

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
11th Legislative Day
Thursday, February 6, 1997

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

Prayer by Reverend Craig L. Cowing, United Church of Monmouth and East Monmouth United Methodist Church.

National Anthem by the Jazz on Tour Ensemble of the University of Maine at Augusta.

Pledge of Allegiance.

Doctor of the day, Stephen V. M. Leverett, D.O., North Yarmouth.

The Journal of Tuesday, February 4, 1997 was read and approved.

SENATE PAPERS

Bill "An Act Concerning Towing in Cable Areas" (S.P. 212) (L.D. 671)

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

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

Bill "An Act Regarding Electric Energy Demand Charges" (S.P. 214) (L.D. 673)

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

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

Bill "An Act to Provide Municipal Notification of Utility Services" (S.P. 183) (L.D. 601)

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

Was referred jointly to the Committee on **State and Local Government** and to the Committee on **Utilities and Energy** in concurrence.

Non-Concurrent Matter

Bill "An Act to Require that Health Insurance Benefits for School District Employees Be Subject to the Mandatory Bid Process" (H.P. 354) (L.D. 477) which was referred to the Committee on **Education and Cultural Affairs** and the Committee on **Banking and Insurance** in the House on January 28, 1997.

Came from the Senate referred to the Committee on **Banking and Insurance** in non-concurrence.

The House voted to Recede and Concur.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Appropriations and Financial Affairs

Bill "An Act to Authorize the Unfunded Portion of the School Cost for the Development of the Poland High School Project to be Funded in 1997 and 1998" (H.P. 607) (L.D. 832) (Presented by Representative SNOWE-MELLO of Poland) (Cosponsored by Senator CLEVELAND of Androscoggin and Representative: McELROY of Unity, Senator: NUTTING of Androscoggin)

Banking and Insurance

Bill "An Act to Require Public Insurers to Supply Insurance Data to Schools and Municipalities" (H.P. 603) (L.D. 828) (Presented by Representative SHANNON of Lewiston) (Cosponsored by Senators: AMERO of Cumberland, GOLDTHWAIT of Hancock and Senator JENKINS of Androscoggin and Representatives: BRUNO of Raymond, BUNKER of Kossuth Township, CAMERON of Rumford, FISHER of Brewer, FRECHETTE of Biddeford, NICKERSON of Turner, PERRY of Bangor, WRIGHT of Berwick)

Bill "An Act Concerning the Lapse of Automobile Insurance" (H.P. 611) (L.D. 836) (Presented by Representative BERRY of Belmont) (Cosponsored by Representatives: CAMERON of Rumford, PERKINS of Penobscot, TRIPP of Topsham and Representatives: BERRY of Livermore, VEDRAL of Buxton)

Bill "An Act to Ensure Reasonable Access to Emergency Medical Services" (H.P. 614) (L.D. 839) (Presented by Representative PIEH of Bremen) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: BRUNO of Raymond, McALEVEY of Waterboro, PENDLETON of Scarborough, ROWE of Portland, SAXL of Portland, THOMPSON of Naples, Senators: GOLDTHWAIT of Hancock, MITCHELL of Penobscot)

Bill "An Act to Regulate Money Transmitters and Amend Consumer Credit Laws" (H.P. 618) (L.D. 843) (Presented by Representative VIGUE of Winslow) (Cosponsored by Representative MAYO of Bath, Senator: CAREY of Kennebec) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Bill "An Act Regarding the Decision by an Insurance Carrier Whether to Cover Certain Services" (H.P. 647) (L.D. 900) (Presented by Representative MAILHOT of Lewiston) (Cosponsored by Senator NUTTING of Androscoggin and Representatives: AHEARNE of Madawaska, BOUFFARD of Lewiston, CHIZMAR of Lisbon, CLARK of Millinocket, SHANNON of Lewiston)

Bill "An Act Requiring Notice to Homeowners' Insurance Policyholders when an Insurer Ceases to Transact Business with an Agent" (H.P. 649) (L.D. 902) (Presented by Representative BAKER of Dixfield) (Cosponsored by Senator FERGUSON of Oxford and Representatives: GAGNE of Buckfield, SAMSON of Jay)

Bill "An Act to Define the Diagnosis of Pregnancy for the Purposes of Insurance Coverage" (H.P. 658) (L.D. 911) (Presented by Representative MAYO of Bath) (Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: ETNIER of Harpswell, MITCHELL of Portland, THOMPSON of Naples, WINGLASS of Auburn)

