

# 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  
14th Legislative Day  
Friday, February 10, 1995

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

Prayer by Pastor David King, Hollis Center Baptist Church.

The Journal of Monday, February 6, 1995 was read and approved.

**SENATE PAPERS**

The following Communication: (H.C. 35)

Maine State Senate  
State House Station 3  
Augusta, Maine 04333

February 6, 1995

The Honorable Dan A. Gwadosky

Speaker of the House

117th Legislature

Augusta, Maine 04333

Dear Speaker Gwadosky:

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

Upon the recommendation of the Joint Standing Committee on Appropriations and Financial Affairs:

Janet E. Waldron of Vassalboro for appointment as Commissioner of the Department of Administrative and Financial Services.

Upon the recommendation of the Joint Standing Committee on Natural Resources:

Edward O. Sullivan of Sand Lake, New York for appointment as Commissioner of the Department of Environmental Protection.

John S. Williams of Winthrop for appointment as Executive Director of the Maine Waste Management Agency.

Sincerely,  
S/May M. Ross

Secretary of the Senate

Was read and ordered placed on file.

**COMMUNICATIONS**

The following Communication: (H.P. 333)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

February 6, 1995

Dan A. Gwadosky

Speaker of the House

117th Legislature

Jeffrey H. Butland

President of the Senate

117th Legislature

Dear Mr. Speaker and Mr. President:

On February 6, 1995, seven Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on February 6, 1995 as follows:

Criminal Justice

Bill "An Act to Limit the Use of Force against Law Enforcement Officers Engaged in Searches and Seizures" (EMERGENCY) (H.P. 329) (L.D. 450)

(Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: CARLETON of Wells,

FARNUM of South Berwick, HARTNETT of Freeport, LINDAHL of Northport, Senator: MILLS of Somerset)

Education and Cultural Affairs

Bill "An Act to Postpone the Opening of the Maine School of Science and Mathematics" (H.P. 330) (L.D. 451) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: BRENNAN of Portland, CHASE of China, CHIZMAR of Lisbon, CLARK of Millinocket, GOULD of Greenville, JOHNSON of South Portland, KEANE of Old Town, LEMKE of Westbrook, MURPHY of Berwick, SAXL of Bangor, TOWNSEND of Portland, TUTTLE of Sanford, Senator: BERUBE of Androscoggin)

Human Resources

Bill "An Act Regarding Recovery from Members of the Tobacco Industry of Medicaid and Maine Health Program Health Care Costs for Tobacco-related Illness, Disease or Disability" (H.P. 331) (L.D. 452) (Presented by Representative TOWNSEND of Portland) (Cosponsored by Representative BRENNAN of Portland, Senator MILLS of Somerset and Representatives: ADAMS of Portland, BERRY of Livermore, CHIZMAR of Lisbon, FITZPATRICK of Durham, HEESCHEN of Wilton, JOHNSON of South Portland, MITCHELL of Portland, MORRISON of Bangor, RICHARDSON of Portland, SHIAH of Bowdoinham, THOMPSON of Naples, TREAT of Gardiner, Senators: FAIRCLOTH of Penobscot, PARADIS of Aroostook)

Legal and Veterans Affairs

Bill "An Act to Permit Condominium Associations to Obtain Reimbursement for Common Expenses Pending a Mortgage Foreclosure" (H.P. 327) (L.D. 448) (Presented by Representative REED of Falmouth)

Natural Resources

Bill "An Act Regarding the Expansion of Certain Waste Disposal Facilities" (H.P. 326) (L.D. 447) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: MARSHALL of Eliot, POULIN of Oakland)

State and Local Government

Bill "An Act Concerning Reasonable Standards and Procedures for Contracting Services by the State" (H.P. 332) (L.D. 453) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representatives: AHEARNE of Madawaska, AULT of Wayne, HATCH of Skowhegan, KERR of Old Orchard Beach, MITCHELL of Vassalboro, MORRISON of Bangor, ROSEBUSH of East Millinocket, STROUT of Corinth, Senators: BERUBE of Androscoggin, MICHAUD of Penobscot, MILLS of Somerset)

Resolve, Directing the Department of Administrative and Financial Services to Assume Auditing Functions for Certain Departments (H.P. 328) (L.D. 449) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator MILLS of Somerset and Representatives: MADORE of Augusta, SIMONEAU of Thomaston, Senator: STEVENS of Androscoggin)

Sincerely,  
S/Joseph W. Mayo  
Clerk of the House  
S/May M. Ross  
Secretary of the Senate

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

The following Communication: (H.P. 368)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

February 7, 1995

Dan A. Gwadosky

Speaker of the House  
117th Legislature  
Jeffrey H. Butland  
President of the Senate  
117th Legislature

