennebec and Representatives: FITZPATRICK of Durham, MORRISON of Bangor, TREAT of Gardiner, WATSON of Farmingdale, Senator: MICHAUD of Penobscot)

Bill "An Act to Exempt Certain Small Businesses from Paying the Annual Fee to the Public Drinking Water Fund" (H.P. 99) (L.D. 134) (Presented by Representative WHITCOMB of Waldo)

Bill "An Act to Amend Medicaid Eligibility for Admission to Nursing Home Facilities" (H.P. 109) (L.D. 144) (Presented by Representative VOLENIK of Sedgwick) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BUNKER of Kossuth Township, JONES of Bar Harbor, KILKELLY of Wiscasset, POVICH of Ellsworth, SAMSON of Jay, Senators: GOLDTHWAIT of Hancock, RAND of Cumberland, RUHLIN of Penobscot)

Bill "An Act to Privatize the Health and Environmental Testing Laboratory within the Department of Human Services, Bureau of Health" (H.P. 112) (L.D. 147) (Presented by Representative WHITCOMB of Waldo)

Resolve, to Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse (H.P. 105) (L.D. 140) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: CAMERON of Rumford, CAMPBELL of Holden, DAGGETT of Augusta, JOHNSON of South Portland, KILKELLY of Wiscasset, MORRISON of Bangor, STEVENS of Orono, Senator: RAND of Cumberland)

#### Inland Fisheries and Wildlife

Bill "An Act Requiring a Guide for Certain Nonresident Aliens Hunting in the State" (H.P. 61) (L.D. 97) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Senator PARADIS of Aroostook and Representatives: CLUKEY of Houlton, CROSS of Dover-Foxcroft, DESMOND of Mapleton, DONNELLY of Presque Isle, DRISCOLL of Calais, GOULD of Greenville, JOY of Crystal, KNEELAND of Easton,

MARTIN of Eagle Lake, McELROY of Unity, O'NEAL of Limestone, SIROIS of Caribou, TREAT of Gardiner, WHEELER of Bridgewater, Senators: KIEFFER of Aroostook, MICHAUD of Penobscot)

Bill "An Act to Allow Hunting on Sunday" (H.P. 87) (L.D. 122) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: BUCK of Yarmouth, DRISCOLL of Calais, RICE of South Bristol, TUTTLE of Sanford, Senator: FERGUSON of Oxford)

Bill "An Act to Extend the Period during Which Only Maine Residents May Hunt Deer" (H.P. 88) (L.D. 123) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: BIRNEY of Paris, LANE of Enfield, LUMBRA of Bangor, MARSHALL of Eliot, NICKERSON of Turner, RICE of South Bristol, TUTTLE of Sanford, WINGLASS of Auburn, WINSOR of Norway, Senators: FERGUSON of Oxford, HANLEY of Oxford)

### Judiciary

Bill "An Act to Clarify that the Jurisdiction of Tribal Courts Is Consistent with Federal Laws" (H.P. 80) (L.D. 116) (Presented by Representative KEANE of Old Town) (Cosponsored by Representatives: FISHER of Brewer, POVICH of Ellsworth, VOLENIK of Sedgwick, Senator: RUHLIN of Penobscot)

Bill "An Act to Exempt Owners of Shooting Ranges from any Civil or Criminal Action Relating to Noise Pollution" (H.P. 60) (L.D. 96) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: AULT of Wayne, BARTH of Bethel, BIRNEY of Paris, CLARK of Millinocket, JACQUES of Waterville, TUTTLE of Sanford, Senator: BENOIT of Franklin)

Reference to the Committee on Judiciary suggested.

Representative MORRISON of Bangor, moved that the Bill be referred to the Committee on Natural Resources.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending reference and later today assigned.

