

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

**One Hundred And Seventeenth Legislature**

OF THE

**State Of Maine**

**VOLUME VI**

**SECOND REGULAR SESSION**

**House of Representatives**

January 3, 1996 to April 3, 1996

**Senate**

January 3, 1996 to March 13, 1996

ONE HUNDRED AND SEVENTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
1st Legislative Day  
Wednesday, January 3, 1996

Pursuant to Article IV, Part 3, Section 1 of the Constitution and Laws of the State of Maine, the Representatives to the One Hundred and Seventeenth Legislature assemble in the Hall of the House and are called to order by DAN A. GWADOSKY of Fairfield, Speaker of the House.

Prayer by Reverend Thomas Bentum, Fairfield United Methodist Church.

Colors presented by the 82nd Airborne Division Association, Black Bear Chapter of Maine.

National Anthem by Lawrence High School Band, Fairfield.

Physician for the day, Jacob W. Gerritsen, M.D., Penobscot Bay Medical Center, Rockport.

A message was received from the Senate, borne by Senator LAWRENCE of that body announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

A roll call was taken. 146 out of 151 members answered to their names and accordingly a quorum was found to be present.

Those absent were:

Representative DiPIETRO of Portland  
Representative LABRECQUE of Lewiston  
Representative McALEVEY of Waterboro  
Representative OTT of Portland  
Representative TRUMAN of Biddeford

On Motion of Representative JACQUES of Waterville, the following Order: (H.O. 35)

ORDERED, that a Committee of nine be appointed to wait upon His Excellency, Governor Angus S. King, Jr., and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

Was read and passed and the Speaker appointed the following members:

Representative DAGGETT of Augusta  
Representative AHEARNE of Madawaska  
Representative LEMKE of Westbrook  
Representative SAXL of Bangor  
Representative GERRY of Auburn  
Representative ROSEBUSH of East Millinocket  
Representative ROBICHAUD of Caribou  
Representative LANE of Enfield  
Representative SAVAGE of Union

On Motion of Representative MITCHELL of Vassalboro, the following Order: (H.O. 36)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Was read and passed and Representative JACQUES of Waterville was appointed to convey the message.

COMMUNICATIONS

The following Communication: (H.P. 1179)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333  
December 6, 1995

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

Dear Mr. Speaker and Mr. President:

On December 6, 1995, eleven 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 December 6, 1995 as follows:

**Business and Economic Development**

Resolve, to Extend Deadlines Relating to the Task Force to Review the Beverage Container Deposit Laws (EMERGENCY) (H.P. 1175) (L.D. 1607) (Presented by Representative LIBBY of Kennebunk) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Human Resources**

Bill "An Act to Allow Physicians' Offices to Receive Discounts from Pharmaceutical Manufacturers" (H.P. 1169) (L.D. 1601) (Presented by Representative JOHNSON of South Portland) (Cosponsored by Representatives: FITZPATRICK of Durham, LOVETT of Scarborough, MARVIN of Cape Elizabeth, TRIPP of Topsham, WATSON of Farmingdale, Senators: PENDEXTER of Cumberland, PINGREE of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Requiring the Department of Human Services to Reimburse Nursing Home Facilities from Initial Medicaid Eligibility" (EMERGENCY) (H.P. 1172) (L.D. 1604) (Presented by Representative BIRNEY of Paris) (Cosponsored by Senator HANLEY of Oxford and Representatives: CAMPBELL of Holden, DiPIETRO of South Portland, DORE of Auburn, JOY of Crystal, JOYNER of Hollis, LIBBY of Buxton, POULIOT of Lewiston, WATERHOUSE of Bridgton, Senators: CARPENTER of York, CIANCHETTE of Somerset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Labor**

