

# 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  
19th Legislative Day  
Tuesday, March 5, 1996

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

Prayer by Reverend Mark Worth, Castine Unitarian Church and Unitarian Universalist Church of Ellsworth.

National Anthem by Lake Region Middle School Band, Naples.

Physician for the day, Gary E. Palman, D.O., Falmouth.

The Journal of Thursday, February 29, 1996 was read and approved.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Discourage the Spread of 'Crack' Cocaine" (H.P. 1038) (L.D. 1457) on which the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-697) Report of the Committee on Criminal Justice was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-697) in the House on February 20, 1996.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-696) Report of the Committee on Criminal Justice read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-696) in non-concurrence.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I move the House recede and concur. About 10 days ago, the House voted overwhelmingly in support of the Minority Report. With reluctance, Men and Women of the House, I make a motion to recede and concur knowing the reality of what is going to happen, particularly if this bill leaves this chamber.

There are two good reports that we have here, the Majority Report and the Minority Report. The Minority Report the House voted within 10 days ago, a 94 to 47 vote. There is very little change between the Minority Report and the Majority Report. The Minority Report, I feel, is much stronger on crime particularly dealing with crack cocaine.

I am a realist and know enough that if this leaves this body divided the way I think it is going to be, it will die in the other end. I know this bill is too important to the people of the State of Maine to have that problem. With that, I recede and concur. Thank you Mr. Speaker.

On motion of Representative CLARK of Millinocket, the House voted to Recede and Concur.

**Non-Concurrent Matter**

An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 1997 (EMERGENCY) (H.P. 1193) (L.D. 1637) which was passed to be enacted in the House on February 22, 1996.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-440) in non-concurrence.

The House voted to Recede and Concur.

**COMMUNICATIONS**

The following Communication: (S.P. 717)

**117TH MAINE LEGISLATURE**

February 28, 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 David C. Kitchen of Yarmouth and Jeffrey S. Mitchell of Farmington for reappointment as members of the Maine Real Estate Commission.

Pursuant to Title 32, MRSA, Section 13062, 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.P. 1328)

State of Maine

Office of Secretary of State

Augusta, Maine 04333-0148

February 22, 1996

Hon. Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Mayo:

Enclosed please find my official certification to the 117th Legislature of the citizen initiative petition entitled "An Act to Promote Forest Rehabilitation and Eliminate Clearcutting."

Sincerely,

S/Bill Diamond

Secretary of State

State of Maine

Department of State

I, the Secretary of State of Maine, certify that written petitions bearing signatures of 54,968 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 29, 1996, requesting that the Legislature consider an act entitled "AN ACT to Promote Forest Rehabilitation and Eliminate Clearcutting."

I further certify that the number of signatures submitted is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 51,131.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the twenty-second day of February in the year one thousand nine hundred and ninety-six.

S/BILL DIAMOND

Secretary of State

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

On motion of Representative JACQUES of Waterville, the accompanying Bill "An Act to Promote Forest Rehabilitation and Eliminate Clearcutting" (I.B. 4) (L.D. 1819) was referred to the Committee on Agriculture, Conservation and Forestry, ordered printed and sent up for concurrence.

The following Communication: (H.P. 1331)

State of Maine  
Office of Secretary of State  
Augusta, Maine 04333-0148

February 22, 1996

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

Dear Clerk Mayo:

Enclosed please find my official certification to the 117th Legislature of the citizen initiative petition entitled "An Act to Reform Campaign Finance."

Sincerely,  
S/Bill Diamond  
Secretary of State

State of Maine  
Department of State

I, the Secretary of State of Maine, certify that written petitions bearing signatures of 59,563 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on January 17, 1996, requesting that the Legislature consider an act entitled "AN ACT to Reform Campaign Finance."

I further certify that the number of signatures submitted is in excess of ten percent of the total vote cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 51,131.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at Augusta on the twenty-second day of February in the year one thousand nine hundred and ninety-six.

S/BILL DIAMOND

Secretary of State

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

On motion of Representative JACQUES of Waterville, the accompanying Bill "An Act to Reform Campaign Finance" (I.B. 5) (L.D. 1823) was referred to the Committee on Legal and Veterans Affairs, ordered printed and sent up for concurrence.