Bill "An Act to Make the Workers' Compensation Laws for Temporary Employees Consistent with Those Laws for Permanent Employees" (H.P. 85) (L.D. 121) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Representatives: CAMERON of Rumford, DORE of Auburn, FARNUM of South Berwick, LANE of Enfield, LEMONT of Kittery, LIBBY of Kennebunk, LUMBRA of Bangor, NICKERSON of Turner, PLOWMAN of Hampden, REED of Dexter, VIGUE of Winslow, Senators: BERUBE of Androscoggin, CAREY of Kennebec, CLEVELAND of Androscoggin)

Reference to the Committee on Judiciary suggested.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending reference and later today assigned.

### Labor

Bill "An Act to Permit Suit against an Employer Who Knowingly Places a Worker at Risk of Serious Bodily Injury or Death" (H.P. 96) (L.D. 131) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representatives: ADAMS of Portland, CHARTRAND of Rockland, CHASE of China, GERRY of

Auburn, HATCH of Skowhegan, JONES of Bar Harbor, LaFOUNTAIN of Biddeford, LUTHER of Mexico, MERES of Norridgewock, ROSEBUSH of East Millinocket, SAMSON of Jay, SAXL of Bangor, SHIAH of Bowdoinham, TOWNSEND of Portland, TRIPP of Topsham, TUTTLE of Sanford, VOLENIK of Sedgwick, Senators: MICHAUD of Penobscot, MILLS of Somerset, RUHLIN of Penobscot)

Bill "An Act to Increase the Minimum Wage in Maine" (H.P. 108) (L.D. 143) (Presented by Representative VOLENIK of Sedgwick) (Cosponsored by Senator RAND of Cumberland and Representatives: ADAMS of Portland, AHEARNE of Madawaska, BERRY of Livermore, BRENNAN of Portland, BUNKER of Kossuth Township, GREEN of Monmouth, JONES of Bar Harbor, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, MITCHELL of Portland, SAMSON of Jay, SHIAH of Bowdoinham, TOWNSEND of Portland, TREAT of Gardiner, TRUMAN of Biddeford, Senator: RUHLIN of Penobscot)

### Legal and Veterans Affairs

Bill "An Act to Allow Wine Tasting in Fine Wine Stores" (H.P. 62) (L.D. 98) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: POVICH of Ellsworth, STEVENS of Orono)

Bill "An Act to Ban Political Action Committee Money in Legislative Races" (H.P. 68) (L.D. 104) (Presented by Representative LIBBY of Buxton)

Bill "An Act to Allow Off-duty Police Officers to Work in Retail Stores That Are Licensed to Sell Alcoholic Beverages" (H.P. 69) (L.D. 105) (Presented by Representative FARNUM of South Berwick) (Cosponsored by Representatives: BAILEY of Township 27, CAMPBELL of Holden, CROSS of Dover-Foxcroft, FISHER of Brewer, LANE of Enfield, LEMONT of Kittery, RICE of South Bristol)

Bill "An Act to Amend the Laws Governing Agency Liquor Stores by Repealing the Bidding Process" (H.P. 70) (L.D. 106) (Presented by Representative TUFTS of Stockton Springs) (Cosponsored by Representatives: CLARK of Millinocket, DEXTER of Kingfield, DRISCOLL of Calais, GOULD of Greenville, GREENLAW of Standish, LIBBY of Buxton, LOOK of Jonesboro, McELROY of Unity, MORRISON of Bangor, MURPHY of Berwick, NICKERSON of Turner, PLOWMAN of Hampden, RICE of South Bristol, THOMPSON of Naples, WATERHOUSE of Bridgton, Senators: ABROMSON of Cumberland, BEGLEY of Lincoln, FERGUSON of Oxford)

Bill "An Act to Ensure Fairness in Elections by Limiting Political Action Committee Contributions" (H.P. 75) (L.D. 111) (Presented by Representative JOY of Crystal) (Cosponsored by Representatives: JONES of Pittsfield, TUFTS of Stockton Springs)

