

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
20th Legislative Day
Wednesday, March 6, 1996

The House met according to adjournment and was called to order by the Speaker.
Prayer by Pastor Jeff E. Moody, Maranatha Riverside Church, Lincoln.
National Anthem by Jayd Brook, South Portland.
Physician for the day, John A. James, M.D., Auburn.
The Journal of yesterday was read and approved.

SENATE PAPERS

**Refer to the Committee on Natural Resources
Pursuant to Joint Order (S.P. 710)**

Report of the Committee on Natural Resources on Bill "An Act Relating to Solid Waste Management" (S.P. 720) (L.D. 1824) reporting that it be referred to the Committee on Natural Resources pursuant to Joint Order (S.P. 710).

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Natural Resources.

Report was read and accepted and the Bill referred to the Committee on Natural Resources in concurrence.

Ought to Pass as Amended

Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-437) on Bill "An Act to Allow Voluntary Withholding of Federal and State Income Taxes from Unemployment Compensation Benefits" (S.P. 639) (L.D. 1674)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-437).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-437) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 7, 1996.

Ought to Pass as Amended

Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-438) on Bill "An Act to Amend the Commercial Vehicle Weight Laws" (S.P. 674) (L.D. 1734)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-438).

Report was read and accepted. The Bill read once. Committee Amendment "A" (S-438) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, March 7, 1996.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought Not to Pass" on 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)

Signed:

Senators:

LORD of York
RUHLIN of Penobscot
HATHAWAY of York

Representatives:

DEXTER of Kingfield
GOULD of Greenville
POULIN of Oakland
BERRY of Livermore
WATERHOUSE of Bridgton
DAMREN of Belgrade
MERES of Norridgewock

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-442) on same Resolve.

Signed:

Representatives:

SHIAH of Bowdoinham
MARSHALL of Eliot

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Natural Resources read and accepted.

Was read.

Representative GOULD of Greenville moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of Representative SHIAH of Bowdoinham, tabled pending the motion of Representative GOULD of Greenville to accept the Majority "Ought Not to Pass" Report and later today assigned.

Non-Concurrent Matter

An Act to Repeal the Requirement that Disbursement Warrants Receive an Affirmative Vote by Municipal Officers (S.P. 608) (L.D. 1612) (C. "A" S-421)

- In House, passed to be enacted on February 22, 1996.
- In Senate, passed to be enacted on February 27, 1996, in concurrence.

- Recalled from the Governor's Desk pursuant to Joint Order (S.P. 715)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-421) and Senate Amendment "A" (S-444) in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

An Act Pertaining to the Northern New England Passenger Rail Authority (H.P. 1228) (L.D. 1681) 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-445) in non-concurrence.

On motion of Representative STROUT of Corinth, tabled pending further consideration and specially assigned for Thursday, March 7, 1996.

COMMUNICATIONS

The following Communication: (H.C. 362)

MAINE STATE LEGISLATURE
Augusta, Maine 04333

March 5, 1996

The Honorable Jeffrey H. Butland
President, Maine Senate

The Honorable Dan A. Gwadosky

Speaker of the House

Dear President Butland and Speaker Gwadosky:

Pursuant to Public Law 1995, chapter 395, as amended by Public Law 1996, chapter 509, I am pleased to submit the interim report and legislation proposed by the Commission on Higher Education Governance. The Commission work plan and budget for the period beginning in January 1996 and ending in June 1996 were earlier submitted to the Legislative Council as

required by chapter 509. A final report and any additional legislation will be submitted on June 30, 1996.

Sincerely,
S/Meg Weston, Chair
Commission on Higher Education Governance
Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 1334)
State of Maine
Office of Secretary of State
Augusta, Maine 04333-0148

February 27, 1996
Hon. Joseph 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 Seek Congressional Term Limits."
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 54,889 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 Seek Congressional Term Limits."

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-seventh 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 Seek Congressional Term Limits" (I.B. 6) (L.D. 1827) was referred to the Committee on Legal and Veterans Affairs, ordered printed and sent up for concurrence.

