

# 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  
31st Legislative Day  
Tuesday, April 11, 1995

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

Prayer by the Reverend Bruce Felt, Augusta Baptist Church.

National Anthem by the Rockland District High School Band.

The Journal of Thursday, April 6, 1995 was read and approved.

**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act Relating to the Maine Health Program" (EMERGENCY) (H.P. 271) (L.D. 373) on which the Majority "Ought to Pass" as amended Report of the Committee on Human Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-15) in the House on March 28, 1995.

Came from the Senate passed to be engrossed in non-concurrence.

On motion of Representative FITZPATRICK of Durham, tabled pending further consideration and later today assigned.

**COMMUNICATIONS**

The following Communication: (H.C. 91)  
117th Maine Legislature  
April 5, 1995

The Honorable Joseph W. Mayo  
Clerk of the House  
State House Station #2  
Augusta, ME 04333  
Dear Clerk Mayo:

Pursuant to our authority under Title 12 MRSA, Section 4603, we have today appointed Senator Jill Goldthwait of Hancock as the legislative member of the Atlantic States Marine Fisheries Commission.

Please let us know if you have any questions regarding this appointment.

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: (H.C. 92)  
STATE OF MAINE  
Department of Administrative and Financial Services  
Bureau of Accounts and Control  
April 10, 1995

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

Dear Mr. Speaker and Mr. President:

In accordance with Title 5, Maine Revised Statutes Annotated, Section 1547, the accompanying Financial Report of the State of Maine is submitted for the fiscal year ended June 30, 1994.

The first section of the report consists of the General Purpose Financial Statements for all funds reported in accordance with generally accepted accounting principles (GAAP). Generally accepted accounting principles for the Governmental Funds uses the modified accrual basis of accounting. Revenues are recognized when they become measurable and available as current assets. Expenditures are generally recognized when the related fund liability is incurred. Exceptions to Generally Accepted Accounting Principles in these financial statements include accumulated unpaid vacation and sick leave which has not been recorded, and interest on general long-term debt which is recognized when due.

The second section is reported, as it has been in the past, based upon the budgetary and legal requirements. Please refer to Note 9 of the General Notes to the Financial Statements for the reconciliation of the fund balances between the two sections. Comparative budgetary data and statistical information have also been included in this report to promote a better understanding of the State's finances.

Questions and comments about this report or any phase of State finances are always welcome.

Sincerely,  
S/Carol F. Whitney  
State Controller

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:

**Agriculture, Conservation and Forestry**

Bill "An Act to Require That a Person Providing a Dog to a Laboratory Show Proof of Ownership of the Dog" (H.P. 896) (L.D. 1272) (Presented by Representative WINN of Glenburn)

**Business and Economic Development**

Bill "An Act to Increase Venture Capital Access to State Businesses" (H.P. 920) (L.D. 1296) (Presented by Representative KONTOS of Windham) (Cosponsored by Representatives: CAMERON of Rumford, DAVIDSON of Brunswick, DORE of Auburn, GWADOSKY of Fairfield, LIBBY of Kennebunk, POVICH of Ellsworth, REED of Dexter, ROWE of Portland, SIROIS of Caribou, Senators: BUTLAND of Cumberland, CIANCHETTE of Somerset, HARRIMAN of Cumberland)

Resolve, Directing the Department of Professional and Financial Regulation to Review Continuing Education Requirements for Medical Professions (EMERGENCY) (H.P. 901) (L.D. 1277) (Presented by Representative WINN of Glenburn)

**Criminal Justice**

Bill "An Act to Require County and State Inmates to Pay a Health Care Fee" (H.P. 891) (L.D. 1244) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator BENOIT of Franklin and Representatives: AIKMAN of Poland, BAILEY of Township

27, BUNKER of Kossuth Township, CLARK of Millinocket, CLUKEY of Houlton, DEXTER of Kingfield, DONNELLY of Presque Isle, GERRY of Auburn, GOOLEY of Farmington, KERR of Old Orchard Beach, KNEELAND of Easton, LAYTON of Cherryfield, LINDAHL of Northport, McALEVEY of Waterboro, MORRISON of Bangor, NASS of Acton, O'NEAL of Limestone, PINKHAM of Lamoine, ROBICHAUD of Caribou, WATERHOUSE of Bridgton, Senators: FERGUSON of Oxford, HALL of Piscataquis, KIEFFER of Aroostook, MICHAUD of Penobscot)

Bill "An Act to Require Minimum Mandatory Sentences for Persons Convicted of Assault Crimes" (H.P. 900) (L.D. 1276) (Presented by Representative McALEVEY of Waterboro) (Cosponsored by Senator BENOIT of Franklin and Representatives: AIKMAN of Poland, BUCK of Yarmouth, CAMERON of Rumford, CHICK of Lebanon, CLARK of Millinocket, DRISCOLL of Calais, GERRY of Auburn, GIERINGER of Portland, GWADOSKY of Fairfield, JACQUES of Waterville, JOY of Crystal, LAYTON of Cherryfield, LIBBY of Kennebunk, LIBBY of Buxton, MARVIN of Cape Elizabeth, MAYO of Bath, NADEAU of Saco, NASS of Acton, O'NEAL of Limestone, PAUL of Sanford, PEAVEY of Woolwich, SIROIS of Caribou, TUTTLE of Sanford, WATERHOUSE of Bridgton, WHEELER of Bridgewater, Senators: BUTLAND of Cumberland, HALL of Piscataquis, LORD of York, O'DEA of Penobscot, PENDEXTER of Cumberland)

Bill "An Act to Prohibit Home Repair Fraud and Establish Aggravated Penalties When the Victim Is an Older Person" (H.P. 918) (L.D. 1294) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representatives: AHEARNE of Madawaska, BOUFFARD of Lewiston, BUCK of Yarmouth, CHASE of China, CHICK of Lebanon, CHIZMAR of Lisbon, CLOUTIER of South Portland, DESMOND of Mapleton, DRISCOLL of Calais, FISHER of Brewer, GAMACHE of Lewiston, GERRY of Auburn, GREEN of Monmouth, HARTNETT of Freeport, JACQUES of Waterville, JONES of Pittsfield, JOSEPH of Waterville, LEMAIRE of Lewiston, McALEVEY of Waterboro, MERES of Norridgewock, MORRISON of Bangor, NADEAU of Saco, O'GARA of Westbrook, POVICH of Ellsworth, REED of Dexter, ROTONDI of Madison, SAVAGE of Union, SAXL of Bangor, SIROIS of Caribou, TUFTS of Stockton Springs, TUTTLE of Sanford, TYLER of Windham, WATSON of Farmingdale, Senators: ABROMSON of Cumberland, BUTLAND of Cumberland, CAREY of Kennebec, FERGUSON of Oxford, LAWRENCE of York, MICHAUD of Penobscot, PARADIS of Aroostook, STEVENS of Androscoggin) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

#### Education and Cultural Affairs

Bill "An Act to Establish Minimum Statewide Standards for Teachers' Salaries" (H.P. 887) (L.D. 1240) (Presented by Representative KEANE of Old Town) (Cosponsored by Representatives: BERRY of Livermore, CAMERON of Rumford, FISHER of Brewer, SAMSON of Jay, TUTTLE of Sanford)

Resolve, to Standardize the Basic Entrance and Placement Examinations for the Maine Technical College System and the University of Maine System (H.P. 898) (L.D. 1274) (Presented by Representative WINN of Glenburn)

Resolve, Directing the Department of Education and the Department of Professional and Financial Regulation to Review the Continuing Education Requirements for Speech Therapists Working in the Schools (EMERGENCY) (H.P. 899) (L.D. 1275) (Presented by Representative WINN of Glenburn)

#### Human Resources

Bill "An Act to Further Support the Community Service Volunteer Programs of the National Senior Service Corps of Maine" (H.P. 889) (L.D. 1242) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Representatives: HICHBORN of Lagrange, LEMKE of Westbrook, SPEAR of Nobleboro, STROUT of Corinth, YACKOBITZ of Hermon, Senators: BEGLEY of Lincoln, RUHLIN of Penobscot)

Bill "An Act to Establish the Work-Not-Welfare Pilot Program" (H.P. 895) (L.D. 1248) (Presented by Representative MARTIN of Eagle Lake) (Cosponsored by Representative: FITZPATRICK of Durham, Senator: SMALL of Sagadahoc)

Bill "An Act to Amend the Certificate of Need Laws to Include Rural Health Clinics" (H.P. 912) (L.D. 1288) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: AHEARNE of Madawaska, BUNKER of Kossuth Township, CARLETON of Wells, DRISCOLL of Calais, LIBBY of Kennebunk, MARTIN of Eagle Lake, REED of Dexter, TUFTS of Stockton Springs, WHEELER of Bridgewater, Senators: CASSIDY of Washington, PENDEXTER of Cumberland)

Resolve, to Increase Payments to Foster Parents (H.P. 914) (L.D. 1290) (Presented by Representative DORE of Auburn) (Cosponsored by Senator PINGREE of Knox and Representatives: CAMERON of Rumford, FITZPATRICK of Durham, KONTOS of Windham, PAUL of Sanford, PLOWMAN of Hampden, SAXL of Bangor)

Bill "An Act to Restrict the Use of State Agencies for Representation of Nonresidents under the Uniform Interstate Family Support Act" (H.P. 886) (L.D. 1239) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representative: O'GARA of Westbrook, Senator: ESTY of Cumberland)

The Committee on Human Resources was suggested.

