

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
13th Legislative Day
Monday, February 6, 1995

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

Prayer by Reverend Clayton Coffin, Free Baptist Church, Bridgewater.

National Anthem by Nokomis Regional High School Jazz Ensemble, Newport.

The Journal of Wednesday, February 1, 1995 was read and approved.

SENATE PAPERS

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators (S.P. 155) (L.D. 378)

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.

Non-Concurrent Matter

Bill "An Act to Amend the Provisions Relating to Access to Information for Candidates for Government Job Openings" (H.P. 264) (L.D. 366) which was referred to the Committee on State and Local Government in the House on January 31, 1995.

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

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

COMMUNICATIONS

The following Communication: (H.C. 32)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

February 1, 1995

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

Pursuant to my authority under House Rules 1 and 6, I have made the following appointments to the Standing Committees of the House of Representatives for the 117th Maine Legislature:

WAYS AND MEANS

Albert P. Gamache, Chair, Lewiston
Jane W. Saxl, Bangor
Edward J. Povich, Ellsworth
Elizabeth Watson, Farmingdale
Edward L. Dexter, Kingfield
Harry W. Bailey, Township 27
Richard H. Campbell, Holden
Christine R. Savage, Union

LEAVES OF ABSENCE

Clyde A. Hichborn, Chair, LaGrange
Fred L. Richardson, Portland
Edmund Benedikt, Brunswick
June C. Meres, Norridgewock
Rosalie H. Aikman, Poland

Ruel P. Cross, Dover-Foxcroft
Priscilla Lane, Enfield
Rodney W. McElroy, Unity
BILLS IN THE SECOND READING
Robert A. Cameron, Chair, Rumford
Michael F. Brennan, Portland
Thomas M. Davidson, Brunswick
Bonnie Green, Monmouth
Robert Keane, Old Town
Theone F. Look, Jonesboro
Richard Kneeland, Easton
Michael J. McAlevy, Waterboro
RULES AND BUSINESS OF THE HOUSE
The Speaker, Ex Officio
Paul F. Jacques, Waterville
Walter E. Whitcomb, Waldo
Joseph G. Carleton, Jr., Wells

ETHICS AND ELECTIONS

Donald A. Strout, Chair, Corinth
Elizabeth H. Mitchell, Vassalboro
William B. O'Gara, Westbrook
Richard A. Gould, Greenville
Nancy L. Chizmar, Lisbon
Eleanor M. Murphy, Berwick
Richard N. Simoneau, Thomaston
F. Thomas Gieringer, Jr., Portland

ENGROSSED BILLS

John L. Tuttle, Jr., Chair, Sanford
Gail M. Chase, China
Kathleen Stevens, Orono
Patricia Lemaire, Lewiston
David A. Lindahl, Northport
Lisa Lumbra, Bangor
Robert J. Winglass, Auburn
Robert E. Yackobitz, Hermon

Sincerely,
S/Dan A. Gwadosky
Speaker of the House

Was read and ordered placed on file.

The following Communication: (H.C. 33)
Department of Agriculture, Food and Rural Resources
Deering Building
State House Station 28
Augusta, Maine 04330-0028

January 30, 1995
Senator Jeffrey H. Butland, President, Maine Senate,
and
Representative Dan A. Gwadosky, Speaker,
Maine House of Representatives

State House Station 2
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky,

It is my pleasure to submit, in accordance with Title 7, Section 2.5., the biennial report of the Commissioner of Agriculture.

I continue to believe that agriculture in Maine is an often-overlooked business sector. With nearly a half billion in sales each year at the farm level, and additional processing in the State, agriculture contributes about 20,000 jobs and helps to maintain the economic viability of rural communities throughout the State. This report outlines the major issues facing the Department in the coming years. I would like to thank you, and the other members of the 117th Legislature, for your continuing support on agricultural legislation.

In the interest of minimizing costs, we are enclosing sufficient copies for you to distribute to

leadership. We have provided copies directly to members of the Agriculture, Conservation and Forestry Committee. Copies are available upon request for any other members of the Legislature or general public.

Sincerely,
S/Bernard W. Shaw
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication: (H.C. 34)
MAINE TECHNICAL COLLEGE SYSTEM
Office of the President
323 State Street
Augusta, Maine 04330

February 2, 1995

The Honorable Dan A. Gwadosky
Speaker, Maine House of Representatives
117th Maine Legislature
State House Station #2
Augusta, Maine 04333

Dear Speaker Gwadosky:

In 1994, the 116th Maine Legislature enacted Resolve, Chapter 55, which charged a study group to look at access to the Maine Technical College System. As chair of the study group, I am pleased to submit our Report on Improving Access to the Maine Technical College System.

