

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
34th Legislative Day
Tuesday, April 25, 1995

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

Prayer by the Reverend James Lufkin, Village Baptist Church, Kennebunk.

National Anthem by the Leonard Middle School Band, Old Town.

The Journal of Thursday, April 13, 1995 was read and approved.

SENATE PAPERS

The following Communication: (H.C. 111)

Maine State Senate
State House Station 3
Augusta, Maine 04333

April 13, 1995

The Honorable Dan A. Gwadosky
Speaker of the House
117th Legislature
Augusta, Maine 04333

Dear Speaker Gwadosky:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, Honorable William S. Broderick of Kennebunkport for appointment as Active Retired Justice of the Maine Superior Court.

Sincerely,
S/May M. Ross
Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Majority Report of the Committee on Criminal Justice reporting **"Ought Not to Pass"** on Bill "An Act to Establish a Shock Incarceration Program" (S.P. 46) (L.D. 76)

Signed:

Senators:

BENOIT of Franklin

O'DEA of Penobscot

Representatives: CLARK of Millinocket

BUNKER of Kossuth Township

CLUKEY of Houlton

PEAVEY of Woolwich

JOHNSON of South Portland

THOMPSON of Naples

WHEELER of Bridgewater

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-64) on same Bill.

Signed:

Senator: HALL of Piscataquis

Representative: WATERHOUSE of Bridgton

Came from the Senate with the Majority **"Ought Not to Pass"** Report read and accepted.

Was read.

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

On further motion of the same Representative, tabled pending his motion to accept the Majority **"Ought Not to Pass"** Report and specially assigned for Wednesday, April 26, 1995.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-60) on Bill "An Act to Require Insurance Companies to Reenroll Individuals Who Return to an Insurance Group as Though No Break in Coverage Occurred" (S.P. 154) (L.D. 340)

Signed:

Senators:

ABROMSON of Cumberland

SMALL of Sagadahoc

McCORMICK of Kennebec

Representatives: VIGUE of Winslow

CHASE of China

GATES of Rockport

CAMPBELL of Holden

GUERRETTE of Pittston

LUMBRA of Bangor

MAYO of Bath

MITCHELL of Vassalboro

SAXL of Portland

Minority Report of the same Committee reporting **"Ought Not to Pass"** on same Bill.

Signed:

Representative: JONES of Pittsfield

Came from the Senate with the Majority **"Ought to Pass"** as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-60).

Was read.

On motion of Representative VIGUE of Winslow, the Majority **"Ought to Pass"** as amended Report was accepted in concurrence.

The Bill was read once. Committee Amendment "A" (S-60) was read by the Clerk and adopted. The Bill was assigned for second reading Wednesday, April 26, 1995.

Non-Concurrent Matter

An Act to Ensure Appropriate Resource and Referral Services for Families Needing Child Care (EMERGENCY) (S.P. 93) (L.D. 233) (C. "A" S-27) which failed of passage to be enacted in the House on April 11, 1995.

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

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

Representative FITZPATRICK: Thank you Mr. Speaker. Mr. Speaker I move we Insist and would like to speak to my motion.

The SPEAKER: The Representative from Durham, Representative Fitzpatrick now moves the House Insist. The Representative may proceed.

Representative FITZPATRICK: The rational for my requesting that we kill this matter is the committee has received new information since we originally debated this issue.

It is projected that, because some of the actions going on in Congress, it would be much better and the Department of Human Services has asked us to let this bill go to give the Commissioner sufficient discretion under the child care block grant. There are some feelings that there may be cuts in the child care block grant and we don't want to lock the Commissioner into using his funds to fund ten Resource Development Centers if he doesn't want to.

We felt this was a reasonable request on their part. The Resource Development Centers are in the Governor's budget, so it is a mute point. Thank you. Subsequently, on motion of Representative FITZPATRICK of Durham, the House voted to Insist.