Business and Economic Development

Bill "An Act to Amend the Dental Licensure Laws to Authorize Special Permits for Instruction in Dentistry and to Identify and Rehabilitate Impaired Dentists" (H.P. 616) (L.D. 841) (Presented by Representative CAMERON of Rumford) (Cosponsored by Senator JENKINS of Androscoggin and Representative: VIGUE

of Winslow) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Bill "An Act to Amend the Osteopathic Licensure Laws to Clarify the Appropriate Degree Required for Licensure" (H.P. 617) (L.D. 842) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representatives: BRUNO of Raymond, GIERINGER of Portland, VIGUE of Winslow) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Bill "An Act to Clarify the Audit Requirement of the Maine State Housing Authority" (H.P. 651) (L.D. 904) (Presented by Representative ROWE of Portland) (Cosponsored by Representative DONNELLY of Presque Isle and Representative: KONTOS of Windham, Senator: HARRIMAN of Cumberland)

Criminal Justice

Bill "An Act to Authorize Court-ordered Supervision of Juveniles" (H.P. 657) (L.D. 910) (Presented by Representative SAXL of Bangor) (Cosponsored by Senator DAGGETT of Kennebec and Representatives: BAKER of Bangor, FARNSWORTH of Portland, LEMAIRE of Lewiston, O'NEAL of Limestone, PERRY of Bangor, WHEELER of Bridgewater, Senator: CATHCART of Penobscot)

Bill "An Act to Amend the Laws Concerning Juvenile Petition, Adjudication and Disposition" (H.P. 662) (L.D. 915) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Representatives: McALEVEY of Waterboro, PAUL of Sanford, WHEELER of Bridgewater)

Resolve, to Establish a Commission to Examine the Laws Pertaining to Juvenile Offenders (H.P. 637) (L.D. 862) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: BUCK of Yarmouth, JOY of Crystal, MACK of Standish, MADORE of Augusta, POWERS of Rockport, Senators: BENOIT of Franklin, MURRAY of Penobscot)

Education and Cultural Affairs

Bill "An Act to Amend the Charter of Foxcroft Academy" (H.P. 608) (L.D. 833) (Presented by Representative CROSS of Dover-Foxcroft) (Cosponsored by Senator HALL of Piscataquis and Representatives: BARTH of Bethel, BUMPS of China, CLUKEY of Houlton, KNEELAND of Easton, MAYO of Bath, McELROY of Unity, TAYLOR of Cumberland, TRUE of Fryeburg)

Bill "An Act to Have One Standard of Measurement for School State Assessment Examinations" (H.P. 621) (L.D. 846) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Senator PENDLETON of Cumberland and Representatives: BOLDUC of Auburn, DESMOND of Mapleton, DEXTER of Kingfield, GAGNE of Buckfield, PIEH of Bremen, SAVAGE of Union, STEDMAN of Hartland)

Bill "An Act to Prohibit the State from Dictating Educational Curricula" (H.P. 627) (L.D. 852) (Presented by Representative VEDRAL of Buxton) (Cosponsored by Representatives: FOSTER of Gray, JOY of Crystal, LANE of Enfield, LEMKE of Westbrook, SNOWE-MELLO of Poland, TREADWELL of Carmel, TRUE of Fryeburg, Senator: KIEFFER of Aroostook)

Bill "An Act Regarding the Obligation of the State to Fund Adult Education" (H.P. 629) (L.D. 854) (Presented by Representative BERRY of Belmont) (Cosponsored by Representatives: BAKER of Dixfield, McELROY of Unity, POWERS of Rockport)

Bill "An Act to Require That School Administrative Units Provide Additional Appropriate Personnel When Transporting

Students with Special Needs" (H.P. 636) (L.D. 861) (Presented by Representative DESMOND of Mapleton) (Cosponsored by Senator SMALL of Sagadahoc and Representatives: SIROIS of Caribou, SKOGLUND of St. George, WHEELER of Eliot, Senator: CATHCART of Penobscot)

Resolve, to Review Special Education Laws to Determine if They Exceed Federal Requirements (EMERGENCY) (H.P. 631) (L.D. 856) (Presented by Representative McELROY of Unity) (Cosponsored by Senator MILLS of Somerset and Representatives: BELANGER of Caribou, BERRY of Belmont, BUMPS of China, CLUKEY of Houlton, LEMKE of Westbrook, PERKINS of Penobscot, SKOGLUND of St. George, SPEAR of Nobleboro)

Resolve, to Determine the Appropriate Tuition Rate for Public High School Students Who Live in a Municipality without a High School (H.P. 632) (L.D. 857) (Presented by Representative McELROY of Unity) (Cosponsored by Representatives: BELANGER of Caribou, BERRY of Belmont, CLUKEY of Houlton, LEMKE of Westbrook, SKOGLUND of St. George, SPEAR of Nobleboro, TOBIN of Dexter, Senator: MILLS of Somerset)

