

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
12th Legislative Day
Tuesday, February 11, 1997

The Speaker resumed the Chair.

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

Prayer by Rabbi Douglas D. Weber, Temple Shalom, Auburn.
National Anthem by the Leavitt Area High School Concert Band, Turner.

Pledge of Allegiance.

At this point, a message came from the Senate, borne by Senator PINGREE of that Body, proposing a Joint Convention to be held in the Hall of the House at 11:00 o'clock in the morning for the purpose of extending to the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, the Associate Justices of the Supreme Judicial Court, Justices of the Maine Superior Court and Judges of the District Court an invitation to attend the Joint Convention and to make such communication as pleases them.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 11:00 o'clock in the morning and the Speaker appointed Representative SAXL of Portland to convey this message to the Senate.

Doctor of the day, Ken L. Raessler, M.D., Yarmouth.

The Journal of Thursday, February 6, 1997 was read and approved.

Subsequently, Representative SAXL of Portland reported that he had delivered the message with which he was charged.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Require Law Enforcement Officers to Furnish an Affidavit of Probable Cause to Holding Facilities" (EMERGENCY) (H.P. 378) (L.D. 523) which was referred to the Committee on **Judiciary** in the House on January 28, 1997.

Came from the Senate referred to the Committee on **Criminal Justice** in non-concurrence.

The House voted to Recede and Concur.

Non-Concurrent Matter

Bill "An Act to Require Consecutive Sentences to Be Imposed on Habitual Offenders" (H.P. 440) (L.D. 590) which was referred to the Committee on **Transportation** in the House on January 30, 1997.

Came from the Senate referred to the Committee on **Criminal Justice** in non-concurrence.

The House voted to Recede and Concur.

COMMUNICATIONS

The following Communication: (H.C. 19)
118th Maine Legislature
January 10, 1997

Daniel E. Wathen, Chief Justice
Kennebec County Court
95 State Street
Augusta, Maine 04330
Dear Chief Justice Wathen:

We are pleased to invite you to address a Joint Session of the 118th Maine Legislature on Tuesday, February 11, 1997 at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then. Best wishes.

Sincerely,

S/Hon. Mark W. Lawrence S/Elizabeth H. Mitchell
President of the Senate Speaker of the House
Was read and ordered placed on file.

The following Communication: (H.C. 20)
STATE OF MAINE
SUPREME JUDICIAL COURT
Judicial Center
65 Stone Street
Augusta, Maine 04330
January 17, 1997

Hon. Mark W. Lawrence
President of the Senate

SHS 3
Augusta, Maine 04333
Hon. Elizabeth H. Mitchell
Speaker of the House
SHS 2
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Thank you for your kind invitation to address a Joint Session of the 118th Maine Legislature. The State of the Judiciary Address serves my purposes very well because it forces me to organize my thinking as to the needs, obligations, and opportunities for the third branch of government.

As always, I look forward to this opportunity to speak with all of you and appreciate your courtesy. I look forward to seeing you on February 11, 1997 at 11:00 a.m.

Sincerely yours,
S/Daniel E. Wathen
Chief Justice

Was read and ordered placed on file

The following Communication: (H.C. 21)
STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES
February 5, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 126 An Act to Limit Medicaid Coverage for Methadone Rehabilitation to One Year

L.D. 130 An Act to Provide Financial Incentives to a Company That Hires and Provides Health Insurance Benefits to a Medicaid Recipient

L.D. 179 An Act to Clarify Medicaid Reimbursement for Acadia Hospital Corporation

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

Sincerely,

S/Sen. Judy Paradis S/Rep. J. Elizabeth Mitchell
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 22)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Inland Fisheries and Wildlife has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 68 An Act to Lower the Age for Free Fishing and Hunting Licenses

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

Sincerely,

S/Sen. Marjorie L. Kilkelly S/Rep. Norman R. Paul
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 23)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 23 An Act to Amend the Laws Governing Admission to Mental Health Institutions

L.D. 132 An Act to Prohibit the Plea Bargaining of Child Sex Abuse Cases

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

Sincerely,

S/Sen. Susan W. Longley S/Rep. Richard H. Thompson
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 24)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 72 An Act Regarding the Timely Filing of Campaign Reports by Candidates for State Office

L.D. 239 An Act to Require Picture Identification to be Used by Persons Registering to Vote on Election Day

L.D. 247 An Act to Reduce the Hours Required of the Registrar to Register Voters Prior to Election Day

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

Sincerely,

S/Sen. Beverly C. Daggett S/Rep. John L. Tuttle, Jr.
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 25)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature

State House

Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 40 An Act to Require Appointment of a County Commissioner Whose District Includes Unorganized and Deorganized Areas to the Maine Land Use Regulation Commission

L.D. 137 An Act to Prohibit Omnibus Fish and Game Legislation

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

Sincerely,

S/Sen. John M. Nutting S/Rep. Douglas J. Ahearne
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 26)

STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TAXATION

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate

Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 18 An Act to Give a Small Business Employer Health Benefit Tax Relief
L.D. 19 An Act to Provide an Income Tax Deduction for the Home Health Care of Relatives
L.D. 21 Resolve, Authorizing Reimbursement to John Calley for Expenses Incurred as a Result of an Overassessment of Sales Tax
L.D. 41 An Act to Repeal the Ability of Municipalities to Set Off Money Due against Taxes Owed
L.D. 58 An Act to Provide a State Income Tax Deduction for Rent
L.D. 164 An Act to Provide Tax Credits for Small Businesses Providing Health Insurance Benefits for Employees

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

Sincerely,

S/Sen. Richard P. Ruhlin S/Rep. Verdi L. Tripp
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 27)

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House
118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 28 An Act to Create Silver Star and Bronze Star License Plates
L.D. 48 An Act to Allow Escorts of Certain Motor Vehicles by Any Police Officer
L.D. 50 An Act to Clarify the Authority of the Department of Transportation to Designate Truck Routes

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

Sincerely,

S/Sen. William B. O'Gara S/Rep. Joseph D. Driscoll
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 28)

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

February 5, 1997

Honorable Mark W. Lawrence, President of the Senate
Honorable Elizabeth H. Mitchell, Speaker of the House

118th Maine Legislature
State House
Augusta, Maine 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

- L.D. 233 An Act to Regulate Telephone Directory Entries
We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Richard J. Carey S/Rep. Kyle W. Jones
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.P. 745)

State of Maine
Office of the Secretary of State
Augusta, Maine 04333

February 7, 1997

Honorable Elizabeth H. Mitchell
Speaker of the House
State House Station #2
Augusta, ME 04333

Dear Speaker Mitchell:

Please find enclosed a certified copy of the Secretary of State's certification of validity for the petitions circulated on behalf of initiative legislation entitled, "An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages." The original certification has been delivered to the Clerk of the House for introduction.