Dear Mr. Speaker and Mr. President:

On February 7, 1995, thirty-three Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on February 7, 1995 as follows:

Appropriations and Financial Affairs

Bill "An Act to Fund the Demolition of a Building in the City of Old Town" (H.P. 344) (L.D. 464) (Presented by Representative KEANE of Old Town) (Cosponsored by Representative: FISHER of Brewer)

Banking and Insurance

Bill "An Act to Make Certain Housekeeping Changes to the Banking Code Regarding Hours of Operation, Closing during Emergencies, the Publication of Reports of Financial Condition and the Maturity of Credit Lines" (H.P. 358) (L.D. 478) (Presented by Representative MAYO of Bath) (Cosponsored by Representatives: DONNELLY of Presque Isle, KNEELAND of Easton, McALEVEY of Waterboro, POIRIER of Saco, RICE of South Bristol, SPEAR of Nobleboro, Senators: HARRIMAN of Cumberland, SMALL of Sagadahoc)

Business and Economic Development

Bill "An Act to Require Latch-open Devices at Self-service Gasoline Stations" (H.P. 337) (L.D. 457) (Presented by Representative BENEDIKT of Brunswick) (Cosponsored by Representatives: BOUFFARD of Lewiston, BUNKER of Kossuth Township, CHICK of Lebanon, DAVIDSON of Brunswick, DESMOND of Mapleton, GERRY of Auburn, GIERINGER of Portland, JOSEPH of Waterville, KERR of Old Orchard Beach, POVICH of Ellsworth, SAXL of Bangor, TRIPP of Topsham)

Bill "An Act to Require Contractor Registration" (H.P. 360) (L.D. 480) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Representatives: DORE of Auburn, ETNIER of Harpswell, FISHER of Brewer, FITZPATRICK of Durham, JONES of Bar Harbor, VOLENIK of Sedgwick, Senators: GOLDTHWAIT of Hancock, RUHLIN of Penobscot)

Criminal Justice

Bill "An Act to Increase Police Authority in Certain Cases of Disorderly Conduct" (H.P. 357) (L.D. 477) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Senator ESTY of Cumberland and Representatives: MORRISON of Bangor, POULIOT of Lewiston, Senator: STEVENS of Androscoggin)

Bill "An Act to Protect Maine Neighborhoods from Drug Houses" (H.P. 365) (L.D. 485) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BUNKER of Kossuth Township, HEINO of Boothbay, JACQUES of Waterville, MARSHALL of Eliot, O'NEAL of Limestone, PLOWMAN of Hampden, REED of Dexter, WHEELER of Bridgewater, Senator: MICHAUD of Penobscot)

Education and Cultural Affairs

Bill "An Act to Require the Administration of Medication in Schools by Licensed Personnel" (H.P. 348) (L.D. 468) (Presented by Representative LEMAIRE of Lewiston) (Cosponsored by Representatives: BRENNAN of Portland, DORE of Auburn, ETNIER of Harpswell, FITZPATRICK of Durham, JONES of Bar Harbor, LEMAIRE of Lewiston, O'GARA of Westbrook, POVICH of Ellsworth, VOLENIK of Sedgwick)

Resolve, to Improve Postsecondary Education in the State (EMERGENCY) (H.P. 361) (L.D. 481) (Presented by

Representative MITCHELL of Vassalboro) (Cosponsored by Representative WATSON of Farmingdale, Senator O'DEA of Penobscot and Representatives: ADAMS of Portland, AHEARNE of Madawaska, AULT of Wayne, BERRY of Livermore, BRENNAN of Portland, BUNKER of Kossuth Township, CAMERON of Rumford, CLARK of Millinocket, CLOUTIER of South Portland, DAGGETT of Augusta, DAVIDSON of Brunswick, FISHER of Brewer, GERRY of Auburn, GOULD of Greenville, GREEN of Monmouth, HATCH of Skowhegan, JACQUES of Waterville, JOSEPH of Waterville, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, LIBBY of Buxton, MADORE of Augusta, MITCHELL of Portland, MORRISON of Bangor, MURPHY of Berwick, O'GARA of Westbrook, O'NEAL of Limestone, POULIN of Oakland, POVICH of Ellsworth, ROSEBUSH of East Millinocket, SAXL of Bangor, SHIAH of Bowdoinham, STEVENS of Orono, TREAT of Gardiner, TRIPP of Topsham, WHEELER of Bridgewater, Senators: BUSTIN of Kennebec, CAREY of Kennebec, McCORMICK of Kennebec, RUHLIN of Penobscot)