Health and Human Services

Bill "An Act to Require Total Care Cost Analysis in the 'MED 94' Assessment" (H.P. 604) (L.D. 829) (Presented by Representative WINSOR of Norway) (Cosponsored by Representative: JOY of Crystal, Senator: KIEFFER of Aroostook)

Bill "An Act to Streamline the Process of Foster Child Placement" (H.P. 619) (L.D. 844) (Presented by Representative MARVIN of Cape Elizabeth) (Cosponsored by Senator MITCHELL of Penobscot and Representatives: BRAGDON of Bangor, LOVETT of Scarborough, MITCHELL of Portland, QUINT of Portland, WINSOR of Norway, Senators: BENNETT of Oxford, PARADIS of Aroostook, PENDLETON of Cumberland)

Bill "An Act Directing the Department of Human Services to Apply for a Medicaid Waiver to Allow Spouses to Be Paid as Personal Care Attendants" (EMERGENCY) (H.P. 626) (L.D. 851) (Presented by Representative PIEH of Bremen) (Cosponsored by Senator TREAT of Kennebec and Senator PINGREE of Knox and Representatives: BAGLEY of Machias, BRUNO of Raymond, ETNIER of Harpswell, MARVIN of Cape Elizabeth, MITCHELL of Vassalboro, SKOGLUND of St. George, WINGLASS of Auburn, Senator PARADIS of Aroostook)

Bill "An Act to Ensure Access to Child Support for Low-income Children" (EMERGENCY) (H.P. 659) (L.D. 912) (Presented by Representative MITCHELL of Portland) (Cosponsored by Senator MICHAUD of Penobscot and Representatives: BROOKS of Winterport, ETNIER of Harpswell, FULLER of Manchester, KERR of Old Orchard Beach, MARVIN of Cape Elizabeth, THOMPSON of Naples, Senators: PARADIS of Aroostook, PINGREE of Knox)

Bill "An Act to Provide Funding for Mental Health Services for Homeless Shelters" (H.P. 660) (L.D. 913) (Presented by Speaker MITCHELL of Vassalboro) (Cosponsored by Senator PENDLETON of Cumberland and Representatives: CHICK of Lebanon, FULLER of Manchester, KERR of Old Orchard Beach, KONTOS of Windham, MITCHELL of Portland, NASS of Acton, Senators: LAWRENCE of York, PARADIS of Aroostook)

Bill "An Act to Combine the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services" (H.P. 664) (L.D. 917) (Presented by Representative JOYNER of Hollis) (Cosponsored by Senator MITCHELL of Penobscot and Representatives: BRAGDON of Bangor, JOY of Crystal, JOYCE of Biddeford, LINDAHL of

Northport, LOVETT of Scarborough, PLOWMAN of Hampden, SNOWE-MELLO of Poland, Senator: BENNETT of Oxford)

Inland Fisheries and Wildlife

Bill "An Act to Encourage Registrants of Snowmobiles to Be Members of Snowmobile Clubs" (H.P. 606) (L.D. 831) (Presented by Representative GREEN of Monmouth) (By Request)

Bill "An Act to Exempt Hunters in Elevated Stands from the Blaze Orange Clothing Requirements" (H.P. 634) (L.D. 859) (Presented by Representative PERKINS of Penobscot) (Cosponsored by Senator DAGGETT of Kennebec and Representatives: DUNLAP of Old Town, GOODWIN of Pembroke, TOBIN of Dexter)

Bill "An Act to Allow Hunting on the Sunday Following Resident Only Day" (H.P. 642) (L.D. 895) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: CLARK of Millinocket, LANE of Enfield, MACK of Standish)

Bill "An Act to Increase the Time Limit for Registering Deer to 24 Hours" (H.P. 643) (L.D. 896) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Representatives: CLARK of Millinocket, GOODWIN of Pembroke, PAUL of Sanford, TRUE of Fryeburg, USHER of Westbrook, Senator: KIEFFER of Aroostook)

Judiciary

Bill "An Act to Authorize Corporate Officers to Represent Their Corporation in Certain Civil Actions in District Court" (H.P. 602) (L.D. 827) (Presented by Representative BODWELL of Brunswick) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: BUMPS of China, RINES of Wiscasset)

Bill "An Act to Extend the Waiting Period for Obtaining a Divorce" (H.P. 635) (L.D. 860) (Presented by Representative DESMOND of Mapleton) (Cosponsored by Senator PARADIS of Aroostook and Representatives: AHEARNE of Madawaska, BERRY of Livermore, FISHER of Brewer, GOOLEY of Farmington, O'NEAL of Limestone, SIROIS of Caribou, WHEELER of Eliot, WRIGHT of Berwick)