Bill "An Act to Amend the Legal Requirements for Establishment of New Political Parties in the State" (H.P. 107) (L.D. 142) (Presented by Representative VOLENIK of Sedgwick) (Cosponsored by Representatives: BUNKER of Kossuth Township, GERRY of Auburn, GREEN of Monmouth, JONES of Bar Harbor, KILKELLY of Wiscasset, TREAT of Gardiner, Senator: GOLDTHWAIT of Hancock)

Resolve, Authorizing Verne Lee to Sue the Department of Human Services and the State of Maine (H.P. 89) (L.D. 124) (Presented by Representative JOY of Crystal)

### Marine Resources

Bill "An Act to Repeal the Law that Prohibits

Dragging and Scalloping in the Frenchboro Area" (H.P. 94) (L.D. 129) (Presented by Representative PINKHAM of Lamoine) (Cosponsored by Representatives: BAILEY of Township 27, BIGL of Bucksport, LOOK of Jonesboro, VOLENIK of Sedgwick, Senator: GOLDTHWAIT of Hancock)

Bill "An Act to Repeal the Laws Regarding Commercial Underwater Handharvesting Safety" (H.P. 103) (L.D. 138) (Presented by Representative PERKINS of Penobscot) (Cosponsored by Representatives: AIKMAN of Poland, BUCK of Yarmouth, CAMPBELL of Holden, GOULD of Greenville, HARTNETT of Freeport, JONES of Pittsfield, LAYTON of Cherryfield, LIBBY of Buxton, MADORE of Augusta, MARSHALL of Eliot, NICKERSON of Turner, PINKHAM of Lamoine, POVICH of Ellsworth, RICE of South Bristol, TUFTS of Stockton Springs, TYLER of Windham, WATERHOUSE of Bridgton, Senators: BEGLEY of Lincoln, CAREY of Kennebec, CARPENTER of York, FERGUSON of Oxford, KIEFFER of Arrostook, RUHLIN of Penobscot)

#### Natural Resources

Bill "An Act to Ensure the Protection of Tribal Fish Stocks and Other Natural Resources" (H.P. 63) (L.D. 99) (Presented by Representative KEANE of Old Town) (Cosponsored by Representatives: FISHER of Brewer, POVICH of Ellsworth, VOLENIK of Sedgwick, Senator: RUHLIN of Penobscot)

#### State and Local Government

Bill "An Act to Establish Procedures for Secession and Annexation of Territory Situated within a Municipality" (H.P. 84) (L.D. 120) (Presented by Representative ROWE of Portland) (Cosponsored by Representatives: AHEARNE of Madawaska, JOSEPH of Waterville, KILKELLY of Wiscasset, LOOK of Jonesboro, Senators: BERUBE of Androscoggin, BUTLAND of Cumberland)

Bill "An Act to Require the Registry of Deeds to Maintain a Separate Volume for the Recording of Subdivision Ordinances" (H.P. 90) (L.D. 125) (Presented by Representative JOY of Crystal) (Cosponsored by Representatives: BIRNEY of Paris, TRUE of Fryeburg, TUFTS of Stockton Springs)

Bill "An Act to Require Towns with a Population of 3,500 or More to Provide Funding for Law Enforcement" (H.P. 106) (L.D. 141) (Presented by Representative FARNUM of South Berwick) (Cosponsored by Representatives: FISHER of Brewer, LEMONT of Kittery, MURPHY of Berwick)

Bill "An Act to Reduce the Expense of the Legislative Process by Shortening the Length of Legislative Sessions" (H.P. 111) (L.D. 146) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: BIRNEY of Paris, BUCK of Yarmouth, LANE of Enfield, LEMKE of Westbrook, WATERHOUSE of Bridgton, Senators: FERGUSON of Oxford, HANLEY of Oxford)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide a Method for Citizen-initiated Recall of Persons Holding Elective Civil Offices (H.P. 77) (L.D. 113) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BARTH of Bethel, BENEDIKT of Brunswick, CAMERON of Rumford, DAVIDSON of Brunswick, DESMOND of Mapleton, DIPIETRO of South Portland, GERRY of Auburn, GOULD of Greenville, HATCH of Skowhegan, KERR of Old