Inland Fisheries and Wildlife

Bill "An Act to Reduce the Number of Signatures Required to Open a Pond for Fishing" (H.P. 338) (L.D. 458) (Presented by Representative JONES of Bar Harbor) (By Request)

Resolve, to Stock Rainbow Trout in the Penobscot River (H.P. 335) (L.D. 455) (Presented by Representative KEANE of Old Town) (Cosponsored by Representatives: CAMERON of Rumford, CHICK of Lebanon, FARNUM of South Berwick, FISHER of Brewer, POVICH of Ellsworth, ROTONDI of Madison, VIGUE of Winslow)

Judiciary

Bill "An Act to Codify the Common Law Negligence Standard" (H.P. 334) (L.D. 454) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representative PLOWMAN of Hampden and Representatives: DiPIETRO of South Portland, DUNN of Gray, LaFOUNTAIN of Biddeford, REED of Dexter, YACKOBITZ of Hermon, Senator: BUTLAND of Cumberland)

Bill "An Act to Ensure Children's Rights Concerning Visitation and Access" (H.P. 341) (L.D. 461) (Presented by Representative LANE of Enfield) (Cosponsored by Representatives: BIRNEY of Paris, CHICK of Lebanon, JONES of Pittsfield, JOY of Crystal, LUMBRA of Bangor, RICE of South Bristol, STEDMAN of Hartland, UNDERWOOD of Oxford)

Bill "An Act Concerning the Jurisdiction of the Penobscot Nation Tribal Court" (H.P. 351) (L.D. 471) (Presented by Representative KEANE of Old Town) (Cosponsored by Representatives: ATTEAN of Penobscot Nation, KEANE of Old Town, Senator: O'DEA of Penobscot)

Bill "An Act to Provide Merchants Greater Recourse to Combat Deceptive and Illegal Practices" (H.P. 359) (L.D. 479) (Presented by Representative BUCK of Yarmouth) (Cosponsored by Representatives: BUNKER of Kossuth Township, CROSS of Dover-Foxcroft, DiPIETRO of South Portland, HARTNETT of Freeport, JOYCE of Biddeford, MURPHY of Berwick, POVICH of Ellsworth, SIROIS of Caribou, Senators: HARRIMAN of Cumberland, STEVENS of Androscoggin)

Bill "An Act to Ensure that a Juvenile Conviction for a Serious Crime Is Made a Permanent Part of the Juvenile's Record" (H.P. 362) (L.D. 482) (Presented by Representative NICKERSON of Turner) (Cosponsored by Representatives: CLUKEY of Houlton, CROSS of Dover-Foxcroft)

Bill "An Act Concerning Grandparents' Rights of Visitation and Custody" (H.P. 364) (L.D. 484) (Presented by Representative POULIN of Oakland)

Bill "An Act Terminating Parental Child Support Obligation When the Child Attains 18 Years of Age" (H.P. 366) (L.D. 486) (Presented by Representative LANE of Enfield)

#### Labor

Bill "An Act to Abolish the Legislative Retirement System" (H.P. 363) (L.D. 483) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: AIKMAN of Poland, BIRNEY of Paris, BUCK of Yarmouth, DUNN of Gray, HARTNETT of Freeport, JONES of Pittsfield, JOY of Crystal, LANE of Enfield, LUMBRA of Bangor, POIRIER of Saco, STEDMAN of Hartland, WINSOR of Norway, Senator: HANLEY of Oxford)

#### Legal and Veterans Affairs

Bill "An Act to Require Voters to Renew Their Voter Registration Every 6 Years" (H.P. 340) (L.D. 460) (Presented by Representative HARTNETT of Freeport) (Cosponsored by Representatives: BIRNEY of Paris, SIMONEAU of Thomaston)

Bill "An Act to Require that Political Signs be Placed No Closer than 100 Feet to Any Roadway Intersection" (H.P. 347) (L.D. 467) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representatives: AHEARNE of Madawaska, DEXTER of Kingfield, DiPIETRO of South Portland, FISHER of Brewer, GOULD of Greenville, KEANE of Old Town, LEMONT of Kittery, LIBBY of Kennebunk, LOOK of Jonesboro, MURPHY of Berwick, REED of Dexter, Senator: FERGUSON of Oxford)