Bill "An Act to Amend the Filing Requirements to Perfect a Security Interest in Consumer Goods" (H.P. 644) (L.D. 897) (Presented by Representative VIGUE of Winslow)

Bill "An Act to Allow Physician-assisted Deaths for the Terminally Ill" (H.P. 663) (L.D. 916) (Presented by Representative BROOKS of Winterport) (Cosponsored by Senator MITCHELL of Penobscot and Representatives: BARTH of Bethel, COWGER of Hallowell, FARNSWORTH of Portland, JONES of Bar Harbor, LINDAHL of Northport, MARVIN of Cape Elizabeth, Senators: LONGLEY of Waldo, MILLS of Somerset)

Labor

Bill "An Act to Have State Wage Laws Conform with the Federal Small Business Job Protection Act of 1996" (H.P. 615) (L.D. 840) (Presented by Representative CARLETON of Wells) (Cosponsored by Representatives: JOY of Crystal, JOYCE of Biddeford, MACK of Standish, WINSOR of Norway)

Bill "An Act to Allow Persons 15 Years of Age or Older to Work at Games of Skill" (H.P. 648) (L.D. 901) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Senator PENDLETON of Cumberland and Representatives:

BRUNO of Raymond, LOVETT of Scarborough, PENDLETON of Scarborough, TUTTLE of Sanford)

Bill "An Act to Establish Mandatory Drug and Alcohol Testing of Emergency Vehicle Operators" (H.P. 656) (L.D. 909) (Presented by Representative LOVETT of Scarborough) (Cosponsored by Senator PENDLETON of Cumberland and Representatives: JOY of Crystal, JOYNER of Hollis, LABRECQUE of Gorham, PENDLETON of Scarborough, SAVAGE of Union)

Resolve, Directing the Workers' Compensation Board to Study the Effect on Injured Workers of Delayed Medical Treatment and Payment of Valid Claims by Insurance Companies (H.P. 605) (L.D. 830) (Presented by Representative WINSOR of Norway)

Resolve, Instructing the Workers' Compensation Board to Study and Make Recommendations Regarding the Occupational Disease Law (H.P. 610) (L.D. 835) (Presented by Representative WINSOR of Norway)

Legal and Veterans Affairs

Bill "An Act to Prohibit the Clerk of the House and the Secretary of the Senate from Participating in Political Activities while in Office" (H.P. 620) (L.D. 845) (Presented by Representative CAMPBELL of Holden) (Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: DONNELLY of Presque Isle, LEMONT of Kittery, PERKINS of Penobscot, Senators: AMERO of Cumberland, KIEFFER of Aroostook, LIBBY of York, MITCHELL of Penobscot, SMALL of Sagadahoc)

Bill "An Act to Reduce the Time Political Signs May Be Placed in the Public Right-of-Way" (H.P. 625) (L.D. 850) (Presented by Representative CIANCHETTE of South Portland) (Cosponsored by Representatives: BUMPS of China, FOSTER of Gray, KASPRZAK of Newport, MARVIN of Cape Elizabeth)

Bill "An Act to Repeal the Presidential Primary" (H.P. 645) (L.D. 898) (Presented by Representative LOVETT of Scarborough) (Cosponsored by Senator PENDLETON of Cumberland and Representatives: JOY of Crystal, JOYNER of Hollis, LABRECQUE of Gorham, LEMKE of Westbrook, MURPHY of Kennebunk, PENDLETON of Scarborough, SAVAGE of Union, WATERHOUSE of Bridgton)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Voting Rights (H.P. 639) (L.D. 864) (Presented by Representative BRENNAN of Portland) (Cosponsored by Senator MILLS of Somerset and Representatives: BRUNO of Raymond, CAMERON of Rumford, KANE of Saco, O'NEIL of Saco, SHIAH of Bowdoinham, TOWNSEND of Portland, Senators: DAGGETT of Kennebec, HARRIMAN of Cumberland)

Marine Resources

Bill "An Act to Amend the Laws Pertaining to Sea Urchin Licenses" (H.P. 622) (L.D. 847) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representatives: PIEH of Bremen, SIROIS of Caribou)

Natural Resources

Bill "An Act to Facilitate Removal of Certain Licensed Overboard Discharges" (H.P. 653) (L.D. 906) (Presented by Representative KONTOS of Windham) (Cosponsored by Senator KILKELLY of Lincoln and Representative: OTT of York)

Bill "An Act to Amend the Definition of the Term Subdivision in the Site Location of Development Laws" (H.P. 655) (L.D. 908)