Orchard Beach, KILKELLY of Wiscasset, MARSHALL of Eliot, MORRISON of Bangor, PENDLETON of Scarborough, POULIOT of Lewiston, SHIAH of Bowdoinham, SIMONEAU of Thomaston, UNDERWOOD of Oxford, Senator: MICHAUD of Penobscot)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create the Office of Lieutenant Governor (H.P. 82) (L.D. 118) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representatives: AHEARNE of Madawaska, CAMERON of Rumford, DESMOND of Mapleton, GERRY of Auburn, GOULD of Greenville, HATCH of Skowhegan, KERR of Old Orchard Beach, KILKELLY of Wiscasset, LIBBY of Kennebunk, LIBBY of Buxton, MORRISON of Bangor, MURPHY of Berwick, SIMONEAU of Thomaston, Senators: BEGLEY of Lincoln, RAND of Cumberland)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers (H.P. 113) (L.D. 148) (Presented by Representative WHITCOMB of Waldo)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Lower the Age of Eligibility to Serve in the Legislature (H.P. 114) (L.D. 149) (Presented by Representative VOLENIK of Sedgwick) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, DAVIDSON of Brunswick, KILKELLY of Wiscasset, POVICH of Ellsworth, RICHARDSON of Portland, SHIAH of Bowdoinham, TREAT of Gardiner, Senator: RUHLIN of Penobscot)

Bill "An Act to Facilitate the Confirmation Process" (EMERGENCY) (H.P. 118) (L.D. 153) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Senator: BUTLAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on State and Local Government suggested.

Under suspension of the rules and without reference to a Committee the bill was read twice, passed to be engrossed and sent up for concurrence. Ordered sent forthwith.

#### Taxation

Bill "An Act to Exempt Business Machinery and Equipment from the Property Tax" (H.P. 64) (L.D. 100) (Presented by Representative LIBBY of Buxton) (Cosponsored by Representatives: JOYCE of Biddeford, PERKINS of Penobscot, POIRIER of Saco, RICE of South Bristol)

Bill "An Act to Require Indirect Economic Analysis of Tax Expenditures" (H.P. 78) (L.D. 114) (Presented by Representative SIMONEAU of Thomaston) (Cosponsored by Representatives: CAMERON of Rumford, CAMPBELL of Holden, DIPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, DUNN of Gray, GUERRETTE of Pittston, KERR of Old Orchard Beach, LAYTON of Cherryfield, LEMONT of Kittery, LIBBY of Kennebunk, LINDAHL of Northport, MADORE of Augusta, MURPHY of Berwick, MADEAU of Saco, PERKINS of Penobscot, PLOWMAN of Hampden, REED of Falmouth, SPEAR of Nobleboro, STONE of Bangor, TAYLOR of Cumberland, Senators: BEGLEY of Lincoln, CAREY of Kennebec, CARPENTER of York, HARRIMAN of Cumberland, HATHAWAY of York, PENDEXTER of Cumberland, RAND of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc)

Bill "An Act to Allow the Judicial Department to

Make Payment in Lieu of Property Taxes to Municipalities Where Administrative Offices are Located" (H.P. 92) (L.D. 127) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: MADORE of Augusta, MITCHELL of Vassalboro)

Bill "An Act to Exempt from Taxation Charitable Institutions Authorized To Do Business in Maine" (H.P. 110) (L.D. 145) (Presented by Representative WINGLASS of Auburn) (By Request)

Bill "An Act to Clarify the Tax Exemption for Pollution Control" (H.P. 117) (L.D. 152) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representatives: ADAMS of Portland, BENEDIKT of Brunswick, ETNIER of Harpswell, HATCH of Skowhegan, HEESCHEN of Wilton, LUTHER of Mexico, RICHARDSON of Portland, SHIAH of Bowdoinham, VOLENIK of Sedgwick, Senator: McCORMICK of Kennebec)