Bill "An Act to Amend the Overtime Laws as They Pertain to Bonuses" (EMERGENCY) (H.P. 1174) (L.D. 1606) (Presented by Representative WINSOR of Norway) (Cosponsored by Senator MILLS of Somerset and Representatives: DUNN of Gray, STONE of Bangor, UNDERWOOD of Oxford, VIGUE of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Provide a Retirement Benefit Option for Forest Rangers Equal to That Option Available to Game Wardens and Marine Patrol Officers" (EMERGENCY) (H.P. 1177) (L.D. 1609) (Presented by Representative CHASE of China) (Cosponsored by Representatives: HATCH of Skowhegan, JONES of Bar Harbor, LEMAIRE of Lewiston, SAMSON of Jay, WINSOR of Norway) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Natural Resources**

Bill "An Act to Enhance Used Oil Recycling Capabilities" (H.P. 1178) (L.D. 1610) (Presented by Representative SAXL of Bangor) (Cosponsored by Representative ETNIER of Harpswell and

Representatives: ADAMS of Portland, DAGGETT of Augusta, DAVIDSON of Brunswick, DESMOND of Mapleton, DORE of Auburn, GOULD of Greenville, HARTNETT of Freeport, MITCHELL of Portland, MORRISON of Bangor, O'NEAL of Limestone, SAXL of Portland, STEVENS of Orono, STONE of Bangor, TOWNSEND of Portland, TREAT of Gardiner, WATSON of Farmingdale, Senators: AMERO of Cumberland, HARRIMAN of Cumberland, RAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Taxation**

Bill "An Act to Establish a Higher Education Tax Credit for Middle-class Families" (H.P. 1171) (L.D. 1603) (Presented by Representative DAVIDSON of Brunswick) (Cosponsored by Representative JACQUES of Waterville and Representatives: ADAMS of Portland, AHEARNE of Madawaska, BENEDIKT of Brunswick, BERRY of Livermore, BRENNAN of Portland, BUNKER of Kossuth Township, CAMERON of Rumford, CAMPBELL of Holden, CHARTRAND of Rockland, CHIZMAR of Lisbon, CLARK of Millinocket, CLOUTIER of South Portland, CROSS of Dover-Foxcroft, DAGGETT of Augusta, DESMOND of Mapleton, DRISCOLL of Calais, ETNIER of Harpswell, FITZPATRICK of Durham, GERRY of Auburn, GREEN of Monmouth, GWADOSKY of Fairfield, HARTNETT of Freeport, JONES of Bar Harbor, KILKELLY of Wiscasset, KONTOS of Windham, LaFOUNTAIN of Biddeford, LAYTON of Cherryfield, LIBBY of Buxton, MARTIN of Eagle Lake, MAYO of Bath, McELROY of Unity, MITCHELL of Vassalboro, MITCHELL of Portland, NASS of Acton, O'GARA of Westbrook, O'NEAL of Limestone, PAUL of Sanford, POVICH of Ellsworth, REED of Dexter, RICHARDSON of Portland, ROSEBUSH of East Millinocket, ROWE of Portland, SAMSON of Jay, SAXL of Bangor, SAXL of Portland, SHIAH of Bowdoinham, SIROIS of Caribou, STEVENS of Orono, TREAT of Gardiner, TUFTS of Stockton Springs, TUTTLE of Sanford, VOLENIK of Sedgwick, WATSON of Farmingdale, WHEELER of Bridgewater, Senators: ABROMSON of Cumberland, FAIRCLOTH of Penobscot, GOLDTHWAIT of Hancock, O'DEA of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Utilities and Energy**

Bill "An Act to Amend the Charter of Milbridge Water District" (H.P. 1168) (L.D. 1600) (Presented by Representative LAYTON of Cherryfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Bowdoinham Water District Charter to Remove the Debt Limit" (EMERGENCY) (H.P. 1170) (L.D. 1602) (Presented by Representative SHIAH of Bowdoinham) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Amend the Charter of the East Pittston Water District" (H.P. 1173) (L.D. 1605) (Presented by Representative GUERRETTE of Pittston) (Cosponsored by Senator BEGLEY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act Authorizing the Town of Mount Vernon to Withdraw from the Cobbossee Watershed District" (H.P. 1176) (L.D. 1608) (Presented by Representative DAMREN of Belgrade) (Cosponsored by Senator CAREY of Kennebec and Representative: AULT of Wayne) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

