

MAINE STATE LEGISLATURE

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House Legislative Record
of the
One Hundred and Eighteenth Legislature
of the
State of Maine

Volume I

First Regular Session

December 4, 1996 - March 27, 1997

First Special Session

March 27, 1997 - May 15, 1997

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
FIRST REGULAR SESSION
3rd Legislative Day
Thursday, January 9, 1997

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

Prayer by Reverend Nancy Van Dyke Platt, St. Matthew's Episcopal Church, Hallowell.

Doctor of the day, John Saucier, M.D., Yarmouth.

The Journal of Tuesday, January 7, 1997 was read and approved.

SENATE PAPERS

Bill "An Act to Allow Municipalities to Enact Stricter Standards Regulating Sewer or Septic Sludge" (S.P. 10) (L.D. 2)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **Utilities and Energy**.)

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

Bill "An Act to Amend the Laws Regarding the Registration of Pickup Trucks" (EMERGENCY) (S.P. 11) (L.D. 3)

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

Was referred to the Committee on **Transportation** in concurrence.

Reported Pursuant to Public Law

Report of the Family Law Advisory Commission pursuant to Public Law 1995, chapter 694, Part A, section 16, subsection 4 asks leave to submit its findings and to report that the accompanying Bill "An Act to Extend the Reporting Deadline for a Study by the Family Law Advisory Commission of the Statutes and Awards and Allocations Concerning Parental Rights and Responsibilities" (EMERGENCY) (S.P. 9) (L.D. 1) be referred to the Joint Standing Committee on Judiciary for Public Hearing and printed pursuant to Joint Rule 218.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on **Judiciary** and Ordered Printed.

Report was read and accepted and the Bill referred to the Committee on **Judiciary** in concurrence.

Reported Pursuant to Statutes

Report of the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to submit its findings and to report that the accompanying Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 12) (L.D. 10) be referred to the Joint Standing Committee on Judiciary for Public Hearing and printed pursuant to Joint Rule 218.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on **Judiciary** and Ordered Printed.

Report was read and accepted and the Bill referred to the Committee on **Judiciary** in concurrence.

COMMUNICATIONS

The following Communication: (H.C. 12)

STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0023

January 7, 1997

Honorable Elizabeth H. Mitchell, Speaker of the House
State House

Augusta, ME 04333

Dear Speaker Mitchell:

I am transmitting, as a courtesy, the most recent draft of Maine's education standards, referred to as Learning Results, to each member of the 118th Legislature. The new draft represents the work of hundreds of educators, parents, and other community members who have worked tirelessly over the last eight months to improve the Learning Results. Their work has already been reviewed and commented upon, in writing, by over 2,500 Maine educators and citizens.

As you will recall, the 117th Legislature adopted Public Law 1996, chapter 649, which establishes a system of Learning Results consisting of high academic standards in eight areas for all Maine students. The law requires the Joint Standing Committee on Education, the State Board of Education, and the Department of Education to jointly review and, if necessary, redraft the content standards and student performance indicators introduced as part of the Learning Results in the 117th Legislature. Following the review, the State Board and the Department are required to provisionally adopt the Learning Results through the rulemaking process.

In accordance with the rulemaking process, the Department and the State Board have scheduled public hearings around the state during the week of January 13th, 1997 (see schedule below) to gather public input prior to provisional adoption of the Learning Results. Following the hearings and a public comment period that extends from January 13 to January 27, the Department and the State Board will provisionally adopt the Learning Results in late February and introduce them to the Legislature for final approval, where the public will again have an opportunity to examine the Learning Results through the Legislature's public hearing process.

Approximately 10,000 copies of the attached draft of the Learning Results have been distributed to educators and other members of the public for review prior to the statewide public hearings next week. My hope is that Legislators will carefully review the new draft and actively participate in the statewide dialogue on Learning Results that has been going on since 1993. The State Board of Education and the Department of Education would be happy to answer any questions or provide additional information at any member's request.

Thank you for your assistance in disseminating the Learning Results.

Schedule:

Monday, January 13, 1997

Brunswick - Brunswick High School
Waterville - Waterville High School *

Tuesday, January 14, 1997

Portland - Portland Arts & Tech High *
South Paris - Oxford Hills High School

Wednesday, January 15, 1997

Auburn - Edward Little High School
Hermon - Hermon High School *

Kennebunk - Kennebunk High School *

Thursday, January 16, 1997

Caribou - Caribou High School *
Machias - Machias High School

* Sign Language Interpreting Services Provided
TIME: 7:00 p.m.

Sincerely,
S/J. Duke Albanese
Commissioner of Education
Was read and with accompanying report ordered placed on file.

The following Communication: (H.C. 13)
STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

TO: Members of the 118th Legislature
Bureau of the Budget
FROM: S/J. Duke Albanese, Commissioner
DATE: November 27, 1996
RE: Actual Education Costs for Base Year 1995-96

Pursuant to the provisions of 20-A MRSA section 15604, I am providing notification of the "actual education costs" as defined in subsection 1, of 20-A MRSA section 15604 for the base year 1995-96.