(Presented by Representative TRUE of Fryeburg) (Cosponsored by Representatives: CROSS of Dover-Foxcroft, FISHER of Brewer, JOY of Crystal, KNEELAND of Easton, Senator: CASSIDY of Washington)

State and Local Government

Bill "An Act to Amend the Qualifications for the Office of Sheriff" (H.P. 609) (L.D. 834) (Presented by Representative MUSE of South Portland) (Cosponsored by Representative: FISHER of Brewer, Senator: JENKINS of Androscoggin)

Bill "An Act to Amend the North Yarmouth-Cumberland Town Line" (EMERGENCY) (H.P. 638) (L.D. 863) (Presented by Representative TAYLOR of Cumberland) (Cosponsored by Senator BUTLAND of Cumberland and Representative: FISK of Falmouth, Senator: LIBBY of York)

Bill "An Act Regarding the Self-governance of Biddeford Pool" (H.P. 640) (L.D. 865) (Presented by Representative JOYCE of Biddeford) (Cosponsored by Senator AMERO of Cumberland and Representatives: BUCK of Yarmouth, JOYNER of Hollis, KASPRZAK of Newport, LANE of Enfield, PERKINS of Penobscot, SAVAGE of Union, WINSOR of Norway, Senator: KILKELLY of Lincoln)

Resolve, to Convene a Legislative Employee Salary Review Committee (H.P. 630) (L.D. 855) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: BUCK of Yarmouth, DONNELLY of Presque Isle, MACK of Standish, NASS of Acton)

Taxation

Bill "An Act to Exempt from the Income Tax a Student's Earned Income Used for Educational Purposes" (H.P. 612) (L.D. 837) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representatives: BRUNO of Raymond, CROSS of Dover-Foxcroft, JOY of Crystal, MAYO of Bath, TRUE of Fryeburg, Senator: GOLDTHWAIT of Hancock)

Bill "An Act to Exempt the Purchase of Motor Vehicle Modifications for a Person with a Disability from the Sales Tax" (H.P. 628) (L.D. 853) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: CROSS of Dover-Foxcroft, PENDLETON of Scarborough, PINKHAM of Lamoine, POWERS of Rockport)

Bill "An Act to Amend the State's Tax Treatment of Sale or Leaseback Financing" (H.P. 652) (L.D. 905) (Presented by Representative MAYO of Bath) (Cosponsored by Senator CAREY of Kennebec and Representatives: BRUNO of Raymond, CAMPBELL of Holden, CIANCHETTE of South Portland, KNEELAND of Easton, PERRY of Bangor, SPEAR of Nobleboro, Senator: ABROMSON of Cumberland)

Bill "An Act to Revise the State Income Tax Withholding Form" (H.P. 654) (L.D. 907) (Presented by Representative WATSON of Farmingdale) (Cosponsored by Senator NUTTING of Androscoggin and Representatives: BULL of Freeport, BUNKER of Kossuth Township, COWGER of Hallowell, GREEN of Monmouth, MERES of Norridgewock, O'NEAL of Limestone, SHIAH of Bowdoinham, WHEELER of Eliot)

Transportation

Bill "An Act to Permit Towns the Option of Winter Maintenance for Roads That are Turned Over to the Town for That Purpose" (H.P. 613) (L.D. 838) (Presented by Representative FOSTER of Gray) (Cosponsored by

Representatives: BRUNO of Raymond, CROSS of Dover-Foxcroft, DEXTER of Kingfield, GOOLEY of Farmington, MacDOUGALL of North Berwick, NICKERSON of Turner, SNOWE-MELLO of Poland)

Bill "An Act to Return a Portion of Fines Resulting from Violations of Motor Vehicle Laws to Law Enforcement Agencies" (H.P. 623) (L.D. 848) (Presented by Representative JONES of Greenville) (Cosponsored by Senator MURRAY of Penobscot and Representatives: AHEARNE of Madawaska, McALEVEY of Waterboro, O'NEIL of Saco, STANLEY of Medway, WHEELER of Bridgewater)

Bill "An Act to Require Reflectors on Snow Plows" (H.P. 624) (L.D. 849) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representatives: BOLDUC of Auburn, DESMOND of Mapleton, PAUL of Sanford, POWERS of Rockport, SIROIS of Caribou, TRUE of Fryeburg, WHEELER of Eliot)

Bill "An Act Regarding Terminal Rental Adjustment Clauses Vehicle Leasing" (H.P. 646) (L.D. 899) (Presented by Representative BOLDUC of Auburn) (Cosponsored by Senator CAREY of Kennebec and Representatives: BERRY of Livermore, BULL of Freeport, CHIZMAR of Lisbon, FARNSWORTH of Portland, SHIAH of Bowdoinham, SKOGLUND of St. George, TRUE of Fryeburg, WHEELER of Eliot)

Bill "An Act to Maintain the Department of Transportation's Current Policy on Reimbursement of Consultant Costs" (H.P. 650) (L.D. 903) (Presented by Representative CLUKEY of Houlton) (Cosponsored by Representatives: DRISCOLL of Calais, WHEELER of Eliot, Senator: CASSIDY of Washington) (Submitted by the Department of Transportation pursuant to Joint Rule 204.)