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. 1183)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

December 7, 1995

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

On December 7, 1995, two 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 December 7, 1995 as follows:

**Legal and Veterans Affairs**

Bill "An Act to Amend the Campaign Finance Laws" (H.P. 1182) (L.D. 1621) (Presented by Speaker GWADOSKY of Fairfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

**Utilities and Energy**

Bill "An Act to Amend the Charter of the East Boothbay Water District" (EMERGENCY) (H.P. 1181) (L.D. 1620) (Presented by Representative HEINO of Boothbay) (Cosponsored by Representative: KONTOS of Windham, Senator: BEGLEY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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. 1185)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

December 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 December 18, 1995, one Bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this Bill was referred to the Joint Standing Committee on December 18, 1995 as follows:

**Banking and Insurance**

Bill "An Act to Promote Parity Between State and Federally Chartered Credit Unions" (H.P. 1184) (L.D. 1622) (Presented by Representative VIGUE of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

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. 1189)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

December 20, 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 December 20, 1995, two 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 December 20, 1995 as follows:

**Education and Cultural Affairs**

Bill "An Act to Change the Name of the Maine Youth Apprenticeship Program to the Maine Career Advantage" (H.P. 1186) (L.D. 1627) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Senator: BUTLAND of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

**Legal and Veterans Affairs**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Municipal Certification of Direct Initiative Petitions (H.P. 1187) (L.D. 1628) (Presented by Representative NADEAU of Saco) (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. 1191)  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA, MAINE 04333

December 21, 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 December 21, 1995, one bill was received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, this bill was referred to the Joint Standing Committee on December 21, 1995 as follows:

**Utilities and Energy**

Bill "An Act to Increase the Borrowing Capacity of the Ashland Water and Sewer District" (EMERGENCY)

(H.P. 1190) (L.D. 1631) (Presented by Representative DESMOND of Mapleton) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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. 281)

STATE OF MAINE  
DEPARTMENT OF AUDIT  
STATE HOUSE STATION 66  
AUGUSTA, MAINE 04333  
Letter of Transmittal

Honorable Dan A. Gwadosky  
Speaker of the House of Representatives  
2 State House Station  
Augusta, Maine 04333-0002

Dear Speaker Gwadosky:

We are pleased to submit the Audit of the Federal Expenditures Fund and Federal Block Grants Fund for the period ending June 30, 1994. The State of Maine expended nearly \$1.2 billion for various federal programs during the state fiscal year. The objectives of the audit were:

- \* To examine the financial statements for these funds and to determine if they were presented fairly and in accordance with generally accepted accounting principles.
- \* To assess the state's systems and procedures for financial accounting, reporting and internal controls;
- \* To assess the state's accountability for federal revenues, allowability of costs, and compliance with applicable laws and regulations including those that pertain to financial reports and claims for reimbursements; and
- \* To recommend corrective actions for deficiencies noted.

Although this audit was not intended to serve as an organization-wide audit as described in the Single Audit Act of 1984 and Office and Budget (OMB) Circular A-128, "Audits of State and Local Governments," it included tests of compliance with applicable federal laws and regulations and consideration of the internal control structure. During the course of our audit we identified certain weaknesses which we have included in the reports identified below.

- \* **Compliance and Internal Control:** Includes one finding that, in our opinion, represents a material weakness (page 31).
- \* **Schedule of Reportable Conditions:** Includes fifteen findings that we consider to be reportable conditions (page 41).
- \* **Schedule of Findings and Questioned Costs:** Includes fifty-five findings that describe deficiencies in the administration of federal programs (page 73 to 125).