Sincerely,
S/Dan A. Gwadosky
Secretary of State

State of Maine
Department of State

I, Dan A. Gwadosky, Secretary of State, hereby certify that written petitions bearing signatures of 62,032 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 21, 1997, requesting that the Legislature consider an act entitled "An Act to Protect Traditional Marriages and Prohibit Same Sex Marriages."

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 seventh day of February in the year one thousand nine hundred and ninety-seven.

**S/DAN A. GWADOSKY
Secretary of State**

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

On motion of Representative KONTOS of Windham, the accompanying Bill "An Act to Protect Traditional Marriage and Prohibit Same Sex Marriages" (I.B. 1) (L.D. 1017) was referred to

the Committee on **Judiciary**, ordered printed and sent up for concurrence.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills, Resolves and Resolutions 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:

Agriculture, Conservation and Forestry

Bill "An Act to Improve the Efficiency of the Department of Agriculture, Food and Rural Resources" (H.P. 714) (L.D. 978) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: CHICK of Lebanon, DEXTER of Kingfield, LANE of Enfield, SAMSON of Jay, SHIAH of Bowdoinham) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 204.)

Resolve, to Require the Animal Welfare Advisory Committee to Make Recommendations for the Licensing of Dog Groomers (H.P. 678) (L.D. 930) (Presented by Representative POULIN of Oakland) (Cosponsored by Representative: WRIGHT of Berwick, Senator: RAND of Cumberland)

Bill "An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws" (H.P. 704) (L.D. 968) (Presented by Representative VOLENIK of Brooklin) (Cosponsored by Representatives: BAGLEY of Machias, BAKER of Bangor, CHARTRAND of Rockland, McKEE of Wayne, SIROIS of Caribou, SKOGLUND of St. George, Senators: DAGGETT of Kennebec, TREAT of Kennebec)

Reference to the Committee on **Agriculture, Conservation and Forestry** was suggested.

On motion of Representative BUNKER of Kossuth Township, the Bill was referred to the Committee on **Taxation**, ordered printed and sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Amend the Legislative Budget Process" (H.P. 721) (L.D. 985) (Presented by Representative PLOWMAN of Hampden)

Banking and Insurance

Bill "An Act to Require Disclosure to Consumers about the Availability of Private Insurance Adjusters" (H.P. 670) (L.D. 922) (Presented by Representative COWGER of Hallowell) (Cosponsored by Senator TREAT of Kennebec and Representatives: COLWELL of Gardiner, JONES of Greenville, O'NEIL of Saco, QUINT of Portland, WATSON of Farmingdale, Senator: KILKELLY of Lincoln)

Bill "An Act to Authorize the Issuance of a Credit Card to Benefit the Scholarships for Maine Fund" (H.P. 705) (L.D. 969) (Presented by Representative DAVIDSON of Brunswick) (Cosponsored by Senator ABROMSON of Cumberland and Representatives: BRUNO of Raymond, CAMERON of Rumford, CARLETON of Wells, KONTOS of Windham, PERRY of Bangor, SAXL of Bangor, SAXL of Portland, STEVENS of Orono)

Bill "An Act to Amend Provisions Applicable to Property Casualty Insurers and Reporting Requirements to the Bureau of Insurance" (H.P. 716) (L.D. 980) (Presented by Representative DAVIDSON of Brunswick) (Cosponsored by Representative: PERRY of Bangor) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Bill "An Act to Ensure Choice of Physicians in Managed Care Programs" (H.P. 736) (L.D. 1000) (Presented by Representative LEMAIRE of Lewiston) (Cosponsored by Representatives: FARNSWORTH of Portland, JONES of Bar Harbor, PENDLETON of Scarborough, SAMSON of Jay, Senator: RAND of Cumberland)

Resolve, to Establish a Commission to Study Insurance Fraud (H.P. 681) (L.D. 933) (Presented by Representative PEAVEY of Woolwich) (Cosponsored by Senator LaFOUNTAIN of York and Representatives: BERRY of Belmont, BRUNO of Raymond, CARLETON of Wells, NASS of Acton, WHEELER of Bridgewater, Senators: ABROMSON of Cumberland, SMALL of Sagadahoc)

Business and Economic Development

Bill "An Act to Conform the Maine Fair Debt Collection Practices Act to Federal Laws" (H.P. 730) (L.D. 994) (Presented by Representative FISK of Falmouth)

Bill "An Act to Provide for the Licensing of Building Contractors" (H.P. 741) (L.D. 1005) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Senator CATHCART of Penobscot and Representatives: CLARK of Millinocket, LEMAIRE of Lewiston, SAMSON of Jay)

Bill "An Act to Amend the Revised Maine Securities Act" (H.P. 717) (L.D. 981) (Presented by Representative O'NEIL of Saco) (Cosponsored by Senator ABROMSON of Cumberland and Representatives: BRUNO of Raymond, DESMOND of Mapleton, MORGAN of South Portland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Reference to the Committee on **Business and Economic Development** suggested.

On motion of Representative VIGUE of Winslow, the Bill was tabled pending reference and specially assigned for Thursday, February 13, 1997.

