

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
5th Legislative Day
Tuesday, January 16, 1996

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

Prayer by Father Ed Thomson, St. Andrews Catholic Church, Augusta.

National Anthem by the Edmondson Family, Mechanic Falls.

Physician for the day, Peter D. Guzzetti, D.O., Kennebec Internal Medicine, Augusta.

The Journal of Thursday, January 11, 1996 was read and approved.

COMMUNICATIONS

The following Communication: (S.P. 645)

ZUCKERMAN, AVAUNT & DEVINE

ATTORNEYS AT LAW

20 SHAKER ROAD * P.O. BOX 617

GRAY, MAINE 04039-0617

January 8, 1996

Ms. May Ross

Secretary of the Senate

State House

Augusta, ME 04333

RE: Pineland Reuse Committee

Dear Ms. Ross:

This letter shall serve to formally convey the final report of the Governor's Task Force on Pineland Center reuse which is dated October, 1995 to the Senate. The report was prepared by the Task Force pursuant to the executive Order dated December 9, 1994 signed by Governor John R. McKernan, Jr., Executive Order No. 4FY94/95, with the original deadline extended to the end of October, 1995 by Governor King by letter dated October 2, 1995.

It is my understanding that copies of the report have been forwarded to the Legislature by Governor King's office.

Should you require additional copies, there are a considerable number available through the Planner for the Task Force, Robert Faunce, whose telephone number is 784-2617.

Sincerely,

S/Lawrence J. Zuckerman,
Chairman of Task Force on
Pineland Center Reuse

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

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

The following Communication: (S.P. 652)

117TH MAINE LEGISLATURE

January 10, 1996

Senator Philip E. Harriman

Representative G. Steven Rowe

Chairpersons

Joint Standing Committee on Business and Economic Development

117th Legislature

Augusta, Maine 04333

Dear Senator Harriman and Representative Rowe:

Please be advised that Governor Angus S. King, Jr. has nominated the following:

James T. X. Wellehan of Auburn for appointment as a member of the Finance Authority of Maine, pursuant to Title 10, MRSA Section 965;

Robert D. Umphrey of Presque Isle, Arthur H. Thompson of Limestone and Elizabeth B. Rueth of Vassalboro for reappointments, and Roland D. Martin of Caribou for appointment, as members of the Loring Development Authority, pursuant to Title 5, MRSA Section 13080-B;

These nominations will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland

President of the Senate

S/Dan A. Gwadosky

Speaker of the House

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

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

The following Communication: (S.P. 653)

117TH MAINE LEGISLATURE

January 10, 1996

Senator Mary E. Small

Representative John L. Martin

Chairpersons

Joint Standing Committee on Education and Cultural Affairs

117th Legislature

Augusta, Maine 04333

Dear Senator Small and Representative Martin:

Please be advised that Governor Angus S. King, Jr. has nominated the following:

David S. Loeb of Olympic Valley, California, for appointment as a member of the Maine Maritime Academy Board of Trustees, pursuant to Public Law 1975, Chapter 771, Section 428;

Ryan K. Witham of Bangor for appointment as the student trustee of the University of Maine Board of Trustees, pursuant to Public Law 1987, Chapter 735, Section 73;

These nominations will require review by the Joint Standing Committee on Education and Cultural Affairs and confirmation by the Senate.

Sincerely,

S/Jeffrey H. Butland

President of the Senate

S/Dan A. Gwadosky

Speaker of the House

Came from the Senate, read and referred to the Committee on Education and Cultural Affairs.

Was read and referred to the Committee on Education and Cultural Affairs in concurrence.

The following Communication: (H.C. 294)

STATE OF MAINE

EXECUTIVE DEPARTMENT

STATE PLANNING OFFICE

38 STATE HOUSE STATION

AUGUSTA, MAINE 04333

January 8, 1996

Honorable Jeffrey H. Butland, President of the Senate

Honorable Dan A. Gwadosky, Speaker of the House

Members of the 117th Maine Legislature

Re: Annual Oil Overcharge Funds Report

Dear President Butland, Speaker Gwadosky, and Honorable Members of the 117th Legislature:

I am pleased to submit the Governor's Report to the Legislature on Maine's Use of Exxon, Stripper Well, and Diamond Shamrock Oil Overcharge Funds.

The PVE report is submitted to the Legislature pursuant to Section 6 of Chapter 818 of the Public Laws of 1987 and Chapter 119 of the Private and Special Laws of 1989. A report to the Legislature was required of laws enacted for the spending of Exxon, Stripper Well, and Diamond Shamrock funds made available to the states from the courts in oil overcharge findings. Over the last several years, the spending of oil overcharge monies has been authorized by the Legislature with the passage of the budget. This report is submitted to the Legislature to follow the intent of the earlier laws.