The following Communication: (H.C. 359)

STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

March 1, 1996

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

State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Appropriations and Financial Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 671

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Help Increase Fish Production at the State Hatcheries  
Resolve, to Initiate an Outside Audit to Identify Savings and Duplicate or Unnecessary Programs within State Government

L.D. 811

L.D. 1648

An Act to Modify the Budget Work Program Process

L.D. 1652

An Act to Modify the Transfer Procedures for Appropriations, Allocations and Positions

L.D. 1677

An Act to Modify the Requirement for Financial Order Approval of Allotment Increases in Amounts of \$10,000 or Less

L.D. 1688

An Act to Require Legislative Approval of Financial Obligations of the State beyond the Current Biennium

L.D. 1696

An Act to Provide Equity in Payment for Substance Abuse Services Purchased by the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dana C. Hanley S/Rep. George J. Kerr  
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 360)

STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON HUMAN RESOURCES

March 1, 1996

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

State House

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Human Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 974 An Act to Create an Advisory Board and State and Local Interagency Teams to Assist in the Provision of Care for Children and Adolescents with Severe Emotional Disturbance

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Joan M. Pendexter  
Senate Chair

S/Rep. Michael J. Fitzpatrick  
House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 361)

**STATE OF MAINE  
ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

March 1, 1996

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

Augusta, Maine 04333

Dear President Butland and Speaker Gwadosky:

Pursuant to Joint Rule 15, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 734 An Act to Revise the Ogunquit Sewer District Charter

L.D. 871 An Act Concerning the Calculation of Private Fire Protection Charges

L.D. 1533 An Act to Require the Public Utilities Commission to Ensure Telecommunications Service in Economic Development Areas

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. David L. Carpenter S/Rep. Carol A. Kontos  
Senate Chair House Chair

Was read and ordered placed on file.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolve 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 Authorize a Bond Issue to Encourage and Support Economic Development" (H.P. 1330) (L.D. 1822) (Presented by Speaker GWADOSKY of Fairfield) (Cosponsored by Representative

SPEAR of Nobleboro and Representatives: BERRY of Livermore, BIGL of Bucksport, BUNKER of Kossuth Township, CAMERON of Rumford, CARR of Hermon, CLOUTIER of South Portland, CLUKEY of Houlton, DAMREN of Belgrade, DAVIDSON of Brunswick, DESMOND of Mapleton, DEXTER of Kingfield, DONNELLY of Presque Isle, FARNUM of South Berwick, GATES of Rockport, GOOLEY of Farmington, HEINO of Boothbay, JACQUES of Waterville, JOSEPH of Waterville, JOYNER of Hollis, KEANE of Old Town, KILKELLY of Wiscasset, KNEELAND of Easton, KONTOS of Windham, LaFOUNTAIN of Biddeford, LABRECQUE of Gorham, LEMONT of Kittery, LIBBY of Buxton, LOOK of Jonesboro, MADORE of Augusta, MARTIN of Eagle Lake, MITCHELL of Vassalboro, MITCHELL of Portland, MORRISON of Bangor, O'NEAL of Limestone, POULIOT of Lewiston, RICHARD of Madison, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, SAMSON of Jay, SAXL of Bangor, SAXL of Portland, SIMONEAU of Thomaston, SIROIS of Caribou, STEVENS of Orono, STROUT of Corinth, TAYLOR of Cumberland, THOMPSON of Naples, TREAT of Gardiner, TRUE of Fryeburg, TUFTS of Stockton Springs, WHEELER of Bridgewater, WINGLASS of Auburn, Senators: ABROMSON of Cumberland, CARPENTER of York, CLEVELAND of Androscoggin, GOLDTHWAIT of Hancock, MICHAUD of Penobscot, O'DEA of Penobscot, PARADIS of Aroostook, RAND of Cumberland, RUHLIN of Penobscot) (Governor's Bill)

**State and Local Government**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Sell or Lease the Interests of the State in Certain Real Estate and Personal Property Held by Various State Agencies at 6 Locations (H.P. 1329) (L.D. 1821) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Senator AMERO of Cumberland and Representative: MARVIN of Cape Elizabeth) (Governor's Bill)

**Reported Pursuant to Resolve**

Representative KILKELLY for the Home School Study Committee pursuant to Resolve 1993, chapter 62 asks leave to submit its findings and to report that the accompanying Bill "An Act to Require that Public Schools Permit Participation in Curricular, Cocurricular and Extracurricular Activities for Students Enrolled in Approved Equivalent Instruction Programs" (H.P. 1327) (L.D. 1818) 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 Bill referred to the Committee on Education and Cultural Affairs, ordered printed and sent up for concurrence.