Criminal Justice

Bill "An Act to Increase the Penalties for Criminal OUI for Persons Previously Convicted of Vehicular Manslaughter" (H.P. 666) (L.D. 918) (Presented by Representative COWGER of Hallowell) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: JONES of Greenville, MERES of Norridgewock, QUINT of Portland, SAVAGE of Union, SHIAH of Bowdoinham, STANLEY of Medway, WATSON of Farmingdale, Senator: TREAT of Kennebec)

Bill "An Act Criminalizing the Failure of One Parent to Report a Sexual Assault or Exploitation of a Child by Another Parent" (H.P. 668) (L.D. 920) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Senator MacKINNON of York and Representatives: MARVIN of Cape Elizabeth, MURPHY of

Kennebunk, TOWNSEND of Portland, Senator: BENNETT of Oxford)

Bill "An Act to Amend the Definition of a Juvenile" (H.P. 732) (L.D. 996) (Presented by Representative BRAGDON of Bangor) (Cosponsored by Senator MITCHELL of Penobscot and Representatives: BROOKS of Winterport, BUNKER of Kossuth Township, CAMPBELL of Holden, CIANCHETTE of South Portland, CLUKEY of Houlton, FRECHETTE of Biddeford, MUSE of South Portland, Senator: AMERO of Cumberland)

Bill "An Act to Grandfather Existing Structures in Relation to Fire Doors and Exits" (H.P. 725) (L.D. 989) (Presented by Representative TUTTLE of Sanford) (Cosponsored by Representatives: CHICK of Lebanon, PAUL of Sanford, Senator: MacKINNON of York)

Reference to the Committee on **Criminal Justice** was suggested.

On motion of Representative POVICH of Ellsworth, the Bill was tabled pending reference and later today assigned.

Education and Cultural Affairs

Bill "An Act to Amend the School Construction Laws to Allow School Construction Projects That Expand Existing School Facilities beyond 8,000 Square Feet to Be Eligible for State School Construction Subsidies" (H.P. 677) (L.D. 929) (Presented by Representative FOSTER of Gray) (Cosponsored by Representatives: CLUKEY of Houlton, GOOLEY of Farmington, JOY of Crystal, MacDOUGALL of North Berwick, MACK of Standish, SNOWE-MELLO of Poland, STEDMAN of Hartland, WRIGHT of Berwick)

Bill "An Act to Ensure That the Technical College System Is More Responsive to the Needs of the State" (H.P. 689) (L.D. 953) (Presented by Representative WRIGHT of Berwick) (Cosponsored by President LAWRENCE of York and Representatives: BOLDUC of Auburn, BRENNAN of Portland, DESMOND of Mapleton, FARNSWORTH of Portland, KONTOS of Windham, MITCHELL of Vassalboro, WATSON of Farmingdale, WHEELER of Eliot)

Bill "An Act to Allow Towns within a Community School District to Vote on a School Budget by Referendum" (H.P. 709) (L.D. 973) (Presented by Representative LAYTON of Cherryfield) (Cosponsored by Representatives: CAMPBELL of Holden, MACK of Standish, PINKHAM of Lamoine, Senator: GOLDTHWAIT of Hancock)

Health and Human Services

Bill "An Act to Repeal Medicaid Estate Recovery Laws" (H.P. 696) (L.D. 960) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representative: BUCK of Yarmouth)

Bill "An Act to Amend the Certificate of Need Laws" (H.P. 734) (L.D. 998) (Presented by Representative SAXL of Bangor) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: CAMPBELL of Holden, FULLER of Manchester, TRIPP of Topsham, Senators: AMERO of Cumberland, MITCHELL of Penobscot)

Bill "An Act Requiring the Department of Human Services to Provide Custodial History of Children in the Care of the Department" (H.P. 738) (L.D. 1002) (Presented by Representative PERKINS of Penobscot) (By Request)

Bill "An Act to Legalize Marijuana for Medical Purposes" (H.P. 742) (L.D. 1006) (Presented by Representative STEVENS

of Orono) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: BAKER of Bangor, BRENNAN of Portland, BROOKS of Winterport, BULL of Freeport, MITCHELL of Portland, SAXL of Bangor, Senators: ABROMSON of Cumberland, RAND of Cumberland)

Resolve, to Address Issues Raised by the Select Committee to Study Rate Increases in Nursing Homes (H.P. 727) (L.D. 991) (Presented by Representative TOWNSEND of Portland) (Cosponsored by Senator PINGREE of Knox and Representatives: BRENNAN of Portland, BRUNO of Raymond, GREEN of Monmouth, KANE of Saco, MITCHELL of Portland, TRIPP of Topsham, Senator: TREAT of Kennebec)

Inland Fisheries and Wildlife

Bill "An Act to Amend the Hunting Laws As They Pertain to Antlerless Deer" (H.P. 686) (L.D. 950) (Presented by Representative POULIN of Oakland) (Cosponsored by Representative: DUNLAP of Old Town)

Bill "An Act to Require the State to Recognize Moose Hunting Permits Issued by the Passamaquoddy Tribe" (H.P. 694) (L.D. 958) (Presented by Representative MOORE of the Passamaquoddy Tribe)

Bill "An Act to Allow Handicapped Hunters to Hunt Does without a Permit" (H.P. 695) (L.D. 959) (Presented by Representative ETNIER of Harpswell) (Cosponsored by Representative: AHEARNE of Madawaska)

Bill "An Act to Prohibit the Use of Artificial Devices by Game Wardens for the Purpose of Causing Hunting Violations" (H.P. 697) (L.D. 961) (Presented by Representative CLARK of Millinocket) (Cosponsored by Senator CATHCART of Penobscot and Representatives: FISHER of Brewer, GOODWIN of Pembroke, O'NEAL of Limestone, PERKINS of Penobscot, STANLEY of Medway, TUTTLE of Sanford, UNDERWOOD of Oxford, WHEELER of Bridgewater)