The following Communication: (H.C. 363)
STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE
March 5, 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 Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 690	An Act to Provide Family Security through Quality, Affordable Health Care
L.D. 1789	An Act to Clarify the Guaranteed Issuance Requirements for Small Group Health Plans
L.D. 1798	An Act to Create a Multi-payor System for Universal Health Care
L.D. 1803	An Act to Create a Single-payor System for Universal Health Care

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

Sincerely,
S/Sen. I. Joel Abromson S/Rep. Marc J. Vigue
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 364)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES
March 5, 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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1763	An Act to Require a Municipality to Issue the Same Number of Nonresident Recreational Shellfish Licenses as Resident Licenses
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We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,
S/Sen. Jeffrey H. Butland S/Rep. Theone F. Look
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 365)

STATE OF MAINE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
March 5, 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 State and Local Government has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1736 An Act to Amend the Budget Process in Androscoggin County

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

Sincerely,

S/Sen. Jane A. Amero S/Rep. Beverly C. Daggett
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, was referred to the following Committee, Ordered Printed, Sent up for Concurrence and Ordered sent Forthwith:

State and Local Government

Bill "An Act to Transfer Land from the Town of Brownfield to the Town of Hiram" (H.P. 1333) (L.D. 1828) (Presented by Representative TRUE of Fryeburg) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Criminal Justice reporting "Ought to Pass" as amended by Committee Amendment "A" (H-732) on Bill "An Act to Allow Charitable Solicitation by Law Enforcement Officers, Agencies and Associations" (H.P. 478) (L.D. 659)

Signed:

Senators: O'DEA of Penobscot
HALL of Piscataquis

Representatives: BUNKER of Kossuth
Township
GOOLEY of Farmington
McALEVEY of Waterboro
CLARK of Millinocket
WHEELER of Bridgewater
REED of Dexter

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

Signed:

Senator: BENOIT of Franklin
Representatives: JOHNSON of South Portland
PEAVEY of Woolwich
CLUKEY of Houlton
THOMPSON of Naples

Was read.

Representative CLARK of Millinocket moved that the House accept the Majority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought to Pass" as amended Report and specially assigned for Thursday, March 7, 1996.

Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by

Committee Amendment "A" (H-734) on Bill "An Act Authorizing the Town of Mount Vernon to Withdraw from the Cobbossee Watershed District" (H.P. 1176) (L.D. 1608)

Signed:

Senators: LORD of York
RUHLIN of Penobscot
HATHAWAY of York
Representatives: DEXTER of Kingfield
GOULD of Greenville
POULIN of Oakland
WATERHOUSE of Bridgton
DAMREN of Belgrade
MARSHALL of Eliot
MERES of Norridgewock

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

Signed:

Representatives: BERRY of Livermore
SHIAH of Bowdoinham

Was read.

Representative GOULD of Greenville moved that the House accept the Majority "Ought to Pass" as amended Report.

The SPEAKER: The Chair recognizes the Representative from Livermore, Representative Berry.

Representative BERRY: Mr. Speaker, Men and Women of the House: I stand before you today in opposition of the Majority Report. The original title of L.D. 1608 was, An Act Authorizing the Town of Mount Vernon to Withdraw from the Cobbossee Water District. The amended title is, An Act Creating a Process for Municipalities to Withdraw from the Cobbossee Water District.

My concern with this bill is water quality. The Environmental Priorities Project shows water quality as a number one concern. In 1971, the 105th Maine Legislature in the Private and Special Laws created the Cobbossee Watershed District for the purpose of protecting, improving and conserving the lakes, ponds and other major waterways within the territory of said district, which comprised of the Cobbossee Watershed, which includes 28 lakes and ponds and the Cobbosseecontee Stream down to 100 feet below New Mills Dam, so-called, all for the public health and welfare and for the benefit of said residents. This section specifies geographic boundaries rather than municipal boundaries.

Section two is the authority to contract and maintain within said territories in said district is hereby authorized to acquire, construct, reconstruct, operate and repair dams and facilities in connection therewith. To control the level of the water and to collect whole and discharge the same. To improve the quality and purity of the water by treatment or otherwise and in general to any and all things incidental to accomplish the purposes of the act.