COMMUNICATIONS

The following Communication: (H.P. 962)
State of Maine
House of Representatives
Augusta 04333
April 13, 1995

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

Dear Mr. Speaker and Mr. President:

On April 13, 1995, twelve Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 13, 1995 as follows:

Agriculture, Conservation and Forestry

Bill "An Act to Require a Silvicultural Basis for Harvesting That Produces Understocked Stands" (H.P. 958) (L.D. 1347) (Presented by Representative SHIAH of Bowdoinham) (Cosponsored by Representatives: BENEDIKT of Brunswick, BUNKER of Kossuth Township, CHARTRAND of Rockland, HEESCHEN of Wilton, KONTOS of Windham, MERES of Norridgewock, VOLENIK of Sedgwick, Senators: BENOIT of Franklin, MICHAUD of Penobscot, PARADIS of Aroostook, RUHLIN of Penobscot)

Bill "An Act to Clarify Animal Welfare Laws Relating to Euthanasia by Owners" (H.P. 960) (L.D. 1349) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Senator: CASSIDY of Washington) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Appropriations and Financial Affairs

Bill "An Act to Limit the Use of Certificates of Participation" (H.P. 952) (L.D. 1341) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representatives: GWADOSKY of Fairfield, HATCH of Skowhegan, JACQUES of Waterville, KEANE of Old Town, MITCHELL of Vassalboro, SAMSON of Jay, SIROIS of Caribou, Senator: LAWRENCE of York)

Resolve, Authorizing the Maine Technical College System to Lease Facilities for York County Technical College (EMERGENCY) (H.P. 951) (L.D. 1340) (Presented by Representative CARLETON of Wells) (Cosponsored by Senator LAWRENCE of York and Representatives: AULT of Wayne, CAMPBELL of Holden, GWADOSKY of Fairfield, LIBBY of Kennebunk, MARTIN of Eagle Lake, McELROY of Unity, MURPHY of Berwick, OTT of York, WHITCOMB of Waldo, Senators: KIEFFER of Aroostook, SMALL of Sagadahoc)

Business and Economic Development

Bill "An Act to Amend the Returnable Beverage Container Laws" (H.P. 956) (L.D. 1345) (Presented by Representative CARLETON of Wells)

Criminal Justice

Bill "An Act to Make Certain Changes to Postconviction Review" (H.P. 955) (L.D. 1344) (Presented by Representative THOMPSON of Naples) (Cosponsored by Representative: WHEELER of

Bridgewater) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Human Resources

Bill "An Act to Eliminate Some Food Stamp Eligible Items and Allow Those Food Stores Authorized to Accept Food Stamps to be Women, Infants and Children Special Supplemental Food Program Vendors" (H.P. 953) (L.D. 1342) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Senator HALL of Piscataquis and Representatives: BIRNEY of Paris, CAMERON of Rumford, DEXTER of Kingfield, REED of Dexter, Senators: GOLDTHWAIT of Hancock, HARRIMAN of Cumberland)

Inland Fisheries and Wildlife

Resolve, Establishing a Commission to Study the Trespass Laws (EMERGENCY) (H.P. 954) (L.D. 1343) (Presented by Representative TUFTS of Stockton Springs) (Cosponsored by Representatives: CLARK of Millinocket, GOULD of Greenville, GREENLAW of Standish, Senator: MICHAUD of Penobscot) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.)

Labor

Bill "An Act to Amend the Occupational Disease Law" (H.P. 957) (L.D. 1346) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representatives: ADAMS of Portland, BERRY of Livermore, KEANE of Old Town, MORRISON of Bangor, SAMSON of Jay, Senator: FAIRCLOTH of Penobscot)

State and Local Government

Bill "An Act to Reform the Process of Periodic Review of Programs and Agencies" (H.P. 959) (L.D. 1348) (Presented by Representative ROBICHAUD of Caribou) (Cosponsored by Representatives: BAILEY of Township 27, CAMPBELL of Holden, CARLETON of Wells, GERRY of Auburn, JOYCE of Biddeford, LaFOUNTAIN of Biddeford, PLOWMAN of Hampden, STONE of Bangor, WINGLASS of Auburn, Senators: AMERO of Cumberland, KIEFFER of Aroostook, LONGLEY of Waldo)

Bill "An Act to Repeal Boards That Have Not Filed Annual Reports with the Secretary of State" (H.P. 961) (L.D. 1350) (Reported by Representative DAGGETT for the Secretary of State pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2.)