Bill "An Act to Prohibit the Stocking of Alewives in Trip Lake" (EMERGENCY) (H.P. 729) (L.D. 993) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Senator HALL of Piscataquis and Representative: SNOWE-MELLO of Poland, Senator: BENNETT of Oxford)

Judiciary

Bill "An Act to Permit the Joint Tribal Council of the Passamaquoddy Tribe to Change the Names of Geographical Locations within Passamaquoddy Territory" (H.P. 691) (L.D. 955) (Presented by Representative MOORE of the Passamaquoddy Tribe)

Bill "An Act to Repeal the Law Providing that State Laws Apply to Indian Lands" (H.P. 692) (L.D. 956) (Presented by Representative MOORE of the Passamaquoddy Tribe)

Bill "An Act to Require Full Faith and Credit for Decisions of the Tribal Court" (EMERGENCY) (H.P. 693) (L.D. 957) (Presented by Representative MOORE of the Passamaquoddy Tribe)

Bill "An Act to Transfer Certain Tribal Holdings into a Trust" (H.P. 700) (L.D. 964) (Presented by Representative MOORE of the Passamaquoddy Tribe)

Bill "An Act to Make All Persons within Passamaquoddy Indian Territory Subject to Tribal Court Jurisdiction" (H.P. 702) (L.D. 966) (Presented by Representative MOORE of the Passamaquoddy Tribe)

Bill "An Act to Allow the State to Appeal Certain Sentences Imposed on Defendants" (H.P. 710) (L.D. 974) (Presented by Representative JABAR of Waterville)

Bill "An Act to Provide for Accomplice Liability with Respect to Civil Violations" (H.P. 731) (L.D. 995) (Presented by Representative JONES of Greenville) (Cosponsored by Senator HALL of Piscataquis and Representative: BUNKER of Kossuth Township)

Bill "An Act to Amend the Maine Civil Legal Services Fund" (H.P. 739) (L.D. 1003) (Presented by Representative THOMPSON of Naples) (Cosponsored by Senator LONGLEY of Waldo and Representatives: JABAR of Waterville, KERR of Old Orchard Beach, MAYO of Bath, PLOWMAN of Hampden, Senators: BENOIT of Franklin, LAWRENCE of York, LIBBY of York, TREAT of Kennebec)

Labor

Bill "An Act to Allow Options within the Legislative Retirement System" (H.P. 715) (L.D. 979) (Presented by Representative UNDERWOOD of Oxford) (Cosponsored by Senator MILLS of Somerset and Representatives: JOY of Crystal, KASPRZAK of Newport, LANE of Enfield, MACK of Standish, MERES of Norridgewock, WATERHOUSE of Bridgton, WINSOR of Norway, Senator: HALL of Piscataquis)

Bill "An Act to Require the Maine State Retirement System to Release Part-time or Substitute Teachers and Coaches from Participation" (H.P. 724) (L.D. 988) (Presented by Representative MARVIN of Cape Elizabeth) (Cosponsored by Representative WATERHOUSE of Bridgton and Senator SMALL of Sagadahoc and Representatives: BARTH of Bethel, BRENNAN of Portland, KNEELAND of Easton, McELROY of Unity, SNOWE-MELLO of Poland, WATSON of Farmingdale, Senators: BENNETT of Oxford, MICHAUD of Penobscot)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System (H.P. 735) (L.D. 999) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Senator CATHCART of Penobscot and Representatives: CLARK of Millinocket, LEMAIRE of Lewiston, RINES of Wiscasset, SAMSON of Jay, STANLEY of Medway)

Legal and Veterans Affairs

Bill "An Act to Amend the Laws Regarding Beano and Bingo" (H.P. 669) (L.D. 921) (Presented by Representative O'NEAL of Limestone) (Cosponsored by Representatives: BELANGER of Caribou, BUNKER of Kossuth Township, CLARK of Millinocket, DESMOND of Mapleton, DONNELLY of Presque Isle, SIROIS of Caribou, Senator: KIEFFER of Aroostook)

Bill "An Act to Clarify the Responsibilities of Directors of Nonprofit Corporations" (H.P. 672) (L.D. 924) (Presented by Representative COWGER of Hallowell) (By Request)

Bill "An Act to Promote Snowmobile Safety by Restricting the Transport of Alcoholic Beverages to Sleds Pulled by Snowmobiles" (H.P. 673) (L.D. 925) (Presented by Representative GREEN of Monmouth) (Cosponsored by Senator DAGGETT of Kennebec and Representatives: BUNKER of Kossuth Township, ETNIER of Harpswell, O'NEAL of Limestone, POWERS of Rockport, TRIPP of Topsham, WATSON of Farmingdale, WHEELER of Bridgewater, Senator: KILKELLY of Lincoln)

Bill "An Act to Permit Voters to Affirmatively Vote against All Named Candidates" (H.P. 684) (L.D. 936) (Presented by Representative GERRY of Auburn)

Bill "An Act to Put to Referendum the Option of Authorizing a Tribe-owned Casino" (H.P. 706) (L.D. 970) (Presented by Representative MOORE of the Passamaquoddy Tribe)

(Cosponsored by Senator HALL of Piscataquis and Representatives: CAMERON of Rumford, DRISCOLL of Calais, GOODWIN of Pembroke, POULIN of Oakland, TUTTLE of Sanford, USHER of Westbrook, VIGUE of Winslow)

Bill "An Act to Protect Private Enterprise from Tax-subsidized Competition" (H.P. 707) (L.D. 971) (Presented by Representative GOOLEY of Farmington) (Cosponsored by Representatives: BROOKS of Winterport, JOY of Crystal, LANE of Enfield, SPEAR of Nobleboro, VIGUE of Winslow, WINSOR of Norway, Senator: BENOIT of Franklin)

Bill "An Act to Establish the Rider Safety Act" (H.P. 713) (L.D. 977) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Senator MICHAUD of Penobscot and Representative: VIGUE of Winslow, Senator: CASSIDY of Washington)

Bill "An Act to Allow Independent Voters to Vote in Primary Elections" (H.P. 722) (L.D. 986) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representative: LOVETT of Scarborough)

Bill "An Act to Provide Equal Political Rights for Classified State Employees" (H.P. 740) (L.D. 1004) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Senator CATHCART of Penobscot and Representatives: CLARK of Millinocket, LEMAIRE of Lewiston, RINES of Wiscasset, SAMSON of Jay)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Passamaquoddy Representative District (H.P. 701) (L.D. 965) (Presented by Representative MOORE of the Passamaquoddy Tribe)

Bill "An Act to Amend the Enhanced 9-1-1 Laws" (H.P. 712) (L.D. 976) (Presented by Representative KONTOS of Windham) (Cosponsored by Senator: BENOIT of Franklin) (Submitted by the Department of Public Safety pursuant to Joint Rule 204.)