Bill "An Act Regarding Penalties for Failure to Yield the Right-of-way to an Emergency Vehicle" (H.P. 661) (L.D. 914) (Presented by Representative FISHER of Brewer) (Cosponsored by Representatives: BRUNO of Raymond, DUNLAP of Old Town, GREEN of Monmouth, LEMAIRE of Lewiston, PERRY of Bangor, TESSIER of Fairfield, TUTTLE of Sanford, Senator: DAGGETT of Kennebec)

Utilities and Energy

Bill "An Act to Expand Basic Service Calling Areas to Include All Municipalities within a School Administrative Unit" (H.P. 633) (L.D. 858) (Presented by Representative MacDOUGALL of North Berwick) (Cosponsored by Senator MacKINNON of York and Representatives: FOSTER of Gray, LANE of Enfield, NASS of Acton, SNOWE-MELLO of Poland, VEDRAL of Buxton, VOLENIK of Brooklin, WRIGHT of Berwick, Senator: LAWRENCE of York)

Bill "An Act to Guarantee Wider Local Calling Access to Every Telephone Exchange in the State" (H.P. 641) (L.D. 894) (Presented by Representative VOLENIK of Brooklin) (Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: BULL of Freeport, GAGNE of Buckfield, GOODWIN of Pembroke, JONES of Bar Harbor, LANE of Enfield, MacDOUGALL of North Berwick, PERKINS of Penobscot, POVICH of Ellsworth)

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

ORDERS

On motion of Representative GAMACHE of Lewiston, the following Order: (H.O. 13)

ORDERED, that Representative Thomas M. Davidson of Brunswick be excused January 30 and February 4 for personal reasons.

Was read and passed.

On motion of Representative LEMKE of Westbrook, the following Joint Order: (H.P. 665) (Cosponsored by Representatives: USHER of Westbrook, CAMPBELL of Holden, Senator: CAREY of Kennebec)

WHEREAS, the Legislature may order a special election on any measure that is subject to a vote of the people pursuant to the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 2; and

WHEREAS, direct initiative legislation was transmitted to the Legislature which was identified as Legislative Document No. 1819, Initiated Bill 2, "An Act to Promote Forest Rehabilitation and Eliminate Clearcutting"; and

WHEREAS, the Legislature pursuant to Article IV, Part Third, Section 18(2), the Legislature submitted as a competing measure identified as Legislation Document No. 1892, "Resolution, Proposing a Competing Measure under the Constitution of Maine to Implement the Compact for Maine's Forests"; and

WHEREAS, pursuant to Article IV, Part Third, Section 18(2), this competing measure received a plurality of greater than one-third of the votes given but less than a majority of the votes given; and

WHEREAS, it is the intent of the Legislature to refer this measure to the electors of the State at a special election to be held on June 10, 1997, for final determination by the people; now, therefore, be it

ORDERED, the Senate concurring, that the Office of the Secretary of State submit to the electors of the State for determination by the people at a special election to be held June 10, 1997, the subject matter of "Resolution, Proposing a Competing Measure under the Constitution of Maine to Implement the Compact for Maine's Forests"; and be it further

ORDERED, that a copy of this order be immediately transmitted to the Secretary of State.

Was read.

On motion of Representative LEMKE of Westbrook, tabled and specially assigned for Tuesday, February 11, 1997.

REPORTS OF COMMITTEES

Refer to the Committee on Business and Economic Development

Representative MITCHELL from the Committee on **Health and Human Services** on Bill "An Act to Amend the Statutes Pertaining to Emergency Medical Services" (H.P. 447) (L.D. 597) reporting that it be referred to the Committee on **Business and Economic Development**.

Report was read and accepted and the Bill referred to the Committee on **Business and Economic Development** and sent up for concurrence.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought to Pass**" on Bill "An Act

Concerning Dangerous Buildings in the Unorganized Territories" (H.P. 38) (L.D. 63)

Signed:

Senators: NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives: AHEARNE of Madawaska
FISK of Falmouth
LEMKE of Westbrook
BAGLEY of Machias
BUMPS of China
SANBORN of Alton
GIERINGER of Portland

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

Signed:

Representatives: KASPRZAK of Newport
GERRY of Auburn

Was read.