Resolve, to Require the Special Commission to Erect a Plaque in the Hall of Flags Honoring Medal of Honor Recipients from Maine to Submit 2 Reports and to Appoint Members by May 1, 1995 (EMERGENCY) (H.P. 350) (L.D. 470) (Presented by Representative GREENLAW of Standish) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, AIKMAN of Poland, BATTLE of Township 27, BARTH of Bethel, BIRNEY of Paris, BOUFFARD of Lewiston, BRENNAN of Portland, CARLETON of Wells, CHICK of Lebanon, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAMREN of Belgrade, DEXTER of Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, DRISCOLL of Calais, ETNIER of Harpswell, FARNUM of South Berwick, FITZPATRICK of Durham, GAMACHE of Lewiston, GERRY of Auburn, GOULD of Greenville, GWADOSKY of Fairfield, HARTNETT of Freeport, HEINO of Boothbay, HICHBORN of LaGrange, JACQUES of Waterville, JOHNSON of South Portland, JOY of Crystal, JOYNER of Hollis, KERR of Old Orchard Beach, LAYTON of Cherryfield, LEMKE of Westbrook, LIBBY of Buxton, LINDAHL of Northport, LOOK of Jonesboro, LOVETT of Scarborough, MARSHALL of Eliot, McALEVEY of Waterboro, McELROY of Unity, MORRISON of Bangor, MURPHY of Berwick, NASS of Acton, NICKERSON of Turner, O'GARA of Westbrook, PEAVEY of Woolwich, PENDLETON of Scarborough, PLOWMAN of Hampden, POULIN of Oakland, POULIOT of Lewiston, REED of Falmouth, REED of Dexter, RICKER of Lewiston, ROWE of Portland, SAXL of Bangor, SIMONEAU of Thomaston, SIROIS of Caribou, STEVENS of Orono, TAYLOR of Cumberland, TRUMAN of Biddeford, TUFTS of Stockton Springs, TUTTLE of Sanford, VIGUE of Winslow, VOLENIK of Sedgwick, WATERHOUSE of Bridgton, WHITCOMB of Waldo, WINGLASS of Auburn, Senators: BEGLEY of Lincoln, BUTLAND of Cumberland, CARPENTER of York, CIANCHETTE of Somerset, HALL of Piscataquis, KIEFFER of Aroostook, LORD of York, PARADIS of Aroostook,

PENDEXTER of Cumberland, SMALL of Sagadahoc, STEVENS of Androscoggin)

#### Marine Resources

Resolve, to Ensure Consistency in State Rules Pertaining to Municipal Assessment of Clam Flats (EMERGENCY) (H.P. 352) (L.D. 472) (Presented by Representative HARTNETT of Freeport) (Cosponsored by Representatives: AHEARNE of Madawaska, BUCK of Yarmouth, CARLETON of Wells, DAVIDSON of Brunswick, DUNN of Gray, JONES of Bar Harbor, LEMKE of Westbrook, LEMONT of Kittery, LINDAHL of Northport, RICHARDSON of Portland, STONE of Bangor, TUFTS of Stockton Springs, WATERHOUSE of Bridgton, WINSOR of Norway, Senator: HARRIMAN of Cumberland)

#### Natural Resources

Bill "An Act Relating to Equipment Start-up, Shutdown and Unavoidable Malfunction" (H.P. 354) (L.D. 474) (Presented by Representative POULIN of Oakland) (Cosponsored by Representatives: BUNKER of Kossuth Township, CAMERON of Rumford, CLARK of Millinocket, DAMREN of Belgrade, DiPIETRO of South Portland, GOULD of Greenville, PERKINS of Penobscot, ROSEBUSH of East Millinocket, WATSON of Farmingdale, Senators: CAREY of Kennebec, CASSIDY of Washington, FERGUSON of Oxford, LORD of York, MICHAUD of Penobscot)

#### State and Local Government

Bill "An Act to Provide Legislators with the Technology to Better Serve Their Constituents and to Make the Legislative Process More Efficient" (H.P. 336) (L.D. 456) (Presented by Representative GERRY of Auburn) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BARTH of Bethel, BENEDIKT of Brunswick, BERRY of Livermore, BOUFFARD of Lewiston, BUNKER of Kossuth Township, CHARTRAND of Rockland, CHASE of China, CHIZMAR of Lisbon, CLOUTIER of South Portland, DAVIDSON of Brunswick, DESMOND of Mapleton, ETNIER of Harpswell, GATES of Rockport, GOULD of Greenville, GREEN of Monmouth, GUERRETTE of Pittston, GWADOSKY of Fairfield, HARTNETT of Freeport, HATCH of Skowhegan, JACQUES of Waterville, JOHNSON of South Portland, JONES of Bar Harbor, KEANE of Old Town, KILKELLY of Wiscasset, KNEELAND of Easton, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, LEMKE of Westbrook, LEMONT of Kittery, LIBBY of Kennebunk, MARTIN of Eagle Lake, McALEVEY of Waterboro, MITCHELL of Vassalboro, MITCHELL of Portland, O'NEAL of Limestone, PERKINS of Penobscot, POULIOT of Lewiston, POVICH of Ellsworth, RICHARDSON of Portland, ROBICHAUD of Caribou, SHIAH of Bowdoinham, SIMONEAU of Thomaston, THOMPSON of Naples, TRIPP of Topsham, TRUMAN of Biddeford, TUTTLE of Sanford, VOLENIK of Sedgwick, WINN of Glenburn, YACKOBITZ of Hermon, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BERUBE of Androscoggin, BUSTIN of Kennebec, CIANCHETTE of Somerset, HARRIMAN of Cumberland, PARADIS of Aroostook, RAND of Cumberland)