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

**ORDERS**

On motion of Representative KILKELLY of Wiscasset the following Joint Order (H.P. 1332)

**ORDERED**, the Senate concurring, that the Revisor of Statutes is directed to prepare, "Joint Resolution Memorializing Congress and the Department of Energy to Make Full Use of the Rate Funds That Have Already Been Collected to Store and Monitor High-level

Nuclear Waste" and that the same be delivered to the Clerk of the House for introduction.

Was read.

On motion of Representative KILKELLY of Wiscasset, tabled pending passage and specially assigned for Wednesday, March 6, 1996.

#### SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Senator R. Leo Kieffer, of Caribou, who was named the 1995 Caribou Citizen of the Year by the Caribou Chamber of Commerce, and in extending our congratulations to him; (HLS 944) by Representative ROBICHAUD of Caribou. (Cosponsors: Representative DONNELLY of Presque Isle, Senator AMERO of Cumberland, Representative KNEELAND of Easton)

On objection of Representative ROBICHAUD of Caribou was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Robichaud.

Representative ROBICHAUD: Mr. Speaker, Men and Women of the House: I just wish to thank the staff and the members of this body for passing passage of this sentiment and also for your discretion. Last Thursday evening I had the pleasure of presenting this sentiment to Senator Kieffer where he was completely surprised. The ability to keep something a secret from a member of leadership, I think, this might be a first. I just wanted to say on behalf of the Caribou community how proud we are that Senator Kieffer was named our Citizen of the Year for 1995. I thank you all in endorsing this wonderful recognition of one of our fellow legislators. Thank you.

Was read and passed and sent up for concurrence.

the following members of the Lincoln Academy High School Girls Basketball Team, who won the Western Maine Class B 1996 Basketball Championship: Meagan Bowdoin, Brie Cartier, Nicole Chapman, Jennifer Doe, Audra Forstrom, Robyn Gentner, Kate Lessner, Jennifer Limouze, Alison McFarland, Holly Pendleton, Beth Powell and Andrea York and Coach Daniel Pinkham and Managers Jean Brooks and Erica McFarland and Assistant Coaches Kevin Feltis and Clyde Pendleton. We extend our congratulations and best wishes to them; (HLS 949) by Representative RICE of South Bristol. (Cosponsors: Representative HEINO of Boothbay, Representative SPEAR of Nobleboro, Senator BEGLEY of Lincoln)

On objection of Representative SPEAR of Nobleboro was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: We have with us today a very special group of young women and their coaches, the Lincoln Academy Basketball Team from New Castle. This group of young people have entertained the basketball community in the midcoast region to the highest degree during the these last winter months.

Lincoln Academy, a private school, accepts students from at least eight communities, if not more. Their efforts have reached a lot of people. These young ladies compiled a record of 21 and 0, to

win the Western Maine Class B Girl's Championship. They kept us all in suspense in the semi-finals and final games by winning by the closest of margins. One game by two points and the championship game by one point in overtime. In both of these games, they faced teams with fine individual talents. What made the difference between Lincoln Academy and those teams is that Lincoln Academy does not rely on any one individual. They display strictly a team effort with any player able to step forward to be the hero for that games. They are well-known for a balanced offense and a high intensity defense. The determination they showed in winning the Western Maine Championship against Cape Elizabeth and their 6 foot 7 center, who scored 42 points was truly an outstanding game. It was a game that went into overtime and won by one point.