#### Transportation

Bill "An Act to Reduce the Cost of Business Directional Signs" (H.P. 66) (L.D. 102) (Presented by Representative LIBBY of Buxton)

Bill "An Act to Increase Funds Available to the Department of Conservation and the Department of Inland Fisheries and Wildlife by Amending the Loon Plates Law" (H.P. 71) (L.D. 107) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representatives: CAMPBELL of Holden, DiPIETRO of South Portland, FISHER of Brewer, FITZPATRICK of Durham, KEANE of Old Town, LEMONT of Kittery, LIBBY of Kennebunk, VIGUE of Winslow, Senators: CIANCHETTE of Somerset, FERGUSON of Oxford)

Bill "An Act to Install Rumble Strips on the Turnpike and to Allocate Funds to Operate a 24-hour Weigh Station" (H.P. 72) (L.D. 108) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representatives: BENEDIKT of Brunswick, DESMOND of Mapleton, TRIPP of Topsham, TUTTLE of Sanford)

Bill "An Act to Create a New Maine Firefighter License Plate" (H.P. 101) (L.D. 136) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Representatives: AHEARNE of Madawaska, CAMPBELL of Holden, MADORE of Augusta, REED of Dexter)

Bill "An Act to Create a Purple Heart License Plate" (H.P. 102) (L.D. 137) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Senator CARPENTER of York and Representatives: ADAMS of Portland, AHEARNE of Madawaska, AIKMAN of Poland, AULT of Wayne, BAILEY of Township 27, BARTH of Bethel, BIGL of Bucksport, BRENNAN of Portland, CAMERON of Rumford, CHICK of Lebanon, CLARK of Millinocket, CLOUTIER of South Portland, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DEXTER of Kingfield, DONNELLY of Presque Isle, DORE of Auburn, DRISCOLL of Calais, DUNN of Gray, ETNIER of Harpswell, FARNUM of South Berwick, FISHER of Brewer, FITZPATRICK of Durham, GIERINGER of Portland, GOOLEY of Farmington, GOULD of Greenville, GREENLAW of Standish, HARTNETT of Freeport, HICHBORN of LaGrange, JACQUES of Waterville, JOHNSON of South Portland, JONES of Bar Harbor, JONES of Pittsfield, JOSEPH of Waterville, JOY of Crystal, JOYNER of Hollis, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KNEELAND of Easton, LaFOUNTAIN of Biddeford, LANE of Enfield, LAYTON of Cherryfield, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Kennebunk, LIBBY of Buxton, LINDAHL of Northport, LOOK of Jonesboro, LOVETT of Scarborough, LUMBRA of

Bangor, LUTHER of Mexico, MARSHALL of Eliot, MARTIN of Eagle Lake, MARVIN of Cape Elizabeth, MAYO of Bath, McALEVEY of Waterboro, McELROY of Unity, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, NASS of Acton, O'NEAL of Limestone, OTT of York, PERKINS of Penobscot, PINKHAM of Lamoine, PLOWMAN of Hampden, POIRIER of Saco, POULIOT of Lewiston, POVICH of Ellsworth, REED of Dexter, RICE of South Bristol, RICHARDSON of Portland, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, ROTONDI of Madison, ROWE of Portland, SAVAGE of Union, SIMONEAU of Thomaston, SPEAR of Nobleboro, STEDMAN of Hartland, STEVENS of Orono, STONE of Bangor, STROUT of Corinth, TAYLOR of Cumberland, TOWNSEND of Portland, TRUE of Fryeburg, TUFTS of Stockton Springs, VIGUE of Winslow, WATERHOUSE of Bridgton, WHEELER of Bridgewater, WINGLASS of Auburn, WINN of Glenburn, YACKOBITZ of Hermon, Senators: AMERO of Cumberland, BEGLEY of Lincoln, BUSTIN of Kennebec, BUTLAND of Cumberland, CASSIDY of Washington, CIANCHETTE of Somerset, FAIRCLOTH of Penobscot, HALL of Piscataquis, HARRIMAN of Cumberland, KIEFFER of Aroostook, LORD of York, McCORMICK of Kennebec, MICHAUD of Penobscot, MILLS of Somerset, O'DEA of Penobscot, PENDEXTER of Cumberland, RAND of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc)

Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1995" (EMERGENCY) (H.P. 119) (L.D. 154) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Senator STEVENS of Androscoggin and Representative: STROUT of Corinth, Senator: LAWRENCE of York) (Governor's Bill)

#### Utilities and Energy

Bill "An Act to Amend the Notification Requirements Regarding Automated Telephone Solicitation" (H.P. 100) (L.D. 135) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representatives: AIKMAN of Poland, CLOUTIER of South Portland, DiPIETRO of South Portland, DONNELLY of Presque Isle, MORRISON of Bangor, REED of Falmouth, TAYLOR of Cumberland, Senators: BUTLAND of Cumberland, CARPENTER of York, STEVENS of Androscoggin)

#### ORDERS

On motion of Representative POULIOT of Lewiston, the following Joint Order: (H.P. 121)

**ORDERED**, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 28-A to read:

28-A. Sponsorship of Legislation by Members of Penobscot Nation and Passamaquoddy Tribe Elected to Represent Their People at Legislature. Notwithstanding House Rule 55, the member of the Penobscot Nation and the member of the Passamaquoddy Tribe elected to represent their people at the Legislature may sponsor or cosponsor legislation.

Was read.

On motion of Representative JACQUES of Waterville, the Joint Order (H.P. 121) was tabled pending passage and specially assigned for Friday, January 20, 1995.

On motion of Representative POULIOT of Lewiston, the following Joint Order: (H.P. 122)

**ORDERED**, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 28-A to

read:

28-A. Sponsorship of Legislation by Member of Passamaquoddy Tribe Elected to Represent That Member's People at Legislature. Notwithstanding House Rule 55, the member of the Passamaquoddy Tribe elected to represent that member's people at the Legislature may sponsor or cosponsor legislation.

Was read.

On motion of Representative JACQUES of Waterville, the Joint Order (H.P. 122) was tabled pending passage and specially assigned for Friday, January 20, 1995.

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

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, January 12, 1995 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

Bill "An Act to Repeal the 7% Gross Receipts Tax on Nursing Homes" (H.P. 33) (L.D. 27) (Committee on Appropriations and Financial Affairs suggested) TABLED - January 12, 1995 (Till Later Today) by Representative JACQUES of Waterville.  
PENDING - Reference.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending reference and later today assigned.

Bill "An Act to Decrease the Minimum Required Amount of Liability Insurance for Certain Intrastate Vehicles" (H.P. 28) (L.D. 22) (Committee on Criminal Justice suggested) TABLED - January 12, 1995 (Till Later Today) by Representative JACQUES of Waterville.  
PENDING - Reference.

Subsequently, the Bill was referred to the Committee on Transportation, ordered printed and sent up for concurrence.

#### TABLED AND TODAY ASSIGNED

The Chair laid before the House the following items which were Tabled and Today Assigned:

JOINT ORDER - Relative to Joint Rule 13 (H.P. 56)

- In House, Read on January 12, 1995.

TABLED - January 12, 1995 by Representative JACQUES of Waterville.

PENDING - Passage.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

51 voted in favor of the same and 67 against, the Joint Order (H.P. 56) failed passage.

JOINT ORDER - Relative to Joint Rule 13 (H.P. 57)

- In House, Read on January 12, 1995.

TABLED - January 12, 1995 by Representative JACQUES of Waterville.

PENDING - Passage.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage. Those

in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 voted in favor of the same and 67 against, the Joint Order (H.P. 56) failed passage.