Bill "An Act to Reduce the Legislative Meal Allowance" (H.P. 343) (L.D. 463) (Presented by Representative STONE of Bangor)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Minimum Qualifications for the Treasurer of State (H.P. 349) (L.D. 469) (Presented by Representative STONE of Bangor) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BAILEY of Township 27, BERRY of Livermore, BIRNEY of Paris, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CLARK of Millinocket, DAVIDSON of Brunswick, DONNELLY

of Presque Isle, FARNUM of South Berwick, GOOLEY of Farmington, HARTNETT of Freeport, JONES of Bar Harbor, LANE of Enfield, MORRISON of Bangor, PENDLETON of Scarborough, PLOWMAN of Hampden, RICE of South Bristol, ROBICHAUD of Caribou, TAYLOR of Cumberland, TYLER of Windham, WINGLASS of Auburn, WINN of Glenburn, WINSOR of Norway, YACKOBITZ of Hermon, Senator: FAIRCLOTH of Penobscot)

Taxation

Bill "An Act to Exempt the Custom Sawing of Lumber from the Sales Tax" (H.P. 339) (L.D. 459) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, HICHBORN of LaGrange, KNEELAND of Easton, McELROY of Unity, REED of Dexter, RICE of South Bristol, STROUT of Corinth, Senators: BEGLEY of Lincoln, LORD of York)

Bill "An Act to Change the Eligibility Requirements for the Circuit Breaker Program" (H.P. 342) (L.D. 462) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representatives: BUCK of Yarmouth, HICHBORN of LaGrange, LEMKE of Westbrook, LOOK of Jonesboro, MARSHALL of Eliot, MURPHY of Berwick, POULIOT of Lewiston, SIMONEAU of Thomaston, STEDMAN of Hartland, TUFTS of Stockton Springs, WATERHOUSE of Bridgton, Senator: BEGLEY of Lincoln)

Bill "An Act to Revise the Income Tax Code to Make It More Progressive" (H.P. 356) (L.D. 476) (Presented by Representative VOLENIK of Sedgwick) (Cosponsored by Representatives: BERRY of Livermore, CHARTRAND of Rockland, HICHBORN of LaGrange, JONES of Bar Harbor, LEMAIRE of Lewiston, SAMSON of Jay, SHIAH of Bowdoinham)

Transportation

Bill "An Act to Improve the Local Road Assistance Program" (H.P. 345) (L.D. 465) (Presented by Representative ROWE of Portland) (Cosponsored by Representatives: MORRISON of Bangor, RICKER of Lewiston, STROUT of Corinth)

Bill "An Act to Require That Headlights Be on during Inclement Weather" (H.P. 346) (L.D. 466) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representatives: KNEELAND of Easton, MAYO of Bath, REED of Dexter, ROBICHAUD of Caribou, Senator: BEGLEY of Lincoln)

Bill "An Act to Revise the Bidding Process for Department of Transportation Projects" (H.P. 355) (L.D. 475) (Presented by Representative GATES of Rockport) (Cosponsored by Representative: CHARTRAND of Rockland, Senator: PINGREE of Knox)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Revenues Derived from the Use of Vehicles on Public Highways and from Alternative Modes of Transportation to be Used for Obtaining Access to Rights-of-Way for Alternative Forms of Transportation (H.P. 353) (L.D. 473) (Presented by Representative BENEDIKT of Brunswick) (Cosponsored by Representatives: BOUFFARD of Lewiston, VOLENIK of Sedgwick, WATSON of Farmingdale, Senator: PARADIS of Aroostook)

Sincerely,  
S/Joseph W. Mayo  
Clerk of the House  
S/May M. Ross  
Secretary of the Senate

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

The following Communication: (S.P. 176)  
117TH LEGISLATURE

Jeffrey H. Butland  
President of the Senate

Dan A. Gwadosky  
Speaker of the House  
February 3, 1995

Senator Vinton E. Cassidy  
Representative Marge L. KilKelly  
Chairpersons  
Joint Standing Committee on Agriculture, Conservation and Forestry  
117th Legislature  
Augusta, Maine 04333

Dear Senator Cassidy and Representative KilKelly:

Please be advised that Governor Angus S. King, Jr. has nominated Edward J. McLaughlin of Clifton as Commissioner of the Department of Agriculture.