In that game, they proved that unselfish team play and a never give up attitude can overcome all odds, no matter how big they might be. These Western Maine Champs played Friday night in Bangor against Orono for the state championship. It was a great game once again, but for the first time this year, we came up one point short. We do congratulate Orono, but it was one of those games with the ball rolling on the rim with a second to go and it rolled out instead of in. That was the difference in that ball game. It doesn't matter which way the ball rolls, we in Lincoln County are just as proud of these young ladies.

To coach, Dan Pinkham and his assistants and to the Lincoln Academy Western Maine Champs and state runner-ups, the Lincoln County legislative delegation and the entire Maine State Legislature congratulate you. Thank you.

Was read and passed and sent up for concurrence.

#### REPORTS OF COMMITTEES

Refer to the Committee on Natural Resources

Representative REED from the Committee on Taxation on Bill "An Act to Support Abatement of Uncontrolled Tire Stockpiles" (H.P. 1298) (L.D. 1781) reporting that it be referred to the Committee on Natural Resources.

Report was read and accepted and the Bill referred to the Committee on Natural Resources and sent up for concurrence. Ordered sent forthwith.

#### Ought to Pass as Amended

Representative CLARK from the Committee on Criminal Justice on Bill "An Act to Prohibit Home Repair Fraud and Establish Aggravated Penalties When the Victim Is an Older Person" (H.P. 918) (L.D. 1294) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-731)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-731) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 6, 1996.

#### Ought to Pass as Amended

Representative TRUE from the Committee on Legal and Veterans Affairs on Bill "An Act to Amend the Election Laws" (H.P. 1203) (L.D. 1653) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-737)

Report was read and accepted. The Bill read once. Committee Amendment "A" (H-737) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

Under further suspension of the rules, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-737) and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Legal and Veterans Affairs reporting "Ought to Pass" on Bill "An Act to Clarify the Laws Regarding the Ejection of a Person from a Boardinghouse" (H.P. 779) (L.D. 1076)

Signed:

Senators: FERGUSON of Oxford  
MICHAUD of Penobscot  
Representatives: CHIZMAR of Lisbon  
GAMACHE of Lewiston  
NADEAU of Saco  
CARR of Hermon  
FISHER of Brewer  
TRUE of Fryeburg

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

Signed:

Senator: STEVENS of Androscoggin  
Representatives: BUCK of Yarmouth  
MURPHY of Berwick  
LABRECQUE of Gorham  
LEMONT of Kittery

Was read.

On motion of Representative TRUE of Fryeburg, tabled pending acceptance of either Report and specially assigned for Wednesday, March 6, 1996.

#### CONSENT CALENDAR

##### First Day

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

(S.P. 610) (L.D. 1614) Bill "An Act to Amend the Law as It Pertains to Payment of Rent by a Blind or Visually Impaired Individual Who Operates a Vending Facility" Committee on Education and Cultural Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-435)

(H.P. 1302) (L.D. 1783) Bill "An Act to Repeal the Sunset and Reporting Requirements Regarding Transportation of Unscheduled Freight in Casco Bay" (Governor's Bill) Committee on Utilities and Energy reporting "Ought to Pass"

(H.P. 1317) (L.D. 1801) Bill "An Act to Provide for the 1996 and 1997 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (Governor's Bill) Committee on Business and Economic Development reporting "Ought to Pass"

(H.P. 1221) (L.D. 1671) Bill "An Act to Amend the Laws Regarding the Revolving Loan Fund for Wastewater Facilities" Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-733)

(H.P. 1237) (L.D. 1697) Bill "An Act to Amend the Unorganized Territory Tax Laws" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-736)

(H.P. 1245) (L.D. 1707) Bill "An Act to Clarify the Landowner Liability Laws" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-730)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 6, 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:

(S.P. 649) (L.D. 1691) Bill "An Act to Amend the Law Allowing the Growth and Sale of Cultivated Ginseng in Maine" (EMERGENCY) (C. "A" S-434)

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

#### BILLS IN THE SECOND READING

##### As Amended

Bill "An Act to Provide for Record Checks of Elementary and Secondary Education Employees and Applicants" (H.P. 617) (L.D. 827) (C. "A" H-724)

Bill "An Act to Amend the Law Regarding the Lease of Submerged Lands" (H.P. 993) (L.D. 1404) (C. "A" H-728)