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

#### Inland Fisheries and Wildlife

Bill "An Act to Ensure Public Review and Legislative Oversight of Proposals Regarding the Introduction or Reintroduction of Threatened or Endangered Species" (H.P. 884) (L.D. 1237) (Presented by Representative JACQUES of Waterville) (Cosponsored by Representatives: CAMPBELL of Holden, CLARK of Millinocket, DEXTER of Kingfield, FARNUM of South Berwick, GOULD of Greenville, KEANE of Old Town, KILKELLY of Wiscasset, MARTIN of Eagle Lake, MORRISON of Bangor, POULIOT of Lewiston, ROSEBUSH of East Millinocket, THOMPSON of Naples, TYLER of Windham, Senators: CAREY of Kennebec, KIEFFER of Aroostook, STEVENS of Androscoggin)

Bill "An Act to Provide a \$35 Bounty on Coyotes" (H.P. 885) (L.D. 1238) (Presented by Representative KEANE of Old Town)

Bill "An Act to Change the Atlantic Sea Run Salmon Commission" (H.P. 922) (L.D. 1298) (Presented by Representative BAILEY of Township 27) (Cosponsored by Representatives: BUNKER of Kossuth Township, DRISCOLL of Calais, LAYTON of Cherryfield)

**Judiciary**

Bill "An Act to Amend the Probate Code Regarding Conservatorship Funds and to Require Bonds for Out-of-state Conservators" (H.P. 911) (L.D. 1287) (Presented by Representative MADORE of Augusta) (Submitted by the Department of Human Services pursuant to Joint Rule 24.)

Bill "An Act to Require That Grandparent Visitation Rights Be Included in Divorce Decrees" (H.P. 916) (L.D. 1292) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representatives: DIPIETRO of South Portland, FISHER of Brewer, GIERINGER of Portland, KEANE of Old Town, LANE of Enfield, LEMONT of Kittery, LOVETT of Scarborough, LUMBRA of Bangor, MARSHALL of Eliot, MURPHY of Berwick, PINKHAM of Lamoine, RICE of South Bristol)

**Legal and Veterans Affairs**

Bill "An Act to Implement Campaign Finance Reforms" (H.P. 893) (L.D. 1246) (Presented by Representative MARTIN of Eagle Lake) (Cosponsored by Representative: NADEAU of Saco)

Bill "An Act to Restrict Private Political Campaign Contributions in State Elections" (H.P. 923) (L.D. 1299) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representative CARLETON of Wells and Representatives: BARTH of Bethel, BRENNAN of Portland, CAMERON of Rumford, CAMPBELL of Holden, DESMOND of Mapleton, ETNIER of Harpswell, JOHNSON of South Portland, LEMONT of Kittery, MORRISON of Bangor, RICE of South Bristol, SAXL of Portland, SHIAH of Bowdoinham, TRUE of Fryeburg, Senators: BUSTIN of Kennebec, FAIRCLOTH of Penobscot, PARADIS of Aroostook)

**Natural Resources**

Bill "An Act to Repeal the 100-foot Setback from Landfills for Recycling Facilities" (H.P. 888) (L.D. 1241) (Presented by Representative PERKINS of Penobscot) (Cosponsored by Representatives: BUCK of Yarmouth, CLARK of Millinocket, DAMREN of Belgrade, DEXTER of Kingfield, GOULD of Greenville, GREENLAW of Standish, GUERRETTE of Pittston, Senators: CASSIDY of Washington, LORD of York)

Bill "An Act to Reestablish the Great Pond Task Force" (H.P. 890) (L.D. 1243) (Presented by Representative JACQUES of Waterville) (Cosponsored by Representatives: DAVIDSON of Brunswick, FARNUM of South Berwick, GOULD of Greenville, JOSEPH of Waterville, MITCHELL of Vassalboro, MORRISON of Bangor, POULIOT of Lewiston, ROSEBUSH of East Millinocket, THOMPSON of Naples, TREAT of Gardiner, TYLER of Windham, WATSON of Farmingdale, Senators: BUSTIN of Kennebec, CAREY of Kennebec, STEVENS of Androscoggin)

Bill "An Act to Amend the Income Eligibility Criteria of the Small Community Wastewater Program" (H.P. 915) (L.D. 1291) (Presented by Representative LAYTON of Cherryfield) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

**State and Local Government**

Bill "An Act Limiting the Types of Municipal Investments" (H.P. 892) (L.D. 1245) (Presented by Representative RICHARDSON of Portland) (Cosponsored by Representatives: CAMERON of Rumford, DORE of

Auburn, DUNN of Gray, GERRY of Auburn, KERR of Old Orchard Beach, KILKELLY of Wiscasset, ROWE of Portland, Senators: CLEVELAND of Androscoggin, LORD of York)

Bill "An Act to Correct Obsolete References to Justices of the Peace" (H.P. 906) (L.D. 1282) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representatives: AHEARNE of Madawaska, YACKOBITZ of Hermon) (Submitted by the Secretary of State pursuant to Joint Rule 24.)

Bill "An Act to Update and Clarify Administrative Procedures" (H.P. 907) (L.D. 1283) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representatives: AHEARNE of Madawaska, YACKOBITZ of Hermon) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

Bill "An Act to Clarify and Expand the Powers and Duties of Lake Arrowhead Community, Incorporated, and to Change Its Name to Lake Arrowhead Community Municipal Services Corporation" (EMERGENCY) (H.P. 909) (L.D. 1285) (Presented by Representative McALEVEY of Waterboro) (Cosponsored by Senator LORD of York and Representative: TRUE of Fryeburg)

Resolve, to Ensure Standardization among State Agency Regulations (H.P. 897) (L.D. 1273) (Presented by Representative WINN of Glenburn)

**Taxation**

Bill "An Act to Decrease State Costs by Requiring That Both Parties Involved in a Property Tax Dispute Share Hearing Costs" (H.P. 902) (L.D. 1278) (Presented by Representative LIBBY of Buxton) (Cosponsored by Representatives: JOYNER of Hollis, ROBICHAUD of Caribou)

Bill "An Act to Exempt Computer Software Services from Taxation" (H.P. 903) (L.D. 1279) (Presented by Representative WINN of Glenburn)

Bill "An Act to Provide a Tax Credit for Small Businesses Providing Health Insurance Benefits for Employees" (H.P. 904) (L.D. 1280) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representative DONNELLY of Presque Isle and Representatives: BARTH of Bethel, BOUFFARD of Lewiston, BUCK of Yarmouth, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CHICK of Lebanon, CLOUTIER of South Portland, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAMREN of Belgrade, DIPIETRO of South Portland, DUNN of Gray, FISHER of Brewer, GAMACHE of Lewiston, GIERINGER of Portland, GOOLEY of Farmington, GOULD of Greenville, GREEN of Monmouth, GREENLAW of Standish, GUERRETTE of Pittston, HARTNETT of Freeport, HEINO of Boothbay, HICHBORN of Lagrange, JACQUES of Waterville, JOHNSON of South Portland, JONES of Pittsfield, JOY of Crystal, JOYNER of Hollis, KEANE of Old Town, KNEELAND of Easton, LABRECQUE of Gorham, LANE of Enfield, LAYTON of Cherryfield, LEMONT of Kittery, LIBBY of Kennebunk, LINDAHL of Northport, LOVETT of Scarborough, LUMBRA of Bangor, MADORE of Augusta, MARSHALL of Eliot, MARTIN of Eagle Lake, MARVIN of Cape Elizabeth, MAYO of Bath, McALEVEY of Waterboro, McELROY of Unity, MURPHY of Berwick, NASS of Acton, NICKERSON of Turner, OTT of York, PAUL of Sanford, PENDLETON of Scarborough, PERKINS of Penobscot, PINKHAM of Lamoine, POIRIER of Saco, POULIN of Oakland, POULIOT of Lewiston, REED of Falmouth, REED of Dexter, RICE of South Bristol, ROSEBUSH of East Millinocket, SAVAGE of Union, SPEAR of Nobleboro, STEDMAN of Hartland, STROUT of Corinth, TRIPP of