Pursuant to Title 7, MRSA Section 1, this nomination will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,  
S/Jeffrey H. Butland  
President of the Senate  
S/Dan A. Gwadosky  
Speaker of the House

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

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

The following Communication: (S.P. 177)  
117TH LEGISLATURE

Jeffrey H. Butland  
President of the Senate  
Dan A. Gwadosky  
Speaker of the House  
February 3, 1995

Senator John W. Benoit  
Representative Herbert E. Clark  
Chairpersons  
Joint Standing Committee on Criminal Justice  
117th Legislature  
Augusta, Maine 04333

Dear Senator Benoit and Representative Clark:

Please be advised that Governor Angus S. King, Jr. has nominated Joseph D. Lehman of Mechanicsburg, Pennsylvania for appointment as Commissioner of the Department of Corrections.

Pursuant to Title 34A, MRSA Section 1401, this nomination will require review by the Joint Standing Committee on Criminal Justice and confirmation by the Senate.

Sincerely,  
S/Jeffrey H. Butland  
President of the Senate  
S/Dan A. Gwadosky  
Speaker of the House

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

Was read and referred to the Committee on Criminal Justice in concurrence.

The following Communication: (S.P. 178)  
STATE OF MAINE  
DEPARTMENT OF AUDIT  
STATE HOUSE STATION 66  
AUGUSTA, MAINE 04333

Honorable Jeffrey H. Butland  
President of the Senate  
State House Station #3  
Augusta, Maine 04333  
Dear President Butland:

We are pleased to submit the seventh Single Audit of the State of Maine, covering the fiscal year ended June 30, 1993.

The state expended \$3.9 billion during fiscal year 1993 of which \$1.2 billion was for various federal programs. The audit was conducted to meet the requirements of the Single Audit Act of 1984, authorized under the United States Code, USC 31, Chapter 75 and the regulations established by the U.S. Office of Management and Budget (OMB) Circular A-128, "Audits of State and Local Governments."

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

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

The objectives of the audit were:

To examine the state's financial statements and determine if they were presented fairly and in accordance with generally accepted accounting principles;

To assess whether the state's systems and procedures for financial accounting, reporting and internal controls were adequate;

To assess the state's accountability for revenues; to determine the propriety of expenditures, the extent to which funds have been expended in accordance with prescribed state and federal laws and regulations; and to examine the state's compliance with federal regulations pertaining to financial reports and claims for reimbursements; and

To recommend corrective actions for any deficiencies noted; and to include management's responses to our findings and recommendations.

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

Reports on Compliance and Internal Controls - include those audit findings which, in our opinion, represent material weaknesses. There are five findings which identify material weaknesses in internal control; these can be found on pages 67 and 75; one that affects compliance with state laws and regulations is on page 125.

Schedule of Reportable Conditions - includes those audit findings which we consider to be reportable conditions under standards established by the American Institute of Certified Public Accountants. The thirty-five reportable conditions begin on page 79.

Schedule of Findings and Questioned Costs - includes sixty-five findings which resulted from our review of certain federal programs administered by the State of Maine. These findings begin on page 133.

Management Letter - includes seventy audit findings with recommendations to strengthen internal controls and operating efficiencies that affect many state agencies. These findings begin on page 215.

We again must render a qualified opinion on the state's financial statements because the state's accounting records for the General Fixed Assets

Account Group are incomplete. The scope of our work was not sufficient to enable us to express, and we do not express, an opinion on the General Fixed Assets Account Group.

Since 1987 seven Single Audit reports have been issued. We believe each one has had a significant impact on the state's accounting policies and procedures, systems of internal control and compliance with its laws and regulations and those of the federal government. We would like to express our gratitude to all of those who assisted in the preparation of this document. We continue our efforts to provide the Governor, Legislature and management of state government with meaningful information useful in their decision making process. We would be pleased to respond to any of your questions or comments about the 1993 Single Audit Report.

S/Rodney L. Scribner, CPA

State Auditor

February 1, 1995

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

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

The following Communication: (H.C. 36)

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

February 6, 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 Rule 1, I have made the following changes in appointments to the Joint Standing Committees of the 117th Maine Legislature:

I appointed Representative Kenneth F. Lemont of Kittery to the Joint Standing Committee on Legal and Veterans Affairs, replacing Representative Layton of Cherryfield.