The Cobbossee Water District and the Torsey Pond Association have worked together in the fact to console the water level of Torsey Pond, which lies half in Readfield and half in Mount Vernon. The history of the Cobbossee Water District has been proactive. The districts nonregulatory approach includes technical assistance, exempt to local officials, educational outreach to lake associations and the public in general. The district actively pursues federal and state grants to fund activities including expensive lake restoration projects.

The process reduces the financial burden on member towns. The bill is forthcoming, which will allow the

use of copper sulfate in extreme cases to control algae bloom. The Cobbossee Water District has worked to prevent degradation of water quality by monitoring the water and by promoting sound environmental practices within the watershed. Cobbossee Lake had algae blooms in 1992 and 1993. The Cobbossee Water District has been credited for playing a significant role in the improvements since.

What is the dollar value of protecting water quality? According to William Monagle, Executive Director and Wayne Gallant, Chairman of the Cobbossee Water District, a study recently conducted by the University of Maine has conclusively demonstrated that improved water quality translates into higher property values. In fact, near shore properties on lakes in this part of the state increased in value by 10 percent for every one meter increase in water clarity according to the study. These higher values, of course, translate into a greater tax source for the town in which they are located. The benefits from these higher taxes, many of which are paid by seasonal residents lacking local voting privileges, and not requiring year round services are enjoyed by residents throughout the remaining areas of the town.

According to the DEP Commissioner, Ned Sullivan, in the recent years the trend in water quality protection has been to move away from strictly regulatory approaches, which typically don't allow us to look at the big picture of what is really affecting the quality of the water body. The alternative approach, which the Department of Environmental Protection endorses is to manage entire watersheds through cooperative agreements between those parties located in the watershed. This approach, which is nonregulatory requires recognition that everyone located within the watershed of a particular water resource and not just people within the shoreland zones can negatively affect the resource.

Again, the Environmental Priorities Project chose water quality as their number one concern. Proponents of this bill include two of the three sponsors in the work session at the public hearing. Two of the three sponsors of the bill testified and one selectman from Mt. Vernon. Proponents of the bill included representatives from the Torsey Ponds Association, representatives from the Town of Winthrop, the Augusta Water District, nonresident and resident taxpayers, technical advisors and biologists for the Maine Congress of Lakes Association, Cobbossee Lake Citizens Committee and citizens from Readfield, Winthrop and Hallowell. Opponents fear that after one town leaves passing on costs to other towns and enjoying the benefits regardless too encourage other to soon follow.

I don't feel legislation is needed at this time. The major concern expressed by the Mount Vernon selectmen was cost, about \$1,270 per year, which is based on the percentage of shore front property within the entire watershed. The Torsey Pond Association has offered to pay this amount. They feel so strongly of the importance that they belong to the watershed district, that they are willing to pay the entire cost to the town. Realistically, they already pay a portion of the cost in property taxes on the shore front property. Thank you.

At this point, the Speaker appointed the Representative from Waterville, Representative JACQUES, to serve as Speaker Pro Tem.

The House was called to Order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belgrade, Representative Damren.

Representative DAMREN: Mr. Speaker, Ladies and Gentlemen of the House: This bill was submitted because the Town of Mount Vernon requested after holding two votes in their towns, some method of removing their town from the Cobbossee Watershed District. The vote on the second referendum, which was held in November was 2 to 1 by the residents of the town, with over 500 people voting out of the 650 voting members in that town.

It was simply a request that they be allowed local control of their money and their tax money. The fact that this is a very small portion of the district, had nothing whatsoever to do with it. In the past, this was formed in the early 1970s before shoreland zoning went into effect in Maine. Many of the things that come under the shoreland zoning law now take care of the quality of water. The town officials in the Town of Mount Vernon requested that if it wasn't possible to include all towns that only Mount Vernon be included in this law, but that would not be constitutional, each member joined voluntarily. One member that is named in the original law never did join.

They have asked simply for a method so that their town can remove themselves from a district which is assessed to them on a basis and adds to their property tax. I ask that you please vote with the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: A couple of quick points. Number one, the water quality will not be destroyed by allowing Mount Vernon the opportunity to get out of a watershed district that they had to vote to get in. That, to me, is one of the major keys. We had them vote to get in and we failed to put a process in by which they could get out. We gave them that process through this bill. I think it needs to continue to be there.