This report includes responses to findings and recommendations from state management personnel (auditees) who oversee the expenditures of federal funds. We would be pleased to respond to any of your

questions or comments about the 1994 Federal Funds Audit.

S/Rodney L. Scribner, CPA  
State Auditor  
November 30, 1995

Was read and with accompanying report ordered placed on file.

Subsequently, Representative JACQUES of Waterville reported that he had delivered the message with which he was charged.

The following Communication: (H.C. 282)

**DEPARTMENT OF EDUCATION**  
23 State House Station  
Augusta, Maine 04333

November 30, 1995

TO: Members of the 117th Legislature  
Bureau of the Budget  
FROM: Wayne L. Mowatt, Ed.D., Commissioner  
SUBJECT: Actual Education Costs for Base Year 1994-95  
Pursuant to the provisions of 20-A MRSA section 15604, I am providing notification of the "actual education costs" as defined in subsection 1, of 20-A MRSA section 15604 for the base year 1994-95.

A. Operating costs	
(1) Elementary	\$549,128,442
(2) Secondary	283,489,802
B. Special education costs for programs operated by administrative units	110,857,296
C. Special education tuition and board excluding medical costs	30,091,519
(1) Tuition and board for pupils placed by administrative units	\$13,082,087
(2) Tuition and board for State Wards and special education pupils placed directly by the State	5,547,377
(3) Adjustments under section 15612, subsection 6 (Special Education Hardship grants)	0
(4) Cost to the state for state agency clients (section 15613 subsection 5)	9,788,055
(5) Adjustments under section 15612, subsection 11 (Out-of-District Placement Adjustment)	1,674,000
D. Vocational education costs	22,676,968
E. Transportation operating costs	58,513,467
F. Bus Purchases	
(1) Purchase of Buses-Regular Approval	4,342,303
G. Debt Service Costs	
(1) Principal and Interest	64,484,527
(2) Insured Value Factor	2,022,516
(3) Leased (approved)	5,245,660
(4) Other major capital costs	1,268,927
H. Cost of reimbursement for private school services	201,000
I. Cost of state expenditure for teacher retirement benefits	128,591,206
J. Early childhood educational programs	228,901

These expenditures are from state and local monies only, except that Federal P.L. 81-874 (Impact Aid) funds are included.

Was read and ordered placed on file.

The following Communication: (H.C. 283)

**TASK FORCE**  
**ON**  
**ALCOHOLIC BEVERAGE SALES**  
State House Station 8  
Augusta, Maine 04333

December 1, 1995

The Honorable Dan Gwadosky  
Speaker of the House  
117th Legislature  
Capitol Building - Third Floor  
Augusta, Maine 04333

Dear Speaker Gwadosky:

The Task Force on Alcoholic Beverages, established by Resolves of 1995, Chapter 54, is pleased to submit to you for distribution copies of its report and recommended legislation.

The members of the Task Force appreciate the opportunity to be involved in the consideration of the important issue of privatization of the sale of alcoholic beverages. We look forward to following the progress of the legislation. Thank you.

Sincerely  
S/Peter G. Hastings  
Task Force Chair

Was read and with accompanying report referred to the Committee on Legal and Veterans Affairs.

At this point, Representative DAGGETT of Augusta reported that the Committee had delivered the message with which it was charged.

The following Communication: (H.C. 284)

**MAINE STATE LEGISLATURE**  
Augusta, Maine 04333  
**STUDY COMMISSION ON PROPERTY RIGHTS**  
**AND THE PUBLIC HEALTH, SAFETY AND WELFARE**  
December 27, 1995

The Honorable Jeffrey H. Butland  
The Honorable Dan A. Gwadosky  
Maine Legislature  
State House  
Augusta, ME 04333

Dear President Butland and Speaker Gwadosky:

This letter is to inform you that the Study Commission on Property Rights And The Public Health, Safety And Welfare has submitted its report to the Second Regular Session of the 117th Legislature and to the Joint Standing Committee on Judiciary, pursuant to Resolves of 1995, chapter 45.