I appointed Representative James D. Layton of Cherryfield to the Joint Standing Committee on Marine Resources, replacing Representative Lemont of Kittery.

Sincerely,

S/Dan A. Gwadosky

Speaker of the House

Was read and ordered placed on file.

#### PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills 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:

#### Legal and Veterans Affairs

Bill "An Act Establishing Procedures for New Political Parties to Participate in Primary Elections" (H.P. 369) (L.D. 499) (Presented by Representative HEESCHEN of Wilton) (Cosponsored by Representatives: BIRNEY of Paris, BRENNAN of Portland, CHASE of China, GERRY of Auburn, GOULD of Greenville, KILKELLY of Wiscasset, KONTOS of Windham, LEMKE of Westbrook,

LUTHER of Mexico, VOLENIK of Sedgwick, WINN of Glenburn, Senator: BERUBE of Androscoggin)

**Reported Pursuant to Public Law**

Representative KERR for the Committee to Study Operations of the Governor Baxter School for the Deaf pursuant to Public Law 1993, chapter 508, Part D, section 7 asks leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Committee to Study the Operations of the Governor Baxter School for the Deaf" (H.P. 370) (L.D. 505) be referred to the Joint Standing Committee on Education and Cultural Affairs for Public Hearing and printed pursuant to Joint Rule 20.

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

**Reported Pursuant to Public Law**

Representative LOOK for the Task Force to Study the Safe Mobility of Maine's Aging Population pursuant to Public Law 1993, chapter 297, Part C asks leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force to Study the Safe Mobility of Maine's Aging Population" (H.P. 367) (L.D. 487) be referred to the Joint Standing Committee on Transportation for Public Hearing and printed pursuant to Joint Rule 20.

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

**ORDERS**

On motion of Representative HICHBORN of LaGrange, the following Order: (H.O. 9)

**ORDERED**, that Representative Michael F. Brennan of Portland be excused January 27 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Conrad Heeschen of Wilton be excused February 6 for personal reasons.

Was read and passed.

**BILLS IN THE SECOND READING**

Bill "An Act to Change Certain Provisions of the Saco River Corridor Law" (EMERGENCY) (H.P. 324) (L.D. 445)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative MITCHELL of Vassalboro was set aside.

On further motion of the same Representative, the Bill was tabled pending passage to be engrossed and specially assigned for Tuesday, February 14, 1995.

Bill "An Act to Consolidate the Regulation of Driver Education" (EMERGENCY) (H.P. 325) (L.D. 446)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative LUTHER of Mexico was set aside.

On further motion of the same Representative, the Bill was tabled pending passage to be engrossed and specially assigned for Tuesday, February 14, 1995.

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Monday, February 6, 1995 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE REPORT - "Ought to Pass" pursuant to Statutes - 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) TABLED - February 6, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Acceptance of Committee Report.

On motion of Representative MITCHELL of Vassalboro, the House accepted the Committee Report.

The same Representative moved that the Bill be referred to the Committee on Agriculture, Conservation and Forestry.

On motion of Representative DONNELLY of Presque Isle, the Bill was tabled pending reference and specially assigned for Tuesday, February 14, 1995.

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

- In House, Read on January 24, 1995.

TABLED - February 6, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative MITCHELL of Vassalboro, the House Order (H.O. 7) was tabled pending passage and specially assigned for Tuesday, February 14, 1995.

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

- In Senate, Referred to the Committee on Agriculture, Conservation and Forestry.

TABLED - February 6, 1995 (Till Later Today) by Representative MITCHELL of Vassalboro.

PENDING - Reference in concurrence.

Subsequently, the Bill was referred to the Committee on Inland Fisheries and Wildlife, in non-concurrence and sent up for concurrence.

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

On motion of Representative JACQUES of Waterville, the House recessed until 11:00 a.m.

(After Recess)

The House was called to order by the Speaker pro tem.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 196)

**ORDERED**, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February



14, 1995, at 10 o'clock in the morning.  
Came from the Senate, read and passed.  
Was read and passed in concurrence.