After a careful review of the areas identified in the legislation, our committee is recommending a modest, long-term investment in the Technical Colleges. We believe this investment is critical to assuring access for an expanding applicant pool, and to addressing a shortage of technically-skilled workers for Maine businesses. Without this investment, our projections show that by the year 2006, the Technical Colleges will be forced to turn away six out of seven applicants - a waste of human potential as well as a hindrance to economic growth. This recommendation, we believe, takes into consideration the State's financial challenges, yet helps avert a bottleneck at the Technical Colleges in the next decade.

In fulfilling our charge, the committee came away deeply impressed with Maine's Technical Colleges - their high placement rate, the strong support they have earned from business and industry, the many innovative partnerships they've developed, and the leadership role they're playing in facilitating school-to-work efforts in Maine high schools. With adequate resources, the Technical Colleges could have a great and lasting impact on the lives of Maine people, the competitiveness of Maine businesses, and ultimately the strength of Maine's economy.

We welcome the opportunity to discuss our report and want to thank you for the opportunity to be a part of this important effort.

Sincerely,
S/Laurie Winsor, Chair

President, Androscoggin County Chamber of Commerce

Was read and with accompanying report 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:

Appropriations and Financial Affairs

Bill "An Act to Restore Funding to the Property Tax Relief Fund" (H.P. 310) (L.D. 414) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: CLARK of Millinocket, CROSS of Dover-Foxcroft, DEXTER of Kingfield, GOULD of Greenville, HICHBORN of LaGrange, KNEELAND of Easton, LAYTON of Cherryfield, RICE of South Bristol, SPEAR of Nobleboro, Senator: PARADIS of Aroostook)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 for Facilities Serving People with Mental Illness" (H.P. 313) (L.D. 417) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: DORE of Auburn, FITZPATRICK of Durham, JOHNSON of South Portland, MITCHELL of Portland)

Banking and Insurance

Bill "An Act to Increase Access to Chiropractor Care under Health Maintenance Organization Managed Care Plans" (H.P. 287) (L.D. 391) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representatives: ADAMS of Portland, BERRY of Livermore, BOUFFARD of Lewiston, CHASE of China, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, DAGGETT of Augusta, DEXTER of Kingfield, DIPIETRO of South Portland, DORE of Auburn, DRISCOLL of Calais, FARNUM of South Berwick, GREEN of Monmouth, GREENLAW of Standish, HICHBORN of LaGrange, JACQUES of Waterville, JOHNSON of South Portland, JOSEPH of Waterville, KERR of Old Orchard Beach, KONTOS of Windham, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, LEMKE of Westbrook, LOOK of Jonesboro, MARTIN of Eagle Lake, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, NADEAU of Saco, O'GARA of Westbrook, PLOWMAN of Hampden, POULIN of Oakland, POULIOT of Lewiston, RICKER of Lewiston, ROSEBUSH of East Millinocket, ROTONDI of Madison, SHIAH of Bowdoinham, SIMONEAU of Thomaston, STROUT of Corinth, TOWNSEND of Portland, TRUMAN of Biddeford, TUTTLE of Sanford, WHITCOMB of Waldo, WINGLASS of Auburn, WINN of Glenburn, YACKOBITZ of Hermon, Senators: BENOIT of Franklin, BERUBE of Androscoggin, BUSTIN of Kennebec, CAREY of Kennebec, CARPENTER of York, CASSIDY of Washington, ESTY of Cumberland, HALL of Piscataquis, LAWRENCE of York, LORD of York, McCORMICK of Kennebec, MICHAUD of Penobscot, O'DEA of Penobscot, PARADIS of Aroostook, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, STEVENS of Androscoggin)

Bill "An Act to Require Insurance Companies to Make Discounted Premiums Available to Drivers 55 Years of Age or Older Who Complete Motor Vehicle Accident Prevention Courses" (H.P. 298) (L.D. 402) (Presented by Representative JOY of Crystal) (Cosponsored by Representatives: BARTH of Bethel, LOOK of Jonesboro, RICKER of Lewiston, STEDMAN of Hartland, Senator: FAIRCLOTH of Penobscot)

