

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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  
19th Legislative Day  
Tuesday, February 28, 1995

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

Prayer by the Honorable Reverend Birger T. Johnson of South Portland.

Pledge of Allegiance.

The Journal of Thursday, February 23, 1995 was read and approved.

**COMMUNICATIONS**

The following Communication: (H.C. 46)  
Bureau of Corporations, Elections, and Commissions  
Department of the Secretary of State  
State House Station #101  
Augusta, Maine 04333

February 24, 1995

Honorable Joseph Mayo

Clerk of the House

117th Legislature

State House Station 2

Augusta, Maine 04333

Dear Clerk Mayo:

Notification is hereby given that a vacancy exists in the representation of House District #9 due to the passing of Mona Walker Hale of Sanford.

The Governor has set the date of March 28, 1995 on which to hold the special election to fill the vacancy.

Sincerely,

S/ Bill Diamond

Secretary of State

Was read and 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:

**Agriculture, Conservation and Forestry**

Bill "An Act to Create the Department of Forestry" (H.P. 492) (L.D. 673) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: DEXTER of Kingfield, HICHBORN of LaGrange, JACQUES of Waterville, KEANE of Old Town, KNEELAND of Easton, ROSEBUSH of East Millinocket, TRIPP of Topsham, Senators: LORD of York, PARADIS of Aroostook)

**Appropriations and Financial Affairs**

Bill "An Act to Accelerate the Amortization of the Maine State Retirement System" (H.P. 469) (L.D. 650) (Presented by Representative REED of Falmouth) (Cosponsored by Representative: KERR of Old Orchard Beach)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Help Increase Fish Production at the State Hatcheries" (H.P. 490) (L.D. 671) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Representatives: CHICK of Lebanon, CLARK of Millinocket, DAMREN of Belgrade,

DONNELLY of Presque Isle, GOULD of Greenville, GREENLAW of Standish, JACQUES of Waterville, KNEELAND of Easton, LOOK of Jonesboro, MAYO of Bath, McALEVEY of Waterboro, POIRIER of Saco, ROTONDI of Madison, SAVAGE of Union, STEDMAN of Hartland, TUFTS of Stockton Springs, WINGLASS of Auburn, WINSOR of Norway, YACKOBITZ of Hermon, Senators: ABRAMSON of Cumberland, CARPENTER of York, CASSIDY of Washington, FERGUSON of Oxford, HALL of Piscataquis, LORD of York, MICHAUD of Penobscot, O'DEA of Penobscot, RUHLIN of Penobscot)

Bill "An Act to Provide Fully Paid Health Insurance Benefits to Retired Teachers" (H.P. 499) (L.D. 680) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Representatives: JOY of Crystal, STEDMAN of Hartland, TUFTS of Stockton Springs, Senators: BUSTIN of Kennebec, HALL of Piscataquis)

Bill "An Act to Reduce the Legislative Budget" (H.P. 500) (L.D. 681) (Presented by Representative McELROY of Unity) (Cosponsored by Representatives: AIKMAN of Poland, BIGL of Bucksport, CLUKEY of Houlton, CROSS of Dover-Foxcroft, RICE of South Bristol, STEDMAN of Hartland, STONE of Bangor, Senator: GOLDTHWAIT of Hancock)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Provide Funding for the Public Access to Maine Waters Fund" (H.P. 507) (L.D. 688) (Presented by Representative MARTIN of Eagle Lake) (Cosponsored by Representatives: AHEARNE of Madawaska, BARTH of Bethel, BERRY of Livermore, CHASE of China, CHICK of Lebanon, CLARK of Millinocket, DAMREN of Belgrade, GWADOSKY of Fairfield, HEINO of Boothbay, HICHBORN of LaGrange, JOHNSON of South Portland, JOSEPH of Waterville, KERR of Old Orchard Beach, LIBBY of Buxton, LOOK of Jonesboro, MAYO of Bath, POULIOT of Lewiston, ROTONDI of Madison, SHIAH of Bowdoinham, SPEAR of Nobleboro, STROUT of Corinth, TREAT of Gardiner, TRUMAN of Biddeford, TUFTS of Stockton Springs)

Resolve, to Establish the Commission to Implement Performance-based Budgeting (EMERGENCY) (H.P. 513) (L.D. 701) (Presented by Representative CHASE of China) (Cosponsored by Representatives: BAILEY of Township 27, BUNKER of Kossuth Township, CAMPBELL of Holden, DAVIDSON of Brunswick, DiPIETRO of South Portland, DRISCOLL of Calais, GERRY of Auburn, GREEN of Monmouth, HEESCHEN of Wilton, JOSEPH of Waterville, LAYTON of Cherryfield, LOOK of Jonesboro, MURPHY of Berwick, PINKHAM of Lamoine, SHIAH of Bowdoinham, TOWNSEND of Portland, TREAT of Gardiner, TUFTS of Stockton Springs, VIGUE of Winslow, Senators: FAIRCLOTH of Penobscot, PARADIS of Aroostook, RAND of Cumberland, RUHLIN of Penobscot)

Bill "An Act Authorizing a Bond Issue in the Amount of \$10,000,000 to Capitalize the Competitive Workers' Compensation Fund" (H.P. 488) (L.D. 669) (Presented by Representative TUTTLE of Sanford)

The Committee on Appropriations and Financial Affairs was suggested.

