

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
11th Legislative Day
Tuesday, February 6, 1996

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

Prayer by Reverend Doctor Kenneth Phelps, United Baptist Church of Mapleton.

National Anthem by Mountain Valley High School Band, Rumford.

Physician for the day, Bruce P. Bates, D.O., Biddeford.

The Journal of Thursday, February 1, 1996 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

JOINT RESOLUTION (H.P. 1260) MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT AMENDMENTS TO THE EMPLOYEE RETIREMENT AND INCOME SECURITY ACT which was read and adopted in the House on January 30, 1996.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to Recede and Concur.

COMMUNICATIONS

The following Communication: (H.C. 320)

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

February 1, 1996

The Honorable Dan A. Gwadosky
Speaker, Maine House of Representatives
#2 State House Station
Augusta, Maine 04333
The Honorable Jeffrey H. Butland
President of the Maine State Senate
#3 State House Station
Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

This letter is to inform the Legislature that I have accepted and will implement the recommendations of the Productivity Realization Task Force relating to the Department of Labor with the exception of those recommendations requiring legislative approval. I will be submitting legislation in this session necessary to implement these recommendations.

Implementation of the Productivity Realization Task Force recommendations will result in the elimination of 120 positions and the reclassification of 10 positions within the Department of Labor. Also realized will be General Fund savings over the biennium of \$357,105 and accommodates potential reductions in Federal Funding of up to \$5,795,184.

The Department of Labor has met its goal of improving the delivery of services to the citizens of Maine while improving its productivity. The plan will also serve to prepare us for the changes expected from Washington with respect to funding levels as well as operational issues. Commissioner Landry and her staff are available to provide additional information or respond to questions you may have.

Sincerely,
S/Angus S. King, Jr.
Governor

Was read and with accompanying papers 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:

Appropriations and Financial Affairs

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1996 and June 30, 1997" (EMERGENCY) (H.P. 1280) (L.D. 1759) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Senator HANLEY of Oxford) (Governor's Bill)

Education and Cultural Affairs

Bill "An Act to Amend the Definition of 'State Agency Client'" (H.P. 1281) (L.D. 1760) (Presented by Representative MARTIN of Eagle Lake) (Cosponsored by Senator SMALL of Sagadahoc) (Submitted by the Department of Education pursuant to Joint Rule 24.)

State and Local Government

Resolve, to Authorize the Exchange of a Parcel of Land Owned by the State with One Owned by Luke Bolduc (H.P. 1275) (L.D. 1751) (Presented by Representative GUERRETTE of Pittston) (Cosponsored by Senator McCORMICK of Kennebec, Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Utilities and Energy

Bill "An Act to Merge the Charter of the Jackman Water and Sewer Districts" (H.P. 1276) (L.D. 1752) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Senator MILLS of Somerset) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reported Pursuant to Joint Order (H.P. 1258)

Representative TREAT from the Committee on Judiciary pursuant to Joint Order H.P. 1258 asks leave to report that the accompanying Bill "An Act to Amend the Protection from Abuse and Protection from Harassment Statutes" (H.P. 1279) (L.D. 1758) be referred to the Joint Standing Committee on Judiciary for Public Hearing and printed pursuant to Joint Rule 18.

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

Reported Pursuant to Public Law

Representative FITZPATRICK for the Maine Health Care Reform Commission pursuant to Public Law 1993, chapter 707, Part AA, section 5 asks leave to submit its findings and to report that the accompanying Bill

"An Act to Control Health Care Costs and Improve Access to Health Care" (H.P. 1277) (L.D. 1753) be referred to the Joint Standing Committee on Banking and Insurance for Public Hearing and printed pursuant to Joint Rule 20.

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

ORDERS

On motion of Representative JACQUES of Waterville, the following Joint Resolution: (H.P. 1278) (Cosponsored by Representative LAYTON of Cherryfield and Representatives: AHEARNE of Madawaska, BAILEY of Township 27, CARLETON of Wells, CLARK of Millinocket, CROSS of Dover-Foxcroft, DAMREN of Belgrade, DEXTER of Kingfield, DIPIETRO of South Portland, DRISCOLL of Calais, GOULD of Greenville, GREENLAW of Standish, HICHBORN of Lagrange, KILKELLY of Wiscasset, MARTIN of Eagle Lake, MITCHELL of Vassalboro, MORRISON of Bangor, O'GARA of Westbrook, PAUL of Sanford, REED of Falmouth, REED of Dexter, ROSEBUSH of East Millinocket, STEDMAN of Hartland, STROUT of Corinth, TUTTLE of Sanford, UNDERWOOD of Oxford, WHITCOMB of Waldo, Senators: CASSIDY of Washington, FERGUSON of Oxford, LAWRENCE of York, LORD of York)

JOINT RESOLUTION RECOGNIZING FORMER REPRESENTATIVE FRANK H. FARREN, JR., FOR HIS ACHIEVEMENTS IN, AND CONTRIBUTIONS TO, SNOWMOBILING

WHEREAS, through the tireless efforts of Frank H. Farren, Jr., of Cherryfield, the snowmobile program of the former Bureau of Parks and Recreation and now of the Bureau of Parks and Lands was developed and grew steadily; and

WHEREAS, under Mr. Farren's administration the interconnecting corridor trail system for snowmobile travel was developed and today that system represents 3,000 miles of corridor trail; and

WHEREAS, a certificate of appreciation from the United States Department of Agriculture was presented to Mr. Farren for his participation in a working group that developed the "Evans Notch Unit Plan" in the White Mountain National Forest; and

WHEREAS, the International Snowmobile Industry Association recognized Mr. Farren with an international award for his guidance and leadership; and

WHEREAS, the "Snowmobile Magazine" selected Mr. Farren as their "Most Valuable Snowmobiler in 1982"; and

WHEREAS, the Maine Snowmobile Association granted Mr. Farren a lifetime membership; and

WHEREAS, while serving as a member of the Maine House of Representatives, Mr. Farren continued to be a leader in developing snowmobile legislation that would enhance the trail program; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Seventeenth Legislature, now assembled in Second Regular Session, take this opportunity to honor Frank H. Farren, Jr. for his significant contributions to the sport of snowmobiling and extend our support for his nomination into the International Snowmobile Hall of Fame; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to Frank H. Farren, Jr. in honor of this recognition.