Bill "An Act to Include Short-term Health Insurance Policies in the Continuity Laws" (H.P. 321) (L.D. 442) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representatives: CHICK of Lebanon, FISHER of Brewer)

Business and Economic Development

Bill "An Act to Expand Maine's Bottle Law" (H.P. 281) (L.D. 385) (Presented by Representative POVICH of Ellsworth) (By Request)

Bill "An Act Concerning the Rights and Responsibilities of Innkeepers" (H.P. 291) (L.D. 395) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representatives: HARTNETT of Freeport, MARTIN of Eagle Lake, WINN of Glenburn, Senator: MILLS of Somerset)

Bill "An Act to Repeal the Laws Regarding Consumer Information Pamphlets" (H.P. 307) (L.D. 411) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representatives: GOULD of Greenville, STROUT of Corinth)

Bill "An Act to Expand the Shelter Operating Subsidy Program and the Temporary Housing Assistance Program" (H.P. 312) (L.D. 416) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: DONNELLY of Presque Isle, FITZPATRICK of Durham, JOHNSON of South Portland, KONTOS of Windham, MITCHELL of Portland, MORRISON of Bangor, POVICH of Ellsworth, SAXL of Bangor, TOWNSEND of Portland, Senator: RAND of Cumberland)

Criminal Justice

Bill "An Act to Continue Requiring Probable Cause before the Exercise of Protective Custody" (H.P. 305) (L.D. 409) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Representatives: CHIZMAR of Lisbon, DORE of Auburn, JOHNSON of South Portland, MORRISON of Bangor, Senator: FAIRCLOTH of Penobscot)

Bill "An Act to Protect Minors from Child Molestation" (H.P. 316) (L.D. 437) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representatives: BIGL of Bucksport, CAMPBELL of Holden, CHICK of Lebanon, DiPIETRO of South Portland, FARNUM of South Berwick, FISHER of Brewer, GUERRETTE of Pittston, HARTNETT of Freeport, HEINO of Boothbay, JONES of Pittsfield, KEANE of Old Town, LEMONT of Kittery, LOOK of Jonesboro, LUMBRA of Bangor, MITCHELL of Vassalboro, MURPHY of Berwick, NADEAU of Saco, NASS of Acton, REED of Dexter, RICE of South Bristol, STEDMAN of Hartland, TOWNSEND of Portland, VIGUE of Winslow, Senator: CIANCHETTE of Somerset)

Bill "An Act to Amend the Law Regarding Minimum Sentences for Class C Crimes Involving the Use of a Firearm against a Person" (H.P. 317) (L.D. 438) (Presented by Representative THOMPSON of Naples) (Cosponsored by Representatives: CHASE of China, GATES of Rockport, JOHNSON of South Portland, TOWNSEND of Portland)

Bill "An Act to Amend the Laws Governing Wrongful Death Caused by Truck Drivers" (H.P. 292) (L.D. 396) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representatives: ADAMS of Portland, BENEDIKT of Brunswick, BOUFFARD of Lewiston, CHARTRAND of Rockland, CHIZMAR of Lisbon, DAVIDSON of Brunswick, DORE of Auburn, FITZPATRICK of Durham, GERRY of Auburn, GREEN of Monmouth, JACQUES of Waterville, JOHNSON of South Portland, KERR of Old Orchard Beach, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, LEMONT of Kittery, LIBBY of Buxton, MORRISON of Bangor, NADEAU of Saco, POULIOT of Lewiston, RICHARDSON of Portland, SHIAH of Bowdoinham, TOWNSEND of Portland, TRIPP of Topsham, TRUMAN of Biddeford, TUFTS of Stockton Springs, TUTTLE of Sanford, TYLER of Windham,

WATSON of Farmingdale, WINGLASS of Auburn, Senators: ESTY of Cumberland, RAND of Cumberland, STEVENS of Androscoggin)

The Committee on Criminal Justice was suggested.

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

Education and Cultural Affairs

Bill "An Act to Provide for an Appeals Process for Teacher Certification" (H.P. 289) (L.D. 393) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, MARTIN of Eagle Lake, REED of Dexter, Senators: CIANCHETTE of Somerset, HALL of Piscataquis)

Bill "An Act to Allow a School District to Print the District's Name on School Buses" (H.P. 299) (L.D. 403) (Presented by Representative AULT of Wayne) (Cosponsored by Senator: STEVENS of Androscoggin)

Bill "An Act to Promote Apprentice Education in the State" (H.P. 320) (L.D. 441) (Presented by Representative MARSHALL of Eliot) (Cosponsored by Representatives: CHICK of Lebanon, FARNUM of South Berwick, HICHBORN of LaGrange, LEMONT of Kittery, McALEVEY of Waterboro, MURPHY of Berwick, Senator: LAWRENCE of York)

The Committee on Education and Cultural Affairs was suggested.