Copies of the Report are being distributed to each member of the Legislature, agencies responsible for PVE-funded programs, and other interested parties.

Sincerely,

S/Evan D. Richert, AICP

Director

Was read and with accompanying report ordered placed on file.

The following Communication: (H.C. 295)

**UNIVERSITY OF MAINE
MARGARET CHASE SMITH CENTER
FOR PUBLIC POLICY
5715 Coburn Hall
Orono, ME 04469-5715**

January 9, 1996

Mr. Joseph W. Mayo
Clerk of the House
State House Station #2
Augusta, ME 04333

Dear Clerk Mayo:

In accordance with 1967 Public Law, Chapter 493, I am enclosing copies of the report for the 1995 Maine State Government Internship Program for the members of the Maine House of Representatives.

I would appreciate it if you would distribute a copy to each Representative.

If you have any questions or need more than the enclosed 160 copies of the report, please let me know. Again, thank you for your assistance.

Sincerely,

S/Kathryn H. Godwin, Ed.D.

Staff Associate and

Director, Maine State Government

Internship Program

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 Increase the Municipal Share of Dog Licensing Fees" (H.P. 1250) (L.D. 1712) (Presented by Representative STROUT of Corinth) (Cosponsored by Representatives: AHEARNE of

Madawaska, BAILEY of Township 27, CHICK of Lebanon, CROSS of Dover-Foxcroft, FARNUM of South Berwick, HEESCHEN of Wilton, JONES of Bar Harbor, KNEELAND of Easton, LUMBRA of Bangor, PENDLETON of Scarborough, PLOWMAN of Hampden, POVICH of Ellsworth, ROBICHAUD of Caribou, SPEAR of Nobleboro, STONE of Bangor, TYLER of Windham, Senators: CASSIDY of Washington, GOLDTHWAIT of Hancock, O'DEA of Penobscot) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24.)

Marine Resources

Bill "An Act to Establish a Sea Urchin Management Plan" (EMERGENCY) (H.P. 1252) (L.D. 1714) (Presented by Representative RICE of South Bristol) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Taxation

Bill "An Act to Simplify Applications for Tax Exemptions for Blind Individuals" (H.P. 1248) (L.D. 1710) (Presented by Representative AULT of Wayne) (Cosponsored by Representative MARTIN of Eagle Lake, Senator: SMALL of Sagadahoc) (Submitted by the Department of Education pursuant to Joint Rule 24.)

Bill "An Act to Ensure Proper Withholding of State Income Tax" (H.P. 1249) (L.D. 1711) (Presented by Representative DORE of Auburn) (Cosponsored by Representatives: DESMOND of Mapleton, GWADOSKY of Fairfield, THOMPSON of Naples, TUTTLE of Sanford, WATSON of Farmingdale, Senator: CAREY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Amend the Tax Laws Regarding Retail Business Registration and Penalty Relief to Taxpayers with Extensions" (H.P. 1251) (L.D. 1713) (Presented by Representative DORE of Auburn) (Cosponsored by Representative TUTTLE of Sanford and Representatives: GREEN of Monmouth, KERR of Old Orchard Beach, REED of Falmouth, SPEAR of Nobleboro, TRIPP of Topsham, Senator: FERGUSON of Oxford) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 24.)

Reported Pursuant to Resolve

Representative JACQUES for the Commission to Study Trespass Laws pursuant to Resolve 1995, chapter 53 asks leave to submit its findings and to report that the accompanying Bill "An Act to Describe Property Posting under the Criminal Trespass and Trespass by Motor Vehicle Laws" (H.P. 1247) (L.D. 1709) be referred to the Joint Standing Committee on Criminal Justice for Public Hearing and printed pursuant to Joint Rule 20.

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

Reported Pursuant to Resolve

Representative UNDERWOOD for the Committee to Plan for Education Services in the Towns of Mechanic Falls, Minot and Poland pursuant to Resolve 1995, chapter 55 asks leave to submit its findings and to report that the accompanying Bill "An Act to Establish Educational Services for Grades 7 to 12 in the Towns of Mechanic Falls, Minot and Poland"

(EMERGENCY) (H.P. 1243) (L.D. 1705) be referred to the Joint Standing Committee on Education and Cultural Affairs for Public Hearing and printed pursuant to Joint Rule 20.

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

Reported Pursuant to Resolve

Representative JACQUES for the Commission to Study Trespass Laws pursuant to Resolve 1995, chapter 53 asks leave to submit its findings and to report that the accompanying Bill "An Act to Clarify the Landowner Liability Laws" (H.P. 1245) (L.D. 1707) 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.