Bill "An Act to Allow Physicians' Offices to Receive Discounts from Pharmaceutical Manufacturers" (H.P. 1169) (L.D. 1601) (C. "A" H-725)

Bill "An Act to Correct a Technical Error Relating to the Research Expense Tax Credit" (EMERGENCY) (H.P. 1212) (L.D. 1662) (C. "A" H-727)

Bill "An Act to Increase the Municipal Share of Dog Licensing Fees" (H.P. 1250) (L.D. 1712) (C. "A" H-729)

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

Bill "An Act to Amend the Definition of Outdoor Stadium in the Liquor Licensing Laws" (EMERGENCY) (H.P. 1267) (L.D. 1742) (C. "A" H-726)

Was reported by the Committee on Bills in the Second Reading, read the second time.

On motion of Representative MARTIN of Eagle Lake was set aside.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker. I would request that members of the committee explain exactly what they have done in terms of the committee amendment and specifically if this is going to allow the University of Maine, Mahany Field, to be used for the purpose of selling alcohol?

The SPEAKER: The Representative from Eagle Lake, Representative Martin has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Mr. Speaker, Men and Women of the House: I am not exactly sure what the question is that the outdoor stadium liquor has to do with the University of Maine. The amendment was an

amendment, which was given by Representative Lindahl and it had to do with the curling club that already had an to serve liquor to the club. This allowed them to have the same rights as the stadium would have. That is that they can serve the liquor to the people at the curling club who were coming as spectators. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: It is my understanding that what this will do is to lower the limit of the number of people now allowed, in terms of the number required for the selling of liquor or beer, in particular, from 5,000 to about 3,000. This will allow whoever who may wish to apply for a permit to use that permit to sell liquor at the Mahany Field at the University of Maine. I do not support that. I do not believe it is appropriate at a state institution. I would ask for a roll call on engrossment. I would urge all of you to vote against it.

Representative MARTIN of Eagle Lake requested a roll call on passage to be engrossed as amended.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I can't go without saying a few words on this, because I can't see everybody sitting in their seats. This bill has to do with a professional sport coming into the Bangor area, to allow them to deal with beer at Mahany Diamond, only while they are playing games at home. This is not for every sporting event at Mahany Diamond. It is only for the professional ball team, while they are playing at home, that is all it is for. They are lowering it from 5,000 to 3,000 because that is all they are going to be able to get in that ball park, that is all the bill does. It does not open the door for any other event, basketball, football or whatever. It is just for this team while they are playing at home.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I fully agree with what comments the Representative from Millinocket, Representative Clark has indicated. I will make two basic points. First, it is opening the door to additional requests from others who will make the same kind of demands upon university facilities. Second, this is a profit making operation for someone in the Bangor area. If they want to build a diamond for pro or semi-pro baseball, it should be done in Bangor or wherever else, not to use university facilities.

I do not believe that this is the way we ought to be going in this state. I do not believe in the long run that this solves what people think it is going to. I don't believe we ought to be playing this kind of game at a university facility. I urge you not to vote for engrossment.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Morrison.

Representative MORRISON: Mr. Speaker, Ladies and Gentlemen of the House: This is not setting a true precedence. The University of Maine already sells alcohol in several different areas of the university. Alcohol is available for sale at the Alford Arena. It is in a specialized area, but it is available for sale. It cannot be taken back into the skating area, but it is available for sale between periods. In addition to that, the University of Maine maintains that the "Bear's Den," has the ability to sell beer to those people who are eligible and are the proper age. So, this is not setting something brand spanking new in terms of the university campus. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Engrossment. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 300

YEA - Ault, Barth, Berry, Bigl, Bouffard, Brennan, Buck, Bunker, Cameron, Campbell, Carleton, Carr, Chartrand, Chizmar, Clark, Damren, Davidson, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Green, Greenlaw, Guerrette, Hartnett, Hatch, Jacques, Johnson, Jones, S.; Joseph, Joyce, Joyner, Keane, Kerr, Labrecque, LaFountain, Lemaire, Lemke, Lemont, Libby JL; Lindahl, Lumbra, Luther, Madore, Marvin, Mayo, McAlevey, Meres, Mitchell EH; Mitchell JE; Morrison, Murphy, Nadeau, O'Gara, Ott, Paul, Peavey, Pendleton, Perkins, Plowman, Poulin, Povich, Reed, G.; Richardson, Ricker, Robichaud, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Spear, Stevens, Taylor, Thompson, Treat, Tripp, True, Tufts, Tuttle, Tyler, Vigue, Volenik, Watson, Winn, Winsor.

