

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
8th Legislative Day
Thursday, January 25, 1996

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

Prayer by Reverend Georges Plante, St. Sebastian Catholic Church, Madison.

Physician for the day, Peter C. Goth, M.D., Miles Memorial Hospital, Damariscotta.

The Journal of Tuesday, January 23, 1996 was read and approved.

SENATE PAPERS

Bill "An Act to Promote the Health of Newborns and Their Mothers" (EMERGENCY) (S.P. 670) (L.D. 1732)

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 Require the Department of Human Services to Base Eligibility for Medicaid Reimbursement for Nursing Facility Care on a Person's Entire Medical Condition" (EMERGENCY) (S.P. 668) (L.D. 1730)

Bill "An Act to Amend the Mass Gathering Laws" (S.P. 669) (L.D. 1731)

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 Concerning Special Licenses in the Department of Marine Resources" (S.P. 667) (L.D. 1727)

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

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

COMMUNICATIONS

The following Communication: (S.P. 675)

117TH MAINE LEGISLATURE

January 23, 1996

Senator Mary E. Small

Representative Wendy L. Ault

Chairpersons

Joint Standing Committee on Education and Cultural Affairs

117th Legislature

Augusta, Maine 04333

Dear Senator Small and Representative Ault:

Please be advised that Governor Angus S. King, Jr. has nominated William M. Cohen of Bangor for appointment and Alfred W. Kany, Jr. of Saco and Denison Gallaudet of Cumberland for reappointment as members of the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, 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: (S.P. 676)

117TH MAINE LEGISLATURE

January 23, 1996

Senator Charles M. Begley

Representative Pamela H. Hatch

Chairpersons

Joint Standing Committee on Labor

117th Legislature

Augusta, Maine 04333

Dear Senator Begley and Representative Hatch:

Please be advised that Governor Angus S. King, Jr. has nominated Grover B. MacLaughlin of Orono for reappointment as a member of the Maine State Retirement System Board of Trustees.

Pursuant to Title 5, MRSA Section 17102, this nomination will require review by the Joint Standing Committee on Labor 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 **Labor**.

Was read and referred to the Committee on **Labor** in concurrence.

The following Communication: (S.P. 671)

117TH MAINE LEGISLATURE

January 18, 1996

Senator S. Peter Mills

Representative Sharon Treat

Chairpersons

Joint Standing Committee on Judiciary

117th Legislature

Augusta, Maine 04333

Dear Senator Mills and Representative Treat:

Please be advised that Governor Angus S. King, Jr. has nominated the Honorable David B. Griffiths of Presque Isle, the Honorable Peter J. Goranites of Cumberland, the Honorable Bernard C. Staples of Bar Harbor and the Honorable Jane S. Bradley of Freeport for reappointment as Judges of the Maine District Court.

Pursuant to Title 4, MRSA Section 157, these nominations will require review by the Joint Standing Committee on Judiciary 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 **Judiciary**.

Was read and referred to the Committee on **Judiciary** in concurrence.

The following Communication: (S.P. 672)

117TH MAINE LEGISLATURE

January 19, 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 Elsie B. Morris of Bath for reappointment and Nathan Smith of Portland for appointment as members of the Maine State Housing Authority.

Pursuant to Title 30-A, MRSA Section 4723, 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: (H.C. 300)

**STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY**

January 19, 1996

Honorable Jeffrey Butland, President
Maine Senate
Honorable Dan Gwadosky, Speaker
Maine House of Representatives

RE: Protection from Abuse and Protection from Harassment

Dear President Butland and Speaker Gwadosky:

During the First Regular Session, the Joint Standing Committee on Judiciary heard LD 1092, Resolve, Directing the Attorney General's Office to Review the Current Definition and Judicial Interpretation of Harassment. The Committee requested the Judicial Department to include the questions raised by the Resolve in the Department's TQM "Team" examining Protection from Abuse and Protection from Harassment, and voted ONTP on the LD. We asked the Department to report back to us this session with recommendations.

District Court Judge Joseph Field addressed the Committee on January 17, 1996, and presented the Judicial Department's recommendations. We are pleased to support the recommendations, and we are submitting a joint order directing the Committee to report out a bill containing the Judicial Department's recommendations.

Sincerely,

S/S. Peter Mills III S/Sharon Anglin Treat
Senate Chair House Chair

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

State and Local Government

Bill "An Act to Amend the Budget Process in Androscoggin County" (EMERGENCY) (H.P. 1259) (L.D. 1736) (Presented by Representative FITZPATRICK of Durham) (Cosponsored by Senator: CLEVELAND of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

ORDERS

On motion of Representative MITCHELL of Vassalboro, the following Joint Resolution: (H.P. 1260) (Cosponsored by: Representatives BERRY of Livermore, DORE of Auburn, FISHER of Brewer, FITZPATRICK of Durham, MARTIN of Eagle Lake, MITCHELL of Portland, ROSEBUSH of East Millinocket, THOMPSON of Naples, TOWNSEND of Portland, Senators: BUSTIN of Kennebec, O'DEA of Penobscot, PARADIS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS
OF THE UNITED STATES TO ENACT
AMENDMENTS TO THE EMPLOYEE RETIREMENT
AND INCOME SECURITY ACT**

WE, your Memorialists, the Members of the One Hundred and Seventeenth Legislature of the State of Maine, now assembled in the Second Regular Session, most respectfully present and petition the members of the Congress of the United States, as follows:

WHEREAS, the cost of health insurance is unaffordable for many and approximately 145,000 Maine citizens are without health insurance coverage; and

WHEREAS, nearly 80 percent of those uninsured citizens are full-time employees whose tax money helps to pay for Medicaid coverage for those even less able to afford insurance; and