On motion of Representative AHEARNE of Madawaska, the Majority "**Ought to Pass**" Report was accepted.

The Bill was read once. The Bill was assigned for second reading on Tuesday, February 11, 1997.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 133) (L.D. 175) Bill "An Act to Make Technical Changes in Laws Authorizing the Sale of the Pineland Center" Committee on **State and Local Government** reporting "**Ought to Pass**"

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, February 11, 1997 under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(H.P. 12) (L.D. 8) Bill "An Act to Amend the Laws Specifying When an Indictment in a Criminal Case Is Not Required"

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

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

ENACTORS

Resolve, to Name the South Warren Bridge in Memory of James Andrew "Drew" Griffith (H.P. 26) (L.D. 51)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, finally passed, signed by the Speaker and sent to the Senate.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was Tabled and Today Assigned:

Bill "An Act to Amend the Watercraft Registration Laws" (EMERGENCY) (H.P. 564) (L.D. 755)

(Committee on **Inland Fisheries and Wildlife** suggested)

TABLED - February 4, 1997 by Representative PAUL of Sanford.

PENDING - Reference.

On motion of Representative PAUL of Sanford tabled pending reference and specially assigned for Tuesday, February 11, 1997.

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

On motion of Representative GOOLEY of Farmington, the House reconsidered its action whereby Legislative Sentiment in memory of Jaye S. Umberger of West Rockport (HLS 63) was adopted.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Thank you Madam Speaker, Men and Women of the House. I stand before you this afternoon to pay tribute to a person who has passed away recently and she was the beloved wife of Robert Umberger. Robert Umberger was a state forester for the State of Maine and also a Christmas tree specialist for almost 40 years. They had four lovely children and their children are a success today. It has been mentioned what Mrs. Umberger's accomplishments were. She was a very talented person and a loving mother and grandmother. After she graduated from high school, she worked for the USO during World War II. That is where she met her husband. She has had a very nice career and a very lovely family down in West Rockport. I just wanted to stand before you today to pay tribute to this lovely person who will be missed by the citizens of West Rockport and many other people. We will all miss her. Thank you very much.

Subsequently, was read and adopted and sent up for concurrence.

At this point, the Speaker appointed the Representative from Portland, Representative SAXL, to serve as Speaker Pro Tem.

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

SENATE PAPERS

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

The following Joint Order: (S.P. 286)

ORDERED, the House concurring, that when the House and Senate Adjourn they do so until Tuesday, February 11, 1997, at 10:00 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act to Extend the Exemptions for Farm Stands to Include Farmers' Markets" (S.P. 275) (L.D. 883)

Came from the Senate, referred to the Committee on **Agriculture, Conservation and Forestry** and Ordered Printed.

Was referred to the Committee on **Agriculture, Conservation and Forestry** in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Reserve Fund (S.P. 282) (L.D. 890)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

Bill "An Act to Grant Visually Impaired Operators of Government Vending Facilities Access to State Health Insurance at Their Own Expense" (S.P. 253) (L.D. 822)

Bill "An Act to Ensure Fair Claims Settlement Practices" (S.P. 281) (L.D. 889)

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

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

Bill "An Act to Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee" (S.P. 276) (L.D. 884)

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

(The Committee on Reference of Bills had suggested the Committee on **Appropriations and Financial Affairs**)

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

Bill "An Act to Conform the Provisions of the Maine Business Corporation Act Regarding Derivative Proceedings to the Provisions of the Federal Revised Model Business Corporations Act" (S.P. 285) (L.D. 893)

Resolve, to Authorize and Fund an Independent Study of the Economic Impacts of Increased Natural Gas Availability and Use in the State (S.P. 283) (L.D. 891)

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

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

Bill "An Act to Repeal the Prohibition of the Failure to Use a Seat Belt as Evidence" (S.P. 247) (L.D. 816)

Bill "An Act to Require Defendants to Pay Restitution, Monetarily or Through Work Restitution" (S.P. 274) (L.D. 882)

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

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

Bill "An Act to Integrate Sources of Support for Children with Special Needs" (S.P. 242) (L.D. 811)

Bill "An Act to Integrate Teacher Retirement and Other Educational Support Funds into the System for Distributing General Purpose Aid to Education" (S.P. 246) (L.D. 815)

Bill "An Act to Clarify Certain Provisions of Law Relating to the Method of Sharing of School Costs in the Wells-Ogunquit Community School District" (S.P. 264) (L.D. 872)

Resolve, to Appoint a Study Group to Determine How to Consolidate and Preserve the Health Sciences Library in Maine (S.P. 265) (L.D. 873)

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 to Continue to Provide Emergency Assistance to Low-income Families with Children" (S.P. 250) (L.D. 819)

Bill "An Act to Provide for Notification to Local Officials upon the Release of Potentially Violent Patients from State Mental Health Institutions" (S.P. 280) (L.D. 888)

Came from the Senate, referred to the Committee on **Health and Human Services** and Ordered Printed.