Transportation

Bill "An Act to Create Fair School Bus Driver Licensing" (H.P. 950) (L.D. 1339) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: AULT of Wayne, BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, CHICK of Lebanon, CHIZMAR of Lisbon, DiPIETRO of South Portland, FARNUM of South Berwick, FISHER of Brewer, GIERINGER of Portland, LIBBY of Kennebunk, MARSHALL of Eliot, McALEVEY of Waterboro, MURPHY of Berwick, OTT of York, RICE of South Bristol, ROTONDI of Madison, TAYLOR of Cumberland, TRUMAN of Biddeford, WATERHOUSE of Bridgton, Senators: LAWRENCE of York, STEVENS of Androscoggin)

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

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

The following Communication: (H.P. 981)
State of Maine

House of Representatives

Augusta 04333

April 14, 1995

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

Dear Mr. Speaker and Mr. President:

On April 14, 1995, eighteen Bills were received by the Clerk of the House.

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

Agriculture, Conservation and Forestry

Bill "An Act to Require the Disclosure of the State of Origin of Farm Products" (H.P. 973) (L.D. 1382) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Representatives: BAILEY of Township 27, CROSS of Dover-Foxcroft, HEESCHEN of Wilton, HICHBORN of Lagrange, KILKELLY of Wiscasset, KNEELAND of Easton, MARSHALL of Eliot, REED of Dexter, Senators: CASSIDY of Washington, LORD of York, PARADIS of Aroostook, PINGREE of Knox)

Banking and Insurance

Bill "An Act to Ensure That Basic Health Care Needs of Women Are Covered in Insurance Policies" (H.P. 976) (L.D. 1385) (Presented by Representative DONNELLY of Presque Isle) (Cosponsored by Representatives: LEMONT of Kittery, MADORE of Augusta, MORRISON of Bangor, SAXL of Portland, SIMONEAU of Thomaston, Senators: LONGLEY of Waldo, McCORMICK of Kennebec, PARADIS of Aroostook, RAND of Cumberland)

Business and Economic Development

Bill "An Act to Increase the Returnable Bottle Fee" (H.P. 965) (L.D. 1374) (Presented by Representative JONES of Bar Harbor) (Cosponsored by Representative: VOLENIK of Sedgwick)

Criminal Justice

Bill "An Act to Ensure a Minimum Sentence for a Sex Crime Committed against a Minor and to Permit Attendance of a Minor's Victim and Witness Advocate at a Grand Jury Proceeding" (H.P. 970) (L.D. 1379) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representatives: BAILEY of Township 27, BARTH of Bethel, CHICK of Lebanon, CROSS of Dover-Foxcroft, DiPIETRO of South Portland, FARNUM of South Berwick, GUERRETTE of Pittston, KEANE of Old Town, LIBBY of Kennebunk, LOVETT of Scarborough, MARSHALL of Eliot, MURPHY of Berwick, PINKHAM of Lamoine, POULIOT of Lewiston, REED of Falmouth, REED of Dexter, SAVAGE of Union, VIGUE of Winslow, WINSOR of Norway, Senator: HARRIMAN of Cumberland)

Human Resources

Bill "An Act to Increase Employment and Training Opportunities for Welfare Recipients" (H.P. 979) (L.D. 1388) (Presented by Representative MITCHELL of Portland) (Cosponsored by Senator BUSTIN of Kennebec and Representatives: BERRY of Livermore, CLARK of Millinocket, DAVIDSON of Brunswick, DORE of Auburn, ETNIER of Harpswell, FITZPATRICK of Durham, GATES of Rockport, GWADOSKY of Fairfield, JACQUES of Waterville, JOHNSON of South Portland, JONES of Bar Harbor, JOSEPH of Waterville, KERR of Old Orchard Beach, KONTOS of Windham, LEMAIRE of Lewiston, MITCHELL of Vassalboro, NADEAU of Saco, ROWE of Portland, SAMSON of Jay, STEVENS of Orono, THOMPSON of Naples, Senator: O'DEA of Penobscot)