Reported Pursuant to Resolve

Representative JACQUES for the Commission to Study Trespass Laws pursuant to Resolve 1995, chapter 53 asks leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Laws Relating to Recovery for Property Damage" (H.P. 1246) (L.D. 1708) 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.

Reported Pursuant to Resolve

Representative CHIZMAR for the Task Force on Alcoholic Beverage Sales pursuant to Resolve 1995, chapter 54, section 6 asks leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Task Force on Alcoholic Beverage Sales" (EMERGENCY) (H.P. 1244) (L.D. 1706) be referred to the Joint Standing Committee on Legal and Veterans Affairs for Public Hearing and printed pursuant to Joint Rule 20.

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

ENACTORS

Emergency Measure

An Act to Repeal the Sunset Provision for Distribution from the Maine Environmental Trust Fund (H.P. 1180) (L.D. 1619)

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. 136 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

At this point, the Speaker recognized the Representative from Waterboro, Representative McAlevey, who was added to the quorum call of the Second Regular Session of the 117th Legislature.

TABLED AND TODAY ASSIGNED

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

Expression of Legislative Sentiment relative to the death of Geoffrey R. Stanwood (HLS 783) TABLED - January 11, 1996 by Representative JACQUES of Waterville.

PENDING - Adoption.

Subsequently, Legislative Sentiment (HLS 783) was adopted and sent up for concurrence.

Resolve, Regarding Legislative Computer Information Systems (EMERGENCY) (H.P. 1226) (L.D. 1679)

(Committee on State and Local Government suggested)

TABLED - January 11, 1996 by Representative JACQUES of Waterville.

PENDING - Reference.

On motion of Representative JACQUES of Waterville, tabled pending reference and specially assigned for Thursday, January 18, 1996.

Bill "An Act to Protect Sources of Drinking Water in the Towns of Searsport, Stockton Springs and Prospect" (H.P. 1218) (L.D. 1668)

(Committee on Utilities and Energy suggested)

TABLED - January 11, 1996 by Representative JACQUES of Waterville.

PENDING - Reference.

On motion of Representative WHITCOMB of Waldo, tabled pending reference and specially assigned for Thursday, January 18, 1996.

Bill "An Act to Allow Voluntary Withholding of Federal and State Income Taxes from Unemployment Compensation Benefits" (S.P. 639) (L.D. 1674)

- In Senate, Referred to the Committee on Labor.

TABLED - January 11, 1996 by Representative JACQUES of Waterville.

PENDING - Reference in concurrence.

On motion of Representative HATCH of Skowhegan, the Bill was referred to the Committee on Taxation in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

Bill "An Act to Correct Omissions in the Productivity Realization Task Force Legislation Relating to the State Soil and Water Conservation Commission and the Animal Welfare Board" (S.P. 659) (L.D. 1719)

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

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

Bill "An Act to Repeal and Replace the Charter of Bowdoin College" (EMERGENCY) (S.P. 658) (L.D. 1718)

Came from the Senate, referred to the Committee on Education and Cultural Affairs and Ordered Printed.

Was referred to the Committee on Education and Cultural Affairs in concurrence.

Bill "An Act Redefining the Community Services Structure of the Mental Health System" (S.P. 654) (L.D. 1704)

Bill "An Act to Allow the Department of Human Services to Release the Names of Individuals Who Receive Welfare Benefits as a Result of Serious, False Misrepresentation" (S.P. 656) (L.D. 1716)

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

Were referred to the Committee on Human Resources in concurrence.

Bill "An Act to Allow the Adjutant General to Sell Unfit and Unneeded Property and Apply Proceeds to the Military Bureau's Construction and Capital Repair Account, to Authorize the Adjutant General to Transfer Real Property, and to Authorize the Military Bureau to Retain the Proceeds of Armory Rentals" (S.P. 660) (L.D. 1720)

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 Create a Scallop Diving Tender License" (S.P. 655) (L.D. 1715)

Bill "An Act Allowing Towns to Form Regional Shellfish Management Committees" (S.P. 657) (L.D. 1717)

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

Were referred to the Committee on Marine Resources in concurrence.

Resolve, to Form a Task Force to Examine Methods of Reimbursing Automobile Owners for Emissions Testing and Consequent Repair Costs (EMERGENCY) (S.P. 661) (L.D. 1721)

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

Was referred to the Committee on Natural Resources in concurrence.

On motion of Representative WINN of Glenburn, the House adjourned at 11:00 a.m. until 10:00 a.m., Thursday, January 18, 1996.