Topsham, TRUE of Fryeburg, TRUMAN of Biddeford, TUFTS of Stockton Springs, UNDERWOOD of Oxford, WATERHOUSE of Bridgton, WATSON of Farmingdale, WHEELER of Bridgewater, WHITCOMB of Waldo, Senators: BEGLEY of Lincoln, BENOIT of Franklin, BUTLAND of Cumberland, CASSIDY of Washington, CIANCHETTE of Somerset, ESTY of Cumberland, FERGUSON of Oxford, LORD of York, PENDEXTER of Cumberland, RAND of Cumberland, STEVENS of Androscoggin)

Bill "An Act Altering the Method of Computing the Hospital Tax" (EMERGENCY) (H.P. 910) (L.D. 1286) (Presented by Representative DUNN of Gray) (Cosponsored by Representative WINGLASS of Auburn, Senator PENDEXTER of Cumberland and Representatives: AIKMAN of Poland, AULT of Wayne, BAILEY of Township 27, BARTH of Bethel, BIGL of Bucksport, BIRNEY of Paris, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CARLETON of Wells, CHICK of Lebanon, CLARK of Millinocket, CLUKEY of Houlton, CROSS of Dover-Foxcroft, DAMREN of Belgrade, DEXTER of Kingfield, DIPIETRO of South Portland, DONNELLY of Presque Isle, DORE of Auburn, FARNUM of South Berwick, FITZPATRICK of Durham, GOOLEY of Farmington, GOULD of Greenville, GUERRETTE of Pittston, HARTNETT of Freeport, HEINO of Boothbay, HICHBORN of Lagrange, JOY of Crystal, JOYCE of Biddeford, JOYNER of Hollis, KNEELAND of Easton, LANE of Enfield, LEMONT of Kittery, LIBBY of Kennebunk, LINDAHL of Northport, LOVETT of Scarborough, LUMBRA of Bangor, LUTHER of Mexico, MADORE of Augusta, MARSHALL of Eliot, MARVIN of Cape Elizabeth, MAYO of Bath, McALEVEY of Waterboro, McELROY of Unity, MURPHY of Berwick, NICKERSON of Turner, OTT of York, PEAVEY of Woolwich, PERKINS of Penobscot, PINKHAM of Lamoine, POIRIER of Saco, POVICH of Ellsworth, REED of Falmouth, REED of Dexter, RICE of South Bristol, RICKER of Lewiston, ROBICHAUD of Caribou, SAVAGE of Union, SIMONEAU of Thomaston, SPEAR of Nobleboro, STEDMAN of Hartland, STONE of Bangor, TAYLOR of Cumberland, TRIPP of Topsham, TRUE of Fryeburg, TUFTS of Stockton Springs, UNDERWOOD of Oxford, VIGUE of Winslow, WATERHOUSE of Bridgton, WHITCOMB of Waldo, WINSOR of Norway, YACKOBITZ of Hermon, Senators: ABROMSON of Cumberland, AMERO of Cumberland, BEGLEY of Lincoln, BENOIT of Franklin, BUTLAND of Cumberland, CAREY of Kennebec, CARPENTER of York, CASSIDY of Washington, ESTY of Cumberland, FERGUSON of Oxford, GOLDTHWAIT of Hancock, HALL of Piscataquis, HANLEY of Oxford, HARRIMAN of Cumberland, HATHAWAY of York, KIEFFER of Aroostook, LAWRENCE of York, LORD of York, MICHAUD of Penobscot, MILLS of Somerset, PARADIS of Aroostook, 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 27.)

Bill "An Act to Amend the Property Tax Applicable to Institutions and Organizations" (H.P. 913) (L.D. 1289) (Presented by Representative AHEARNE of Madawaska)

Bill "An Act to Reduce the Sales Tax to 5% by October 1, 1996" (H.P. 917) (L.D. 1293) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representatives: CARLETON of Wells, CHICK of Lebanon, FARNUM of South Berwick, KEANE of Old Town, LANE of Enfield, LEMONT of Kittery, LOVETT of Scarborough, MARSHALL of Eliot, MURPHY of Berwick, PINKHAM of Lamoine, RICE of South Bristol)

Bill "An Act to Conform Maine Law with the Provisions of the Federal Clean Air Act and the

Internal Revenue Code Pertaining to the Use of Dyed Fuel on Highways" (EMERGENCY) (H.P. 919) (L.D. 1295) (Presented by Representative DORE of Auburn) (Cosponsored by Representative: MURPHY of Berwick) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 24.)

#### Transportation

Bill "An Act Concerning the Transportation of Crushed Vehicles" (H.P. 883) (L.D. 1236) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representative: JOHNSON of South Portland)

Bill "An Act to Ensure Consistency in the Laws Governing Maine's Roads" (H.P. 921) (L.D. 1297) (Presented by Representative AULT of Wayne)

#### Utilities and Energy

Bill "An Act to Create the Overhead High-voltage Line Safety Act" (H.P. 894) (L.D. 1247) (Presented by Representative TAYLOR of Cumberland) (Cosponsored by Representatives: CAMERON of Rumford, CLARK of Millinocket, DONNELLY of Presque Isle, GIERINGER of Portland, KONTOS of Windham, STONE of Bangor, Senator: CARPENTER of York)

Bill "An Act to Clarify Notice Requirements and a Party's Opportunity to be Heard" (H.P. 905) (L.D. 1281) (Presented by Representative KONTOS of Windham) (Cosponsored by Senator CARPENTER of York) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

Bill "An Act to Remove Outdated Provisions from the Public Utilities Law" (H.P. 908) (L.D. 1284) (Presented by Representative KONTOS of Windham) (Cosponsored by Senator CARPENTER of York) (Submitted by the Public Utilities Commission pursuant to Joint Rule 24.)

On motion of Representative JACQUES of Waterville, the House reconsidered its action whereby Bill "An Act to Increase Venture Capital Access to State Businesses" (H.P. 920) (L.D. 1296) was referred to the Committee on Business and Economic Development.

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

#### ORDERS

On motion of Representative ADAMS of Portland the following Order: (H.O. 20)

**ORDERED**, that the House Rules be amended by adding a new House Rule 59 to read:

59. A bill or resolve in final form that is ready for signature whose primary sponsor is a member of the House may be circulated for signatures only by the sponsor or cosponsors of that bill or resolve. This does not preclude a bill or a resolve from being held for signature in the Office of the Speaker of the House, the offices of the minority or majority party or the Office of the Revisor of Statutes.

Was read.

On motion of Representative ADAMS of Portland, tabled one legislative day pursuant to House Rule 54.

#### REPORTS OF COMMITTEES Ought to Pass as Amended

Representative DORE from the Committee on Taxation on Resolve, Authorizing the Transfer of a Certain Parcel of Land Known as Kole Kill Island in West Grand Lake upon Payment of Back Taxes (H.P. 197) (L.D. 256) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-86)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-86) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, April 12, 1995.

#### Ought to Pass as Amended

Representative DORE from the Committee on Taxation on Bill "An Act to Establish an Equitable Sales Tax Structure for Bottled Water" (H.P. 258) (L.D. 360) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-85)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-85) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, April 12, 1995.

#### Divided Report

Majority Report of the Committee on Judiciary reporting **"Ought Not to Pass"** on Bill "An Act to Authorize the Broadcasting of Information about Persons Who Are Delinquent with Child Support Payments" (H.P. 250) (L.D. 352)

Signed:

Senators: MILLS of Somerset  
PENDEXTER of Cumberland  
FAIRCLOTH of Penobscot

Representatives: TREAT of Gardiner  
RICHARDSON of Portland  
NASS of Acton  
JONES of Bar Harbor  
HARTNETT of Freeport  
WATSON of Farmingdale  
MADORE of Augusta  
LEMKE of Westbrook

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-77) on same Bill.

Signed:

Representatives: PLOWMAN of Hampden  
LaFOUNTAIN of Biddeford

Was read.

Representative TREAT of Gardiner moved that the House accept the Majority **"Ought Not to Pass"** Report.

On further motion of the same Representative, tabled pending her motion to accept the Majority **"Ought Not to Pass"** Report and later today assigned.