Bill "An Act to Promote Work, Family and Dignity" (H.P. 980) (L.D. 1389) (Presented by Representative TREAT of Gardiner) (Cosponsored by Representatives: ADAMS of Portland, BENEDIKT of Brunswick, BERRY of Livermore, BRENNAN of Portland, CHARTRAND of Rockland, CHASE of China, DESMOND of Mapleton, DORE of Auburn, ETNIER of Harpswell, FISHER of Brewer, FITZPATRICK of Durham, GERRY of Auburn, GOULD of Greenville, GREEN of Monmouth, HATCH of Skowhegan, HEESCHEN of Wilton, JOHNSON of South Portland, JONES of Bar Harbor, KILKELLY of Wiscasset, LUTHER of Mexico, MERES of Norridgewock, MORRISON of Bangor, NADEAU of Saco, RICHARDSON of Portland, SAMSON of Jay, SAXL of Portland, SHIAH of Bowdoinham, SIROIS of Caribou, STEVENS of Orono, TOWNSEND of Portland, VOLENIK of Sedgwick, WATSON of Farmingdale, Senators: CLEVELAND of Androscoggin, FAIRCLOTH of Penobscot, McCORMICK of Kennebec, PARADIS of Aroostook, RAND of Cumberland)

Legal and Veterans Affairs

Bill "An Act to Prohibit Fairs from Restricting Simulcasting at Off-track Betting Parlors" (H.P. 964) (L.D. 1373) (Presented by Representative VIGUE of Winslow) (Cosponsored by Senator CAREY of Kennebec and Representatives: DiPIETRO of South Portland, GUERRETTE of Pittston, KEANE of Old Town, LEMONT of Kittery, RICKER of Lewiston)

Bill "An Act to Require That Campaign Finance Reports Be Archived" (H.P. 968) (L.D. 1377) (Presented by Representative GERRY of Auburn) (Cosponsored by Representatives: DAVIDSON of Brunswick, LUMBRA of Bangor, WATERHOUSE of Bridgton, Senator: RAND of Cumberland)

Bill "An Act Allowing an Initiative Petitioning Organization to Withdraw Its Ballot up to a Certain Time Period" (H.P. 969) (L.D. 1378) (Presented by Representative GERRY of Auburn) (Cosponsored by Representatives: KILKELLY of Wiscasset, O'NEAL of Limestone, UNDERWOOD of Oxford, Senator: RAND of Cumberland)

Bill "An Act to Make Minor Adjustments to the 1993 Apportionment Plan" (H.P. 977) (L.D. 1386) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Senator BENOIT of Franklin and Representatives: BAILEY of Township 27, BARTH of Bethel, BIGL of Bucksport, BUNKER of Kossuth Township, CLARK of Millinocket, DEXTER of Kingfield, GOULD of Greenville, HEESCHEN of Wilton, LOOK of Jonesboro, MARTIN of Eagle Lake, PINKHAM of Lamoine, ROSEBUSH of East Millinocket, SAVAGE of Union, STROUT of Corinth, Senators: CASSIDY of Washington, MICHAUD of Penobscot, PINGREE of Knox) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

Marine Resources

Bill "An Act to Strengthen the Sea Urchin Tender License" (H.P. 971) (L.D. 1380) (Presented by Representative CLOUTIER of South Portland) (Cosponsored by Senator GOLDTHWAIT of Hancock) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.)

Natural Resources

Bill "An Act to Amend the Underground Oil Storage Facilities and Groundwater Protection Laws" (H.P. 978) (L.D. 1387) (Presented by Representative JACQUES of Waterville) (Cosponsored by Representatives: AHEARNE of Madawaska, WHEELER of Bridgewater)

State and Local Government

Bill "An Act to Repeal the Law Regarding Access to Property via Abandoned Roads" (H.P. 966) (L.D. 1375) (Presented by Representative JONES of Bar Harbor)

(Submitted by the Judicial Department pursuant to Joint Rule 24.)