On motion of Representative KERR of Old Orchard Beach, the Bill was referred to the Committee on Banking and Insurance, ordered printed and sent up for concurrence.

**Business and Economic Development**

Bill "An Act Regarding Unredeemed Deposits on Beverage Containers" (H.P. 506) (L.D. 687) (Presented

by Representative JACQUES of Waterville) (Cosponsored by Representatives: GOULD of Greenville, LEMONT of Kittery, REED of Dexter, Senators: FERGUSON of Oxford, RUHLIN of Penobscot)

Bill "An Act Concerning Fraudulent Redemptions" (H.P. 512) (L.D. 700) (Presented by Representative JACQUES of Waterville) (Cosponsored by Representative: GOULD of Greenville, Senators: FERGUSON of Oxford, RUHLIN of Penobscot)

### **Criminal Justice**

Bill "An Act to Require Disclosure of the Criminal History of a Juvenile That Moves into a Public Housing Project" (H.P. 494) (L.D. 675) (Presented by Representative WINN of Glenburn) (Cosponsored by Representatives: BUNKER of Kossuth Township, CLARK of Millinocket, PINKHAM of Lamoine, PLOWMAN of Hampden)

Bill "An Act to Require Employers to Pay the Cost of Recertification Training for Law Enforcement and Corrections Officers" (H.P. 501) (L.D. 682) (Presented by Representative SAMSON of Jay) (Cosponsored by Representatives: AHEARNE of Madawaska, BERRY of Livermore, BUNKER of Kossuth Township, JONES of Bar Harbor, LINDAHL of Northport, LUTHER of Mexico, McALEVEY of Waterboro, PINKHAM of Lamoine, THOMPSON of Naples, VOLENIK of Sedgwick, WHEELER of Bridgewater)

Bill "An Act to Strengthen the Laws Currently Governing the Failure to Preserve the Life of a Live Born Person" (H.P. 498) (L.D. 679) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representatives: CAMPBELL of Holden, DRISCOLL of Calais, GUERRETTE of Pittston, JOY of Crystal, KNEELAND of Easton, LANE of Enfield, LUMBRA of Bangor, ROBICHAUD of Caribou, Senators: CASSIDY of Washington, KIEFFER of Aroostook, PARADIS of Aroostook)

The Committee on Criminal Justice was suggested.

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

### **Human Resources**

Bill "An Act to Provide Family Security through Quality, Affordable Health Care" (H.P. 509) (L.D. 690) (Presented by Representative MARTIN of Eagle Lake) (Cosponsored by Representatives: AHEARNE of Madawaska, BENEDIKT of Brunswick, BERRY of Livermore, CHASE of China, HICHBORN of LaGrange, JOHNSON of South Portland, JOSEPH of Waterville, MORRISON of Bangor, O'GARA of Westbrook, ROTONDI of Madison, SHIAH of Bowdoinham, TREAT of Gardiner, TRUMAN of Biddeford, TUFTS of Stockton Springs)

### **Judiciary**

Bill "An Act Concerning Real Estate Trusts" (H.P. 477) (L.D. 658) (Presented by Representative OTT of York) (Cosponsored by Representatives: CARLETON of Wells, LIBBY of Kennebunk)

Bill "An Act to Extend the Charitable Immunity Laws" (H.P. 482) (L.D. 663) (Presented by Representative ROTONDI of Madison) (Cosponsored by Representatives: DEXTER of Kingfield, HATCH of Skowhegan, MERES of Norridgewock)

Bill "An Act to Improve the Civil Order of Arrest Procedure" (H.P. 487) (L.D. 668) (Presented by Representative MITCHELL of Vassalboro)

Bill "An Act to Extend the Medical Liability Demonstration Project Deadline by 3 Years" (H.P. 489) (L.D. 670) (Presented by Representative SAXL of Bangor) (Cosponsored by Representatives: DAGGETT of Augusta, HARTNETT of Freeport, LEMKE of Westbrook, MADORE of Augusta, NASS of Acton, PLOWMAN of Hampden, THOMPSON of Naples, Senators: BERUBE of Androscoggin, CIANCHETTE of Somerset, FAIRCLOTH of Penobscot, HARRIMAN of Cumberland, KIEFFER of Aroostook, PENDEXTER of Cumberland, RUHLIN of Penobscot)

Bill "An Act to Clarify the Status of Sewer Districts and Refuse Disposal Districts as Special Purpose Districts under the Maine Tort Claims Act" (H.P. 502) (L.D. 683) (Presented by Representative MORRISON of Bangor) (Cosponsored by Representatives: CLARK of Millinocket, GOULD of Greenville, JACQUES of Waterville, SAXL of Bangor, TAYLOR of Cumberland, Senators: CARPENTER of York, FAIRCLOTH of Penobscot)

Bill "An Act to Amend the Maine Freedom of Access Laws" (H.P. 514) (L.D. 702) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Representatives: CHASE of China, GERRY of Auburn, HATCH of Skowhegan, JOHNSON of South Portland, JONES of Bar Harbor, KEANE of Old Town, KILKELLY of Wiscasset, LAFOUNTAIN of Biddeford, LEMKE of Westbrook, LOOK of Jonesboro, McALEVEY of Waterboro, O'NEAL of Limestone, PERKINS of Penobscot, SAMSON of Jay, SAXL of Bangor, TRIPP of Topsham, WATSON of Farmingdale, WHEELER of Bridgewater, Senators: CAREY of Kennebec, O'DEA of Penobscot)