- A. Operating costs
 - (1) Elementary 566,333,847
 - (2) Secondary 290,857,058
- B. Special education costs for programs operated by administrative units 110,857,296
- C. Special education tuition and board excluding medical costs 30,039,662
 - (1) Tuition and board for pupils placed by administrative units 11,993,880
 - (2) Tuition and board for State Wards and special education pupils placed directly by the State 5,574,145
 - (3) Adjustments under section 15612, subsection 6 (Special Education Hardship grants) 0
 - (4) Cost to the State for state agency clients (section 15613, subsection 5) 10,997,636
 - (5) Adjustments under section 15612, subsection 11 (Out-of-District Placement Adjustment) 1,474,000
- D. Vocational education costs 23,256,351
- E. Transportation operating costs 60,890,490
- F. Bus Purchases
 - (1) Purchase of Buses-Regular Approvals 4,305,664
- G. Debt Service Costs
 - (1) Principal and Interest 62,833,501
 - (2) Insured Value Factor 2,057,955
 - (3) Leased (approved) 5,650,730
 - (4) Other major capital costs 2,422,796
- H. Cost of reimbursement for private school services 201,000
- I. Cost of state expenditure for teacher retirement benefits 127,425,266
- J. Early childhood educational programs 327,937

These expenditures are from state and local monies only, except that Federal P.L. 81-874 (Impact Aid) funds are included. Was read and ordered placed on file.

The following Communication: (H.C. 14)
MAINE STATE LEGISLATURE
Augusta, Maine 04333

December 27, 1996
Honorable Elizabeth H. Mitchell
Speaker of the House
2 State House Station
Augusta, Maine 04333
Honorable Mark W. Lawrence
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell,
Public Law of 1995, Chapter 651, "An Act to Improve and Expand the Functions of the Department of Audit," was enacted by the Second Regular Session of the 117th Legislature. Among other things, this legislation required the Department of Audit to prepare a proposal to consolidate all of the audits of state financial records and to examine staffing levels in the Bureau of Accounts and Control related to financial reporting. The legislation went on to require some periodic progress reports and a final report on each issue to be submitted to the Joint Standing Committee on Appropriations and Financial Affairs no later than December 1, 1996.

State Auditor Rodney Scribner attended the last meeting of the 117th Legislature's Appropriations Committee, held on November 25, 1996, and told that committee that the Department of Audit would not be able to make the December 1st deadline. Mr. Scribner requested a 45-day extension to the deadline. Members of that Committee stated there was nothing they, as one committee of the Legislature, could do to waive or alter the reporting requirement.

The co-chairs of the 117th Appropriations Committee asked us to write to you, the new presiding officers, in order to:

- 1) inform you of the missed deadline; and
- 2) seek your input on how to handle the past State Auditor's request for a 45-day reporting extension (to approximately January 15, 1997).

If it meets with your approval we would propose to amend the C. 651 reporting deadlines retroactively in the "Emergency FY 97 Budget" bill we expect from the Administration. The additional 45 days will allow the Department to complete its analyses and will also allow State Auditor Gail Chase to review their findings in advance of the report's submittal to the 118th Legislature.

We look forward to your input on this issue. Please call if you have any questions or need additional information.

Sincerely,

S/Michael H. Michaud
Senate Chair
S/George J. Kerr
House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 15)
118th Maine Legislature

January 8, 1997
Hon. Joseph W. Mayo
Clerk of the House
#2 State House Station
Augusta, Maine 04333

Dear Clerk Mayo:

Please consider this as notification that we have reappointed Senator Jill Goldthwait of Hancock to serve as the legislative member on the Atlantic States Marine Fisheries Commission. This appointment is pursuant to our authority under Title 12 MRSA, Section 4603.

Sincerely,
S/Mark W. Lawrence
S/Elizabeth H. Mitchell
President of the Senate
Speaker of the House

Was read and 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 Concerning Submission of the Legislative Budget within the Unified Budget Document" (H.P. 48) (L.D. 73) (Presented by Representative CARLETON of Wells)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Reconstruction, Renovations and Safety Improvements at the Governor Baxter School for the Deaf" (H.P. 60) (L.D. 85) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Senator MICHAUD of Penobscot and Representatives: KNEELAND of Easton, MITCHELL of Vassalboro, PENDLETON of Scarborough, RICHARD of Madison, WINSOR of Norway, Senators: BENNETT of Oxford, MILLS of Somerset, PENDLETON of Cumberland)

Banking and Insurance

Bill "An Act to Aid Enforcement of the Laws Regarding Mandatory Insurance for Motor Vehicles" (H.P. 87) (L.D. 112) (Presented by Representative PINKHAM of Lamoine) (Cosponsored by Representatives: CAMERON of Rumford, FISHER of Brewer, HONEY of Boothbay, JONES of Bar Harbor, KNEELAND of Easton, LAYTON of Cherryfield, WHEELER of Bridgewater)

Business and Economic Development

Bill "An Act to Amend the Unclaimed Property Act" (H.P. 89) (L.D. 114) (Presented by Representative MAYO of Bath) (Cosponsored by Senator SMALL of Sagadahoc and Representative: McALEVEY of Waterboro)

Criminal Justice

Bill "An Act Concerning the Responsibility of Prisoners for Family Support" (H.P. 22) (L.D. 47) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator FERGUSON of Oxford and Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton, McALEVEY of Waterboro, O'NEAL of Limestone, PINKHAM of Lamoine)

Bill "An Act to Increase the Fee That May Be Assessed

against a Prisoner to Help Defray the Costs of Incarceration" (H.P. 31) (L.D. 56) (Presented by Representative McALEVEY of Waterboro) (Cosponsored by Senator FERGUSON of Oxford and Representatives: CLUKEY of Houlton, SAMSON of Jay, Senator: SMALL of Sagadahoc)

Bill "An Act to Provide Reimbursement to Counties for Persons Jailed on Probation Revocations" (EMERGENCY) (H.P. 39) (L.D. 64) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator FERGUSON of Oxford and Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton, McALEVEY of Waterboro, O'NEAL of Limestone, PAUL of Sanford, PINKHAM of Lamoine)