Bill "An Act to Make Any Recorded Tapes of Legislative Sessions or Legislative Hearings Public Information" (H.P. 967) (L.D. 1376) (Presented by Representative GERRY of Auburn) (Cosponsored by Representatives: DAVIDSON of Brunswick, GUERRETTE of Pittston, LUMBRA of Bangor, O'NEAL of Limestone, UNDERWOOD of Oxford, WATERHOUSE of Bridgton, Senator: RAND of Cumberland)

Bill "An Act to Establish Periodic Adjustments in the Mileage Reimbursements" (H.P. 974) (L.D. 1383) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representatives: BRENNAN of Portland, MITCHELL of Vassalboro)

Bill "An Act to Increase the Efficiency of Cumberland County Government Operations" (H.P. 975) (L.D. 1384) (Presented by Representative BRENNAN of Portland)

Taxation

Bill "An Act to Change Eligibility for the Elderly Low-cost Drug Program" (H.P. 963) (L.D. 1372) (Presented by Representative MURPHY of Berwick) (Cosponsored by Representatives: CAMERON of Rumford, CHICK of Lebanon, LEMONT of Kittery, MURPHY of Berwick)

Transportation

Bill "An Act to Allow for the Issuance of Motor Vehicle Titles at Branch Offices of the Bureau of Motor Vehicles" (H.P. 972) (L.D. 1381) (Presented by Representative LOOK of Jonesboro) (By Request) (Cosponsored by Representatives: BIGL of Bucksport, CAMERON of Rumford, CHICK of Lebanon, FARNUM of South Berwick, FISHER of Brewer, JONES of Pittsfield, JOY of Crystal, KEANE of Old Town, LANE of Enfield, MARSHALL of Eliot, MAYO of Bath, MURPHY of Berwick, PINKHAM of Lamoine, POIRIER of Saco, STEDMAN of Hartland, WATERHOUSE of Bridgton, Senators: PINGREE of Knox, RUHLIN of Penobscot)

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

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

The following Communication: (H.P. 990)
State of Maine
House of Representatives
Augusta 04333
April 18, 1995

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

Dear Mr. Speaker and Mr. President:

On April 18, 1995, eight Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 18, 1995 as follows:

Education and Cultural Affairs

Bill "An Act to Extend the Life of Existing School Buildings" (H.P. 986) (L.D. 1394) (Presented by Representative CHARTRAND of Rockland) (Cosponsored by Representatives: CAMPBELL of Holden, DAVIDSON of

Brunswick, DESMOND of Mapleton, GREEN of Monmouth, JOHNSON of South Portland, LaFOUNTAIN of Biddeford, LEMAIRE of Lewiston, LEMONT of Kittery, MITCHELL of Vassalboro, SHIAH of Bowdoinham, STEVENS of Orono, WINSOR of Norway, Senator: PINGREE of Knox)

Human Resources

Bill "An Act to Allow Smoking in One-room Establishments with Lunch Counters That Post Smoking Signs" (H.P. 984) (L.D. 1392) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: DAGGETT of Augusta, KONTOS of Windham)

Inland Fisheries and Wildlife

Resolve, to Standardize Certain Ice Fishing and Open Water Fishing Rules (H.P. 985) (L.D. 1393) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: CAMERON of Rumford, CLARK of Millinocket, JACQUES of Waterville, MARSHALL of Eliot, ROSEBUSH of East Millinocket, TUFTS of Stockton Springs, WATERHOUSE of Bridgton, WINSOR of Norway, Senator: HALL of Piscataquis)

Judiciary

Bill "An Act to Clarify the Forcible Entry and Detainer Law" (H.P. 982) (L.D. 1390) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representatives: MADORE of Augusta, POULIN of Oakland, TRUMAN of Biddeford, Senator: MICHAUD of Penobscot)

Bill "An Act to Establish a Statute of Limitations for Claims against the Dalkon Shield Claimants Trust" (H.P. 983) (L.D. 1391) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Representatives: DORE of Auburn, JONES of Bar Harbor, SAMSON of Jay, VOLENIK of Sedgwick)

Natural Resources

Bill "An Act to Amend Certain Laws Affecting the Department of Environmental Protection" (EMERGENCY) (H.P. 989) (L.D. 1397) (Presented by Representative GOULD of Greenville) (Cosponsored by Senator LORD of York) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