NAY - Adams, Ahearne, Aikman, Benedikt, Chase, Chick, Cloutier, Clukey, Cross, Desmond, Dexter, Gerry, Gooley, Gould, Hichborn, Jones, K.; Joy, Kilkelly, Kneeland, Lane, Layton, Libby JD; Look, Lovett, Marshall, Martin, McElroy, Nass, O'Neal, Pinkham, Poirier, Reed, W.; Rice, Richard, Rosebush, Sirois, Stedman, Strout, Townsend, Underwood, Waterhouse, Wheeler, Winglass.

ABSENT - Bailey, Birney, Daggett, DiPietro, Donnelly, Dore, Driscoll, Dunn, Gieringer, Heeschen, Heino, Kontos, Nickerson, Pouliot, Stone, Truman, Whitcomb, The Speaker.

Yes, 90; No 43; Absent, 18; Excused, 0.

90 having voted in the affirmative and 43 voted in the negative, with 18 being absent, the Bill was passed to be engrossed as amended and sent up for concurrence.

#### ENACTORS Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Municipal Certification of Direct Initiative Petitions (H.P. 1187) (L.D. 1628) (C. "A" H-714)

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative GERRY: Thank you. Well, first of all, besides the question, I need to have this



proposal explained to me in detail. Ladies and gentlemen of the Legislature know that the direct initiative or initiative of the people is very dear to my heart. I have a lot of questions to make sure that they don't get messed up on this bill. According to what is written in the constitution, it says in Article 4, Part 3, section 18, that these petitions must be submitted three days before the final date and then they have two days to turn around. According to this bill, it says that they want to allow five working days, rather than the two. I want to find out what is the difference. What are they trying to do?

The SPEAKER: The Representative from Auburn, Representative Gerry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: This bill is not as complicated as you may at first glance think. It is simply a little technical change going from your two-day turnaround period to your five-day turnaround period. I will explain that in a bit. Currently you have a situation or we had a situation a couple of years ago where literally city clerks were just bombarded with petitions on a Friday afternoon when they had a two-day turnaround period. The City and Town Clerks Association and the Secretary of State's Office brought forward a bill that I ended up sponsoring. It would simply move the two-day turnaround to a more manageable five-day turnaround, no more, no less than that. It basically was proposed this way simply for the feasibility.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative GERRY: Thank you. I understand about the initiative process. I know sometimes we hold off passing them into the different towns to do the logistics. It is true that we have turned in maybe a thousand or more two days before the deadline. I agree that we do need to give the town clerks more time. I don't oppose a five-day turnaround at the end of the drive. The question I want to know is, does this mean regardless of the number of signatures we turn into the town clerks, say a month before the deadline, does that mean that this guarantees that whatever number, whether it is 5 or 100 or 1,000, we get them back in those five days?

The SPEAKER: The Representative from Auburn, Representative Gerry has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: The answer to that question or that line of thinking is nothing in the initiated referendum process changes, absolutely zero. The only change that this bill is proposing is to go from the two-day turnaround to the five-day turnaround. It is simply for logistics. It is simply for administrative reality.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Gerry.

Representative GERRY: Mr. Speaker, Men and Women of the House: I find this a very important issue.

Some town clerks are under the impression the way that it is written in the constitution that the other line in it says that they have to turn them around in two days.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: I never in my wildest dreams thought a couple of digits in one sentence was going to create such a hassle. Nevertheless, here we are. I think what we need to realize is the constitution may be changed by a constitutional amendment. Regardless of what the constitution may say about the two-day turnaround period, that is precisely what we are proposing to change.

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Conform the Maine Tax Laws for 1995 with the United States Internal Revenue Code (H.P. 1205) (L.D. 1655)

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. 126 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.