On motion of Representative JACQUES of Waterville, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

Inland Fisheries and Wildlife

Bill "An Act to Protect the Deer Population from Over-hunting" (H.P. 315) (L.D. 436) (Presented by Representative MARSHALL of Eliot) (Cosponsored by Representatives: BAILEY of Township 27, LEMONT of Kittery)

Resolve, to Install Fish Screens in the West Grand Lake Dam (H.P. 280) (L.D. 384) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BARTH of Bethel, BUNKER of Kossuth Township, CAMPBELL of Holden, CLUKEY of Houlton, DRISCOLL of Calais, JACQUES of Waterville, LAYTON of Cherryfield, LOOK of Jonesboro, McELROY of Unity, PINKHAM of Lamoine, VIGUE of Winslow, WHEELER of Bridgewater, Senators: CASSIDY of Washington, FERGUSON of Oxford, STEVENS of Androscoggin)

Judiciary

Bill "An Act to Exclude Out-of-court Statements by Juveniles in Child Protection Cases" (H.P. 279) (L.D. 383) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BARTH of Bethel, BUNKER of Kossuth Township, CAMPBELL of Holden, CHICK of Lebanon, CLUKEY of Houlton, DRISCOLL of Calais, LANE of Enfield, LAYTON of Cherryfield, LOOK of Jonesboro, LUMBRA of Bangor, MARSHALL of Eliot, MARTIN of Eagle Lake, McELROY of Unity, PINKHAM of Lamoine, STROUT of Corinth, UNDERWOOD of Oxford, VIGUE of Winslow, WHEELER of Bridgewater, Senators: CASSIDY of Washington, FERGUSON of Oxford, STEVENS of Androscoggin)

Bill "An Act to Continue Protection Under a Protection From Abuse Order" (H.P. 297) (L.D. 401)

(Presented by Representative DESMOND of Mapleton) (Cosponsored by Representatives: AHEARNE of Madawaska, CLOUTIER of South Portland, JACQUES of Waterville, O'NEAL of Limestone, SIROIS of Caribou, VOLENIK of Sedgwick, WATSON of Farmingdale, WHEELER of Bridgewater, Senators: AMERO of Cumberland, KIEFFER of Aroostook, PARADIS of Aroostook)

Bill "An Act to Exempt Individual Retirement Accounts from Attachment" (H.P. 304) (L.D. 408) (Presented by Representative NADEAU of Saco) (Cosponsored by Representatives: GOULD of Greenville, GREEN of Monmouth, HEINO of Boothbay, KONTOS of Windham, RICE of South Bristol, TRIPP of Topsham, Senators: CIANCHETTE of Somerset, ESTY of Cumberland, HARRIMAN of Cumberland, STEVENS of Androscoggin)

Bill "An Act to Amend the Notice Requirements of the Maine Tort Claims Act" (H.P. 306) (L.D. 410) (Presented by Representative MORRISON of Bangor) (Cosponsored by Senator MILLS of Somerset and Representatives: CLARK of Millinocket, FITZPATRICK of Durham, GWADOSKY of Fairfield, HATCH of Skowhegan)

Legal and Veterans Affairs

Bill "An Act to Establish a Minimum Percentage Markup for Alcoholic Beverages" (H.P. 276) (L.D. 380) (Presented by Representative LIBBY of Kennebunk) (Cosponsored by Representatives: BARTH of Bethel, BOUFFARD of Lewiston, McALEVEY of Waterboro, REED of Dexter, TRUE of Fryeburg, Senator: STEVENS of Androscoggin)

Bill "An Act to Allow Unenrolled Voters to Serve as Election Workers at Polls" (H.P. 293) (L.D. 397) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representatives: CLUKEY of Houlton, CROSS of Dover-Foxcroft, LANE of Enfield, MARSHALL of Eliot, STROUT of Corinth, Senator: LORD of York)