The second point that I would like to make is that higher property values do sometimes come from water quality. The next step from that that always benefits the town isn't necessarily true. Sometimes higher property values are detrimental to a town. I won't get into that because that is another issue. It does work sometimes that it can hurt you, for example with school subsidies. I strongly urge your support of the Majority "Ought to Pass" Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief also. Representative Berry covered many of the points that I am concerned about in this bill. Again, a little background. This is the only watershed district in the State of Maine and it seems a national model for how a state can regulate the water quality in a

watershed district. I am not opposed to a town withdrawing, as was mentioned, they had to vote to get into the watershed district. What I would like to see is to have the watershed district and the board of directors meet over the next several months to come up with a fairer policy for how a town could withdraw from the watershed district. As far as the concerns of Mount Vernon, the \$1,270 annual assessment, there is a pond in Mount Vernon called Torsey Pond and there is an association of people who live along the pond, who are willing to pay the \$1,270 this year.

Again, this is a wonderful model for how to protect the watershed. When you take a drink out of the drinking fountain here in the hall, that water comes from this watershed. It is an excellent model that a lot of other states have look at this. It is working well. I am concerned by letting towns withdraw, sort of willy-nilly, that the watershed district will come unraveled. The alternative to this bill would be to let the watershed district come up with their own policy to withdraw and let the Torsey Pond Association pay the Mount Vernon fee this year. I would urge you to vote against the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Mr. Speaker, Ladies and Gentlemen of the House: This bill only allows the people the chance to decide whether they want to leave the water district or not. It doesn't say they can. I think that choice ought to be made by them. I don't see any degradation in the water quality through this action. We have the State of Maine shoreland zoning. We have lake association people who testified before the committee that they would be willing to pay the assessment fee and keep this monitoring on the area.

I talked to a person in my home town, which has actually stricter shoreland zoning than the State of Maine. It is the LEA, Lake Environmental Association. This person is also a member of the Great Pond Task Force. I bounced this off him. He said he saw no problem and he felt a little queasy about saying to a group of citizens in a town that they had no right to decide their fate. This person I talked to, I don't think you could find a person who was more concerned about water quality than this person. I don't see a big problem with water quality. I think that will be maintained.

All we are talking about here is giving people in their own towns a chance to decide whether they want to stay or not. It is a home-rule matter. It is not a water quality matter. I urge you to support the Majority "Ought to Pass" Report.

The Chair ordered a division on the motion to accept the Majority "Ought to Pass" as amended Report.

Representative BERRY of Livermore requested a roll call on the motion to accept the Majority "Ought to Pass" as amended Report.

The SPEAKER PRO TEM: 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 pending question before the House is acceptance of the Majority "Ought to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 302

YEA - Bailey, Barth, Bigl, Bouffard, Buck, Cameron, Carleton, Chick, Clark, Cloutier, Clukey, Cross, Damren, Donnelly, Farnum, Fisher, Gamache, Gerry, Gooley, Gould, Greenlaw, Guerrette, Hartnett, Hatch, Heino, Hichborn, Jacques, Jones, S.; Joseph, Joy, Joyce, Joyner, Keane, Kerr, Kneeland, Labrecque, Lane, Layton, Lemke, Lemont, Libby JD; Libby JL; Lindahl, Look, Lovett, Lumbr, Luther, Madore, Marshall, Marvin, Mayo, McAlevey, McElroy, Meres, Murphy, Nadeau, Nass, O'Gara, Ott, Peavey, Pendleton, Perkins, Pinkham, Plowman, Poirier, Poulin, Pouliot, Reed, G.; Reed, W.; Rice, Richard, Ricker, Robichaud, Rosebush, Savage, Simoneau, Spear, Stedman, Stone, Strout, Taylor, Tripp, True, Tufts, Underwood, Waterhouse, Wheeler, Whitcomb, Winglass, Winsor.