WHEREAS, many uninsured persons delay medical care and are more likely to experience avoidable hospitalizations and suffer early deaths; and

WHEREAS, the Employee Retirement Income Security Act of 1974 denies this Legislature authority to provide health insurance coverage for all of its citizens; and

WHEREAS, because of the competitive disadvantage resulting from increased taxes, Maine, implementing universal health insurance on its own, would suffer a decrease in its Gross State Product, employment and per capita income; now, therefore, be it

RESOLVED: That, We, your Memorialists, respectfully urge and request that the United States Congress enact legislation to establish national universal health insurance coverage for all citizens of the United States; and be it further

RESOLVED: That, We, your Memorialists, respectfully urge and request that the United States Congress amend the Employee Retirement Income Security Act of 1974 to establish standard, minimum health insurance benefits, to require more rigorous consumer protections, to allow states to require self-insured companies to participate in health data collection efforts, and to allow states to tax self-insured health plans to the same extent other insurers are taxed; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the

Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Maine Congressional Delegation.

On motion of Representative MITCHELL of Vassalboro, tabled pending adoption and specially assigned for Tuesday, January 30, 1996.

On motion of Representative AULT of Wayne, the following Joint Resolution: (H.P. 1261) (Cosponsored by: Representatives BERRY of Livermore, GWADOSKY of Fairfield, MARTIN of Eagle Lake, Senator: STEVENS of Androscoggin)

JOINT RESOLUTION IN MEMORY OF KAREN J. HUBBARD

WHEREAS, Karen J. Hubbard, who died January 20, 1996, worked for the Maine House of Representatives as a House reporter during the 106th to 117th Legislatures; and

WHEREAS, Karen was born in Augusta and raised and lived in this area, and she always gave back to her community by volunteering for the Fayette Fire Department and as an EMT for the Fayette Rescue; and

WHEREAS, Karen had also worked at Berry Hill Orchards in Livermore and had been an administrative assistant at Camp Keyes in Augusta; and

WHEREAS, Karen faithfully served the State of Maine and the Maine State Legislature since 1973 with great distinction through 23 legislative sessions; and

WHEREAS, Karen will be sadly missed by her loving family and many friends; now, therefore, be it

RESOLVED: That, We, the Members of the 117th Legislature now assembled in the Second Regular Session, formally express our condolences and deepest sympathies to the loving family and friends of Karen J. Hubbard; and be it further

RESOLVED: That our membership take this opportunity to commemorate the life of Karen J. Hubbard; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to her family as a tangible token of our esteem.

The **SPEAKER**: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Mr. Speaker, Men and Women of the House: For those of us who knew Karen Hubbard, we will always remember her kind and considerate manner. She valued public service and was very generous with her time. I know that I will never forget her contagious smile. Karen's presence among us will be sadly missed.

Was read and adopted and sent up for concurrence. Ordered sent forthwith.

On motion of Representative HICHBORN of Lagrange, the following Order: (H.O. 39)

ORDERED, that Representative Michael J. Fitzpatrick of Durham be excused January 18 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Carol A. Kontos of Windham be excused January 4 to 13 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Elizabeth H. Mitchell of Vassalboro be excused January 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roy I. Nickerson of Turner be excused January 18 for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative Shirley K. Richard of Madison be excused January 18 for personal reasons.
Was read and passed.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Nancy Sewall Cunningham, of Island Falls, beloved wife, neighbor and friend and the daughter of Mary and William Wingate Sewall. Her father was a Maine Guide and a lifelong friend of Theodore Roosevelt, whose inauguration she attended in 1905. She was an accomplished naturalist and advocate of outdoor life. She attended Simmons College in Boston and taught in rural Maine schools. Mrs. Cunningham was a 50-year member of the Loyal Chapter of the O.E.S., a member of the Women's Pine Needle Club and a deaconess of the Whittier Congregational Church of Island Falls. She lived 101 full and fulfilling years, believing always that the gift of sharing enhanced the gift of living; (HLS 815) by Representative JOY of Crystal. (Cosponsors: Representative ADAMS of Portland, Senator MICHAUD of Penobscot)

On objection of Representative JOY of Crystal, was removed from the Special Sentiment Calendar.

On further motion of the same Representative, tabled pending adoption and specially assigned for Tuesday, January 30, 1996.

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

CONSENT CALENDAR

First Day

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

(H.P. 1184) (L.D. 1622) Bill "An Act to Promote Parity Between State and Federally Chartered Credit Unions" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-683)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, January 30, 1996 under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 1174) (L.D. 1606) Bill "An Act to Amend the Overtime Laws as They Pertain to Bonuses" (EMERGENCY)

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 677)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 30, 1996, at 10:00 o'clock in the morning.
Came from the Senate, read and passed.
Was read and passed in concurrence.

Bill "An Act to Clarify Certain Provisions of Law Pertaining to Lobster Management" (S.P. 673) (L.D. 1733)
Came from the Senate, referred to the Committee on **Marine Resources** and Ordered Printed.
Was referred to the Committee on **Marine Resources** in concurrence.

Bill "An Act to Clarify the Agency Rule-making Process" (S.P. 678) (L.D. 1735)
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.

Bill "An Act to Amend the Commercial Vehicle Weight Laws" (S.P. 674) (L.D. 1734)
Came from the Senate, referred to the Committee on **Transportation** and Ordered Printed.
Was referred to the Committee on **Transportation** in concurrence.

On motion of Representative AULT of Wayne, the House adjourned at 10:48 a.m. pursuant to the Joint Order (S.P. 677) in honor and lasting tribute to the memory of Karen J. Hubbard.