Bill "An Act to Amend the Laws Regarding Reimbursement to the Counties for Community Corrections" (H.P. 40) (L.D. 65) (Presented by Representative McALEVEY of Waterboro) (Cosponsored by Senator LaFOUNTAIN of York and Representatives: CARLETON of Wells, CLUKEY of Houlton, JOYNER of Hollis, PAUL of Sanford, THOMPSON of Naples, Senator: FERGUSON of Oxford)

Bill "An Act to Prohibit a Juvenile from Pleading to a Reduced Juvenile Crime" (H.P. 44) (L.D. 69) (Presented by Representative JONES of Pittsfield) (By Request) (Cosponsored by Representatives: BUCK of Yarmouth, STEDMAN of Hartland, WATERHOUSE of Bridgton)

Bill "An Act to Increase the Period of Probation for Sex Offenders" (H.P. 49) (L.D. 74) (Presented by Representative THOMPSON of Naples) (Cosponsored by Senator PARADIS of Aroostook and Representatives: CLARK of Millinocket, KERR of Old Orchard Beach, McALEVEY of Waterboro, MITCHELL of Portland, PEAVEY of Woolwich, PERRY of Bangor, Senators: BENNETT of Oxford, O'GARA of Cumberland)

Bill "An Act Concerning Prisoner Participation in Public Works Projects" (H.P. 70) (L.D. 95) (Presented by Representative MAYO of Bath) (Cosponsored by Senator SMALL of Sagadahoc and Representatives: CLUKEY of Houlton, McALEVEY of Waterboro, WHEELER of Bridgewater)

Bill "An Act Concerning Threatening the Use of Deadly Force Against a Law Enforcement Officer Engaged in Carrying out Public Duty" (H.P. 79) (L.D. 104) (Presented by Representative CLUKEY of Houlton) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, KNEELAND of Easton, McALEVEY of Waterboro, PINKHAM of Lamoine, WATERHOUSE of Bridgton, WHEELER of Bridgewater, Senators: BENOIT of Franklin, DAGGETT of Kennebec)

Education and Cultural Affairs

Bill "An Act to Encourage Art Education in the State" (H.P. 29) (L.D. 54) (Presented by Representative TOWNSEND of Portland) (Cosponsored by Senator PENDLETON of Cumberland and Representatives: BAKER of Bangor, DESMOND of Mapleton, GREEN of Monmouth, KONTOS of Windham, WATSON of Farmingdale, Senators: CLEVELAND of Androscoggin, MICHAUD of Penobscot)

Bill "An Act to Provide for the Position of President of the University of Maine System" (H.P. 42) (L.D. 67) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representatives: BRUNO of Raymond, CLARK of Millinocket, CROSS of Dover-Foxcroft, JOY of Crystal, O'NEAL of Limestone, WATERHOUSE of Bridgton, WHEELER of Bridgewater)

Bill "An Act Regarding Balances Remaining in General Purpose Aid for Local Schools" (H.P. 73) (L.D. 98) (Presented by Representative BRENNAN of Portland) (Cosponsored by

Senator SMALL of Sagadahoc and Representatives: BARTH of Bethel, DESMOND of Mapleton, McELROY of Unity)

Bill "An Act to Require Elementary and Secondary School Teachers to Be Certified in Cardiopulmonary Resuscitation and Basic First Aid" (H.P. 75) (L.D. 100) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Representative: LEMAIRE of Lewiston)

Resolve, to Require the Department of Education to Study and Make Recommendations to Alleviate Sexual Harassment in Schools (H.P. 65) (L.D. 90) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Representatives: LEMAIRE of Lewiston, McALEVEY of Waterboro, Senator: RAND of Cumberland)

Health and Human Services

Bill "An Act to Amend the Criteria for Reimbursement by the Medicaid Program for Nursing Facility Residents" (EMERGENCY) (H.P. 83) (L.D. 108) (Presented by Representative PERKINS of Penobscot) (Cosponsored by Representatives: CAMPBELL of Holden, PINKHAM of Lamoine, SNOWE-MELLO of Poland, TUTTLE of Sanford, Senator: RUHLIN of Penobscot)

Resolve, Establishing the Commission to Review the Effectiveness of Statewide Confidentiality Laws Dealing with the Care of People with Mental Illness (H.P. 81) (L.D. 106) (Presented by Representative WINGLASS of Auburn) (Cosponsored by Representatives: ETNIER of Harpswell, JONES of Bar Harbor, JOY of Crystal, MARVIN of Cape Elizabeth, Senators: BENOIT of Franklin, PINGREE of Knox)

Inland Fisheries and Wildlife

Bill "An Act to Allow Bow Hunters to Take a Deer during Bow Hunting Season in Addition to the Deer Allowed during Firearm Season" (H.P. 28) (L.D. 53) (Presented by Representative WHEELER of Eliot) (Cosponsored by Representatives: AHEARNE of Madawaska, LEMONT of Kittery, STANLEY of Medway, TUTTLE of Sanford, WRIGHT of Berwick, Senator: LAWRENCE of York)

Bill "An Act to Lower the Age for Free Fishing and Hunting Licenses" (H.P. 43) (L.D. 68) (Presented by Representative LABRECQUE of Gorham)

Bill "An Act to Improve the State's Moose Hunt" (H.P. 56) (L.D. 81) (Presented by Representative PAUL of Sanford) (Cosponsored by Representatives: BUNKER of Kossuth Township, CHICK of Lebanon, FISHER of Brewer, McALEVEY of Waterboro, O'NEAL of Limestone, TUTTLE of Sanford, VIGUE of Winslow, WHEELER of Bridgewater)