#### BILL HELD

Bill "An Act to Require an Endorser's Authorization for a Candidate To Use an Endorsement" (H.P. 45) (L.D. 39)

- In House, Referred to the Committee on Legal and Veterans Affairs.

HELD at the Request of Speaker GWADOSKY of Fairfield.

On motion of Representative GWADOSKY of Fairfield, the House reconsidered its action whereby the Bill was referred to the Committee on Legal and Veterans Affairs.

On further motion of the same Representative, the Bill was tabled pending reference and specially assigned for Friday, January 20, 1995.

On motion of Representative JACQUES of Waterville, the House reconsidered its action whereby Bill "An Act to Refund Money Collected from the Disposal Fee on Major Appliances and Tires to Municipalities" (S.P. 23) (L.D. 54) was referred to the Committee on Natural Resources.

On motion of Representative JACQUES of Waterville, the Bill was tabled pending reference and later today assigned.

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

#### SENATE PAPERS

Bill "An Act to Amend the Definition of Freshwater Wetland" (S.P. 59) (L.D. 88)

Came from the Senate, referred to the Committee on Agriculture, Conservation and Forestry and Ordered Printed.

Was referred to the Committee on Agriculture, Conservation and Forestry in concurrence.

Bill "An Act to Increase Access to and Affordability of Mental Health and Substance Abuse Treatment Services by Providing Mandatory Reimbursement to Counseling Professionals who are Licensed to Assess and Treat Intrapersonal and Interpersonal Problems" (S.P. 38) (L.D. 68)

Bill "An Act to Change Reimbursement Policy on Mental Health Services" (S.P. 52) (L.D. 81)

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 Allow Plumbers to Install Electric Wiring on Electric Hot Water Heaters and Electric Water Pumps" (S.P. 30) (L.D. 60)

Resolve, to Extend the Deadline to Report for the Commission on the Future of Maine's Paper Industry (EMERGENCY) (S.P. 65) (L.D. 94)

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

Was referred to the Committee on Business and Economic Development in concurrence.



Bill "An Act to Amend the Laws Governing Indecency" (S.P. 34) (L.D. 64)

Bill "An Act to Establish a Shock Incarceration Program" (S.P. 46) (L.D. 76)

Bill "An Act to Increase the Minimum Fines Imposed Upon Persons Who Operate a Motor Vehicle After Their License Is Suspended" (S.P. 55) (L.D. 84)

Resolve, Directing the Department of Corrections to Develop a Plan for the Employment of Correctional Facility Inmates (S.P. 47) (L.D. 77)

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

Were referred to the Committee on Criminal Justice in concurrence.

Bill "An Act to Establish Choices for Parents and Guardians in their Children's Education" (S.P. 36) (L.D. 66)

Bill "An Act to Extend the Deadline for a Town Wishing to Withdraw from a School Administrative District" (S.P. 37) (L.D. 67)

Bill "An Act to Amend the Laws Regarding Alternative Voting Procedures for the Approval of a School Administrative District Budget" (S.P. 58) (L.D. 87)

Bill "An Act to Ensure That School Building Plans Become the Property of the State" (S.P. 60) (L.D. 89)

Bill "An Act to Require that All School Bus Purchases be Made Through the Bureau of General Services" (S.P. 62) (L.D. 91)

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

Were referred to the Committee on Education and Cultural Affairs in concurrence.

Bill "An Act to Require State or Independent Fair Hearing Examiners in the Grievance Process of the Department of Mental Health and Mental Retardation" (S.P. 28) (L.D. 58)

Bill "An Act to Repeal the Prohibition against Nursing Home Owners and Employees Becoming Guardians of Patients" (S.P. 56) (L.D. 85)

Resolve, Requiring the State to Fulfill Its Commitment to Provide Adequate Mental Health Services for Senior Citizens in the Eastern Maine Area (EMERGENCY) (S.P. 35) (L.D. 65)

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

Were referred to the Committee on Human Resources in concurrence.