### **Labor**

Bill "An Act to Increase the Employability of Homeless Persons in This State" (H.P. 496) (L.D. 677) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: AHEARNE of Madawaska, FITZPATRICK of Durham, KILKELLY of Wiscasset, LEMAIRE of Lewiston, MITCHELL of Vassalboro, SAXL of Bangor, SHIAH of Bowdoinham, STEVENS of Orono, THOMPSON of Naples)

Bill "An Act to Allow Employees to Observe Holidays" (H.P. 497) (L.D. 678) (Presented by Representative BOUFFARD of Lewiston) (Cosponsored by Representatives: AHEARNE of Madawaska, BENEDIKT of Brunswick, BERRY of Livermore, CHASE of China, CHIZMAR of Lisbon, CLARK of Millinocket, HATCH of Skowhegan, JONES of Bar Harbor, LEMAIRE of Lewiston, LEMKE of Westbrook, LUTHER of Mexico, POULIOT of Lewiston, RICKER of Lewiston, SAMSON of Jay, SHIAH of Bowdoinham, TRUMAN of Biddeford, TUTTLE of Sanford, WINSOR of Norway, YACKOBITZ of Hermon)

Bill "An Act to Prohibit the Employment of Professional Strikebreakers" (H.P. 505) (L.D. 686) (Presented by Representative SAMSON of Jay) (Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, BERRY of Livermore, BOUFFARD of Lewiston, BRENNAN of Portland, CHARTRAND of Rockland, CHASE of China, CHIZMAR of Lisbon, FITZPATRICK of Durham, GREEN of Monmouth, HATCH of Skowhegan, HEESCHEN of Wilton, JONES of Bar Harbor, LEMAIRE of Lewiston, LUTHER of Mexico, POVICH of Ellsworth, RICHARDSON of Portland, ROSEBUSH of East Millinocket, ROWE of Portland, SHIAH of Bowdoinham, TOWNSEND of Portland, TREAT of Gardiner, VOLENIK of Sedgwick, Senators: BUSTIN of Kennebec, FAIRCLOTH of Penobscot,

MILLS of Somerset, RAND of Cumberland, RUHLIN of Penobscot)

#### Legal and Veterans Affairs

Bill "An Act Pertaining to the Signing of Petitions" (H.P. 471) (L.D. 652) (Presented by Representative AULT of Wayne) (Cosponsored by Representative: GREEN of Monmouth, Senator: McCORMICK of Kennebec)

Bill "An Act to Allow Nonresidents to Transport into the State Liquor Purchased in New Hampshire" (H.P. 484) (L.D. 665) (Presented by Representative MURPHY of Berwick)

Bill "An Act to Ensure Appropriate and Equitable Penalties for Violation of Electoral Laws" (H.P. 491) (L.D. 672) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representative: KEANE of Old Town, Senator: MILLS of Somerset)

Bill "An Act to Change the Deadline for Submitting Nomination Petitions for Independent Presidential Candidates" (H.P. 495) (L.D. 676) (Presented by Representative PERKINS of Penobscot) (By Request)

Bill "An Act to Amend the Laws Pertaining to Lobbyists" (H.P. 503) (L.D. 684) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representatives: CLARK of Millinocket, CROSS of Dover-Foxcroft, DAVIDSON of Brunswick, DESMOND of Mapleton, DRISCOLL of Calais, KNEELAND of Easton, MAYO of Bath, McALEVEY of Waterboro, POIRIER of Saco, ROSEBUSH of East Millinocket, SIROIS of Caribou, STEDMAN of Hartland, WHEELER of Bridgewater)

Bill "An Act to Allow Charitable Solicitation by Law Enforcement Officers, Agencies and Associations" (H.P. 478) (L.D. 659) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BUNKER of Kossuth Township, CAMERON of Rumford, CLARK of Millinocket, HICHBORN of LaGrange, MURPHY of Berwick, PLOWMAN of Hampden, REED of Dexter, STROUT of Corinth)

The Committee on Legal and Veterans Affairs was suggested.

On motion of Representative GAMACHE of Lewiston, the Bill was referred to the Committee on Criminal Justice, ordered printed and sent up for concurrence.

#### Marine Resources

Bill "An Act to Amend the Licensing Laws for Sea Urchin Harvesting" (H.P. 473) (L.D. 654) (Presented by Representative TRIPP of Topsham) (Cosponsored by Representatives: BENEDIKT of Brunswick, DAVIDSON of Brunswick, GOULD of Greenville, GUERRETTE of Pittston)

Bill "An Act to Prohibit Dragging in a Portion of the St. Croix River" (H.P. 480) (L.D. 661) (Presented by Representative DRISCOLL of Calais) (By Request)

#### Natural Resources

Bill "An Act to Grandfather Certain Dwellings within Mandatory Shoreland Zoning" (H.P. 470) (L.D. 651) (Presented by Representative GREENLAW of Standish)

Bill "An Act to Reduce Paperwork and Promote On-site Elementary Neutralization of Low-hazard Wastes" (H.P. 475) (L.D. 656) (Presented by Representative JACQUES of Waterville) (Cosponsored by Senator LORD of York and Representatives: BERRY of