Bill "An Act to Allow Field Testing of Unregistered Snowmobiles Repaired by Licensed Snowmobile Repair Shops" (H.P. 57) (L.D. 82) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Senator PARADIS of Aroostook and Representatives: CLARK of Millinocket, DRISCOLL of Calais, DUNLAP of Old Town, JONES of Greenville, O'NEAL of Limestone, PAUL of Sanford)

Bill "An Act to Protect Internal Waters of the State" (H.P. 55) (L.D. 80) (Presented by Representative PAUL of Sanford) (Cosponsored by Representatives: BUNKER of Kossuth Township, CHICK of Lebanon, FISHER of Brewer, O'NEAL of Limestone, SHIAH of Bowdoinham, TUTTLE of Sanford, VIGUE of Winslow, WHEELER of Bridgewater)

Committee on Inland Fisheries and Wildlife suggested and ordered printed.

On motion of Representative PAUL of Sanford, tabled pending reference and specially assigned for Tuesday, January 14, 1997.

Judiciary

Bill "An Act to Strengthen the Laws Governing the Failure to Preserve the Life of a Live-born Person" (H.P. 32) (L.D. 57) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representatives: JOY of Crystal, KASPRZAK of Newport, LANE of Enfield, LAYTON of Cherryfield, MACK of Standish, VIGUE of Winslow, WATERHOUSE of Bridgton, WHEELER of Bridgewater)

Bill "An Act to Require Reimbursement to Counties for Services Rendered by County Law Enforcement Officers" (EMERGENCY) (H.P. 36) (L.D. 61) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator FERGUSON of Oxford and Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton, McALEVEY of Waterboro, O'NEAL of Limestone, PINKHAM of Lamoine)

Bill "An Act to Amend the Uniform Health Care Decisions Law" (H.P. 51) (L.D. 76) (Presented by Representative CARLETON of Wells)

Resolve, to Create a Task Force to Study the Adequacy of the Laws Regarding Involuntary Commitment (H.P. 80) (L.D. 105) (Presented by Representative WINGLASS of Auburn) (Cosponsored by Representatives: ETNIER of Harpswell, JONES of Bar Harbor, JOY of Crystal, MARVIN of Cape Elizabeth, Senators: BENOIT of Franklin, PINGREE of Knox)

Labor

Bill "An Act to Provide for the Collection of Data Relating to the Risks from Exposure to Chemicals in the Workplace" (H.P. 35) (L.D. 60) (Presented by Representative MERES of Norridgewock) (Cosponsored by Representatives: HATCH of Skowhegan, SAMSON of Jay, WINGLASS of Auburn, Senator: CAREY of Kennebec)

Bill "An Act to Prohibit an Employer from Hiring Replacement Workers During a Strike" (H.P. 41) (L.D. 66) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Senator CATHCART of Penobscot and Representatives: BERRY of Livermore, HATCH of Skowhegan, O'NEAL of Limestone, SAMSON of Jay, Senators: O'GARA of Cumberland, PARADIS of Aroostook, RAND of Cumberland)

Bill "An Act to Provide that the Change in Calculation of Workers' Compensation Benefits to Include Fringe Benefits Does Not Apply Retroactively" (H.P. 50) (L.D. 75) (Presented by Representative CARLETON of Wells)

Bill "An Act to Clarify Eligibility for State Employee Health Insurance Program Benefits" (EMERGENCY) (H.P. 61) (L.D. 86) (Presented by Representative PENDLETON of Scarborough) (Cosponsored by Representatives: HATCH of Skowhegan, RINES of Wiscasset, SAMSON of Jay, WHEELER of Bridgewater, Senator: AMERO of Cumberland)

Bill "An Act to Exempt Seasonal Golf Course Employees from the Unemployment Compensation Laws" (H.P. 71) (L.D. 96) (Presented by Representative BARTH of Bethel) (Cosponsored by Senator FERGUSON of Oxford and Representatives: VIGUE of Winslow, WATERHOUSE of Bridgton, Senator: BENOIT of Franklin)

Bill "An Act to Allow Public Safety Employees to Purchase Their Military Time for Retirement Purposes" (H.P. 76) (L.D. 101) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Representatives: McALEVEY of Waterboro, MUSE of South Portland, Senator: RUHLIN of Penobscot)

Bill "An Act to Prohibit the Employment of Professional Strikebreakers" (H.P. 88) (L.D. 113) (Presented by Representative SAMSON of Jay) (Cosponsored by Senator RAND of Cumberland and Representatives: AHEARNE of Madawaska, BERRY of Livermore, COLWELL of Gardiner, JONES of Bar Harbor, McALEVEY of Waterboro, VOLENIK of Brooklin, WHEELER of Eliot, Senator: PENDLETON of Cumberland)

Legal and Veterans Affairs

Bill "An Act to Authorize Actions under the Unfair Trade Practices Act Regarding Habitability of Dwelling Units" (H.P. 34) (L.D. 59) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Senator RAND of Cumberland and Representatives: LEMAIRE of Lewiston, SAMSON of Jay)

Bill "An Act Regarding the Timely Filing of Campaign Reports by Candidates for State Office" (H.P. 47) (L.D. 72) (Presented by Representative MAYO of Bath) (Cosponsored by Senator ABROMSON of Cumberland and Representatives: BUCK of Yarmouth, CARLETON of Wells)