Bill "An Act to Authorize Video Gaming" (H.P. 296) (L.D. 400) (Presented by Representative DIPIETRO of South Portland) (Cosponsored by Representatives: CAMERON of Rumford, FARNUM of South Berwick, FISHER of Brewer, KEANE of Old Town, MURPHY of Berwick, VIGUE of Winslow)

Bill "An Act to Allow Name Tags at Polling Places during Election Day" (H.P. 319) (L.D. 440) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: BAILEY of Township 27, CAMERON of Rumford, CAMPBELL of Holden, FARNUM of South Berwick, GERRY of Auburn, GUERRETTE of Pittston, HEINO of Boothbay, JOSEPH of Waterville, LAYTON of Cherryfield, LEMKE of Westbrook, LIBBY of Kennebunk, LIBBY of Buxton, MARSHALL of Eliot, McALEVEY of Waterboro, MURPHY of Berwick, NASS of Acton, OTT of York, PLOWMAN of Hampden, TAYLOR of Cumberland, TUFTS of Stockton Springs, TUTTLE of Sanford, Senator: LAWRENCE of York)

Bill "An Act to Place a Spending Cap on State Senate and House Campaigns" (H.P. 322) (L.D. 443) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: BAILEY of Township 27, CAMERON of Rumford, CAMPBELL of Holden, CHICK of Lebanon, FISHER of Brewer, JOSEPH of Waterville, LIBBY of Kennebunk, LIBBY of Buxton, McALEVEY of Waterboro, MURPHY of Berwick, NASS of Acton, OTT of York, PLOWMAN of Hampden, ROBICHAUD of Caribou, TAYLOR of Cumberland, TUFTS of Stockton Springs, TUTTLE of Sanford, VIGUE of Winslow, Senator: LAWRENCE of York)

Natural Resources

Bill "An Act to Credit Incineration as Recycling" (H.P. 278) (L.D. 382) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: MARSHALL of Eliot, MERES of Norridgewock, NICKERSON of Turner, POULIN of Oakland, Senator: CIANCHETTE of Somerset)

State and Local Government

Bill "An Act to Ensure Public Access to All Legislative Constituent Allowance Expenditures" (H.P. 277) (L.D. 381) (Presented by Representative DAVIDSON of Brunswick) (Cosponsored by Representatives: AHEARNE of Madawaska, BENEDIKT of Brunswick, BERRY of Livermore, BUCK of Yarmouth, BUNKER of Kossuth Township, CHARTRAND of Rockland, ETNIER of Harpswell, GERRY of Auburn, GOOLEY of Farmington, GREEN of Monmouth, HARTNETT of Freeport, JONES of Bar Harbor, JOYCE of Biddeford, JOYNER of Hollis, LaFOUNTAIN of Biddeford, LABRECQUE of Gorham, LAYTON of Cherryfield, LEMKE of Westbrook, LIBBY of Buxton, MADORE of Augusta, MAYO of Bath, MITCHELL of Portland, NASS of Acton, O'NEAL of Limestone, RICE of South Bristol, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, SHIAH of Bowdoinham, STONE of Bangor, THOMPSON of Naples, TRIPP of Topsham, VOLENIK of Sedgwick, WATSON of Farmingdale, WHEELER of Bridgewater, WINGLASS of Auburn, Senators: ABROMSON of Cumberland, HARRIMAN of Cumberland, McCORMICK of Kennebec, PARADIS of Aroostook)

Bill "An Act to Establish the Maine Commission on Community Service" (H.P. 282) (L.D. 386) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: DAGGETT of Augusta, DIPIETRO of South Portland, FITZPATRICK of Durham, Senators: FAIRCLOTH of Penobscot, HARRIMAN of Cumberland, PARADIS of Aroostook, RAND of Cumberland)

Bill "An Act to Clarify the Collection of Sewer Charges" (H.P. 288) (L.D. 392) (Presented by Representative ROWE of Portland) (Cosponsored by Representatives: SAXL of Bangor, STROUT of Corinth)

Bill "An Act to Ensure Courteous Treatment of the Public by State Employees" (H.P. 294) (L.D. 398) (Presented by Representative LANE of Enfield) (Cosponsored by Representatives: BIRNEY of Paris, CAMERON of Rumford, CHICK of Lebanon, FARNUM of South Berwick, GIERINGER of Portland, GUERRETTE of Pittston, HEINO of Boothbay, JOY of Crystal, KEANE of Old Town, LOOK of Jonesboro, LOVETT of Scarborough, LUMBRA of Bangor, MARSHALL of Eliot, MURPHY of Berwick, PENDLETON of Scarborough, PINKHAM of Lamoine, RICE of South Bristol, ROBICHAUD of Caribou, SAVAGE of Union, SPEAR of Nobleboro, UNDERWOOD of Oxford, WATERHOUSE of Bridgton, YACKOBITZ of Hermon, Senators: AMERO of Cumberland, CARPENTER of York)