Livermore, DAMREN of Belgrade, GOULD of Greenville, GREENLAW of Standish, MARSHALL of Eliot, MERES of Norridgewock, POULIN of Oakland, ROSEBUSH of East Millinocket, SIMONEAU of Thomaston, TAYLOR of Cumberland, Senators: KIEFFER of Aroostook, RUHLIN of Penobscot)

Bill "An Act to Create a Buffer Strip Requirement for the Location of Gravel Pits" (H.P. 493) (L.D. 674) (Presented by Representative MARTIN of Eagle Lake) (Cosponsored by Representative: GOULD of Greenville, Senators: LAWRENCE of York, LORD of York)

#### State and Local Government

Bill "An Act Concerning Municipal Rent Control" (H.P. 474) (L.D. 655) (Presented by Representative WINSOR of Norway) (Cosponsored by Representatives: BOUFFARD of Lewiston, CLARK of Millinocket, DiPIETRO of South Portland, Senator: STEVENS of Androscoggin)

Bill "An Act to Amend the Municipal Subdivision Laws Regarding Application Requirements" (H.P. 481) (L.D. 662) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: DEXTER of Kingfield, POULIN of Oakland)

#### Taxation

Bill "An Act to Amend the Excise Tax Charged on Commercial Vehicles" (H.P. 472) (L.D. 653) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BUNKER of Kossuth Township, CAMERON of Rumford, CLARK of Millinocket, GREENLAW of Standish, JOY of Crystal, KNEELAND of Easton, MURPHY of Berwick, PLOWMAN of Hampden, REED of Dexter, TUFTS of Stockton Springs)

Bill "An Act to Enhance Business along the Maine and New Hampshire Border" (H.P. 476) (L.D. 657) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representatives: CHICK of Lebanon, DiPIETRO of South Portland, FARNUM of South Berwick, HICHBORN of LaGrange, Senator: CAREY of Kennebec)

Bill "An Act to Amend the Law Governing Real Estate Transfer Taxes Applicable to the Maine Turnpike Authority" (H.P. 479) (L.D. 660) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representatives: CHICK of Lebanon, DiPIETRO of South Portland, FARNUM of South Berwick, FISHER of Brewer, NADEAU of Saco, VIGUE of Winslow, Senator: CAREY of Kennebec) (Submitted by the Maine Turnpike Authority pursuant to Joint Rule 24.)

Bill "An Act to Permit the Equitable Taxation of Leased Equipment" (H.P. 486) (L.D. 667) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: DORE of Auburn, NADEAU of Saco, Senator: FERGUSON of Oxford)

#### Transportation

Bill "An Act to Facilitate Efficiency of Inspections of Commercial Motor Vehicles" (H.P. 504) (L.D. 685) (Presented by Representative WINN of Glenburn)

Bill "An Act to Amend the Law Regulating 53-foot Semitrailers" (H.P. 508) (L.D. 689) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BUNKER of Kossuth Township, CAMERON of Rumford, CLARK of Millinocket, CLUKEY of Houlton, GREENLAW of Standish, JOY of Crystal, MURPHY of Berwick, PLOWMAN of Hampden, REED of Dexter, TUFTS of Stockton Springs, Senator: CASSIDY of Washington)

Bill "An Act to Direct Additional Funds to the Department of Conservation by Amending the Loon Plate Laws" (H.P. 510) (L.D. 698) (Presented by Representative SHIAH of Bowdoinham) (Cosponsored by Representatives: ADAMS of Portland, BERRY of Livermore, BOUFFARD of Lewiston, CARLETON of Wells, CHARTRAND of Rockland, GREEN of Monmouth, LUMBRA of Bangor, MARSHALL of Eliot, MARTIN of Eagle Lake, MERES of Norridgewock, PERKINS of Penobscot, SIROIS of Caribou, TRIPP of Topsham, WATERHOUSE of Bridgton, WATSON of Farmingdale, Senators: MILLS of Somerset, RUHLIN of Penobscot)

Bill "An Act to Amend the Weight Requirement for a Motor Vehicle Traveling on Certain Roads" (H.P. 511) (L.D. 699) (Presented by Representative PINKHAM of Lamoine) (Cosponsored by Representatives: KEANE of Old Town, LAYTON of Cherryfield, LOOK of Jonesboro, LOVETT of Scarborough)

### Utilities and Energy

Bill "An Act to Prohibit an Electric Utility from Estimating a Monthly Bill at a Rate Higher Than the Prior Month's Bill" (EMERGENCY) (H.P. 468) (L.D. 649) (Presented by Representative GOULD of Greenville) (Cosponsored by Representatives: BUNKER of Kossuth Township, DEXTER of Kingfield, ETNIER of Harpswell, GERRY of Auburn, GOOLEY of Farmington, GREEN of Monmouth, HICHBORN of LaGrange, MARSHALL of Eliot, TREAT of Gardiner, TRIPP of Topsham, WATSON of Farmingdale)

Bill "An Act to Streamline Procedures before the Public Utilities Commission" (H.P. 485) (L.D. 666) (Presented by Representative JOYNER of Hollis) (By Request) (Cosponsored by Senators: CARPENTER of York, HARRIMAN of Cumberland)