Bill "An Act to Restrict the Size of Political Signs" (H.P. 54) (L.D. 79) (Presented by Representative BOUFFARD of Lewiston) (Cosponsored by Representatives: BARTH of Bethel, BOLDUC of Auburn, CLUKEY of Houlton, MAILHOT of Lewiston, SIROIS of Caribou, TUTTLE of Sanford, VIGUE of Winslow)

Bill "An Act to Prohibit the Gathering of Signatures at a Polling Place" (H.P. 64) (L.D. 89) (Presented by Representative LaVERDIERE of Wilton) (Cosponsored by Representatives: BAKER of Dixfield, COLWELL of Gardiner, COWGER of Hallowell, GAGNON of Waterville, JABAR of Waterville, JONES of Bar Harbor, Senators: BENOIT of Franklin, RUHLIN of Penobscot)

Marine Resources

Bill "An Act to Extend the Closed Season on Scallop Harvesting in a Certain Area of this State" (H.P. 27) (L.D. 52) (Presented by Representative PINKHAM of Lamoine) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: FISHER of Brewer, HONEY of Boothbay, LAYTON of Cherryfield, PERKINS of Penobscot, WHEELER of Bridgewater)

Bill "An Act to Repeal the Requirement That Lobster Traps Have Tags" (H.P. 68) (L.D. 93) (Presented by Representative PINKHAM of Lamoine) (Cosponsored by Representatives: FISHER of Brewer, JONES of Bar Harbor, LAYTON of Cherryfield, WHEELER of Bridgewater)

State and Local Government

Bill "An Act to Clarify the Authority of County Commissioners to Close Roads for Winter in the Unorganized Territories" (EMERGENCY) (H.P. 14) (L.D. 39) (Presented by Representative AHEARNE of Madawaska)

Bill "An Act to Require Appointment of a County Commissioner Whose District Includes Unorganized and Deorganized Areas to the Maine Land Use Regulation Commission" (H.P. 15) (L.D. 40) (Presented by Representative AHEARNE of Madawaska)

Bill "An Act to Raise the Fee for Congressional and Legislative Registration Plates" (H.P. 19) (L.D. 44) (Presented by Representative McELROY of Unity)

Bill "An Act to Increase the Fees for Attachment of Real Estate and Personal Property" (H.P. 20) (L.D. 45) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by

Senator FERGUSON of Oxford and Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton, McALEVEY of Waterboro, O'NEAL of Limestone, PINKHAM of Lamoine)

Bill "An Act to Change the Method for Setting Wages for Deputies" (H.P. 37) (L.D. 62) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator FERGUSON of Oxford and Representatives: BUNKER of Kossuth Township, McALEVEY of Waterboro, O'NEAL of Limestone, PINKHAM of Lamoine)

Bill "An Act Concerning Dangerous Buildings in the Unorganized Territories" (H.P. 38) (L.D. 63) (Presented by Representative AHEARNE of Madawaska)

Bill "An Act to Return a Certain Parcel of Land to Hartland from Pittsfield" (H.P. 46) (L.D. 71) (Presented by Representative STEDMAN of Hartland) (Cosponsored by Representative: JONES of Pittsfield)

Bill "An Act to Change the Budgeting Process for York County" (H.P. 52) (L.D. 77) (Presented by Representative JOYNER of Hollis) (Cosponsored by Representatives: JOYCE of Biddeford, McALEVEY of Waterboro, MURPHY of Kennebunk)

Bill "An Act to Amend the Laws Requiring Notification for Public Hearings Concerning Ordinance Changes" (H.P. 58) (L.D. 83) (Presented by Representative CARLETON of Wells)

Bill "An Act to Reduce the Meal Allowance for Legislators from \$32 to \$16" (H.P. 59) (L.D. 84) (Presented by Representative JONES of Pittsfield) (Cosponsored by Representatives: BRAGDON of Bangor, BUCK of Yarmouth, MADORE of Augusta, STEDMAN of Hartland, TREADWELL of Carmel, WATERHOUSE of Bridgton)

Bill "An Act to Clarify That a Town's Mooring Ordinance May Grandfather Existing Commercial or Noncommercial Moorings" (H.P. 63) (L.D. 88) (Presented by Representative PINKHAM of Brunswick) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: BODWELL of Brunswick, BOUFFARD of Lewiston, HONEY of Boothbay, MAYO of Bath, TRIPP of Topsham)

Bill "An Act to Establish State Auditor As an Appointed Position" (H.P. 67) (L.D. 92) (Presented by Representative LANE of Enfield) (Cosponsored by Senator AMERO of Cumberland and Representatives: BRAGDON of Bangor, CAMPBELL of Holden, CARLETON of Wells, KASPRZAK of Newport, MACK of Standish, MERES of Norridgewock, WATERHOUSE of Bridgton, WINGLASS of Auburn)

Bill "An Act Concerning the Format of Legislative Documents" (H.P. 74) (L.D. 99) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Senator PARADIS of Aroostook and Representatives: AHEARNE of Madawaska, CAMERON of Rumford, OTT of York, TREADWELL of Carmel, VIGUE of Winslow, WATERHOUSE of Bridgton, WHEELER of Bridgewater, Senator: RUHLIN of Penobscot)

Bill "An Act to Make Legislative Information Available through the Internet" (H.P. 78) (L.D. 103) (Presented by Representative CARLETON of Wells) (Cosponsored by Senator PINGREE of Knox and Representatives: BELANGER of Wallagrass, MITCHELL of Vassalboro, Senator: LAWRENCE of York)

Taxation

Bill "An Act to Repeal the Ability of Municipalities to Set Off Money Due against Taxes Owed" (H.P. 16) (L.D. 41) (Presented by Representative VIGUE of Winslow) (By Request)