# COMMUNICATIONS

The following Communication: (S.P. 187)  
MAINE STATE SENATE  
STATE HOUSE STATION 3  
AUGUSTA, MAINE 04333

February 7, 1995

Jeffrey H. Butland  
President of the Senate  
117th Legislature  
Dan A. Gwadosky  
Speaker of the House  
117th Legislature

Dear Mr. President and Mr. Speaker:

On February 7, 1995, eight bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on February 7, 1995 as follows:

## Criminal Justice

Bill "An Act to Create a Board to Hear Citizen Complaints Regarding Private Investigators" (S.P. 182) (L.D. 491) (Presented by Senator O'DEA of Penobscot) (Cosponsored by Senator: PINGREE of Knox)

## Human Resources

Bill "An Act to Amend Certain Powers of Hospital Administrative District No. 4" (EMERGENCY) (S.P. 184) (L.D. 493) (Presented by Senator HALL of Piscataquis) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, REED of Dexter, ROSEBUSH of East Millinocket)

## Judiciary

Bill "An Act Concerning Uncompensated Care Liability for Health Care Providers" (S.P. 179) (L.D. 488) (Presented by Senator HATHAWAY of York)

## Marine Resources

Bill "An Act to Prohibit Commercial Dragging during the Period Beginning April 16th and Ending November 14th" (S.P. 186) (L.D. 495) (Presented by Senator CASSIDY of Washington) (Cosponsored by Senators: BEGLEY of Lincoln, BENOIT of Franklin, LORD of York, Representatives: BAILEY of Township 27, LAYTON of Cherryfield, PINKHAM of Lamoine, POVICH of Ellsworth, TUFTS of Stockton Springs)

## Taxation

Bill "An Act Requiring That Distress Sales Be Included in Property Valuations" (S.P. 180) (L.D. 489) (Presented by Senator HATHAWAY of York) (Cosponsored by Representative: JOYCE of Biddeford)

Bill "An Act to Establish a State Income Tax Credit for Health Insurance Premiums" (S.P. 181) (L.D. 490) (Presented by Senator HATHAWAY of York) (Cosponsored by Representative: JOYCE of Biddeford)

Bill "An Act to Amend the Property Tax Laws Related to Service Charges for Exempt Organizations" (S.P. 185) (L.D. 494) (Presented by Senator CLEVELAND of Androscoggin) (Cosponsored by Representative: AIKMAN of Poland)

## Utilities and Energy

Bill "An Act Relating to Authority of Governing Boards of Consumer-owned Electric Utilities" (S.P. 183) (L.D. 492) (Presented by Senator HARRIMAN of Cumberland) (Cosponsored by Representative KONTOS of Windham and Representatives: BAILEY of Township 27, LIBBY of Kennebunk, REED of Falmouth)

Sincerely,

S/May M. Ross  
Secretary of the Senate  
S/Joseph W. Mayo  
Clerk of the House

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

Was read and ordered placed on file in concurrence.

# SENATE PAPERS

Bill "An Act Regarding Fees Assessed by the Maine Land Use Regulation Commission for Changes within a Development District" (S.P. 194) (L.D. 503)

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 Connect Libraries and Communities Electronically" (S.P. 191) (L.D. 500)

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.

Bill "An Act to Create a Catch and Release Fishing Program in the State" (S.P. 193) (L.D. 502)

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 Requiring Pretrial Review of Disputes Involving Engineers, Architects and Surveyors" (S.P. 190) (L.D. 498)

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 Permit an Employer to Offer a Compressed Time Workweek to Consenting Employees" (S.P. 188) (L.D. 496)

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 Concerning the Posting of Campaign Signs within 150 Feet of Private Property" (S.P. 189) (L.D. 497)

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 Include Individuals with Property in a Living Trust in the Maine Residents Property Tax Program" (S.P. 192) (L.D. 501)

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

Was referred to the Committee on Taxation in concurrence.

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Bill "An Act Investing the Joint Standing Committee of the Legislature Having Jurisdiction over Taxation Matters with Exclusive Authority to Review Legislation Relating to Tax Policy" (S.P. 195) (L.D. 504)

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 State and Local Government.)

Was referred to the Committee on Taxation in concurrence.

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The following Joint Resolution: (S.P. 197)

JOINT RESOLUTION RECOGNIZING JULIE S. JONES

**WHEREAS**, during her 14 years in the Office of Policy and Legal Analysis, first as a Legislative Analyst and for the last 6 years as Principal Analyst for legal services, Julie S. Jones has given of herself with extraordinary dedication and selflessness; and

**WHEREAS**, her tireless commitment to serving the public good has made her an invaluable asset to the Legislature and has earned her the respect of Legislators, colleagues and others who have had the pleasure of working with her throughout her years of public service; and

**WHEREAS**, her exceptional abilities and her indefatigable commitment to principled and scrupulously nonpartisan service to the Maine Legislature have left a legacy for which the State is deeply indebted; now, therefore, be it

**RESOLVED**: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in the First Regular Session, do pause in our deliberations to express our appreciation to Julie S. Jones and to recognize her deep and unwavering commitment to the Legislature and the State; and

**RESOLVED**: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Julie S. Jones.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

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On motion of Representative STROUT of Corinth, the House adjourned at 11:35 a.m., pursuant to the Joint Order (S.P. 196).