### ORDER

On motion of Representative TRIPP of Topsham, the following Joint Resolution: (H.P. 426) (Cosponsored by Representative DAVIDSON of Brunswick, Senator HARRIMAN of Cumberland and Representatives: ADAMS of Portland, AHEARNE of Madawaska, AIKMAN of Poland, AULT of Wayne, BAILEY of Township 27, BARTH of Bethel, BENEDIKT of Brunswick, BERRY of Livermore, BIGL of Bucksport, BIRNEY of Paris, BOUFFARD of Lewiston, BRENNAN of Portland, BUCK of Yarmouth, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CHARTRAND of Rockland, CHASE of China, CHICK of Lebanon, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DAMREN of Belgrade, DESMOND of Mapleton, DEXTER of Kingfield, DiPIETRO of South Portland, DONNELLY of Presque Isle, DRISCOLL of Calais, DUNN of Gray, ETNIER of Harpswell, FARNUM of South Berwick, FISHER of Brewer, FITZPATRICK of Durham, GAMACHE of Lewiston, GATES of Rockport, GERRY of Auburn, GOOLEY of Farmington, GOULD of Greenville, GREEN of Monmouth, GREENLAW of Standish, GUERRETTE of Pittston, GWADOSKY of Fairfield, HARTNETT of Freeport, HATCH of Skowhegan, HEINO of Boothbay, HICHBORN of LaGrange, JACQUES of Waterville, JOHNSON of South Portland, JONES of Bar Harbor, JONES of Pittsfield, JOSEPH of Waterville, JOY of Crystal, JOYCE of Biddeford, JOYNER of Hollis, KEANE of Old Town, KERR of Old Orchard Beach, KILKELLY of Wiscasset, KNEELAND of Easton, KONTOS of Windham, LaFOUNTAIN of Biddeford, LABRECQUE of Gorham, LANE of Enfield, LAYTON of Cherryfield,

LEMAIRE of Lewiston, 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, MADORE of Augusta, MARSHALL of Eliot, MARTIN of Eagle Lake, MARVIN of Cape Elizabeth, MAYO of Bath, McALEVEY of Waterboro, McELROY of Unity, MERES of Norridgewock, MORRISON of Bangor, MURPHY of Berwick, NASS of Acton, NICKERSON of Turner, O'GARA of Westbrook, O'NEAL of Limestone, OTT of York, PEAHEY of Woolwich, PENDLETON of Scarborough, PERKINS of Penobscot, PINKHAM of Lamoine, PLOWMAN of Hampden, POIRIER of Saco, POULIN of Oakland, POULIOT of Lewiston, POVICH of Ellsworth, REED of Falmouth, REED of Dexter, RICE of South Bristol, RICHARDSON of Portland, RICKER of Lewiston, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, ROTONDI of Madison, ROWE of Portland, SAMSON of Jay, SAVAGE of Union, SAXL of Bangor, SHIAH of Bowdoinham, SIMONEAU of Thomaston, SIROIS of Caribou, SPEAR of Nobleboro, STEDMAN of Hartland, STEVENS of Orono, STONE of Bangor, TAYLOR of Cumberland, THOMPSON of Naples, TOWNSEND of Portland, TREAT of Gardiner, TRUE of Fryeburg, TUFTS of Stockton Springs, TUTTLE of Sanford, TYLER of Windham, UNDERWOOD of Oxford, VIGUE of Winslow, VOLENIK of Sedgwick, WATERHOUSE of Bridgton, WATSON of Farmingdale, WHEELER of Bridgewater, WHITCOMB of Waldo, WINGLASS of Auburn, WINN of Glenburn, WINSOR of Norway, YACKOBITZ of Hermon, Senators: AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, BERUBE of Androscoggin, BUSTIN of Kennebec, BUTLAND of Cumberland, CAREY of Kennebec, CARPENTER of York, CASSIDY of Washington, CIANCHETTE of Somerset, CLEVELAND of Androscoggin, FAIRCLOTH of Penobscot, FERGUSON of Oxford, HALL of Piscataquis, HANLEY of Oxford, HATHAWAY of York, LAWRENCE of York, LORD of York, McCORMICK of Kennebec, MICHAUD of Penobscot, MILLS of Somerset, O'DEA of Penobscot, PARADIS of Aroostook, PENDEXTER of Cumberland, PINGREE of Knox, RAND of Cumberland, RUHLIN of Penobscot, SMALL of Sagadahoc, STEVENS of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES ON THE FUTURE OF THE UNITED STATES NAVAL AIR STATION AT BRUNSWICK, MAINE  
WE, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States as follows:

WHEREAS, the Department of the Navy has maintained a naval air station at Brunswick, Maine during World War II and continuously since 1951; and

WHEREAS, the United States Naval Air Station at Brunswick has performed in an exemplary manner throughout its more than 4 decades of history; and

WHEREAS, the United States Naval Air Station at Brunswick is one of the most up-to-date facilities available in the United States for long-range maritime patrol; and

WHEREAS, the United States Naval Air Station at Brunswick is the only remaining operational naval air station in the northeast quadrant of the United States and the only military airfield in northern New England; and

WHEREAS, on the entire east coast, only the United States Naval Air Station at Brunswick and Key West have been identified as having "strategic military value"; and

WHEREAS, the United States Naval Air Station at Brunswick offers unencumbered air space, no encroachment problems and expansion capability to handle all 7 of the projected Atlantic Fleet VP squadrons with no additional military construction required; and

WHEREAS, the State of Maine is firmly committed to actively supporting the continuation of the United States Naval Air Station at Brunswick; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to continue to operate, develop and diversify the United States Naval Air Station at Brunswick, Maine; and be it further