Were referred to the Committee on **Health and Human Services** in concurrence.

Bill "An Act to Establish an Outdoor Recreation Council" (S.P. 254) (L.D. 823)

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.

Bill "An Act to Amend the Small Claims Court Laws" (S.P. 249) (L.D. 818)

Bill "An Act to Amend the Adoption Laws Relating to Consent and Forms for Surrender and Release" (S.P. 257) (L.D. 826)

Bill "An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule" (S.P. 261) (L.D. 869)

Bill "An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds" (S.P. 278) (L.D. 886)

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 Protect Pension Benefits of Participating Local District Members" (S.P. 262) (L.D. 870)

Bill "An Act to Further Facilitate the Purchase of Service Credit in the Maine State Retirement System" (S.P. 270) (L.D. 878)

Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals" (S.P. 271) (L.D. 879)

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

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

Bill "An Act to Clarify the Public Safety Laws Concerning Visual Smoke Detectors" (S.P. 266) (L.D. 874)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **Legal and Veterans Affairs**)

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

Bill "An Act Relating to the Use of Public Offices or Agency Facilities in Campaigns and Ballot Questions" (S.P. 248) (L.D. 817)

Bill "An Act to Allow Limited Partnerships between Brewers and Wholesalers" (S.P. 255) (L.D. 824)

Bill "An Act to Clarify the Requirement for Party Affiliation of Replacement Candidates" (S.P. 259) (L.D. 867)

Bill "An Act to Impose Liability Upon Persons Who Entrust Motor Vehicles to Unsafe Drivers" (S.P. 273) (L.D. 881)

Bill "An Act to Amend the Qualifications of the Administrator of the Maine Veterans' Homes" (S.P. 277) (L.D. 885)

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

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

Bill "An Act to Amend the Law Concerning Municipal Review and Regulation of Subdivisions" (S.P. 258) (L.D. 866)

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 **State and Local Government**)

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

Bill "An Act to Clarify the Laws on Personal Information of State Employees" (S.P. 256) (L.D. 825)

Bill "An Act to Require Legislative Confirmation of the Director of the Office of Substance Abuse" (S.P. 267) (L.D. 875)

Bill "An Act to Require Municipalities to Purchase Insurance by Competitive Bidding" (S.P. 284) (L.D. 892)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide That the Biennial Budget May Take Effect Immediately if Passed by a Majority Vote (S.P. 252) (L.D. 821)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify the Process for Inclusion of a Competing Measure (S.P. 269) (L.D. 877)

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 Improve Access to Higher Education for Maine Students" (S.P. 240) (L.D. 809)

Bill "An Act to Encourage the Use of Maine Ports by Allowing an Income Tax Credit Equal to the Federal Harbor Maintenance Tax" (S.P. 263) (L.D. 871)

Bill "An Act to Eliminate the Property Tax Rebate on Machinery and Equipment That Has Been in Service More Than 3 Years" (S.P. 268) (L.D. 876)

Bill "An Act to Repeal the Snack Tax" (S.P. 279) (L.D. 887)

Resolve, to Determine the Effectiveness of Economic Development Incentives in this State (EMERGENCY) (S.P. 272) (L.D. 880)

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 Define the Projects That Public Works Departments May Undertake Without Procuring the Services of a Registered Professional Engineer" (S.P. 244) (L.D. 813)

Bill "An Act Regarding the Form of Motorcycle License Plates" (S.P. 260) (L.D. 868)

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

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

Bill "An Act to Clarify the Duties of the Office of the Public Advocate" (S.P. 241) (L.D. 810)

Bill "An Act to Require the Public Utilities Commission to Align Telecommunications Carrier Access Rates with Costs to Foster Economic Development and Competition throughout the State" (S.P. 243) (L.D. 812)

Bill "An Act to Repeal the Maine Surplus Energy Auction Program" (S.P. 251) (L.D. 820)

Came from the Senate, referred to the Committee on **Utilities and Energy** and Ordered Printed.

Were referred to the Committee on **Utilities and Energy** in concurrence.

On motion of Representative DAVIDSON of Brunswick, the House adjourned at 4:35 p.m., pursuant to the Joint Order and in honor and lasting tribute to the memory of Jaye S. Umberger.