#### CONSENT CALENDAR

##### First Day

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

(S.P. 56) (L.D. 85) Bill "An Act to Repeal the Prohibition against Nursing Home Owners and Employees Becoming Guardians of Patients" Committee on **Human Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-42)

(S.P. 152) (L.D. 338) Bill "An Act to Amend the Laws Pertaining to the Return of Security Deposits and Nonpayment of Rent or Utility Charges" Committee

on **Legal and Veterans Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-43)

(H.P. 308) (L.D. 412) Bill "An Act Relating to Building Permit Ordinances" Committee on **State and Local Government** reporting **"Ought to Pass"**

(H.P. 79) (L.D. 115) Bill "An Act to Require Insurance Companies to Provide Loss Information to Insured Groups" Committee on **Banking and Insurance** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-91)

(H.P. 183) (L.D. 231) Bill "An Act to Correct Errors and Inconsistencies Related to the Recodification of the Maine Revised Statutes, Title 29" (EMERGENCY) Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-79)

(H.P. 291) (L.D. 395) Bill "An Act Concerning the Rights and Responsibilities of Innkeepers" Committee on **Business and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-81)

(H.P. 305) (L.D. 409) Bill "An Act to Continue Requiring Probable Cause before the Exercise of Protective Custody" Committee on **Criminal Justice** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-84)

(H.P. 318) (L.D. 439) Bill "An Act Requiring That Disbursement Warrants Receive an Affirmative Vote by Municipal Officers" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-82)

(H.P. 350) (L.D. 470) 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) Committee on **Legal and Veterans Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-94)

(H.P. 385) (L.D. 520) Bill "An Act to Stop the Alewives Restoration Program in the St. Croix River" Committee on **Inland Fisheries and Wildlife** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-78)

(H.P. 414) (L.D. 571) Bill "An Act to Eliminate the Personal Property Tax on Individuals in the State" Committee on **Taxation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-87)

(H.P. 419) (L.D. 576) Bill "An Act to Facilitate the Use of the Installment Method for the Collection of Sewer Assessments and Charges" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-83)

(H.P. 443) (L.D. 609) Resolve, to Extend the Reporting Date of the Commission to Study Biotechnology and Genetic Engineering (EMERGENCY) Committee on **Business and Economic Development** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-89)

(H.P. 481) (L.D. 662) Bill "An Act to Amend the Municipal Subdivision Laws Regarding Application Requirements" Committee on **State and Local Government** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-90)

(H.P. 613) (L.D. 823) Bill "An Act to Dedicate a Percentage of the Actual Individual Income Taxes from Each Community to Be Returned to the Community for School Funding" Committee on **Appropriations and Financial Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-80)

There being no objections, the above items were ordered to appear on the Consent Calendar of

Wednesday, April 12, 1995 under the listing of Second Day.

(H.P. 307) (L.D. 411) Bill "An Act to Repeal the Laws Regarding Consumer Information Pamphlets" Committee on Business and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-88)

On motion of Representative DAGGETT of Augusta, was removed from the First Day Consent Calendar.

The Report was read and accepted. The Bill was read once. Committee Amendment "A" (H-88) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, April 12, 1995.

(H.P. 420) (L.D. 577) Bill "An Act to Amend the Laws Governing Retail Credit Cards" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-92)

On motion of Representative LUTHER of Mexico was removed from the First Day Consent Calendar.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: My objection to L.D. 577 is I believe it will be yet another heavy financial burden on young families. Not all consumers can pay their credit card bills in full every month.

The Statement of Fact reads, "This bill extends the provision governing lender credit cards to retail credit cards sales. The bill deregulates retail credit card programs and also allows retailers to contract for annual fees with consumers."

I am told the bill lifts restrictions on credit charges. I propose it removes necessary safeguards.

When a bill goes through the Consent Calendar it does in fact mean that 13 committee members voted yes. I mean no disrespect to the committee process, I work on a committee too. But, the most sincere well meaning committee never rises to the status of twelve apostles plus one. When we, as a body, let these items go on unopposed, it means that we, too, are voting yes on them.

I want to be on Record as voting no on this bill.

Mr. Speaker, I would pose a question to the Chair. Is it proper today to ask for a roll call on this item?

The SPEAKER: The Chair would answer in the affirmative.

Subsequently, Representative LUTHER of Mexico requested a roll call on acceptance of the Committee Report.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for standing on this. My committee voted a unanimous report, "Ought to Pass." What has happened in the past is that we have created numerous jobs in the Camden area with deregulation of credit cards. This does not mean that you have to accept this credit card. You accept a credit card that you have a choice and you like. This deregulates the need for credit cards to have certain restrictions that we put on in the past. Right now it would just free it up and allow people, banks, to issue credit cards at their request, where they want it without having legislative restrictions.

I ask you to support the Unanimous Committee Report. Thank you for your attention.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Guerrette.

Representative GUERRETTE: Mr. Speaker, Men and Women of the House: This was reported out of committee, unanimous "Ought to Pass." I would just like to share some insight with some of the members of the body as to why this happened. The credit card business has become very competitive over the past few years as many of you have probably seen in your mail box every day you get offers from credit card companies soliciting you with 6.9 and 9.9 percent interest, etcetera. There are many offers that are good for the consumer today that have lowered cost to consumers of credit purchases. Maine law has held Maine store credit cards at a disadvantage by requiring them to have different guidelines for their credit card purchases. Because of that people are using out of state credit cards.

This is a bill that levels the playing field and allows Maine businesses the opportunity to compete with these national cards and allows Maine businesses the opportunity to get more credit cards being issued from the State of Maine. This is a good bill for Maine's working people. It is a good bill to create Maine jobs. It is a good bill for Maine's retailers and that is why the committee voted it out unanimous "Ought to Pass."

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: As the prime sponsor of this bill I would like to give you some of my reasons for feeling that this is in fact sound legislation.

When we worked last year, last session, on the bill to change the bank card situation in terms of the requirements, one of the things that we found is that a number of people did in fact have credit cards but very few of those were actually issued within the state under the guidelines that the state had provided. We are now living in a global economy, we do not have the ability — people in the State of Maine are not making all their purchases in Maine, they are not using just Maine based stores. They are not using just Maine based credit cards.

One of the things that we have to acknowledge is that the protections that might have been reasonable at one point in time and might have actually been a benefit to consumers are no longer a valid benefit because they don't in fact cover many people at all because there are very few cards that are issued within the state. Because of that we basically have a dual system.

We have laws that sound good and feel good if you are concerned about consumer protection, but don't in fact do anything.

What we need to do is clean up the books and put things in perspective. We are working in a global economy, we are living in a global time, a global market and this bill merely takes away something that was needed in the past and is no longer needed.

I would urge you to accept the unanimous committee report.

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. 34**

YEA - Aikman, Ault, Bailey, Barth, Berry, Bigl, Birney, Bouffard, Buck, Bunker, Cameron, Carleton, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Daggett, Davidson, DiPietro, Donnelly, Dore, Driscoll, Dunn, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Green, Greenlaw, Guerrette, Hartnett, Heino, Hichborn, Jacques, Johnson, Jones, S.; Joy, Joyce, Joyner, Keane, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Lane, Layton, Lemaire, Lemont, Libby JD; Libby JL; Lindahl, Lovett, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Mitchell EH; Mitchell JE; Murphy, Nadeau, Nass, Nickerson, O'Neal, Paul, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richardson, Ricker, Robichaud, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Sirois, Spear, Stedman, Stone, Strout, Taylor, Thompson, Townsend, True, Truman, Tufts, Tyler, Vigue, Waterhouse, Watson, Wheeler, Whitcomb, Winglass, Winsor, Yackobitz.

NAY - Adams, Ahearne, Benedikt, Brennan, Gerry, Hatch, Heeschen, Jones, K.; Luther, Meres, Rotondi, Stevens, Treat, Tuttle, Volenik.

ABSENT - Campbell, Damren, Desmond, Dexter, Gooley, Gould, Joseph, Lemke, Look, Lumbra, Martin, Morrison, O'Gara, Ott, Poulin, Simoneau, Tripp, Underwood, Winn, The Speaker.

Yes, 116; No, 15; Absent, 20; Paired, 0; Excused, 0.

116 having voted in the affirmative and 15 in the negative, with 20 being absent, the Committee Report was accepted. The Bill was read once. Committee Amendment "A" (H-92) was read by the Clerk and adopted. The Bill was assigned for second reading, Wednesday, April 12, 1995.