Bill "An Act Relating to Building Permit Ordinances" (H.P. 308) (L.D. 412) (Presented by Representative WINN of Glenburn)

Bill "An Act to Amend the County Budget Approval Process for Cumberland County" (H.P. 314) (L.D. 418) (Presented by Representative LABRECQUE of Gorham) (Cosponsored by Representatives: BENEDIKT of Brunswick, DUNN of Gray, GIERINGER of Portland, GREENLAW of Standish, HARTNETT of Freeport, KONTOS of Windham, LOVETT of Scarborough, PENDLETON of Scarborough, REED of Falmouth, TAYLOR of Cumberland, THOMPSON of Naples, TYLER of Windham, WATERHOUSE of Bridgton, Senator: HARRIMAN of Cumberland)

Bill "An Act Requiring That Disbursement Warrants Receive an Affirmative Vote by Municipal Officers"

(H.P. 318) (L.D. 439) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: CHICK of Lebanon, FARNUM of South Berwick, LIBBY of Kennebunk, MARSHALL of Eliot, MURPHY of Berwick, TUFTS of Stockton Springs, TUTTLE of Sanford, Senator: LAWRENCE of York)

Resolve, That State Agencies Develop a Refund-for-Compliance Policy (H.P. 300) (L.D. 404) (Presented by Representative JOY of Crystal) (Cosponsored by Representatives: BIGL of Bucksport, CHICK of Lebanon, CROSS of Dover-Foxcroft, JONES of Pittsfield, LIBBY of Kennebunk, LOOK of Jonesboro, McALEVEY of Waterboro, STEDMAN of Hartland, Senator: LORD of York)

Taxation

Bill "An Act to Increase the Tax Exemption on Church Properties" (H.P. 284) (L.D. 388) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representatives: AHEARNE of Madawaska, BIGL of Bucksport, DEXTER of Kingfield, HEINO of Boothbay, JOY of Crystal, MORRISON of Bangor, RICE of South Bristol, STEDMAN of Hartland, Senators: CASSIDY of Washington, CIANCHETTE of Somerset, FERGUSON of Oxford, LORD of York)

Bill "An Act to Clarify the Tax-exempt Status of Municipally Owned Solid Waste Disposal Facilities" (H.P. 286) (L.D. 390) (Presented by Representative DIPIETRO of South Portland) (Cosponsored by Representatives: CAMERON of Rumford, FARNUM of South Berwick, LEMONT of Kittery, MURPHY of Berwick, POULIOT of Lewiston)

Bill "An Act to Expand Eligibility for the Circuit Breaker Program" (H.P. 290) (L.D. 394) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: ADAMS of Portland, CHASE of China, ETNIER of Harpswell, FITZPATRICK of Durham, JOHNSON of South Portland, KILKELLY of Wiscasset, MITCHELL of Portland, MORRISON of Bangor, O'NEAL of Limestone, RICHARDSON of Portland, ROWE of Portland, SAXL of Bangor, SHIAH of Bowdoinham, STEVENS of Orono, TOWNSEND of Portland, TREAT of Gardiner, WHEELER of Bridgewater, Senator: RAND of Cumberland)

Bill "An Act to Implement the Recommendations of the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals" (H.P. 295) (L.D. 399) (Presented by Representative NICKERSON of Turner) (Cosponsored by Representatives: JOYNER of Hollis, LIBBY of Buxton)

Bill "An Act to Return 1% of Sales Tax Revenue to the Communities in Which the Tax Was Collected" (H.P. 301) (L.D. 405) (Presented by Representative HARTNETT of Freeport) (Cosponsored by Representatives: MAYO of Bath, RICHARDSON of Portland)