Reference to the Committee on **Legal and Veterans Affairs** suggested.

On motion of Representative TUTTLE of Sanford, the Bill was referred to the Committee on **Utilities and Energy**, ordered printed and sent up for concurrence.

Marine Resources

Bill "An Act to Require that Fish Raised in an Area Subject to a Lease Agreement with the Department of Marine Resources Be Processed in the United States" (H.P. 687) (L.D. 951) (Presented by Representative GOODWIN of Pembroke)

Bill "An Act to Amend the Sea Urchin Management Plan" (H.P. 728) (L.D. 992) (Presented by Representative CIANCHETTE of South Portland) (Cosponsored by Representatives: LEMONT of Kittery, PINKHAM of Brunswick)

Bill "An Act to Promote Commercial Aquaculture" (H.P. 688) (L.D. 952) (Presented by Representative STEDMAN of Hartland) (Cosponsored by Representatives: JONES of Pittsfield, TREADWELL of Carmel)

Reference to the Committee on **Marine Resources** suggested.

On motion of Representative ETNIER of Harpswell, tabled pending reference and later today assigned.

Bill "An Act to Repeal the Tax on Mahogany Quahogs" (H.P. 723) (L.D. 987) (Presented by Representative MACK of

Standish) (Cosponsored by Senator AMERO of Cumberland and Representatives: BOLDUC of Auburn, BROOKS of Winterport, ETNIER of Harpswell, GERRY of Auburn, KERR of Old Orchard Beach, MAYO of Bath, MITCHELL of Portland, VIGUE of Winslow)

Reference to the Committee on **Marine Resources** suggested.

On motion of Representative ETNIER of Harpswell, the Bill was referred to the Committee on **Taxation**, ordered printed and sent up for concurrence.

Natural Resources

Bill "An Act to Expand Recycling through Reduced Burning" (H.P. 703) (L.D. 967) (Presented by Representative VOLENIK of Brooklin) (Cosponsored by Representatives: BERRY of Livermore, GAGNE of Buckfield)

State and Local Government

Bill "An Act Relating to the State's Deferred Compensation Plan" (H.P. 685) (L.D. 937) (Presented by Representative MAYO of Bath) (Cosponsored by Senator MILLS of Somerset and Representatives: BOUFFARD of Lewiston, KONTOS of Windham, LEMAIRE of Lewiston, SAXL of Bangor, THOMPSON of Naples, Senators: BENNETT of Oxford, HARRIMAN of Cumberland, PINGREE of Knox) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Resolve, Creating a Special Commission to Erect a Plaque in the Hall of Flags Honoring Those Who Served in the Civilian Conservation Corps from Maine (H.P. 674) (L.D. 926) (Presented by Representative CHICK of Lebanon) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: CAMERON of Rumford, GOOLEY of Farmington, JOY of Crystal, KERR of Old Orchard Beach, LAYTON of Cherryfield, TRUE of Fryeburg, Senators: CASSIDY of Washington, MICHAUD of Penobscot)

Bill "An Act Regarding Foster Parent Insurance" (H.P. 680) (L.D. 932) (Presented by Representative LOVETT of Scarborough) (Cosponsored by Representative: QUINT of Portland, Senator: PARADIS of Aroostook) (Submitted by the Department of Human Services pursuant to Joint Rule 204.)

Reference to the Committee on **State and Local Government** suggested.

On motion of Representative AHEARNE of Madawaska, the Bill was referred to the Committee on **Health and Human Services**, ordered printed and sent up for concurrence.

Bill "An Act to Make the Commissioner of Inland Fisheries and Wildlife an Elected Position" (H.P. 698) (L.D. 962) (Presented by Representative CLARK of Millinocket) (By Request) (Cosponsored by Representatives: AHEARNE of Madawaska, GOODWIN of Pembroke, O'NEAL of Limestone, PERKINS of Penobscot, STANLEY of Medway, TUTTLE of Sanford, UNDERWOOD of Oxford, WHEELER of Bridgewater)

Reference to the Committee on **State and Local Government** suggested.

On motion of Representative AHEARNE of Madawaska, the Bill was tabled pending reference and specially assigned for Thursday, February 13, 1997.

Taxation

Bill "An Act to Amend the Tax against Certain Casual Sales" (H.P. 671) (L.D. 923) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: CIANCHETTE of South Portland, GAGNON of Waterville, SPEAR of Nobleboro, TUTTLE of Sanford)

Bill "An Act to Amend the Maine Tree Growth Tax Law to Shift the Reimbursement from Municipality to Beneficiary" (H.P. 708) (L.D. 972) (Presented by Representative BUNKER of Kossuth Township) (Cosponsored by Senator GOLDTHWAIT of Hancock, Representative PINKHAM of Lamoine and Senator RUHLIN of Penobscot and Representatives: BARTH of Bethel, DEXTER of Kingfield, HATCH of Skowhegan, NICKERSON of Turner, WHEELER of Bridgewater, Senator: KILKELLY of Lincoln)

Bill "An Act to Modify the Income Tax Rates" (H.P. 711) (L.D. 975) (Presented by Representative MACK of Standish) (Cosponsored by Senator BUTLAND of Cumberland and Representatives: BODWELL of Brunswick, FOSTER of Gray, GERRY of Auburn, JOY of Crystal, LAYTON of Cherryfield, PLOWMAN of Hampden, SNOWE-MELLO of Poland, STEDMAN of Hartland)

Bill "An Act to Conform the Maine Tax Laws for 1996 with the United States Internal Revenue Code" (EMERGENCY) (H.P. 718) (L.D. 982) (Presented by Representative MORGAN of South Portland) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: BUCK of Yarmouth, CIANCHETTE of South Portland, Senator: BENOIT of Franklin) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.)