RESOLVED: That We further urge the Congress of the United States to take all necessary action to ensure that the United States Naval Air Station at Brunswick remains an integral part of our nation's defense; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

#### SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

Gerald E. Talbot, of Portland, who was a Member of the House of Representatives in the 106th, 107th and 108th Legislatures, and who was the first person of African-American descent to serve in Maine. He was a leader in the Portland chapter of the NAACP, was instrumental in reviving it during the civil rights movement and has been committed to educating against racism, discrimination and hate. Mr. Talbot has gathered a unique personal collection relating to Black History, the experience of African-Americans in Maine and his own family roots in Maine, which go back to the 18th century. He has generously donated this collection to the University of Southern Maine for the benefit of all people of the State of Maine; (HLS 120) by Representative ROWE of Portland. (Cosponsors: Speaker GWADOSKY of Fairfield, President BUTLAND of Cumberland, Representative MITCHELL of Portland, Representative RICHARDSON of Portland, Representative ADAMS of Portland, Representative GIERINGER of Portland, Representative TOWNSEND of Portland, Representative BRENNAN of Portland, Senator ABROMSON of Cumberland, Senator RAND of Cumberland)

On objection of Representative ADAMS of Portland, was removed from the Special Sentiment Calendar.

Subsequently, was read.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, Men and Women of the House: Today I would like to take a moment to recognize and honor a former member of this body, former State Representative Gerald Talbot of Portland. A person whose name who will be remembered when the history of our times is written.

It is hard to remember that our times will indeed be history one day, but they will. It is hard to

remember in living from day to day that each day adds a layer to a life, but it does.

Few of us live our lives accordingly, but a few of us do — with our eyes always on the long road ahead. One such person is my friend, Gerald Talbot, whose lifetime collection of papers, photographs and memorabilia that he has collected and a Mainer, an American, an African-American, and as an activist, shall be donated to the University of Southern Maine Library where they will soon fill the greater part of one floor — open to the students and to the public of Maine.

Can any of us imagine that we should ever live a lifetime that someday would fill an entire floor? Few of us can boast that our years will be remembered at all, much less that they should be so full.

Representative Talbot's life travels a curve, in a sense, that brings him back to this floor of this chamber where he made his mark — now two decades ago.

His family fought in the American Revolution, in fact, to create a country that would not recognize them as full citizens for many centuries yet. They settled in Macwahoc Plantation. They became a respected family in Bangor.

As a young man Gerald Talbot, the descendant of that heritage, rode the busses into the deep south during that freedom summer 30 years ago to register voters and to work for equality of all peoples. He stood in the blazing sun on that day (now over a quarter of a century ago) to hear with his own ears the words of Dr. Martin Luther King at the Lincoln Memorial when he gave the great speech, "I have a dream."

He returned to Maine to help found the Greater Portland Chapter of the NAACP. Only a few people remain who can speak of those days, one sits in this body, my dear friend, Representative and Reverend Burger Johnson of South Portland. Gerald, Talbot and all of those who were members then spoke out for fair housing. He served 20 years ago in this House, the first and the still only Black, African-American, Mainer to serve here, fighting for the equality of all peoples.

I pause in the litney to point something out — lovely words aren't they "fight for the equality of all people" — very nice words for a speech but I assure you it is quite a different thing to say it and to mean it while you are looking down the barrel of a gun in Mississippi. Gerald Talbot has — where he was told, "equalize someplace else, Mister" and believe me, if you were a person of color in that time and in that place you counted yourself lucky if what they called you was Mister.

It is no easier to begin the fight for fair housing in the City of Portland, Maine. Let me assure you, having read the news clips of those days, far from everyone was grateful for the words that Gerald Talbot felt compelled to speak out of conscience in those days, even here in the State of Maine or, for that matter, to have the courage to speak in this chamber to create Maine's first notice of Martin Luther King Day. For there were many in this chamber and in this state who at that time in no way were grateful or sympathetic for the thoughts to be expressed by taking notice of a "colored person" so to speak, at that time and day with an official holiday.

If you read the debate of those days, as I have recently done, it will raise the hair on the back of

your neck. Few in this chamber could possibly have had the courage to stand — what he did there, then.

It is amazing to read but it has become history today. Yes, we all will become history in spite of ourselves.

We are a nation that has never stopped inventing itself. Long ago the jurist, Oliver Wendle Holmes, was asked the meaning of the Civil War, the defining event of his youth and his generation. I think he answered that, "as life is action and it is passion that a man must engage in the action and in the passion of his times at risk of being judged never to have lived." 100 years later we are still inventing exactly what it means for a quality of all people in America, a country that is always moving, always changing and is never still.

Very few of us take every chance we have to engage in the action and in the passion of our times and all that life will offer us. My friend, Representative Gerald Talbot, always has. Few can really state personally what a rough road it is to do that, Representative Gerald Talbot can. And, as a result of that very few of us (when the short compass of our years are finished) will be able to point to a full floor in a University Library with your grandchildren standing by your side and say, "With my own eyes, these are the things I saw. With my own hands, these are the things that I did. With my own life, this is what I believed was worth doing." Each of us could, Gerald Talbot did. Very few of us do, Gerald Talbot always did.