Was read.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I present this resolution today as kind of a boost to the efforts that are being put forth by the Department of Parks and Recreation, which is now named something else.

Eighteen years ago when I was elected to the Legislature one of the first people that I came to know and work with was Frank Farren. At that time, Frank was the director of the snowmobile program for the State of Maine and the snowmobile industry was fairly new. It was a fledgling industry, but it was an industry that Frank believed had a lot of potential.

Frank has been nominated by our department to be inducted into the International Snowmobile Hall of Fame. Some people might not think this is something of great magnitude, but clearly when you are involved in the snowmobile program as closely as Representative Farren was, I think it makes a big difference.

This Resolution along with letters from every member of leadership, as well as the Clerk of the House, will be put together and presented to Scott Ramsey who is the new director of the snowmobile fund and we will be sending this to the nominating committee. Frank was nominated last year and unfortunately was passed over. I think the reason he was passed over is because the State of Maine did not clearly articulate to the committee that makes the decision all that this man has done for snowmobiling in the State of Maine. This Resolution is an attempt to do that.

Snowmobiling has become, not only a great, great recreational resource to the State of Maine, but has become a great economic resource to the State of Maine. Clearly with winters being as they have been and fishing being not what it has been in some areas, if it wasn't for the snowmobilers and the activity they generate there would be a lot of industries in the State of Maine that certainly would suffer the consequences.

I would be remiss if I didn't mention Frank's wife, Paula, in this whole thing because every meeting I ever went to, everything that Frank ever did to try to promote safe and sound recreational snowmobiling in the State of Maine, he was never alone. Those of you that served in this body with former Representative Farren remember that Paula wasn't very far away when he was down here doing his duties. Clearly the two of them set out on a mission and they certainly accomplished that mission, I think even far greater than either Frank or Paula ever expected.

The State of Maine has one of the finest ITT snowmobile trails in the country now. You can get from here to there and there to there as easily as you can walking across the street. This has mostly been a direct result of Frank's unending efforts and tireless efforts to convince people that club organization was the way to go. The landowner relations, the economic connections with businesses across the state, clearly he, more than any other person, is responsible for the snowmobile program we have today. It is with great pleasure and pride that I present this Resolution to this House so we can get it passed and send it on its way.

Having served with Frank, I considered him a friend 18 years ago and he certainly still is a friend today. Certainly I know of no one that deserves this honor more than former Representative Frank Farren of Cherryfield. Thank you.

Was adopted and sent up for concurrence.

REPORTS OF COMMITTEES Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-688) on Bill "An Act to Clarify the Laws Regarding the Issuance of a Credit Card to Benefit the Land for Maine's Future Fund" (EMERGENCY) (H.P. 1213) (L.D. 1663) (Governor's Bill)

Signed:

Senators:

ABROMSON of Cumberland
McCORMICK of Kennebec
SMALL of Sagadahoc
GATES of Rockport
SAXL of Portland
JONES of Pittsfield
VIGUE of Winslow
CAMPBELL of Holden
CHASE of China
GUERRETTE of Pittston
LUMBRA of Bangor

Representatives:

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

Signed:

Representative:

MAYO of Bath

Was read.

On motion of Representative VIGUE of Winslow, the Majority "Ought to Pass" Report was accepted.

The Bill was read once. Committee Amendment "A" (H-688) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, February 8, 1996.

CONSENT CALENDAR First Day

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

(H.P. 1193) (L.D. 1637) Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1997" (EMERGENCY) Committee on Labor reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, February 8, 1996 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. 620) (L.D. 1625) Bill "An Act to Restore the Safety Defense to the Maine Human Rights Act" (EMERGENCY)

(H.P. 1186) (L.D. 1627) Bill "An Act to Change the Name of the Maine Youth Apprenticeship Program to the Maine Career Advantage"

(H.P. 345) (L.D. 465) Bill "An Act to Improve the Local Road Assistance Program" (C. "A" H-684)

(H.P. 609) (L.D. 819) Bill "An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone" (C. "B" H-685)

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

BILLS IN THE SECOND READING As Amended

Bill "An Act to Decrease the Burden on the Trucking Industry by Permitting Photocopies of Registrations to Be Kept in Trailers and Semitrailers" (H.P. 543) (L.D. 739) (C. "A" H-687)

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

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

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

SENATE PAPERS

Bill "An Act Pertaining to Employee Benefit Plans of Employee Leasing Companies" (S.P. 686) (L.D. 1755)

Bill "An Act to Clarify and Amend Provisions of the Workers' Compensation Act Relating to Workers' Compensation Self-insurance" (S.P. 688) (L.D. 1757)

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

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

Bill "An Act to Establish a High School for the Visual and Performing Arts" (S.P. 687) (L.D. 1756)

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 to Amend the Laws Regarding Employee Leasing Companies" (EMERGENCY) (S.P. 689) (L.D. 1761)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Improve the Hancock County Budget Procedure" (S.P. 685) (L.D. 1754)

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.

On motion of Representative JONES of Bar Harbor, the House adjourned at 11:00 a.m., until 10:00 a.m., Thursday, February 8, 1996.