Bill "An Act to Enhance the Property Tax Circuit Breaker" (H.P. 719) (L.D. 983) (Presented by Representative PEAVEY of Woolwich) (Cosponsored by Senator HARRIMAN of Cumberland and Representatives: GREEN of Monmouth, PERKINS of Penobscot, SAVAGE of Union, THOMPSON of Naples, TRIPP of Topsham, Senators: BENOIT of Franklin, SMALL of Sagadahoc)

Bill "An Act to Exempt Unemployment Compensation Benefits from State Income Taxation" (H.P. 726) (L.D. 990) (Presented by Representative TUTTLE of Sanford) (Cosponsored by Senator DAGGETT of Kennebec and Representatives: AHEARNE of Madawaska, BERRY of Livermore, CLARK of Millinocket, GAGNON of Waterville, GOODWIN of Pembroke, GREEN of Monmouth, SAMSON of Jay, TRIPP of Topsham)

Bill "An Act to Establish Medical Savings Accounts" (H.P. 743) (L.D. 1007) (Presented by Representative JOYNER of Hollis) (Cosponsored by Senator HARRIMAN of Cumberland, Senator: KIEFFER of Aroostook)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Tax Relief for Maine Senior Citizens (H.P. 733) (L.D. 997) (Presented by Representative PLOWMAN of Hampden) (Cosponsored by Representatives: MADORE of Augusta, NASS of Acton, SNOWE-MELLO of Poland)

Transportation

Bill "An Act to Eliminate the Requirement for a Motor Vehicle Title upon Registration if the Motor Vehicle Is More than 10 Years Old" (H.P. 675) (L.D. 927) (Presented by Representative WRIGHT of Berwick) (Cosponsored by Representatives: BIGL of Bucksport, WHEELER of Eliot and Representatives: BERRY of Livermore, MACK of Standish, STANLEY of Medway, Senator: MACKINNON of York)

Bill "An Act to Amend the Laws Regarding Medical History Questions on an Application for a Driver's License" (H.P. 679)

(L.D. 931) (Presented by Representative POULIN of Oakland) (Cosponsored by Representatives: BUNKER of Kossuth Township, WHEELER of Bridgewater)

Bill "An Act to Establish a Passamaquoddy License Plate" (H.P. 690) (L.D. 954) (Presented by Representative MOORE of the Passamaquoddy Tribe)

Bill "An Act to Establish the Loon Plate as the Official State License Plate and Establish the Committee to Develop a Decal System for License Plates" (H.P. 699) (L.D. 963) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representative: BUCK of Yarmouth)

Bill "An Act to Encourage Organ Donation by Establishing an Organ Donation Registry" (H.P. 737) (L.D. 1001) (Presented by Representative LEMAIRE of Lewiston) (Cosponsored by Senator RAND of Cumberland and Representatives: BAKER of Bangor, FARNSWORTH of Portland, HATCH of Skowhegan, JONES of Bar Harbor, JONES of Greenville, PENDLETON of Scarborough, SANBORN of Alton, VOLENIK of Brooklin)

Resolve, to Name the New Bridge over the Fore River in Portland (H.P. 720) (L.D. 984) (Presented by Representative SAXL of Portland) (Cosponsored by Senator RAND of Cumberland and Representatives: BRENNAN of Portland, FARNSWORTH of Portland, GIERINGER of Portland, MITCHELL of Portland, MORGAN of South Portland, MUSE of South Portland, QUINT of Portland, ROWE of Portland)

Bill "An Act to Add One Cent to the Gasoline Tax to Expand the Maine State Ferry Service between Frenchboro and Bass Harbor and Provide Municipalities with Road Maintenance Revenue" (H.P. 682) (L.D. 934) (Presented by Representative VOLENIK of Brooklin) (Cosponsored by Representatives: BULL of Freeport, GOODWIN of Pembroke, SKOGLUND of St. George)

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

Was referred jointly to the Committee on **Transportation** and the Committee on **Taxation**, ordered printed and sent up for concurrence.

Utilities and Energy

Bill "An Act to Deregulate Intrastate Long-distance Calling" (H.P. 676) (L.D. 928) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: CLUKEY of Houlton, JONES of Pittsfield, LAYTON of Cherryfield, MACK of Standish, PINKHAM of Lamoine, WHEELER of Eliot)

Bill "An Act to Increase the Debt Limit of the Waldoboro Utility District" (H.P. 683) (L.D. 935) (Presented by Representative SPEAR of Nobleboro) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: HONEY of Boothbay, PIEH of Bremen, SAVAGE of Union)

Resolve, to Review and Reform the Public Utilities Commission Order Related to School Access to Electronically Transmitted Information (H.P. 667) (L.D. 919) (Presented by Representative GOODWIN of Pembroke)

Reported Pursuant to Statutes

Representative DRISCOLL for the Maine Turnpike Authority pursuant to the Maine Revised Statutes, Title 23, section 1961, subsection 6 asks leave to submit its findings and to report that the accompanying Bill "An Act to Make Allocation for Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 1998" (H.P. 744) (L.D.

1008) be referred to the Joint Standing Committee on **Transportation** for Public Hearing and printed pursuant to Joint Rule 218.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 15) (L.D. 13) Resolve, to Name the Body of Water on Route 27 in Coburn Gore "Fabian's Dunk" Committee on **State and Local Government** reporting "**Ought to Pass**"

On objection of Representative POULIN of Oakland, was removed from the First Day Consent Calendar.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Poulin.