I am proud to be his friend. Proud to have worked with him in small ways throughout the years. Proud to have known him since I was a boy, and proud that it falls to me in the circle of time that I get to stand here on the floor of this House and say these words in honor of my friend and our former colleague and our most deserving friend, Representative Gerald Talbot of Portland.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I am the only person in this body who was a member of the House when Jerry Talbert came to the Maine House of Representatives. As a matter of fact, I was Minority Floor Leader. It was the year in which some of Jerry's friends had told me, "Watch out for the hot-head from Portland, he is really going to excite things, he is going to change things or he is going to try and you are going to know he is going to."

What I found was a person who is dedicated and devoted to the cause of individual freedom, the cause of equality and, an individual who is willing to stand his ground to achieve that.

There were some interesting moments. One I can tell you about, I suppose. It was a decision that I very quickly made (with the then Speaker) and asked that Jerry sit next to us. Some of you who know the second person I am going to talk about was Pat McTeague who was the Assistant Minority Floor Leader that year — and sat Jerry next to Pat in the hopes that the two of us would be able to control Jerry. I can tell you that that was a lost cause because Jerry was going to say what he wanted and what he believed and that he did for the years that he served in the Maine Legislature because he was a believer in not only what equality ought to be but what and how it ought to be practiced.

For a boy who began in Aroostook County — at the very tip, to Bangor and Portland, it was Portland's advantage to have him for the years that they did in serving the City of Portland as he did. He did a great job for Portland and for the people of Maine, not only for the people that happened to be Black Americans.

So, I congratulate him today and congratulate the University of Southern Maine for having been wise enough to make the decision to take the papers and to place them in a permanent manner to preserve them for the future.

When all of us leave this institution we hope that we have made some mark not only on the institution but on the people of Maine. It is my opinion that Jerry Talbot has done that and has accomplished some things that most of wish we could.

So, to Jerry and to the family, my best wishes to you. And to the University of Southern Maine, congratulations for having accepted the papers.

At this point, the Speaker recognized in the gallery former Representative Jerry Talbot and his family. (Applause, the audience rising)

Subsequently, HLS 120 was passed and sent up for concurrence.

---

Alison Brickel, a senior at Rockland District High School, who has been battling cancer for over a year. She has maintained her grades in spite of her intensive therapy, and with her ever-present smile, she has been an inspiration to her classmates and her teammates. She scored 4 points in a recent basketball tournament and it brought new meaning to the sport for the 4000 fans present. We extend our very best wishes to her; (HLS 121) by Representative CHARTRAND of Rockland. (Cosponsor: Senator PINGREE of Knox)

On objection of Representative JACQUES of Waterville, was removed from the Special Sentiment Calendar.

On further motion of the same Representative, the Sentiment was tabled pending passage and specially assigned for March 7, 1995.

---

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

#### REPORTS OF COMMITTEES

##### Ought to Pass Pursuant to Statutes

Representative LEMKE for the Committee on Audit and Program Review of the 116th Legislature on Bill "An Act Regarding the Functioning of the Department of Mental Health and Mental Retardation and Several Professional Regulatory Boards" (EMERGENCY) (H.P. 483) (L.D. 664) reporting "Ought to Pass" pursuant to the Maine Revised Statutes, Title 3, chapter 33.

The Report was read and accepted. The bill was read once and assigned for second reading Thursday, March 2, 1995.

#### CONSENT CALENDAR

##### First Day

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



(S.P. 41) (L.D. 71) Bill "An Act to Amend the Charter of the Port Clyde Water District" (EMERGENCY) Committee on Utilities and Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (S-11)

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, March 2, 1995 under the listing of Second Day.

#### ENACTOR

##### Emergency Measure

An Act to Modify the Motor Vehicle Emission Inspection Requirement for Vehicle Registration (S.P. 242) (L.D. 639) (Governor's Bill)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative GOULD of Greenville requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

#### Roll Call No. 7

YEA - Adams, Ahearne, Aikman, Barth, Benedikt, Berry, Bigl, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Damren, Desmond, Dexter, Dipietro, Donnelly, Driscoll, Dunn, Etnier, Farnum, Fisher, Gamache, Gates, Gerry, Gieringer, Gooley, Gould, Green, Greenlaw, Guerrette, Hartnett, Hatch, Heeschen, Heino, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lafountain, Lane, Layton, Lemaire, Lemont, Libby JL; Libby JD; Lindahl, Look, Lovett, Lumbra, Luther, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, Nass, Nickerson, O'Gara, O'Neal, Peavey, Pendleton, Perkins, Pinkham, Poirier, Pouliot, Reed, G.; Reed, W; Rice, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Shiah, Sirois, Spear, Stedman, Stevens, K.; Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tufts, Tuttle, Tyler, Underwood, Vigue, Volenik, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winn, Winsor, The Speaker.

NAY -

ABSENT - Ault, Bailey, Campbell, Davidson, Dore, Fitzpatrick, Lemke, Meres, Ott, Plowman, Poulin, Povich, Richardson, Rotondi, Saxl, Simoneau, Stone, Truman, Yackobitz.

Yes, 130; No, 0; Absent, 19; Paired, 0; Excused, 0, Vacancy 2.

130 having voted in the affirmative and 0 in the negative, a two-thirds vote of all the members elected to the House being necessary, accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. Ordered sent forthwith.

#### UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, February 23, 1995 has

preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

Bill "An Act to Transfer Legislative Jurisdiction over Loring Air Force Base from the United States to the State" (EMERGENCY) (S.P. 125) (L.D. 308)

- In House, Passed to be Enacted on February 1, 1995.