Bill "An Act to Promote Economic Growth and Job Promotion by Phasing Out the Personal Property Tax, Capping the Corporate Income Tax and Returning Revenue to Communities" (H.P. 303) (L.D. 407) (Presented by Representative WATERHOUSE of Bridgton) (Cosponsored by Representatives: AIKMAN of Poland, AULT of Wayne, BARTH of Bethel, BIRNEY of Paris, DAMREN of Belgrade, DONNELLY of Presque Isle, GUERRETTE of Pittston, LABRECQUE of Gorham, LIBBY of Buxton, LUMBRA of Bangor, McALEVEY of Waterboro, MURPHY of Berwick, WINSOR of Norway, Senators: HANLEY of Oxford, LORD of York)

Bill "An Act to Enable Municipalities to Expand the Use of Tax Increment Financing" (H.P. 309)

(L.D. 413) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: FITZPATRICK of Durham, GWADOSKY of Fairfield, KEANE of Old Town, KERR of Old Orchard Beach, MORRISON of Bangor, MURPHY of Berwick, POULIOT of Lewiston, TUTTLE of Sanford, Senators: BERUBE of Androscoggin, BUTLAND of Cumberland, CAREY of Kennebec, RAND of Cumberland)

Transportation

Bill "An Act to Require the Use of Headlights on Vehicles Whenever the Windshield Wipers Are in Continuous Use" (H.P. 285) (L.D. 389) (Presented by Representative JOHNSON of South Portland) (Cosponsored by Representatives: DEXTER of Kingfield, GREEN of Monmouth, LEMKE of Westbrook, MORRISON of Bangor, SHIAH of Bowdoinham, TRIPP of Topsham)

Bill "An Act to Authorize the Use of Loon Plates on Vehicles of the Handicapped" (H.P. 302) (L.D. 406) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Senator RAND of Cumberland and Representative: BUNKER of Kossuth Township)

Utilities and Energy

Bill "An Act to Repeal the Winter Harbor Water District" (H.P. 283) (L.D. 387) (Presented by Representative PINKHAM of Lamoine) (By Request)

Bill "An Act to Require Uniform Public Access and Tax Status for Water Districts" (H.P. 311) (L.D. 415) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: BAILEY of Township 27, BIRNEY of Paris, CAMERON of Rumford, CARLETON of Wells, CHICK of Lebanon, DIPIETRO of South Portland, JACQUES of Waterville, KEANE of Old Town, KERR of Old Orchard Beach, LEMONT of Kittery, LIBBY of Kennebunk, LOOK of Jonesboro, MURPHY of Berwick, PERKINS of Penobscot, POVICH of Ellsworth, SIMONEAU of Thomaston, VIGUE of Winslow, Senators: CAREY of Kennebec, CIANCHETTE of Somerset, HARRIMAN of Cumberland, MICHAUD of Penobscot, STEVENS of Androscoggin)

ORDERS

On motion of Representative HICHBORN of LaGrange, the following Order: (H.O. 8)

ORDERED, that Representative John T. Buck of Yarmouth be excused January 31 and February 1, 2 and 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard H. Campbell of Holden be excused January 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative William Guerrette of Pittston be excused January 4 and 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Carol A. Kontos of Windham be excused January 3 to 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Priscilla Lane of Enfield be excused February 1 and 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Theone F. Look of Jonesboro be excused January 17 and 20 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Debra D. Plowman of Hampden be excused January 12 and 20 for health reasons.

AND BE IT FURTHER ORDERED, that Representative George F. Ricker of Lewiston be excused January 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard N. Simoneau of Thomaston be excused January 12 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard H. Thompson of Naples be excused January 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert E. Yackobitz of Hermon be excused January 24 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Refer to the Committee on Natural Resources

Representative TREAT from the Committee on Judiciary on Bill "An Act to Exempt Rifle and Pistol Ranges from Noise Ordinances" (H.P. 202) (L.D. 261) reporting that it be referred to the Committee on Natural Resources.

Report was read and accepted and the bill referred to the Committee on Natural Resources and sent up for concurrence.

Ought to Pass Pursuant to Statutes

Representative LEMKE for the Committee on Audit and Program Review of the 116th Legislature on Bill "An Act to Establish the Saco River Corridor Fund" (EMERGENCY) (H.P. 323) (L.D. 444) reporting "Ought to Pass" pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Report was read.

On motion of Representative JACQUES of Waterville, tabled pending acceptance of the Committee Report and later today assigned.

Ought to Pass Pursuant to Statutes

Representative LEMKE for the Committee on Audit and Program Review of the 116th Legislature on Bill "An Act to Change Certain Provisions of the Saco River Corridor Law" (EMERGENCY) (H.P. 324) (L.D. 445) reporting "Ought to Pass" pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Report was read and accepted. The bill read once and assigned for second reading Friday, February 10, 1995.