#### Emergency Measure

An Act Allowing Towns to Form Regional Shellfish Management Committees (S.P. 657) (L.D. 1717) (C. "A" S-429)

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. 121 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.

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. "B" S-431)

An Act to Reestablish the Tax Credit for Intrastate Airlines (S.P. 245) (L.D. 642) (C. "B" S-428)

An Act to Exempt from the Sales Tax Automobile Equipment Necessary for Paraplegics or People Who are Confined to Wheelchairs (H.P. 540) (L.D. 736) (C. "B" H-705)

An Act to Provide a Tax Credit for the Rehabilitation of Historic Properties (H.P. 715) (L.D. 972) (H. "A" H-715 to C. "B" H-703)

An Act to Exempt Goods Sold by Scouting Organizations from the Sales Tax (H.P. 776) (L.D. 1073) (C. "B" H-706)

An Act to Reform the Standard of Fiduciary Prudence (S.P. 615) (L.D. 1618) (C. "A" S-432)

An Act to Clarify Professional Liability (S.P. 627) (L.D. 1634)

An Act to Extend Waivers of Certain Provisions of the Education Laws (S.P. 634) (L.D. 1642) (C. "A" S-433)

An Act to Provide Protection from Motor Vehicle Damage to Forest Lands (H.P. 1232) (L.D. 1685) (C. "A" H-701)

An Act to Create a Scallop Diving Tender License (S.P. 655) (L.D. 1715) (C. "A" S-430)

An Act to Require Prisoners to Pay Their Fair Share of Victim Restitution (H.P. 1263) (L.D. 1738) (Governor's Bill)

Resolve, to Authorize the Maine Technical College System to Transfer Interests in Real Property (H.P. 1225) (L.D. 1678) (C. "A" H-710)

Resolve, to Establish a Tuition Rate for the Town of Dennysville and to Review the Provision of Education Services in the Unorganized Territory (H.P. 1297) (L.D. 1780) (H. "A" H-716)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted or finally passed, signed by the Speaker and sent to the Senate.

An Act to Enhance Amusement Ride Safety (H.P. 1256) (L.D. 1728) (C. "A" H-713)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative HARTNETT of Freeport was set aside.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative HARTNETT: Thank you Mr. Speaker. In reading over this bill, I see we are increasing the fees for amusement park rides in one case it looks like 20 percent. I wonder if someone might tell me how this increases safety?

The SPEAKER: The Representative from Freeport, Representative Hartnett has posed a question through the Chair to anyone who may care to respond.

The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Mr. Speaker, Men and Women of the House: Since there is no answer to that, I can assume it won't increase safety, but it will raise fees. I ask you to think about that prior to voting.

The Chair ordered a division on passage to be enacted.

Representative WATERHOUSE of Bridgton requested a roll call on passage to be enacted.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I am sorry I came a little bit late. I had to make a telephone call. This little, simple bill was put in by the department to increase the

fees for them to have more safety for people dealing with these amusement rides. It is a very simple bill. There was no testimony against it. Everybody who was there spoke in favor of it. It is just a little housekeeping bill that we thought was going to take care of a problem and make rides much safer than what they are and what we have been dealing with. You know there has been a problem in the past, just to get the department out to clean up the problems of the past. I was really surprised when I saw the vote when I came in. I couldn't believe a simple little bill like this would have so much interest. It is just a housekeeping bill. It is a very little, simple bill.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Hartnett.

Representative HARTNETT: Mr. Speaker, Men and Women of the House: I don't mean to beat a dead horse, but I still haven't heard an explanation of how this increases safety. I know it increases fees, but I am not seeing how charging people more money will do it. Are we going to have, perhaps, unsafe rides and they won't be able to afford a license, so they won't operate? I guess that is in a way, Mr. Speaker, a question I am posing through the Chair for clarification.

The SPEAKER: The Chair recognizes the Representative from Waldoboro, Representative McAlevy.

Representative McALEVEY: Mr. Speaker, Ladies and Gentlemen of the House: As was explained to us by the Fire Marshall's Office, this is going to bring into the law a number of new amusement rides that are not currently covered because of the language of the previous law. It is going to cover bungee jumping. The old definition basically stated that you had to have a mechanical ride or a ride that had to have some kind of mechanical parts moving. Under that definition, bungee jumping and that type of amusement activity was not covered.