State and Local Government

Bill "An Act to Provide for Sunset Review by the Legislative Joint Standing Committee of Jurisdiction" (H.P. 987) (L.D. 1395) (Presented by Representative JOY of Crystal) (Cosponsored by Representatives: AIKMAN of Poland, BIRNEY of Paris, DONNELLY of Presque Isle, JONES of Pittsfield, KNEELAND of Easton, LOOK of Jonesboro, STEDMAN of Hartland, WATERHOUSE of Bridgton, WINSOR of Norway, Senator: KIEFFER of Aroostook)

Bill "An Act to Abolish the Local Government Records Board and to Assign Its Functions to the Archives Advisory Board" (H.P. 988) (L.D. 1396) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator: MICHAUD of Penobscot) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

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

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

The following Communication: (H.P. 995)
State of Maine
House of Representatives

Augusta 04333
April 19, 1995

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

Dear Mr. Speaker and Mr. President:

On April 19, 1995, four Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on April 19, 1995 as follows:

Agriculture, Conservation and Forestry

Bill "An Act to Amend the Law Regarding the Lease of Submerged Lands" (H.P. 993) (L.D. 1404) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative GOULD of Greenville and Representatives: CHARTRAND of Rockland, DEXTER of Kingfield, DiPIETRO of South Portland, GATES of Rockport, HARTNETT of Freeport, HEINO of Boothbay, JOYCE of Biddeford, KERR of Old Orchard Beach, KONTOS of Windham, LEMONT of Kittery, MARSHALL of Eliot, MITCHELL of Vassalboro, OTT of York, PEAVEY of Woolwich, REED of Falmouth, RICE of South Bristol, SIMONEAU of Thomaston, SPEAR of Nobleboro, TYLER of Waterboro, WINGLASS of Auburn, Senators: BUTLAND of Cumberland, GOLDTHWAIT of Hancock, PINGREE of Knox, SMALL of Sagadahoc)

Banking and Insurance

Bill "An Act to Amend the Laws Concerning Health Insurance" (H.P. 994) (L.D. 1405) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Senator: McCORMICK of Kennebec) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Judiciary

Bill "An Act to Promote Equity in Legal Advertising" (H.P. 991) (L.D. 1402) (Presented by Representative CHASE of China) (Cosponsored by Representatives: AULT of Wayne, DAMREN of Belgrade, DEXTER of Kingfield, GWADOSKY of Fairfield, HATCH of Skowhegan, KILKELLY of Wiscasset, McALEVEY of Waterboro, McELROY of Unity, MITCHELL of Vassalboro, Senators: BEGLEY of Lincoln, BUSTIN of Kennebec, CAREY of Kennebec, MILLS of Somerset)

Legal and Veterans Affairs

Bill "An Act Concerning the Posting of Political Signs" (H.P. 992) (L.D. 1403) (Presented by Representative NICKERSON of Turner) (Cosponsored by Representatives: BERRY of Livermore, CLUKEY of Houlton, CROSS of Dover-Foxcroft, GOULD of Greenville, HICHBORN of Lagrange, MARSHALL of Eliot, STROUT of Corinth, Senator: LORD of York)

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

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

The following Communication: (H.C. 112)
117th Maine Legislature
April 13, 1995

The Honorable Joseph W. Mayo
Clerk of the House
State House Station #2

Augusta, ME 04333

Dear Clerk Mayo:

Please be advised that we have made the following appointments:
Maine Science and Technology Foundation; Pursuant to Title 5, Section 13122-C:

Senator Phil Harriman of Cumberland
Representative Steven Rowe of Portland
Surface Water Ambient Toxics Monitoring Program;
Pursuant to Title 38, Section 420-B:

Senator Willis Lord of York.
Please let us know if you have any questions regarding these appointments.

Sincerely,

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Bill "An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1995" (EMERGENCY) (H.P. 1001) (L.D. 1412) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Senator: HANLEY of Oxford) (Governor's Bill)

Reference to the Committee on Appropriations and Financial Affairs suggested.

On motion of Representative KERR of Old Orchard Beach, tabled pending reference and later today assigned.