Representative POULIN: Madam Speaker, Ladies and Gentlemen of the House. Just a brief moment to describe this piece of legislation that would name a small body of body "Fabian's Dunk." It would be appropriately named after the late doctor Edward Fabian, who was a well known and very respected superintendent of Fairfield. Maine people were very lucky to have his experience in education for the years that he was here. Dr. Fabian was also known for his fishing abilities and spent many hours finding remote ponds to wet his fly. His family and friends wanted to name this pond in honor of his abilities to of exiting a canoe. The name "Fabian's Dunk," I think, tells the rest of the story. The Fabians thank you for this honor.

Report was read and accepted. The Resolve read once. The Resolve was assigned for second reading Thursday, February 13, 1997.

CONSENT CALENDAR

Second Day

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

(H.P. 133) (L.D. 175) Bill "An Act to Make Technical Changes in Laws Authorizing the Sale of the Pineland Center"

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

BILLS IN THE SECOND READING

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

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

On motion of Representative AHEARNE of Madawaska, tabled pending passage to be engrossed and later today assigned.

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

SENATE PAPERS

Bill "An Act to Amend the Laws Pertaining to the Boarding of Dogs" (S.P. 289) (L.D. 940)

Bill "An Act to Enhance the Potato Industry" (S.P. 290) (L.D. 941)

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

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

Bill "An Act to Restore Needed Positions at the Augusta Mental Health Institute and the Bangor Mental Health Institute" (EMERGENCY) (S.P. 307) (L.D. 1015)

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 Amend the Laws Pertaining to Infant Formulas" (S.P. 308) (L.D. 1016)

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

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

Bill "An Act to Equalize the Energy Efficiency Standards for Multifamily Residential Structures Funded by Public Funds" (S.P. 301) (L.D. 1009)

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 Include Youth in Public Service" (S.P. 296) (L.D. 947)

Bill "An Act Regarding Nonresident School Tuition" (S.P. 302) (L.D. 1010)

Resolve, to Require the Department of Education to Develop a Framework for the Study of Social Studies in Public Schools (S.P. 304) (L.D. 1012)

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 Require Certain Employees of Health Care Facilities to Wear Identification Badges" (S.P. 288) (L.D. 939)

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

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

Bill "An Act to Include Incorporated Fire Departments Recognized by Any Authority Created by Statute within the Protection of the Maine Tort Claims Act" (S.P. 287) (L.D. 938)

Resolve, Establishing a Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities (S.P. 293) (L.D. 944)

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 Give State Employees the Option of Entering the Social Security System" (S.P. 306) (L.D. 1014)

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 Regarding the Wording of Ballot Questions" (S.P. 298) (L.D. 949)

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 Repeal the Scallop Season" (S.P. 291) (L.D. 942)

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 to Amend the Law Governing Municipal Zoning with Respect to Community Living Arrangements" (S.P. 292) (L.D. 943)

Bill "An Act to Establish Basic Standards and Procedures for Personal Services Contracting by the State" (S.P. 294) (L.D. 945)

Bill "An Act to Protect the Confidentiality of Financial Records" (S.P. 295) (L.D. 946)

Bill "An Act to Permit County Commissioners to Retain the Services of a Road Commissioner" (S.P. 297) (L.D. 948)

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 Ensure the Accurate Collection of Excise Tax on New Motor Vehicles" (S.P. 303) (L.D. 1011)

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 Implement Electronic Monitoring for Compliance with the Motor Vehicle Financial Responsibility Laws by 1999 and Make Other Changes in Those Laws" (S.P. 305) (L.D. 1013)

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 were ordered sent forthwith.

At this point, the Senate came and a Joint Convention was formed.

IN CONVENTION

The President of the Senate, the Honorable Mark W. Lawrence, in the Chair.

The Convention was called to order by the Chair.

On motion of Senator Rand of Cumberland, it was ORDERED, that a committee be appointed to wait upon his Excellency, Governor Angus S. King, Jr., and extend an invitation to him to attend this convention which has been assembled for the purpose of receiving a communication from the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court.

The order was read and passed.

The Chair appointed the following:

The Senator from Penobscot, Senator MURRAY
The Senator from Cumberland, Senator O'GARA
The Senator from Penobscot, Senator MITCHELL.
The Rep. from Ellsworth, Rep. POVICH
The Rep. from Kossuth Township, Rep. BUNKER
The Rep. from Biddeford, Rep. FRECHETTE
The Rep. from Greenville, Rep. JONES
The Rep. from South Portland, Rep. MUSE
The Rep. from Waterboro, Rep. MCALEVEY
The Rep. from Woolwich, Rep. PEAVEY
The Rep. from Bridgewater, Rep. WHEELER
The Rep. from Augusta, Rep. O'BRIEN
The Rep. from Dexter, Rep. TOBIN

Subsequently, Senator Murray of Penobscot, for the committee, reported that the committee had delivered the message with which it was charged and were pleased to report that the Governor will attend forthwith.

The Chair is pleased to welcome the Honorable Angus S. King, Jr., Governor of the State of Maine.

On a motion by Senator Pingree of Knox, it was ORDERED, that a committee be appointed to wait upon the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, the Associate Justices of the Supreme Judicial Court and members of the Judiciary and inform them that the two branches of the Legislature are in convention assembled, ready to receive such communication as pleases them.

The Order was read and passed.

The Chair appointed the following:

The Senator from Waldo, Senator LONGLEY
The Senator from York, Senator LAFOUNTAIN
The Senator from Franklin, Senator BENOIT
The Rep. from Naples, Rep. THOMPSON
The Rep. from Farmingdale, Rep. WATSON
The Rep. from Harpswell, Rep. ETNIER
The Rep. from Waterville, Rep. JABAR
The Rep. from Lewiston, Rep. MAILHOT
The Rep. from Rockport, Rep. POWERS
The Rep. from Hampden, Rep. PLOWMAN
The Rep. from Augusta, Rep. MADORE
The Rep. from Acton, Rep. NASS

The Rep. from Bridgton, Rep. WATERHOUSE

Subsequently, Senator Longley of Waldo, for the Committee, reported the Committee had delivered the message with which we were charged and are pleased to report that Chief Justice Daniel E. Wathen and the Honorable Members of the Judiciary will attend forthwith.