Ought to Pass Pursuant to Statutes

Representative LEMKE for the Committee on Audit and Program Review of the 116th Legislature on Bill "An Act to Consolidate the Regulation of Driver Education" (EMERGENCY) (H.P. 325) (L.D. 446) reporting "Ought to Pass" pursuant to the Maine Revised Statutes, Title 3, chapter 33.

Report was read and accepted. The bill read once and assigned for second reading Friday, February 10, 1995.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Wednesday, February 1, 1995 has preference in the Orders of the Day and continues

with such preference until disposed of as provided by Rule 24.

HOUSE ORDER - Relative to amending House Rule 49 (H.O. 7)

- In House, Read on January 24, 1995.

TABLED - February 1, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage. (2/3 Vote Required)

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

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

The Chair laid before the House the following item which was tabled earlier in today's session:

Bill "An Act to Amend the Provisions Relating to Access to Information for Candidates for Government Job Openings" (H.P. 264) (L.D. 366) which was tabled by Representative JACQUES of Waterville pending further consideration.

Subsequently, the House voted to Recede and Concur.

At this point, pursuant to House Rule 1, the Chair announced the following changes in Committee Appointments:

Representative LEMONT of Kittery is appointed to the Joint Standing Committee on Legal and Veterans Affairs, replacing Representative LAYTON of Cherryfield.

Representative LAYTON of Cherryfield is appointed to the Joint Standing Committee on Marine Resources, replacing Representative LEMONT of Kittery.

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

SENATE PAPERS

The following Joint Order: (S.P. 175)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Friday, February 10, 1995, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act to Require That Additions to the Endangered Species List Be Approved by the Legislature" (EMERGENCY) (S.P. 167) (L.D. 428)

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

On motion of Representative MITCHELL of Vassalboro, the Bill was tabled pending reference in concurrence and later today assigned.

Bill "An Act Authorizing a General Fund Bond Issue in the Amount of \$15,000,000 to Expand Maine's Interactive Television System to Maine High Schools" (S.P. 171) (L.D. 432)

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

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

Bill "An Act to Stabilize Health Insurance Rates for Small Businesses" (S.P. 164) (L.D. 425)

Bill "An Act to Prohibit Insurers from Cancelling the Policies of Elected Officials" (S.P. 174) (L.D. 435)

Resolve, to Direct the Bureau of Insurance to Review the Uniform Classification System Used in Workers' Compensation Insurance (S.P. 157) (L.D. 419)

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 Real Estate Appraisal Licensing and Certification Laws" (S.P. 168) (L.D. 429)

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 Concerning Juveniles Hunting without Adult Supervision" (S.P. 163) (L.D. 424)

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 Establish a Limit on Noneconomic Damages in Medical Malpractice Actions" (S.P. 161) (L.D. 423)

Bill "An Act to Improve Access to Public Records" (S.P. 173) (L.D. 434)

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 Require the Maine State Retirement System to Annually Report to Its Members and to Investigate the Issue of Privatization" (S.P. 159) (L.D. 421)

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

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

Bill "An Act to Prohibit State Legislative Employees from Using State Time or Property for Campaigning" (S.P. 169) (L.D. 430)

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.

Bill "An Act to Require a License for Recreational Harvesting of Marine Organisms and for the Operation of Marine Party Boats" (EMERGENCY) (S.P. 158) (L.D. 420)

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 Amend the Laws Pertaining to Bulkheads and Retaining Walls on Scarborough River" (S.P. 160) (L.D. 422)

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature Following Redistricting in the Year 2003 (S.P. 170) (L.D. 431)

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 Restrict the Situations When a Taxpayer May Request an Abatement of Property Taxes" (S.P. 165) (L.D. 426)

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

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

Bill "An Act to Create an Intermediate License for Minors" (S.P. 166) (L.D. 427)

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

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

Bill "An Act to Reduce the Cost of Electricity and to Provide for Market Competition in the Production and Sales of Electricity" (S.P. 172) (L.D. 433)

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

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

At this point, pursuant to House Rule 1, the Speaker appointed Representative JACQUES of Waterville to serve as Speaker Pro Tem on Friday, February 10, 1995.

On motion of Representative PEAHEY of Woolwich, the House adjourned at 3:35 p.m., pursuant to the Joint Order (S.P. 175).