Criminal Justice

Bill "An Act to Conform the Penalties for Crimes Relating to Reckless Conduct to the Maine Criminal Code" (H.P. 998) (L.D. 1409) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator MICHAUD of Penobscot) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Bill "An Act to Amend the Maine Bail Code" (H.P. 1000) (L.D. 1411) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator MICHAUD of Penobscot) (Submitted by the Department of the Attorney General pursuant to Joint Rule 24.)

Human Resources

Bill "An Act to Assist Working Families during Catastrophic Illness and Economic Hardship through Eligibility for Medicaid" (H.P. 996) (L.D. 1406) (Presented by Representative TUTTLE of Sanford)

Taxation

Bill "An Act to Create a Homestead Tax Credit to Be Administered by Local Municipalities" (H.P. 999) (L.D. 1410) (Presented by Representative SIMONEAU of Thomaston) (Cosponsored by Representatives: AIKMAN of Poland, CAMPBELL of Holden, DONNELLY of Presque Isle, GUERRETTE of Pittston, MORRISON of Bangor, VIGUE of Winslow)

Utilities and Energy

Bill "An Act to Establish Safety Standards for All Utility Facilities" (H.P. 997) (L.D. 1407) (Presented by Representative STONE of Bangor)

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

Representative MADEAU from the Committee on Legal and Veterans Affairs on Bill "An Act to Repeal the Provision of Law Voiding a Lease for Premises Defined as a Common Nuisance" (H.P. 158) (L.D. 205) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-127)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-127) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, April 26, 1995.

Ought to Pass as Amended

Representative DAVIDSON from the Committee on Business and Economic Development on Bill "An Act to Clarify the Laws Regarding the Sale of Recreational Vehicles on Sunday" (H.P. 163) (L.D. 211) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-133)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-133) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, April 26, 1995.

Ought to Pass as Amended

Representative GOULD from the Committee on Natural Resources on Bill "An Act to Amend the Site Location of Development Laws Relating to Former Military Bases" (H.P. 393) (L.D. 528) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-106)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-106) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, April 26, 1995.

Ought to Pass as Amended

Representative GOULD from the Committee on Natural Resources on Bill "An Act to Change the Definitions of 'River,' 'Stream' and 'Brook' in the Environmental Laws" (H.P. 452) (L.D. 618) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-107)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-107) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, April 26, 1995.

Ought to Pass as Amended

Representative DAVIDSON from the Committee on Business and Economic Development on Bill "An Act Concerning Fraudulent Redemptions" (H.P. 512) (L.D. 700) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-134)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-134) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, April 26, 1995.

CONSENT CALENDAR**First Day**

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

(S.P. 108) (L.D. 284) Bill "An Act Amending the Charter of the Department of Electric Works within the Town of Madison" (EMERGENCY) Committee on Utilities and Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (S-57)

(S.P. 256) (L.D. 694) Bill "An Act to Create the Franklin Utility District" (EMERGENCY) Committee on Utilities and Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (S-58)

(H.P. 574) (L.D. 779) Bill "An Act to Allow the Maine Technical College System to Grant Utility Easements" Committee on Education and Cultural Affairs reporting "Ought to Pass"

(H.P. 707) (L.D. 964) Bill "An Act Establishing Education as a Priority for the State by Expediting Consideration of the Education Budget" Committee on Education and Cultural Affairs reporting "Ought to Pass"

(H.P. 12) (L.D. 6) Bill "An Act to Amend the Workers' Compensation Laws to Provide an Exemption from Coverage Requirements for Nonresident Employees" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-131)

(H.P. 176) (L.D. 224) Bill "An Act to Clarify the Laws Regarding the Location of Transfer Stations on Islands" Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-108)

(H.P. 226) (L.D. 304) Bill "An Act Concerning the Offset of Workers' Compensation Benefits by Social Security Benefits" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-136)

(H.P. 248) (L.D. 350) Bill "An Act to Encourage Collaboration between Local School Units" Committee on Education and Cultural Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-110)

(H.P. 259) (L.D. 361) Bill "An Act to Define a 'Demonstrator' under the Board of Barbering and Cosmetology" Committee on Business and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-109)