NAY - Adams, Ahearne, Ault, Benedikt, Berry, Brennan, Bunker, Carr, Chartrand, Chase, Chizmar, Davidson, Desmond, Dore, Etnier, Gates, Green, Heeschen, Jones, K.; Kilkelly, Kontos, LaFountain, Lemaire, Martin, Mitchell EH; Mitchell JE; Morrison, O'Neal, Paul, Povich, Richardson, Rowe, Samson, Saxl, J.; Saxl, M.; Shiah, Sirois, Stevens, Thompson, Townsend, Treat, Tuttle, Tyler, Volenik, Watson, Winn. ABSENT - Aikman, Birney, Campbell, Daggett, Dexter, DiPietro, Driscoll, Dunn, Fitzpatrick, Gieringer, Johnson, Nickerson, Truman, Vigue, The Speaker.

Yes, 90; No, 46; Absent, 15; Excused, 0.

90 having voted in the affirmative and 46 voted in the negative, with being absent, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-734) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, March 7, 1996.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-735) on Bill "An Act to Ensure Proper Withholding of State Income Tax" (H.P. 1249) (L.D. 1711)

Signed:

Senators:

Representatives:

FERGUSON of Oxford
CAREY of Kennebec
TRIPP of Topsham
TUTTLE of Sanford
KEANE of Old Town
BARTH of Bethel
MURPHY of Berwick
GREEN of Monmouth
POIRIER of Saco
DUNN of Gray
REED of Falmouth
DORE of Auburn

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

Signed:

Senator:

Was read.

HATHAWAY of York

On motion of Representative REED of Falmouth, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-735) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, March 7, 1996.

CONSENT CALENDAR

First Day

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

(H.P. 952) (L.D. 1341) Bill "An Act to Limit the Use of Certificates of Participation" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-738)

(H.P. 1229) (L.D. 1682) Bill "An Act to Transfer the Responsibility for Air Search and Rescue from the Commissioner of Transportation to the Chief of the State Police" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-740)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 7, 1996 under the listing of Second Day.

(H.P. 1201) (L.D. 1651) Bill "An Act Concerning the Seasonal Sale of Reformulated Gasoline" Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-741)

On motion of Representative AHEARNE of Madawaska, was removed from First Day Consent Calendar.

The Report was read and accepted. Bill read once. Committee Amendment "A" (H-741) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, March 7, 1996.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second 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" (C. "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)

(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)

(H.P. 1221) (L.D. 1671) Bill "An Act to Amend the Laws Regarding the Revolving Loan Fund for Wastewater Facilities" (C. "A" H-733)

(H.P. 1237) (L.D. 1697) Bill "An Act to Amend the Unorganized Territory Tax Laws" (C. "A" H-736)

(H.P. 1245) (L.D. 1707) Bill "An Act to Clarify the Landowner Liability Laws" (C. "A" H-730)

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 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 Prohibit Home Repair Fraud and Establish Aggravated Penalties When the Victim Is an Older Person" (H.P. 918) (L.D. 1294) (C. "A" H-731)

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.

ENACTORS

Mandate

An Act to Require Notification to the Landowner When Land Is Being Considered for Placement in a Resource Protection Zone (H.P. 609) (L.D. 819) (S. "A" S-436 to C. "B" H-685)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 2 against, and accordingly the Mandate was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish the Freeport Towne Square Mental Retardation Facility (H.P. 1196) (L.D. 1646) (C. "A" H-709)

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

On motion of Representative MITCHELL, tabled pending passage to be enacted and specially assigned for Thursday, March 7, 1996.

The Chair laid before the House the following item which was tabled earlier in today's session:

Senate Divided Report - Committee on Natural Resources - (10) Members "Ought Not to Pass" - (2) Members "Ought to Pass" as amended by Committee amendment "A" (S-442) on 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) which was tabled by Representative SHIAH of Bowdoinham pending the motion of Representative GOULD of Greenville to accept the Majority "Ought Not to Pass" Report.