Bill "An Act to Decrease the State's Share of Real Estate Transfer Tax" (H.P. 18) (L.D. 43) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator CASSIDY of Washington and Representatives: BUNKER of Kossuth Township, CLARK of Millinocket, CLUKEY of Houlton,

KNEELAND of Easton, LAYTON of Cherryfield, O'NEAL of Limestone, PINKHAM of Lamoine, Senator: FERGUSON of Oxford)

Bill "An Act to Provide a State Income Tax Deduction for Rent" (H.P. 33) (L.D. 58) (Presented by Representative AHEARNE of Madawaska) (Cosponsored by Representative: O'NEAL of Limestone, Senator: PARADIS of Aroostook)

Bill "An Act to Provide a State Income Tax Credit for the Costs of Health Insurance Paid by Individuals" (H.P. 45) (L.D. 70) (Presented by Representative MAYO of Bath) (Cosponsored by Senator SMALL of Sagadahoc and Representative: CARLETON of Wells)

Bill "An Act to Include Slide-in Truck Campers in Property That May Be Included in the Trade-in Allowance Credit" (H.P. 62) (L.D. 87) (Presented by Representative GOOLEY of Farmington) (Cosponsored by Representatives: DONNELLY of Presque Isle, POVICH of Ellsworth, TRUE of Fryeburg, UNDERWOOD of Oxford, WINGLASS of Auburn, Senator: BENOIT of Franklin)

Bill "An Act to Obtain Additional Funding for the Snowmobile Trail Fund, Law Enforcement and Snowmobile Safety Programs and Safety Training by Obtaining Revenue from Sales Tax Directly Related to Snowmobile and Accessory Sales" (H.P. 66) (L.D. 91) (Presented by Representative CLARK of Millinocket) (Cosponsored by Senator MICHAUD of Penobscot and Representatives: AHEARNE of Madawaska, BOUFFARD of Lewiston, O'NEAL of Limestone, TESSIER of Fairfield, USHER of Westbrook)

Bill "An Act to Authorize a Local Option Tax on Lodging and Meals in Hancock County to Fund the Ellsworth Convention and Trade Show Center" (H.P. 69) (L.D. 94) (Presented by Representative POVICH of Ellsworth)

Bill "An Act Concerning the Taxation of Manufactured Homes That Are Stock-in-trade" (H.P. 72) (L.D. 97) (Presented by Representative BARTH of Bethel) (Cosponsored by Senator BENNETT of Oxford and Representatives: VIGUE of Winslow, WATERHOUSE of Bridgton)

Bill "An Act to Require Public Utilities to Pay Excise Tax on Motor Vehicles to the Town in Which the Motor Vehicle is Permanently Stationed" (H.P. 82) (L.D. 107) (Presented by Representative PINKHAM of Lamoine) (Cosponsored by Representatives: HONEY of Boothbay, PERKINS of Penobscot, WHEELER of Bridgewater, Senator: RUHLIN of Penobscot)

Bill "An Act to Exempt Capital Gains from the Maine Income Tax" (H.P. 86) (L.D. 111) (Presented by Representative WATERHOUSE of Bridgton) (Cosponsored by Representatives: BUCK of Yarmouth, MURPHY of Kennebunk, O'NEAL of Limestone, VIGUE of Winslow, WINSOR of Norway, Senator: KIEFFER of Aroostook)

Bill "An Act to Exempt Contract Dance Instructors from the Unemployment Tax" (H.P. 24) (L.D. 49) (Presented by Representative JOYCE of Biddeford) (Cosponsored by Representative: PENDLETON of Scarborough)

Committee on **Taxation** suggested and ordered printed.

On motion of Representative TRIPP of Topsham, tabled pending reference and specially assigned for Tuesday, January 14, 1997.

Transportation

Bill "An Act to Allow Veterans to Get Vanity Veteran License Plates" (H.P. 17) (L.D. 42) (Presented by Representative RICHARD of Madison)

Bill "An Act to Require Confidentiality of Law Enforcement Officers Involved in Motor Vehicle Accidents" (H.P. 21) (L.D. 46)

(Presented by Representative WHEELER of Bridgewater) (Cosponsored by Representatives: BUNKER of Kossuth Township, CLUKEY of Houlton, McALEVEY of Waterboro, O'NEAL of Limestone, PAUL of Sanford, PINKHAM of Lamoine)

Bill "An Act to Allow Escorts of Certain Motor Vehicles by Any Police Officer" (H.P. 23) (L.D. 48) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Senator FERGUSON of Oxford and Representatives: BUNKER of Kossuth Township, O'NEAL of Limestone, PINKHAM of Lamoine)

Bill "An Act to Clarify the Authority of the Department of Transportation to Designate Truck Routes" (H.P. 25) (L.D. 50) (Presented by Representative WHEELER of Bridgewater) (Cosponsored by Representatives: McALEVEY of Waterboro, O'NEAL of Limestone, PINKHAM of Lamoine)

Bill "An Act to Require Disclosure of Insurer on Motor Vehicle Registrations" (H.P. 30) (L.D. 55) (Presented by Representative McALEVEY of Waterboro) (Cosponsored by Representatives: LEMAIRE of Lewiston, MAYO of Bath, PAUL of Sanford, POVICH of Ellsworth, Senators: LaFOUNTAIN of York, LIBBY of York)

Bill "An Act to Increase the Fee for Car Inspections" (H.P. 53) (L.D. 78) (Presented by Representative PERKINS of Penobscot) (By Request)