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

**CONSENT CALENDAR**

**Second Day**

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

(H.P. 410) (L.D. 567) Bill "An Act Relating to Municipal Clerks Who Chair Boards of Voter Registration"

(H.P. 377) (L.D. 512) Bill "An Act to Amend the Limitation on Damages in State Tort Claims Actions to Allow for the Accrual of Post-judgment Interest" (C. "A" H-76)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

**BILLS IN THE SECOND READING**

**As Amended**

Bill "An Act to Provide Funding to a Domestic Violence Shelter in Ellsworth" (H.P. 65) (L.D. 101) (C. "A" H-65)

Bill "An Act to Require the Use of the Process of Forcible Entry and Detainer in Eviction of Mobile Home Owners and Tenants" (H.P. 256) (L.D. 358) (C. "A" H-73)

Bill "An Act to Establish a Minimum Percentage Markup for Alcoholic Beverages" (H.P. 276) (L.D. 380) (C. "A" H-74)

Bill "An Act to Clarify Law Enforcement Relating to Junkyards and Automobile Graveyards" (H.P. 427) (L.D. 590) (C. "A" H-75)

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

Bill "An Act to Amend the Laws Pertaining to Governmentally Constructed Jetties" (EMERGENCY) (S.P. 72) (L.D. 160) (C. "A" S-36)

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

On motion of Representative ETNIER of Harpswell, was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Allow Contract Employees of the Maine State Ferry Service to Buy Retirement Time" (H.P. 234) (L.D. 314) (C. "A" H-50)

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

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, I move that this bill and all accompanying papers be indefinitely postponed.

Mr. Speaker, Men and Women of the House: The problem that this legislation would have addressed has been taken care of and we have no need for this legislation.

Subsequently, the Bill and all accompanying papers was indefinitely postponed and sent up for concurrence.

**ENACTORS**

**Emergency Measure**

An Act to Allow Wine Tasting in Fine Wine Stores and at Special Festivals (H.P. 62) (L.D. 98) (C. "A" H-59)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 13 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Ensure Appropriate Resource and Referral Services for Families Needing Child Care (S.P. 93) (L.D. 233) (C. "A" S-27)

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

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Winglass.

Representative WINGLASS: Mr. Speaker, Men and Women of the House: I ask once again, if I might, Mr. Speaker, for serious consideration of this bill before it is enacted and I would like to be able to speak to my thoughts.

The voters sent many of us here with the plea, "Don't create any more laws or resolutions than are absolutely necessary." This bill is, in my judgment, unquestionably unnecessary. You have heard arguments about the RDC's and their merits and importance but remember the issue today is not about the relative importance of RDC's it is about leaving that decision to the review process in place in the Department of Human Services, in the Human Resources Committee, in the Appropriations Committee and, in this body. The RDC's are (in my judgment) deserving of no special protection or fencing when we don't grant the same to other crucial programs that cry out for funding.

Remember, this bill establishes a mandate to fund the RDC's through June of 1996. This mandate is simply not justified and is not required. For, as we see in Amendment "A" to the bill, the Governor's net budget recommendation includes funding at about \$350,000 in both 1995-96 and 1996-97. The Governor's net budget recommendation includes funding. Further, the bill asks for this funding guarantee to allow time for an entity called the Maine Child Care Advisory Council to complete an assessment of the RDC's and report on their merits to the Human Resources Committee.

Let me remind you this report was in fact required to be submitted as part of their second annual report in January of 1995, several months ago. And, in point of fact, it was, the report was made and the requirement that was stipulated was fulfilled. Therefore the requirement that we are now addressing in this piece of legislation is moot or inaccurate.

Please join me and let the citizens of Maine know that we will not endorse or pass unnecessary legislation in this body. Vote no on L.D. 233.

Mr. Speaker, I respectfully request the yeas and nays.

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. 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Fitzpatrick.

Representative FITZPATRICK: Mr. Speaker, Men and Women of the House: Let me speak just briefly on L.D. 233 that my good friend from Auburn has just spoken to. It is my sense and my sense of the majority, vast majority of the Human Resources Committee, that we cannot do welfare reform — not any of the three plans, unless we have adequate child care.

The Resource Development Centers, as they are currently configured are a key piece of the child care network, we simply do not have enough infant care, child care, to achieve any of the three plans that currently exist for welfare reform that very ambitiously want to put hundreds and actually thousands of AFDC recipients back to work. The RDC's are a critical piece of working with the private sector to build capacities within business to allow

people to find infant care and child care for their children.

As I said on the floor earlier, they also work to develop day care home capacity. They hand out child care vouchers to single parents and in tact families who are looking to go back to work and are part of the whole training mechanism for all sorts of registered and licensed child care. To simply do away with this capacity frankly, sort of out of the blue, is to destabilize the child care system in Maine at a time when we are looking to move forth to put hundreds and yet thousands of AFDC recipients back to work. This makes no sense, ladies and gentlemen, I ask you to support L.D. 233.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: It occurred to me when we debated this bill last week that perhaps it is being couched in the wrong rhetoric. My work in this body has been primarily with Utilities issues and Economic Development issues and it occurred to me as I heard this debate that if this bill had come out of another committee (not the Human Resources Committee) we would have been looking at this issue as an economic development issue.

Let me remind you that this state, through its appropriation and through other special funding mechanisms, supports a variety of programs designed to help the private sector. In this case primarily women who provide child care. We allocate \$1 million or \$1.2 million to the Department of Economic and Community Development in something called the office of business development.

I suggest to you that if this issue came under that jurisdiction the tone of this debate might be somewhat different.

We support the quality centers through the technical college system. We support the innovation centers through Maine Science and Tech Foundation. We support the small business development centers through the University System. We support funding for technical assistance for business through DEP. We support the office of Economic Conversion for defense related industries. The Governor's contingency account gave \$1 million last year to a job development training fund. We support these kinds of initiatives that help improve businesses in the private sector throughout a wide variety of departments in state government.

I ask you to consider if there is any bias in this argument because it tends to be male dominated or female dominated businesses? I ask you to think about the extent to which these services, adequate, reliable, safe, child care services are in fact a critical part of the Maine economy.

The women in my town who have called me who consider themselves child care providers look at themselves as professionals. They take their work so seriously in fact that over 60 of them from the surrounding communities where I live spent the entire day Saturday improving their ability to provide adequate child care, doing everything from getting more instruction about first aid to healthy food preparation for the children that are in their care. That was what they did on Saturday, a beautiful day when some of the rest of you are probably working in your yard or going to baseball games. These are folks who take this profession very seriously and I suggest to you that that service, as a business

entity in our communities, is a critical piece of what allows our working families to do their jobs. Some of you may be removed from this issue of child care because your children are grown or because you have the means to pay for professional services in your home that would not require you to use this particular service. Others of you may have family members who have been there to help you out with child care. But, I suggest to you we are not simply talking about baby-sitting when we look at Resource Development Center programs. We are talking about people who look at this job as a professional activity, they value their work, and, I, for one can speak to the tremendous contribution they make to the communities throughout this state.

I urge you to vote for enactment of L.D. 233.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Marvin.

Representative MARVIN: Mr. Speaker, Ladies and Gentlemen of the House: We talked at length on this issue and there are just two points I would like to hit one more time. The first one is in my opinion families need to find their own child care. But, you need to understand that a no vote on this particular bill does not mean that this is no longer funded. It just gives the Commissioner the power to spend the money if he sees fit. This is a pro-child care bill. It allows him to put that money into direct child care services which I believe is something we need in this state a lot more than we need the referrals.

However, if the Commissioner were to decide that we need these ten agencies state-wide or we need five or we need one, he can do that if we vote no today. If we continue to vote yes we will vote ten child care referral places to stay open and that really ties the Commissioners hands. It doesn't give him the right to spend the money that he sees fit.

Let's stop micromanaging DHS and let the Commissioner do his job. Let's let him decide how to spend the child care money.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would like to address the concerns brought up by my good friend from Auburn and Cape Elizabeth about micromanaging DHS, which I am also opposed to. I have full faith in the capabilities of our new Commissioner and I do not believe it is our role to micromanage. However, I have spoken with the Commissioner about this very issue and he is convinced that in this time of system change that this very essential piece of our infrastructure for child care is a good thing. It is something that we can maintain for another year to keep these services being delivered as we need them.

The SPEAKER: A roll call has been ordered. The pending question is the passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 35

YEA - Adams, Ahearne, Ault, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Chartrand, Chase, Chizmar, Clark, Daggett, Davidson, Desmond, Donnelly, Driscoll, Dunn, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gieringer, Green, Hartnett, Hatch, Heesch, Hichborn, Johnson, Jones, K.; Joyner, Keane, Kerr, Kilkelly, Kontos, Labrecque, LaFountain, Lemaire, Lovett, Luther, Madore, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Neal, Peavey, Pendleton,

Perkins, Pouliot, Povich, Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tripp, Truman, Tuttle, Tyler, Volenik, Watson, Wheeler, Whitcomb, The Speaker.