Bill "An Act to Amend the Muzzle-loading Firearm Season on Deer by Allowing the Season To Begin One Week before the Open Firearm Season on Deer" (S.P. 51) (L.D. 80)

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

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

Bill "An Act to Increase the Limit on the Extradition Account" (S.P. 53) (L.D. 82)

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 Require Binding Arbitration for Public Employees" (S.P. 39) (L.D. 69)

Bill "An Act to Clarify Liability of Employers of Domestic Employees Regarding Workers' Compensation" (S.P. 66) (L.D. 95)

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

Were referred to the Committee on Labor in concurrence.

Bill "An Act to Prohibit Voter Registration on Election Day" (S.P. 32) (L.D. 62)

Bill "An Act to Require Closure of the Discount Liquor Store in Kittery If a Discount Liquor Store Opens in Saco" (S.P. 33) (L.D. 63)

Bill "An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees" (S.P. 43) (L.D. 73)

Bill "An Act to Amend the Campaign Finance Laws by Limiting Contributions by Political Action Committees and Allowing Candidates to Voluntarily Limit Campaign Expenditures" (S.P. 44) (L.D. 74)

Bill "An Act to Change the Dates on Which Primary Elections are Held and Certain Nomination Papers May be Signed" (S.P. 48) (L.D. 78)

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

Were referred to the Committee on Legal and Veterans Affairs in concurrence.

Bill "An Act to Make the Terms of Certain Commissioners Coterminous with the Term of the Governor" (S.P. 61) (L.D. 90)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Popular Election of the Secretary of State (S.P. 49) (L.D. 79)

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

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

Bill "An Act to Facilitate the Withholding of State Income Taxes from Federal Pensions" (S.P. 40) (L.D. 70)

Bill "An Act to Aid the Administration of the Motor Vehicle Excise Tax by Ensuring that the Manufacturer's Suggested Retail Price is Made Available to the Excise Tax Collector" (S.P. 45) (L.D. 75)

Bill "An Act to Clarify the Property Tax Laws Related to Property Tax Exemptions Benefitting Nonresidents" (S.P. 54) (L.D. 83)

Bill "An Act to Increase the Fee Amount that an Unorganized Territory is Allowed to Retain as an Agent of the State Collecting Excise Taxes" (S.P. 57) (L.D. 86)

Bill "An Act to Reduce the Withdrawal Penalty for Certain Persons under the Maine Tree Growth Tax Law" (S.P. 63) (L.D. 92)

Bill "An Act to Amend the Maine Tree Growth Tax Law" (EMERGENCY) (S.P. 64) (L.D. 93)

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

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

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Bill "An Act to Repeal the Sensible Transportation Policy Act" (S.P. 29) (L.D. 59)

Bill "An Act to Require Safety Seat Belts in New School Buses" (S.P. 42) (L.D. 72)

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

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

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Bill "An Act to Facilitate Charging Electric Utility Customers Based on Actual Usage" (S.P. 31) (L.D. 61)

Bill "An Act to Amend the Charter of the Port Clyde Water District" (EMERGENCY) (S.P. 41) (L.D. 71)

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

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

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#### **ENACTOR**

##### **Emergency Measure**

An Act to Facilitate the Confirmation Process (H.P. 118) (L.D. 153)

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. 133 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

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#### **SENATE PAPERS**

The following Joint Order: (S.P. 67)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Friday, January 20, 1995, at 2 o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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#### **Non-Concurrent Matter**

Bill "An Act to Change the Meaning of Household Members Regarding Protective Orders between Family Members" (H.P. 18) (L.D. 12) which was referred to the Committee on **Criminal Justice** in the House on Thursday, January 12, 1995.

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

On motion of Representative JACQUES of Waterville, the Bill was tabled pending further consideration and later today assigned.

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On motion of Representative AULT of Wayne, the House adjourned at 2:30 p.m., pursuant to the Joint Order (S.P. 67).