Sincerely,  
S/Senator S. Peter Mills  
Chair

Was read and with accompanying report referred to the Committee on Judiciary.

The following Communication: (H.C. 285)

**PRODUCTIVITY REALIZATION TASK FORCE**  
**Memorandum**

DATE: January 2, 1996  
TO: Representative Dan A. Gwadosky,  
Speaker of the House  
FROM: S/Linwood Bell, Chair,  
Productivity Realization Task Force  
RE: December Report

Pursuant to Public Law 1995, chapter 99, Part D, Section D-3[3], we are pleased to provide you with a copy of the Productivity Realization Task Force's December report to the Governor. Please feel free to contact the Productivity Realization Task Force office for additional copies at State House Station 78, telephone 624-7881, or e-mail.

Was read and with accompanying report referred to the Committee on Appropriations and Financial Affairs and the Committee on State and Local Government.

#### 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:

##### Taxation

Bill "An Act to Amend the Laws Regarding the Taxation of Subdivisions" (H.P. 1192) (L.D. 1636) (Presented by Representative FISHER of Brewer) (Cosponsored by Representatives: HATCH of Skowhegan, KEANE of Old Town, MITCHELL of Vassalboro, SAXL of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

##### Reported Pursuant to Resolve

Representative TREAT for the Study Commission on Property Rights and the Public Health, Safety and Welfare pursuant to Resolve 1995, chapter 45 asks leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Study Commission on Property Rights and the Public Health, Safety and Welfare Establishing a Land Use Mediation Program and Providing for Further Review of Rules" (H.P. 1188) (L.D. 1629) be referred to the Joint Standing Committee on Judiciary for Public Hearing and printed pursuant to Joint Rule 20.

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

#### SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Myron E. Wood, of Brooks, who served in the Maine House of Representatives in the 100th, 101st, 103rd, 104th, 105th and 106th Legislatures. He worked on the State Road Crew as foreman for years and was the Road Commissioner for the Town of Brooks. Mr. Wood enjoyed farming and was a member of Harvest Home Grange for 70 years. He will be missed by his family and many friends; (HLS 762) by Representative WHITCOMB of Waldo. (Cosponsors: Senator LONGLEY of Waldo, Representative TUFTS of Stockton Springs)

On objection of Representative WHITCOMB of Waldo was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Mr. Myron Wood was a dedicated citizen of his community and I think an inspiration for some of us who lived in his shadow. For many years, he encouraged young people to be involved in

the political system. In fact, even well into his 80s was known to attend, chair and lead political activities. Mr. Wood was a very successful individual in those events he undertook. He enjoyed the politics. He enjoyed involvement. He enjoyed improving his community. He enjoyed improving his profession, which was mine. He, I think, is an outstanding example of someone who, even late in life, loved to hear us talk about what it meant to be in politics and understood after his 12 years of service the give and take of the political process. When we adjourn today, Mr. Speaker, I request that we adjourn in memory of Mr. Myron Wood.

Was read and adopted and sent up for concurrence.

#### REPORTS OF COMMITTEES

##### Ought to Pass Pursuant to Public Law

Representative O'GARA from the Committee on Transportation on Bill "An Act to Repeal the Sunset Provision for Distribution from the Maine Environmental Trust Fund" (EMERGENCY) (H.P. 1180) (L.D. 1619) reporting "Ought to Pass" Pursuant to Public Law 1993, chapter 410, part BBB, section 6.

Report was read and accepted. The Bill read once and assigned for second reading Thursday, January 4, 1996.

On motion of Representative WHITCOMB of Waldo the House adjourned at 11:15 a.m., until Thursday, January 4, 1996 in honor and lasting tribute to the memory of of Myron E. Wood of Brooks.