One, the bill rewrites the law to embrace these types of activities, which currently now are unlicensed. They are uninspected. Secondly, we asked about the fee. I apologize for not rising earlier. I was doing something else. We asked why the fee was being raised at this time and they explained that the fee hadn't been raised, that they were bringing the fee up to what they felt was fair compared to what is being charged elsewhere. According to my good friend from Berwick, Representative Murphy, that is basically what they are getting in New Hampshire. I disagree in the sense that I don't think that just because it hasn't been raised is a good reason to raise it. However, we were advised that the fee increase would cover the cost of inspecting these rides and is borne by the industry who tours the state offering these rides for amusement and makes a lot of money doing it.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Mr. Speaker, Ladies and Gentlemen of the House: Not to muddy the water further, but just to read to you from the amendment. "It provides funds for additional general operating costs associated with licensing and inspection." It continues to say, "That this annual fee for the amusement device license and licensing will increase dedicated revenues to the Fire Marshall's Office and the Department of Public Safety." That is what the

funds are going for. In fact, it will go to increase safety. It is not just an increase in revenues.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 301

YEA - Adams, Ahearne, Benedikt, Berry, Bigl, Bouffard, Brennan, Bunker, Carleton, Carr, Chartrand, Chase, Chick, Chizmar, Clark, Cloutier, Clukey, Cross, Davidson, Desmond, Donnelly, Etnier, Fisher, Fitzpatrick, Gamache, Gates, Gerry, Gooley, Gould, Green, Hatch, Hichborn, Jacques, Johnson, Joseph, Keane, Kerr, KilKelly, Kneeland, Kontos, LaFountain, Lemaire, Lemont, Lindahl, Look, Luther, Madore, Martin, Marvin, Mayo, McAlevey, McElroy, Meres, Mitchell EH; Mitchell JE; Morrison, Nadeau, O'Gara, O'Neal, Ott, Paul, Peavey, Poirier, Pouliot, Povich, Reed, G.; Reed, W.; Rice, Richard, Richardson, Ricker, Rosebush, Rowe, Samson, Savage, Saxl, J.; Saxl, M.; Shiah, Simoneau, Sirois, Spear, Stevens, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Winglass, Winn, The Speaker.

NAY - Aikman, Ault, Barth, Buck, Cameron, Campbell, Damren, Dexter, Farnum, Greenlaw, Guerrette, Hartnett, Jones, K.; Jones, S.; Joy, Joyce, Labrecque, Lane, Layton, Libby JD; Libby JL; Lovett, Lumbra, Marshall, Murphy, Nass, Pendleton, Perkins, Pinkham, Plowman, Poulin, Robichaud, Stedman, Tufts, Underwood, Waterhouse, Winsor.

ABSENT - Bailey, Birney, Daggett, DiPietro, Dore, Driscoll, Dunn, Gieringer, Heesch, Heino, Joyner, Lemke, Nickerson, Stone, Truman, Whitcomb.

Yes, 98; No, 37; Absent, 16; Excused, 0.

98 having voted in the affirmative and 37 voted in the negative, with 16 being absent, the Bill was 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**

The following Joint Order: (S.P. 721)

**ORDERED**, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs report out a bill, to the Senate, to permit Casco Bay College to grant an Associate of Science degree.

Came from the Senate read and passed.

On motion of Representative JACQUES of Waterville, tabled pending passage and later today assigned.

The following Joint Order: (S.P. 722)

**ORDERED**, the House concurring, that the Joint Standing Committee on Education and Cultural Affairs report out, to the Senate, a bill relating to child development services.

Came from the Senate read and passed.

On motion of Representative JACQUES of Waterville, tabled pending passage and later today assigned.

Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (S.P. 719) (L.D. 1820)

Came from the Senate, referred to the Committee on Inland Fisheries and Wildlife and Ordered Printed.

Was referred to the Committee on Inland Fisheries and Wildlife in concurrence.

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

On motion of Representative POULIOT of Lewiston, the House adjourned at 11:50 a.m., until 10:00 a.m., Wednesday, March 6, 1996.