Bill "An Act to Repeal the Mandatory Driver Education Course" (H.P. 77) (L.D. 102) (Presented by Representative PERKINS of Penobscot) (Cosponsored by Representatives: PINKHAM of Lamoine, SNOWE-MELLO of Poland)

Bill "An Act to Eliminate the Fine for Exceeding the Axle Weight Limit" (H.P. 84) (L.D. 109) (Presented by Representative LANE of Enfield) (Cosponsored by Representatives: AHEARNE of Madawaska, BRAGDON of Bangor, JOYCE of Biddeford, MACK of Standish)

Bill "An Act to Exempt the American Legion from Certificates of Title and Registration Fees" (EMERGENCY) (H.P. 85) (L.D. 110) (Presented by Representative LANE of Enfield) (Cosponsored by Senator CATHCART of Penobscot and Representatives: BRAGDON of Bangor, LAYTON of Cherryfield)

Resolve, to Name the South Warren Bridge in Memory of James Andrew "Drew" Griffith (H.P. 26) (L.D. 51) (Presented by Representative SAVAGE of Union) (Cosponsored by Representatives: CHARTRAND of Rockland, CLUKEY of Houlton, LINDAHL of Northport, McALEVEY of Waterboro, PAUL of Sanford, SKOGLUND of St. George, WHEELER of Bridgewater, Senator: PINGREE of Knox)

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

ORDERS

On motion of Representative CAMERON of Rumford, the following House Order: (H.O. 7)

ORDERED, that House Rule 401, subsection 12 be amended to read:

12. Voting. A member who is in the House when a question is put shall vote, unless the presiding officer for reasons excuses that member. When yeas and nays are ordered, a member may not leave the member's seat until the vote is declared. A call for yeas and nays must close no more than ~~30~~ 15 minutes after a roll call is commenced. In all elections by the House, or on joint ballot of the Chambers, a member may not leave the member's seat after voting, before a return of the House is had.

Was read.

On motion of Representative CAMERON of Holden, tabled one legislative day pursuant to House Rule 524.

On motion of Representative GAMACHE of Lewiston, the following Order: (H.O. 8)

ORDERED, that Representative Rosita Gagne of Buckfield be excused January 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative June C. Meres of Norridgewock be excused January 9 for personal reasons.

Was read and passed.

On motion of Representative PERKINS of Penobscot, the following Joint Order: (H.P. 90)

ORDERED, the Senate concurring, that Joint Rule 302 be amended to read:

Rule 302. Membership.

Each of the joint standing committees consists of 13 members, 3 from the Senate and 10 from the House of Representatives. A joint standing committee may not consist of more than 4 members who are salaried public employees or who have been salaried public employees for 5 or more years in the field over which that committee has jurisdiction. For purposes of this rule, the term "public employee" includes a federal, state, county or municipal employee, including an employee on a leave of absence. The first Senate member named is the Senate chair. The first House member named is the House chair. The Senate chair shall preside and in the Senate chair's absence, the House chair shall preside and, thereafter, as the need may arise, the chair shall alternate between the members from each chamber in the sequence of their appointment to the committee. The sequence of appointment for the biennium is as announced by the presiding officers in each chamber. Every member of the Senate and the House of Representatives is entitled to at least one initial committee assignment.

Was read.

On motion of Representative PERKINS of Penobscot, tabled pending passage and specially assigned for Tuesday, January 14, 1997.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Hall-Dale Field Hockey Team members Joy Bengtson, Kimberley Boulier, Theresa Clark, Courtney Davis, Sara Davis, Katie Evans, Abby Garofalo, Lindsey Graham, Kimberly Gray, Corrie Howe, Heidi Johnson, Katherine Lane, Carolyn Mathews, Christie Monteith, Lucinda Perfetto, Suzanne Pratt, Kimberly Stowers, Shauna Sweet, Erica Webber and Michelle Barry; team manager Sara Davis; and Coach Ellen Vickers, winners of the 1996 Class C State Field Hockey Championship; (HLS 7) by Representative WATSON of Farmingdale. (Cosponsors: Representative COWGER of Hallowell, Senator TREAT of Kennebec)

On objection of Representative WATSON of Farmingdale was removed from the Special Sentiment Calendar.

Was Read and Passed and sent up for concurrence.

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

SENATE PAPERS

Bill "An Act to Grandfather Ambulance Attendants from Additional Rulemaking" (S.P. 34) (L.D. 32)

Came from the Senate referred to the Committee on **Business and Economic Development** and Ordered Printed.

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

Bill "An Act to Criminalize Certain Photographing of Children" (S.P. 38) (L.D. 36)

Came from the Senate referred to the Committee on **Criminal Justice** and Ordered Printed.

Was referred to the Committee on **Criminal Justice** in concurrence.

Bill "An Act to Clarify the School Budget Approval Process" (S.P. 26) (L.D. 24)

Bill "An Act to Permit Schools to Allow Credit toward a High School Diploma for Paid Driver Education Courses" (S.P. 39) (L.D. 37)

Bill "An Act to Exempt Schools with One Teacher from Continued Contracts for Teachers" (S.P. 40) (L.D. 38)

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

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

Bill "An Act Regarding Funding for the Extended Responsibilities of the Department of Inland Fisheries and Wildlife" (S.P. 19) (L.D. 17)

Bill "An Act to Designate 2 Weekends When a Person May Fish without a License" (S.P. 24) (L.D. 22)

Bill "An Act to Clarify Use of Tree Stands" (S.P. 28) (L.D. 26)

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

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

Bill "An Act to Amend the Laws Governing Admission to Mental Health Institutions" (S.P. 25) (L.D. 23)

Bill "An Act to Amend the Wrongful Death Laws" (S.P. 31) (L.D. 29)

Bill "An Act to Exclude Intentional Tort Claims from the Application of the Maine Workers' Compensation Act of 1992" (S.P. 32) (L.D. 30)

Bill "An Act to Prohibit the Photographing or Transmittal of Jury Deliberations" (S.P. 37) (L.D. 35)

Resolve, to Extend the Reporting Deadline of the Task Force on Tribal-State Relations (EMERGENCY) (S.P. 27) (L.D. 25)

Came from the Senate referred to the Committee on **Judiciary** and Ordered Printed.