- In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-13) in non-concurrence.

TABLED - February 23, 1995 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Further Consideration.

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

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

#### COMMUNICATIONS

The following Communication: (H.C. 47)

117th Maine Legislature

February 7, 1995

Michael Orenduff, Chancellor

University of Maine System

107 Maine Avenue

Bangor, Maine 04401

Dear Chancellor Orenduff:

We are pleased to invite you to address a Joint Session of the 117th Maine Legislature on Thursday, March 2, 1995 at 10:30 a.m. concerning the State of the University and any other matters that you may care to bring to our attention.

We look forward to seeing you then. Best wishes.

Sincerely,

S/Jeffrey H. Butland

S/Dan A. Gwadosky

President of the Senate Speaker of the House

Was read and ordered placed on file.

The following Communication: (S.P. 258)

UNIVERSITY OF MAINE SYSTEM

107 Maine Avenue

Bangor, Maine 04401-4380

February 14, 1995

The Honorable Jeffrey H. Butland

President of the Senate

The Honorable Dan A. Gwadosky

Speaker of the House

117th Maine Legislature

State House

Augusta, ME 04333

Dear President Butland and Speaker Gwadosky:

Thank you for your letter of February 7th inviting me to address a Joint Session of the 117th Maine Legislature on Thursday, March 2, 1995. I am pleased to accept your invitation and look forward to this opportunity to comment on the State of the University of Maine System.

Sincerely,

S/J. Michael Orenduff

Chancellor

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

Was read and ordered placed on file in concurrence.

The following Communication: (H.C. 48)

117th Maine Legislature

February 27, 1995

Hon. Angus S. King  
Governor of Maine  
State House Station #1  
Augusta, Maine 04333  
Dear Governor King:

We invite you to join us on March 2, 1995 at 10:30 a.m. for a Joint Session of the Maine Legislature where Chancellor Michael Orenduff will give the State of the University Address.

We would be honored if you can attend. Please notify May Ross, Secretary of the Senate to make any necessary arrangements.

Sincerely,

S/Jeffrey H. Butland      S/Dan A. Gwadosky  
President of the Senate      Speaker of the House  
Was read and ordered placed on file.

---

#### SENATE PAPERS

Bill "An Act Concerning Licensing of Clinical Counselors" (EMERGENCY) (S.P. 248) (L.D. 645)

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 Expand Eligibility for Benefits under the Adoption Assistance Program" (EMERGENCY) (S.P. 247) (L.D. 644)

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

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

---

Bill "An Act to Provide Better Information Concerning Tort Reform" (S.P. 246) (L.D. 643)

Bill "An Act Governing Privileged Communications between Victims of Domestic Violence and Their Advocates" (S.P. 261) (L.D. 697)

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 Allow Seasonal Public Employees to Be Eligible for Unemployment Compensation" (S.P. 255) (L.D. 693)

Bill "An Act to Amend the Maine State Retirement System Laws to Authorize the Buy-back of Time Served in the Peace Corps or VISTA Programs" (S.P. 260) (L.D. 696)

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 Authorize Municipalities to Pay Employees Biweekly" (S.P. 259) (L.D. 695)

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

On motion of Representative JACQUES of Waterville, the Bill was referred to the Committee on **State and Local Government**, in non-concurrence and sent up for concurrence.

Bill "An Act to Reinstate the Laws Governing Dam Abandonment" (S.P. 249) (L.D. 646)

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

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

---

Bill "An Act to Amend the Laws Regarding Use and Acquisition of State Property" (S.P. 250) (L.D. 647)

Bill "An Act to Extend the Reporting Deadlines of the Commission on Governmental Ethics and Election Practices and the Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector" (EMERGENCY) (S.P. 254) (L.D. 692)

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 Encourage Public Land Acquisition and Management by Changing the Allocation Formula for Real Estate Transfer Tax" (S.P. 244) (L.D. 641)

Bill "An Act to Reestablish the Tax Credit for Intrastate Airlines" (EMERGENCY) (S.P. 245) (L.D. 642)

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

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

---

Bill "An Act to Broaden the Scope of the Farm Registration Laws to Include Farm Woodland Trucks" (S.P. 243) (L.D. 640)

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 Clarify the Intent of the Electric Rate Reform Act" (S.P. 253) (L.D. 691)

Bill "An Act to Create the Franklin Utility District" (EMERGENCY) (S.P. 256) (L.D. 694)

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.

---

#### Reported Pursuant to Statutes

Report of the Revisor of Statutes, pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to submit its findings and to report that the accompanying Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 251) (L.D. 648) be referred to the Joint Standing Committee on **Judiciary** for public hearing and printed pursuant to Joint Rule 20.

Came from the Senate with the report read and accepted and the Bill referred to the Committee on **Judiciary** and Ordered Printed.

The Report was read and accepted and the Bill was referred to the Committee on **Judiciary** in concurrence.

---

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

Bill "An Act to Strengthen the Laws Currently Governing the Failure to Preserve the Life of a Live Born Person" (H.P. 498) (L.D. 679) which was tabled by Representative CLARK of Millinocket pending reference.

Subsequently, the Bill was referred to the Committee on **Judiciary**, ordered printed and sent up for concurrence. Ordered sent forthwith.

---

On motion of Representative STROUT of Corinth, the House adjourned at 12:38 p.m., until 9:30 a.m., Thursday, March 2, 1995.