NAY - Aikman, Bailey, Barth, Birney, Buck, Cameron, Campbell, Carleton, Chick, Clukey, Cross, DiPietro, Farnum, Gooley, Greenlaw, Guerrette, Heino, Jacques, Jones, S.; Joy, Joyce, Kneeland, Lane, Layton, Lemont, Libby JD; Libby JL; Lindahl, Lumbra, Marshall, Marvin, Mayo, McAlevey, McElroy, Murphy, Nass, Nickerson, Paul, Pinkham, Plowman, Poirier, Reed, G.; Reed, W.; Rice, Robichaud, Savage, Spear, Stedman, Stone, Strout, Taylor, True, Tufts, Underwood, Vigue, Waterhouse, Winglass, Winsor, Yackobitz.

ABSENT - Cloutier, Damren, Dexter, Dore, Gould, Joseph, Lemke, Look, Martin, O'Gara, Ott, Poulin, Simoneau, Winn.

Yes, 78; No, 59; Absent, 14; Paired, 0; Excused, 0.

78 having voted in the affirmative and 59 in the negative, with 14 being absent, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, the Bill failed of passage to be enacted, sent up for concurrence.

#### Emergency Measure

An Act to Provide the Maine Legislature with Additional Financial Information (S.P. 95) (L.D. 235) (C. "A" S-32)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Amend Certain Powers of Hospital Administrative District No. 4 (S.P. 184) (L.D. 493)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Remove Restrictions on Compensation For Deputy District Attorneys (H.P. 412) (L.D. 569) (S. "A" S-34)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Require an Endorser's Authorization for a Candidate To Use an Endorsement (H.P. 45) (L.D. 39) (C. "A" H-54)

An Act to Increase the Limit on the Extradition Account (S.P. 53) (L.D. 82) (C. "A" S-33)

An Act to Increase the Fee Amount that an Unorganized Territory is Allowed to Retain as an Agent of the State Collecting Excise Taxes (S.P. 57) (L.D. 86) (C. "A" S-31)

An Act to Clarify the Financial Assurance Provisions Applicable to Solid Waste Disposal Facilities (H.P. 129) (L.D. 177) (C. "A" H-29)

An Act to Simplify the Procedure for Making Anatomical Gifts under the Motor Vehicle Laws (H.P. 160) (L.D. 208) (C. "A" H-60)

An Act to Clarify the Status of Certain Gifts to Legislators under the Governmental Ethics Laws (S.P. 114) (L.D. 289)

An Act to Extend the Return Period for Judgment Executions (S.P. 123) (L.D. 298) (C. "A" S-29)

An Act to Require That the Dollar Value of the Employee Benefit Package Be Included in All Official Statements Concerning State and Legislative Salaries (H.P. 378) (L.D. 513) (C. "A" H-47)

An Act to Broaden the Crime of Criminal Mischief and to Repeal the Crime of Animal Enterprise Terrorism (S.P. 204) (L.D. 547) (C. "A" S-39)

An Act to Give the State a Right to Appeal from the Denial of a Rule 35 Motion (S.P. 206) (L.D. 549) (C. "A" S-38)

Resolve, to Make the Monument Erected at the Mount Hope Cemetery in Bangor the Official State Memorial Honoring Veterans from Maine Who Died during the Korean War (H.P. 23) (L.D. 17)

Resolve, to Reduce the Paperwork Required in the Purchase of a Vehicle (H.P. 172) (L.D. 220) (C. "A" H-61)

Resolve, to Name the Connector Road from Exit 6 of the Maine Turnpike to Route 1 in Scarborough the Dr. Philip Haigis Memorial Parkway (H.P. 533) (L.D. 729)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted or finally passed, signed by the Speaker and sent to the Senate.

An Act to Reduce the Number of Days a Tenant May Be in Arrears for Rent Payments (S.P. 76) (L.D. 164) (C. "A" S-28)

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

On motion of Representative JACQUES of Waterville was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Wednesday, April 12, 1995.

An Act Concerning Municipal Shellfish Conservation Program Penalties (H.P. 194) (L.D. 253)

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

On motion of Representative KILKELLY of Wiscasset was set aside.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I received a number of calls this weekend on this particular issue and as I read the bill it would prohibit a judge from allowing a fine other than a monetary fine for someone who was caught digging clams in a closed area or digging without a license. The concern that was raised to me by a number of constituents was that very often

people that are in this process are doing so because they don't have any money and to require that a monetary fine be imposed to them seemed unfair.

Mr. Speaker, I request a roll call.

On motion of Representative JACQUES of Waterville, tabled pending passage to be enacted and later today assigned. (Roll Call Requested)

An Act to Establish the Maine Commission on Community Service (H.P. 282) (L.D. 386) (C. "A" H-57)

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

On motion of Representative JACQUES of Waterville was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and specially assigned for Wednesday, April 12, 1995.

An Act to Exempt the Custom Sawing of Lumber from the Sales Tax (H.P. 339) (L.D. 459) (C. "A" H-64)

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

On motion of Representative VOLENIK of Sedgwick was set aside.

The SPEAKER: The Chair recognizes the Representative from Sedgwick, Representative Volenik.

Representative VOLENIK: Mr. Speaker, Men and Women of the House: I urge you to vote no on L.D. 459. For years we have been moving away from an ability to tax at all levels of government. At the state level we have reduced our corporate taxes, we have reduced our income tax at least on our wealthier citizens and we have reduced through special interest exemptions and exclusions, our ability to raise revenues through our sales tax. The tide has reached its lowest ebb, we cannot let it recede further or we face the collapse of the revenue raising function of the legislature.

I understand the reasoning behind this bill. Technically this custom log sawing is done by saw mills for owners of logs who can retain the lumber created for their own use. Thus, this can be construed as the sale of a service rather than a product and we have established a precedent for the exclusion of services from our sales tax system. But, we must turn the tide and begin to remove sales tax exemptions and exclusions, even on services as this is the only way we can expand our sales tax base to become broad enough to allow us to reduce the tax below its current six percent.

This bill, if passed, would reduce our tax revenue by \$170,000 in 1995-96 and by nearly \$300,000 in 1996-97. We cannot afford the loss of this revenue. Without this money we will face the loss of funds for current programs in law enforcement, education, health care, natural resources, marine resources, forestry, agriculture, business development and a host of other areas at a time when we are desperate for revenue to fund necessary programs for our people and our state, it is highly irresponsible to further reduce our sales tax base simply to benefit another special interest. I urge you to vote no on L.D. 459.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote in favor of this bill. This is a bad tax, in my opinion, that has caused a lot of problems. After much discussion

this was a unanimous vote of the Taxation Committee that we should be in favor of this bill. What it does, if you were to cut down some of your own trees and you take it to the lumber mill to get sawed so you could bring it back to build yourself a shed or a barn, you are being charged a sales tax on the work that they are doing on your product.

Number one is that not many lumber mills across the state are even aware that there is such a tax out there. I know of a small lumber mill that happened to get audited a few years and it almost put him under, he was not aware that he had to charge this tax and then they audited him and he found out he did and he had to come up with a lot of money. There are not many people out there aware of this tax, number one.

Number two, and this is one of the reasons that this issue has arisen, is that there are a number of portable saw mills. You see them around the countryside now, the portable saw mills that people take around and saw up a few logs for people. Technically these saw mills have to charge sales tax for doing the work on sawing that lumber for somebody.

For all these reasons and the confusion of the tax, we felt it was best to do away with the sales tax on the sawing of custom lumber.

Last, the fiscal note that has been put to this is under the assumption that all this tax is collected. Well, we believe that not much of this tax is being collected at this time anyway. So, to do away with the confusion and to do what we think is sensible, I would suggest that we do go ahead and pass this bill as it is.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Mr. Speaker, Ladies and Gentlemen of the House: I experienced this very issue this weekend. Many of you know I live on a small farm in Rumford and I have a small wood lot. I cut some of my own logs, hauled them to the saw mill, the lumber was sawn from those logs. I intend to build a garage with that lumber. I am not selling a single stick of it. I had to pay sales tax on the labor for the gentleman that did the work for me. Nothing more than labor. You can call it a service if you want to, but what it amounts to again is a sales tax on this gentleman's labor because that is all he provided me.

I again, brought my own logs, picked up the lumber myself. I am building my own garage, all he provided was the work.

I think it is a sad day when the State of Maine is getting to the point that we are going to charge a sales tax on people's labor.