(H.P. 286) (L.D. 390) Bill "An Act to Clarify the Tax-exempt Status of Municipally Owned Solid Waste Disposal Facilities" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-125)

(H.P. 299) (L.D. 403) Bill "An Act to Allow a School District to Print the District's Name on School Buses" Committee on Education and Cultural Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-111)

(H.P. 326) (L.D. 447) Bill "An Act Regarding the Expansion of Certain Waste Disposal Facilities" Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-116)

(H.P. 381) (L.D. 516) Bill "An Act Concerning the Liability of Corporate Clerks" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-138)

(H.P. 431) (L.D. 594) Bill "An Act to Modify Community Rating for Individual and Small Group Health Plans" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-123)

(H.P. 544) (L.D. 740) Bill "An Act Concerning Extracurricular Activity Eligibility for Students Identified under the Federal Individuals with Disabilities Education Act" Committee on Education and Cultural Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-137)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, April 26, 1995 under the listing of Second Day.

CONSENT CALENDAR Second Day

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

(S.P. 199) (L.D. 542) Bill "An Act to Include the Law Court's Imprisonment Sentencing Procedure in the Maine Criminal Code" (C. "A" S-56)

(S.P. 219) (L.D. 561) Bill "An Act to Allow County Commissioners to Perform Routine Road Maintenance without Permission from the Maine Land Use Regulation Commission" (C. "A" S-51)

(S.P. 274) (L.D. 724) Bill "An Act Regarding the Disclosure of Financial Information by Federally or State-chartered Credit Unions" (C. "A" S-53)

(S.P. 275) (L.D. 725) Bill "An Act to Clarify the Discharge of Mortgages" (C. "A" S-54)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed as Amended in concurrence.

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

BILLS IN THE SECOND READING

Bill "An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy" (H.P. 591) (L.D. 801)

As Amended

Bill "An Act to Enhance the Clam Industry in the State" (S.P. 103) (L.D. 243) (C. "A" S-48)

Bill "An Act to Include Individuals with Property in a Living Trust in the Maine Residents Property Tax Program" (S.P. 192) (L.D. 501) (C. "A" S-52)

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

ENACTORS

Emergency Measure

An Act Concerning the System of State Law Libraries (S.P. 212) (L.D. 554) (C. "A" S-50)

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. 116 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Laws Concerning Guardianship (S.P. 56) (L.D. 85) (C. "A" S-42)

An Act to Decrease the Paperwork Burden on Maine Businesses by Decreasing the Number of Tax Filings for Retailers (S.P. 79) (L.D. 167) (C. "A" S-45)

An Act to Amend the Laws Pertaining to the Return of Security Deposits and Nonpayment of Rent or Utility Charges (S.P. 152) (L.D. 338) (C. "A" S-43)

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)

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

An Act to Establish the Maine Commission on Community Service (H.P. 282) (L.D. 386) (H. "A" H-102 to C. "A" H-57)

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

An Act to Change the Law That Determines When a Sentence in Excess of 20 Years May Be Imposed for a Class A Crime (S.P. 203) (L.D. 546) (C. "A" S-44)

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

An Act to Amend Certain Laws Relating to the Collection of Property Taxes (H.P. 421) (L.D. 578) (S. "A" S-59)

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 Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

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

SENATE PAPERS

Bill "An Act to Permit Polygraph Examination of Certain Individuals Charged with Committing a Crime" (S.P. 521) (L.D. 1408)

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

Was referred to the Committee on Criminal Justice in concurrence.

Refer to the Committee on Human Resources

Report of the Committee on Business and Economic Development on Bill "An Act to Allow Pharmacies That Serve Long-term Care Recipients to Receive Discounts from Manufacturers" (S.P. 417) (L.D. 1140) reporting that it be referred to the Committee on Human Resources.

Came from the Senate, with the report read and accepted and the Bill referred to the Committee on Human Resources.

Report was read and accepted and the Bill referred to the Committee on Human Resources in concurrence.

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

On motion of Representative BARTH of Bethel, the House adjourned at 12:55 p.m., until 9:30 a.m., Wednesday, April, 26, 1995.