Were referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Clarify the Law Concerning Evictions from Mobile Home Parks" (EMERGENCY) (S.P. 22) (L.D. 20)

Came from the Senate referred to the Committee on Legal and Veterans Affairs and Ordered Printed.

Was referred to the Committee on **Legal and Veterans Affairs** in concurrence.

Bill "An Act to Allow Municipalities to Advertise Public Legal Notices in Weekly Papers" (S.P. 18) (L.D. 16)

Bill "An Act to Require That a Vacancy in the Office of Sheriff Be Filled by an Appointee from the Same Political Party" (S.P. 33) (L.D. 31)

Bill "An Act to Change the Selection Process and Qualifications for State Auditor" (S.P. 35) (L.D. 33)

Resolve, to Name the Body of Water on Route 27 in Coburn Gore "Fabian's Dunk" (S.P. 15) (L.D. 13)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Process for the Selection of the State Treasurer (S.P. 36) (L.D. 34)

Came from the Senate referred to the Committee on **State and Local Government** and Ordered Printed.

Were referred to the Committee on **State and Local Government** in concurrence.

Bill "An Act to Clarify the Law Governing Property Tax Exemptions for Charitable and Benevolent Institutions and Literary and Scientific Institutions" (EMERGENCY) (S.P. 13) (L.D. 11)

Bill "An Act to Clarify Tax-exempt Status of Rental Inventory" (S.P. 14) (L.D. 12)

Bill "An Act to Exempt the Sale of Horses from the Sales Tax" (S.P. 16) (L.D. 14)

Bill "An Act to Exempt Churches from the Real Estate Transfer Tax" (S.P. 17) (L.D. 15)

Bill "An Act to Give a Small Business Employer Health Benefit Tax Relief" (S.P. 20) (L.D. 18)

Bill "An Act to Provide an Income Tax Deduction for the Home Health Care of Relatives" (S.P. 21) (L.D. 19)

Resolve, Authorizing Reimbursement to John Calley for Expenses Incurred as a Result of an Overassessment of Sales Tax (S.P. 23) (L.D. 21)

Came from the Senate referred to the Committee on **Taxation** and Ordered Printed.

Were referred to the Committee on **Taxation** in concurrence.

Bill "An Act to Broaden the Requirements for Special Veterans Registration Plates" (S.P. 29) (L.D. 27)

Bill "An Act to Create Silver Star and Bronze Star License Plates" (S.P. 30) (L.D. 28)

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

Were referred to the Committee on Transportation in concurrence.

The following Joint Resolution: (S.P. 41)
JOINT RESOLUTION HONORING RODNEY L. SCRIBNER
ON THE OCCASION OF HIS RETIREMENT

WHEREAS, the State Auditor is elected by joint ballot of the Legislature and heads the Department of Audit, which has a variety of duties, such as performing postaudits of all accounts of State Government, county governments and under certain circumstances, municipal and quasi-municipal governments;

reviews departmental budgets and capital programs; and serves as staff agency to the Legislature; and

WHEREAS, Rodney L. Scribner, a native of Rumford, Maine, is finishing his 3rd 4-year term as State Auditor after a successful career as Deputy Director of the Federal Revenue Sharing Program in President Carter's administration and as Commissioner of Finance and Administration, State Treasurer, State Budget Officer, State Controller, Legislative Finance Officer, Acting Commissioner of Indian Affairs and a member of the House of Representatives; and

WHEREAS, Rodney L. Scribner, a graduate of the Maine Maritime Academy, has served in the United States Navy and the Merchant Marine, has been awarded the Inspector General's Integrity Award from the federal Department of Health and Human Services and has been awarded both the state and the national Public Service Award from the American Institute of Certified Public Accountants; and

WHEREAS, it is the desire of the Members of the Senate and the Members of the House of Representatives and the citizens they represent to formally recognize the accomplishments of the State Auditor, Rodney L. Scribner, on the occasion of his retirement, and to express the high esteem and affection in which he is held; now, therefore, be it

RESOLVED: That We, the Members of the 118th Legislature now assembled in the First Regular Session, take this opportunity to honor State Auditor Rodney L. Scribner, to recognize his distinguished service to the people of the State of Maine over many years and to offer our congratulations and very best wishes for the future; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be presented to Rodney L. Scribner as a tangible token of our high esteem.

Came from the Senate read and adopted.

Was read and adopted in concurrence.

Pursuant to House Rule 201, the Speaker appointed Representative ROWE of Portland to serve as Speaker Pro Tem on Tuesday, January 14, 1997.

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

SENATE PAPERS

The following Joint Order: (S.P. 43)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 14, 1997, at 3:00 o'clock in the afternoon.

Came from the Senate read and passed.

Was read and passed in concurrence.

On motion of Representative SAXL of Portland, the House adjourned at 12:50 p.m., pursuant to the Joint Order (S.P. 43).