I urge you to support the bill.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: I deeply appreciate Representative Volenik's concern about our diminishing tax revenue base. I think that is a serious concern and I think this fiscal note is going to be a problem on the Appropriations Table. So, I don't want people to go home and say well, we voted to eliminate a tax and that solves it. Because, I do know what happens when anything with a fiscal note gets to the Appropriations Table.

There are situations in which we do tax labor. The installation of telecommunications equipment in

your home is a situation in which the state knowingly taxes labor and has fairly consistently.

This is a unique situation and one of the measures of whether a tax ought to exist is, is it enforceable? I am going to ask Representative Reed, who did a masterful job in committee of explaining the absurdity of certain logical things when they are taken to their final extension to explain that to you.

I think that you should — a unanimous committee report out of Taxation on a matter where we end up with a fiscal note with the report, it is very rare for us to agree to send out anything with a fiscal note on it — is indeed a unique situation. I think that you have to remember that one of the criteria on tax is, is it just? And, another criteria on tax and a very important criteria is, is it enforceable? Is it reasonably enforceable?

I would urge you to stick with the unanimous committee report.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to concur with the distinguished Chair. We were concerned about the fiscal note and it is a valid concern. However, our discussion basically was this, if you engage the services of someone to go and cut some trees for you, there is no tax imposed upon the action of cutting those trees. If you engage the services of someone to then saw them, there is a tax imposed. Then, if you engage the services of someone to nail those boards together into a box there is no tax imposed on those services. It seemed to us that there was no rationale at all for putting a tax in the middle of two untaxed operations and therefore notwithstanding the concern about the fiscal note, but deeply concerned about some sensible course of taxation policy we voted to eliminate that tax. We hope that you will support the committee report.

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

A vote of the House was taken.

105 voted in favor of the same and 10 against, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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#### UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-69) - Minority (6) "Ought Not to Pass" - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers (H.P. 113) (L.D. 148)

TABLED - April 6, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

On motion of Representative DAGGETT of Augusta, tabled pending her motion to accept the Minority **"Ought Not to Pass"** Report and specially assigned for Wednesday, April 12, 1995.

HOUSE DIVIDED REPORT - Majority (9) **"Ought to Pass"** as amended by Committee Amendment "A" (H-70) - Minority (4) **"Ought Not to Pass"** - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the Popular Election of the Attorney General (H.P. 153) (L.D. 201)

TABLED - April 6, 1995 (Till Later Today) by Representative DAGGETT of Augusta.

PENDING - Motion of same Representative to accept the Minority **"Ought Not to Pass"** Report.

On motion of Representative DAGGETT of Augusta, tabled pending her motion to accept the Minority **"Ought Not to Pass"** Report and specially assigned for Wednesday, April 12, 1995.

HOUSE DIVIDED REPORT - Majority (10) **"Ought to Pass"** as amended by Committee Amendment "A" (H-72) - Minority (3) **"Ought Not to Pass"** - Committee on Agriculture, Conservation and Forestry on Bill "An Act to Repeal the Retail Seed Dealer's License" (H.P. 382) (L.D. 517)

TABLED - April 6, 1995 (Till Later Today) by Representative KILKELLY of Wiscasset.

PENDING - Motion of same Representative to accept the Majority **"Ought to Pass"** as amended Report.

Subsequently, the Majority **"Ought to Pass"** Report was accepted. The Bill read once. Committee Amendment "A" (H-72) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, April 12, 1995.

Resolve, Authorizing the Director of the Bureau of Parks and Recreation to Sell Land and Improvements on Hospital Street in Augusta, Maine Known as the Trial House (H.P. 809) (L.D. 1126)

(Committee on Agriculture, Conservation and Forestry suggested)

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

PENDING - Reference.

On motion of Representative DAGGETT of Augusta, the Resolve was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

#### TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (9) **"Ought to Pass"** as amended by Committee Amendment "A" (H-71) - Minority (4) **"Ought Not to Pass"** - Committee on Taxation on Bill "An Act to Increase the Tax Exemption on Church Properties" (H.P. 284) (L.D. 388)

TABLED - April 6, 1995 by Representative DORE of Auburn.

PENDING - Motion of same Representative to accept the Minority **"Ought Not to Pass"** Report.

On motion of Representative DORE of Auburn, tabled pending her motion to accept the Minority **"Ought Not**

**to Pass"** Report and specially assigned for Wednesday, April 12, 1995.

An Act to Allow Restaurants to Sell Liquor on Sunday Mornings (H.P. 239) (L.D. 341) (C. "A" H-45) TABLED - April 6, 1995 by Representative STROUT of Corinth.

PENDING - Passage to be Enacted. (ROLL CALL ORDERED)

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Old Orchard Beach, Representative KERR.

Representative KERR: Mr. Speaker, pursuant to House Rule 19, I wish to be excused from voting.

The SPEAKER: The Chair will grant the request. The pending question is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 36

YEA - Ault, Bailey, Barth, Benedikt, Birney, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Chartrand, Chase, Chizmar, Clark, Damren, Davidson, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gould, Green, Greenlaw, Hartnett, Hatch, Heeschen, Hichborn, Jacques, Johnson, Jones, K.; Jones, S.; Joyce, Keane, Kontos, Labrecque, Lemaire, Lemont, Libby JD; Lindahl, Marvin, McAlevey, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Plowman, Poulin, Pouliot, Povich, Reed, G.; Richardson, Ricker, Rosebush, Rotondi, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Stevens, Stone, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tyler, Vigue, Volenik, Waterhouse, Watson, Whitcomb, Winn, Winsor, Yackobitz, The Speaker.

NAY - Adams, Ahearne, Aikman, Berry, Bigl, Chick, Clukey, Cross, Daggett, Desmond, Dexter, Donnelly, Dunn, Gerry, Gieringer, Gooley, Guerrette, Heino, Joy, Joyner, Kilkelly, Kneeland, LaFountain, Lane, Layton, Libby JL; Lovett, Lumbra, Luther, Madore, Marshall, Mayo, McElroy, Meres, Nass, Nickerson, Pinkham, Poirier, Reed, W.; Rice, Robichaud, Savage, Sirois, Spear, Stedman, Strout, Tuttle, Underwood, Wheeler, Winglass.

ABSENT - Cloutier, Joseph, Lemke, Look, Martin, O'Gara, Simoneau.

Yes, 93; No, 50; Absent, 7; Paired, 0; Excused, 1. 93 having voted in the affirmative and 50 in the negative, with 7 being absent and 1 excused, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

HOUSE DIVIDED REPORT - Majority (8) **"Ought to Pass"** as amended by Committee Amendment "A" (H-66) - Minority (5) **"Ought to Pass"** as amended by Committee Amendment "B" (H-67) - Committee on Labor on Bill "An Act to Increase the Minimum Wage in Maine" (H.P. 108) (L.D. 143)

TABLED - April 6, 1995 by Representative HATCH of Skowhegan.

PENDING - Acceptance of either Report.

On motion of Representative HATCH of Skowhegan, tabled pending acceptance of either Report and specially assigned for Wednesday, April 12, 1995.

HOUSE DIVIDED REPORT - Majority (8) **"Ought Not to Pass"** - Minority (5) **"Ought to Pass"** as amended by Committee Amendment "A" (H-68) - Committee on Labor on Bill "An Act to Provide a Cost-of-Living Adjustment to Minimum Wage Earners" (H.P. 206) (L.D. 265)

TABLED - April 6, 1995 by Representative HATCH of Skowhegan.

PENDING - Acceptance of either Report.

On motion of Representative HATCH of Skowhegan, tabled pending acceptance of either Report and specially assigned for Wednesday, April 12, 1995.

HOUSE DIVIDED REPORT - Majority (11) **"Ought Not to Pass"** - Minority (2) **"Ought to Pass"** - Committee on Education and Cultural Affairs on Bill "An Act to Require the Administration of Medication in Schools by Licensed Personnel" (H.P. 348) (L.D. 468)

TABLED - April 6, 1995 by Representative JACQUES of Waterville.

PENDING - Acceptance of either Report.

On motion of Representative MITCHELL of Vassalboro, retabled pending the motion by Representative JACQUES of Waterville, to accept either Report and specially assigned for Wednesday, April 12, 1995.

SENATE DIVIDED REPORT - Majority (8) **"Ought to Pass"** as amended by Committee Amendment "A" (S-35) - Minority (3) **"Ought Not to Pass"** - Committee on Banking and Insurance on Bill "An Act to Repeal the Prohibition on Prejudgment Attachments in Consumer Credit Cases" (S.P. 124) (L.D. 299)

- In Senate, Minority **"Ought Not to Pass"** Report read and accepted.