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion of Representative GOULD of Greenville to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, March 7, 1996.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-712) - Minority (2) "Ought Not to Pass" - Committee on Criminal Justice on Bill "An Act to Include Sexual Contact in the Definition of Prostitution" (H.P. 1216) (L.D. 1666)

TABLED - February 22, 1996 by Representative CLARK of Millinocket.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative MITCHELL of Vassalboro, tabled pending the motion of Representative CLARK of Millinocket to accept the Majority "Ought to Pass" as amended Report and specially assigned for Thursday, March 7, 1996.

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

(Committee on State and Local Government suggested)

TABLED - February 22, 1996 by Representative JACQUES of Waterville.

PENDING - Reference.

On motion of Representative MITCHELL of Vassalboro, tabled pending reference and specially assigned for Thursday, March 7, 1996.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-707) - Minority (3) "Ought to Pass" as amended by Committee Amendment "B" (H-708) - Committee on Banking and Insurance on Bill "An Act to Ensure That Basic Health Care Needs of Women Are Covered in Insurance Policies" (H.P. 976) (L.D. 1385)

TABLED - February 22, 1996 by Representative VIGUE of Winslow.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-707) Report.

Subsequently, the Majority "Ought to Pass" as amended Report was accepted.

The Bill was read once. Committee Amendment "A" (H-707) was read by the Clerk and adopted. The Bill was assigned for second reading Thursday, March 7, 1996.

Resolve, to Create an Advisory Committee to Assist in the Management of State Employee Workers' Compensation Costs (S.P. 379) (L.D. 1056) (C. "A" S-420)

TABLED - February 29, 1996 by Representative MITCHELL of Vassalboro.

PENDING - Final Passage.

On motion of Representative HATCH of Skowhegan, rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, under suspension for the rules, the House reconsidered its action whereby L.D. 1056 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-420) was adopted.

The same Representative presented House Amendment "A" (H-743) to Committee Amendment "A" (S-420) which was read by the Clerk and adopted.

Committee Amendment "A" (S-420) as amended by House Amendment "A" (H-743) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-420) as amended by House Amendment "A" (H-743) thereto in non-concurrence and sent up for concurrence.

JOINT ORDER - Relative to the Joint Standing Committee on Education and Cultural Affairs reporting out a bill, to the Senate, to permit Casco Bay College to grant an Associate of Science degree (S.P. 721)

- In Senate, Read and Passed.

- In House, Read on March 5, 1996.

TABLED - March 5, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage in concurrence.

Subsequently, the Joint Order (S.P. 721) was passed in concurrence.

JOINT ORDER - Relative to the Joint Standing Committee on Education and Cultural Affairs reporting out, to the Senate, a bill relating to child development services (S.P. 722)

- In Senate, Read and Passed.

- In House, Read on March 5, 1996.

TABLED - March 5, 1996 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Passage in concurrence.

Subsequently, the Joint Order (S.P. 722) was passed in concurrence.

TABLED AND TODAY ASSIGNED

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

JOINT ORDER - Relative to the Revisor of Statutes being 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 (H.P. 1332)

- In House, Read on March 5, 1996.

TABLED - March 5, 1996 by Representative KILKELLY of Wiscasset.

PENDING - Passage.

Subsequently, the Joint Order (H.P. 1332) was passed and sent up for concurrence.

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" - Minority (5) "Ought Not to Pass" - Committee on Legal and Veterans Affairs on Bill "An Act to Clarify the Laws Regarding the Ejection of a Person from a Boardinghouse" (H.P. 779) (L.D. 1076)

TABLED - March 5, 1996 by Representative TRUE of Fryeburg.

PENDING - Acceptance of Either Report.

On motion of Representative TRUE of Fryeburg, tabled pending acceptance of either Report and specially assigned for Thursday, March 7, 1996.

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

SENATE PAPERS

Bill "An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage" (S.P. 723) (L.D. 1825)

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 Allow a Change in the Speed Limit on Certain Highways" (S.P. 724) (L.D. 1826)

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

Was referred to the Committee on Transportation in concurrence.

By unanimous consent, all matters having been acted upon, with the exception of matters held, were ordered sent forthwith.

The Speaker resumed the Chair.

The House Was Called to Order by the Speaker.

On motion of Representative CARLETON of Wells, the House adjourned at 11:40 a.m., until 10:00 a.m., Thursday, March 7, 1996.