TABLED - April 6, 1995 by Representative CAMPBELL of Holden.

PENDING - Motion of same Representative to accept the Majority **"Ought to Pass"** as amended Report.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Gates.

Representative GATES: Mr. Speaker, Members of the House: I rise to speak against this bill. What the bill allows is prejudgment attachment in consumer credit cases. That means that as a lawyer I can serve a defendant with a motion to attach his property, his house or his bank account at the same time I serve him with a complaint. I can attach, under this bill, I can attach his property before I get a judgment.

Let me tell you, as a lawyer that is pretty strong medicine. It is intimidating, it is a hammer. It is a hammer that I have personally used in the past quite gleefully. The other side often doesn't even contest the underlying suit because they are so worried about losing their house. As a lawyer that is fun, but as a legislator I don't think it is fair. I would like to give you just one example.

There was a construction worker in my area, he did roofing, siding, small additions. Well, he did two jobs in which he charged his materials, paid his men but ended up not getting paid for his work at the end of the job. So, through no real fault of his own, other than trusting he was working for, he ended up owing \$15,000 to the local lumber company. Well, he was a little embarrassed about this so he was understandably not very responsive to their phone calls. So, they hired an attorney. Well, I had the pleasure, when I served him with a complaint of also serving a motion for attachment that this bill covers. The effect of that attachment motion was

astounding. Within a week this man was in my office for a check for the full amount. I gladly accepted the check on behalf of my client and after taking it asked them what had prompted them to pay the whole thing. He said, "Well, I didn't want to lose my house, so I borrowed the money from my grandmother." Well, if I had been representing him, I could have told him that he wasn't going to lose his house, it was just an attachment, it operates like a lien and frankly it is not that big a deal.

The problem is when you are on the receiving end of one of these it gets served just like a foreclosure by the Sheriff and it is very intimidating in practice.

So, he had to just go borrow the money from the family even though he was still awaiting payment from his people. There is no question that eventually he would have paid his debt but he was put in a coercive situation because of the attachment motion.

The law in Maine has long been that this sort of attachment while it is available to the lumber company I represented and to small Mom and Pop businesses, the law in Maine has long been that it is not available in consumer credit cases when the creditor is a bank, a credit card company or a finance company that finances things like vinyl siding. When the plaintiff, the creditor, is a big guy then the individual in Maine and many states is given certain protections from the arbitrary use of that power that the big guy has. What this does is it takes away that protection from individuals.

Again, small businesses will still have this tool available. I didn't come here to hurt the little guy on behalf of a big company. I know I didn't get sent here to make the life of lawyers more easy and more enjoyable. I guess I would, as an aside, urge you not to vote against every bill that happens to help attorneys, but this is one that is a bad bill.

So, I rise to ask you to vote against it, to vote for the building contractor and the regular guy rather than the big company. I would point out one thing, which is there is only one person who showed up in favor of this bill at the hearing before my committee and it was not surprisingly a collection attorney from Portland. So, it helps the collection attorneys with the large state-wide practices. It helps their powerful clients, but it does nothing for the rest of us and it is a step in the wrong direction for the State of Maine.

I ask you to vote against the pending motion. Thank you.

Subsequently, on motion of Representative VIGUE of Winslow, tabled pending the motion of Representative CAMPBELL of Holden to accept the Majority **"Ought to Pass"** as amended Report and specially assigned for Wednesday, April 12, 1995.

HOUSE ORDER - Relative to amending House Rule 7 (H.O. 15)

- In House, Read on March 21, 1995.

TABLED - April 6, 1995 by Representative CARLETON of Wells.

PENDING - Passage. (2/3 Vote Required)

On motion of Representative CARLETON of Wells, tabled pending passage and specially assigned for Wednesday, April 12, 1995.

HOUSE DIVIDED REPORT - Majority (8) **"Ought to Pass"**

as amended by Committee Amendment "A" (H-62) - Minority (5) **"Ought Not to Pass"** - Committee on Criminal Justice on Bill "An Act to Establish a Presumption That the Owner of a Motor Vehicle Is the Driver If That Vehicle Is Involved in a High-speed Chase" (H.P. 266) (L.D. 368)  
TABLED - April 6, 1995 by Representative PLOWMAN of Hampden.

PENDING - Motion of same Representative to reconsider acceptance of the Minority **"Ought Not to Pass"** Report.

On motion of Representative CLARK of Millinocket, the Bill was recommitted to the Committee on Criminal Justice and sent up for concurrence.

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

#### SENATE PAPERS

Bill "An Act Regarding the Schedule of the Distribution of Funds from the Maine Environmental Trust Fund" (EMERGENCY) (S.P. 468) (L.D. 1264)

Bill "An Act to Establish the Maine Outdoor Recreation Council" (S.P. 471) (L.D. 1267)

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

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

Bill "An Act to Provide Reimbursement from the General Fund for Search and Rescue Operations of the Department of Inland Fisheries and Wildlife" (S.P. 463) (L.D. 1259)

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 Strengthen Oversight of Medical Malpractice Insurance and Stabilize Premiums" (S.P. 458) (L.D. 1254)

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

Was referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act to Regulate the Wholesale Sale of Cigarettes" (S.P. 455) (L.D. 1251)

Bill "An Act to Redefine the Oil and Solid Fuel Board" (S.P. 474) (L.D. 1270)

Bill "An Act to Revise and Add to the Laws Regulating the Practice of Professional Engineering" (S.P. 475) (L.D. 1271)

Bill "An Act Concerning the Practice of Professional Nursing" (S.P. 476) (L.D. 1300)

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

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

Bill "An Act to Authorize Certain Employees of the Department of Corrections to Use Deadly Force" (S.P. 454) (L.D. 1250)

Bill "An Act to Permit Wire-tapped Conversations of or with Prisoners to be Used in Court" (S.P. 460) (L.D. 1256)

Bill "An Act to Make Certain Changes to the Maine Juvenile Code" (S.P. 466) (L.D. 1262)

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

Were referred to the Committee on Criminal Justice in concurrence.

Bill "An Act to Amend Laws Regarding False Claims for Payment or Approval by the Department of Human Services" (S.P. 462) (L.D. 1258)

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 Allow the Court to Dismiss Frivolous Lawsuits Filed by Persons Requesting Leave to Proceed In Forma Pauperis" (S.P. 453) (L.D. 1249)

Bill "An Act to Clarify the Role of Prelitigation Screening Panels under the Health Security Act" (S.P. 456) (L.D. 1252)

Resolve, to Allow the Attorney General to Enter into Consortiums with Other States for the Purpose of Bringing Suit Against the Federal Government Regarding the Issue of Unfunded Federal Mandates (EMERGENCY) (S.P. 469) (L.D. 1265)

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 Relating to the Retirement Benefits for the Maine Warden Service" (S.P. 473) (L.D. 1269)

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 Clarify That an Arrearage by a Federally Assisted Tenant Applies Only to the Tenant's Share" (S.P. 461) (L.D. 1257)

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 Repeal the Automobile Emissions Testing Law, to Repeal the Requirement to Use Reformulated Gasoline and to Withdraw Maine from the Ozone Transport Region" (S.P. 464) (L.D. 1260)

Bill "An Act to Delegate Permit-granting Authority to Municipalities" (S.P. 467) (L.D. 1263)

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

Were referred to the Committee on Natural Resources in concurrence.

Bill "An Act Concerning Fees Collected for the Restoration, Recreation and Preservation of Records in the Register of Deeds Offices" (S.P. 465) (L.D. 1261)

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.

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Bill "An Act to Improve Access to Corporate Tax Data" (S.P. 457) (L.D. 1253)

Bill "An Act to Reduce the Maine Sales Tax and the Meals and Lodging Tax to 3%" (EMERGENCY) (S.P. 470) (L.D. 1266)

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

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

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Bill "An Act to Create the Northern New England Passenger Rail Authority" (EMERGENCY) (S.P. 459) (L.D. 1255) (Governor's Bill)

Bill "An Act to Transfer Oversight of Commercial Driver Education Programs to the Secretary of State" (S.P. 477) (L.D. 1301)

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

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

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Bill "An Act Relating to Procedures before the Public Utilities Commission" (S.P. 472) (L.D. 1268)

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.

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

Bill "An Act to Increase Venture Capital Access to State Businesses" (H.P. 920) (L.D. 1296) which was tabled by Representative JACQUES of Waterville pending reference.

Subsequently, the Bill was referred to the Committee on **Business and Economic Development**, ordered printed and sent up for concurrence.

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On motion of Representative NASS of Acton, the House adjourned at 12:00 p.m. until 9:30 a.m., Wednesday, April 12, 1995.