The Chair is pleased to welcome the Associate Justices of the Maine Supreme Judicial Court, the Justices of the Maine Superior Court, the Judges of the Maine District Court and the Judge of the Maine Administrative Court.

The Chair recognized on the floor of the House the Honorable Caroline D. Glassman, Associate Justice of the Maine Supreme Judicial Court; the Honorable Robert W. Clifford, Associate Justice of the Maine Supreme Judicial Court; the Honorable Paul L. Rudman, Associate Justice of the Maine Supreme Judicial Court; the Honorable Howard H. Dana, Jr., Associate Justice of the Maine Supreme Judicial Court; the Honorable Kermit V. Lipez, Associate Justice of the Maine Supreme Judicial Court; the Honorable Roland A. Cole, Chief Justice of the Maine Superior Court; the Honorable Francis C. Marsano, Justice of the Maine Superior Court; the Honorable S. Kirk Studstrup, Chief Judge of the Maine District Court; the Honorable Christine Foster, Judge of the Maine District Court; the Honorable Robert E. Mullen, Judge of the Maine District Court; the Honorable Joyce A. Wheeler, Associate Judge of the Maine Administrative Court and the Honorable Frank M. Coffin, Judge of the United States Court of Appeals.

The Chair recognized in the House Gallery, Mrs. Judy Wathen, wife of the Honorable Daniel E. Wathen, Chief Justice of the Maine Supreme Judicial Court; Mrs. Patricia Mullen, wife of the Honorable Robert E. Mullen, Judge of the Maine District Court; James T. Glessner, State Court Administrator; Linda McPherson, Secretary to Chief Justice Wathen; son Dan and daughter-in-law Kelly Wathen and grandson Joseph; daughter Julie and son-in-law Pat Gilbert and grandchildren Emily and Sam; and Mrs. William P. Viles, friend of the Wathen Family.

The Chair is pleased to present to you the Honorable Daniel E. Wathen, Chief Justice of the Supreme Judicial Court, escorted today by the Honorable Frank M. Coffin, Judge of the United States Court of Appeals.

Chief Justice Wathen then addressed the Convention.

Mr. President, Madam Speaker, Governor King, members of Maine's 118th Legislature, colleagues and fellow citizens of Maine.

I am particularly honored that Governor King is here today. I think this is a first in Maine history.

Twenty years ago, our then Governor, Jim Longley, and this Legislature launched my career as a judge. Today, his youngest child, Sen. Susan Longley, extends your invitation to address this joint convention. I remember telling him some people may think I am too young. He said, "What an opportunity you have to serve." He was right. The years have been good. The succeeding three Governors have been good to me. Today marks the end of my fifth year as Chief Justice. I appreciate the opportunity to report on the cause of justice.

Let me begin with a story. One of our Maine humorists tells a story about Blinkie Pinkham. He is not related to Reggie or Bill. I guarantee you that. Down on the coast and he is regaling one of the tourists down on the docks with a story about how tough our Maine winters are. Finally, the fellow can't take it any longer and he says, "Look, I am from Arkansas and we have something out there that is far worse than a Maine winter. It is a tornado. We call them twisters." Blinkie said, "We have something worse than that. We call it a Maine divorce." He said, "There is no comparison between a divorce and a twister." He said, "Either way your trailer is gone fast." Like all good Maine humor, it is funny, but there is a hard edge. There is a little truth in that and I would like to come back to that at a later point.

I could speak at length today about the accomplishments of the last five years. I could mention things like the restoration of Maine's meager roster of trial judges; the addition of two new judges to help protect our children; a degree of budget stability; a greatly enhanced program of judicial education and staff training; improved and simplified court procedures; funding to launch automation in Maine's courts; the expansion of alternative dispute resolution; the generous gift of a judicial center in Augusta; much needed courthouse construction; customer oriented management; and a new and improved relationship with the rest of state government and Maine communities.

Leon Gorman, of L.L. Bean, said something that caught my attention. He said, "If you can't measure it, you can't improve it." Maine courts have just entered the age of measurement. We have made real progress, but we can't be complacent. We have a long, long way to go.

I could also speak at length today about the challenges we face. Once again, as I did last year, I could attempt to portray the stark reality of the family violence and child abuse that continues to grow as a part of our courts' daily fare. But people now understand that reality and appropriately the focus is shifting from "what is family violence?" to "what can we do about it?" It happens in everyone's town and it is everyone's problem.

If you doubt the pervasive threat posed by violence and its relevance to legislative issues, you don't need a speech from me. Ask any teacher about the impact of family violence on education. Ask any police chief about domestic calls. Ask your local hospital administrator about family violence as an avoidable burden on health care. And most sobering to me, ask any high school student about the verbal violence that permeates our public schools. This remains a challenge that will command our best efforts for many years.

Today, I would like to talk about a letter received recently from a woman in Kezar Falls. It was addressed simply to the Justice Department. She was worried about her son's divorce case and she asked this question. "Please, how can a poor person get justice in this state?" You receive similar letters, and you struggle to answer just like I do. It is difficult because her question is profound.

If a poor person is unable to get justice in Maine, what does that say about us? A friend of mine once said that "A state in which justice for the individual takes the back seat is a state in which the front seat is not worth sharing." We have to stop and ask, do all of our neighbors have an equal voice in their own legal affairs? Are we committed to justice for all?

Unfortunately, until today the answer has been unclear. The innocent and most vulnerable continue to be disadvantaged in claiming the full measure of protection afforded by the laws you enact. Laws have meaning only when they are enforced, and when the courthouse door is closed to anyone, we are all diminished. Most of us could agree on the type of court system we want, but we have never talked about it. We know we don't

have the money to do everything at once and so we stumble along from year to year. But where are we going? We are not sure, so any road seems like it might get us there.

This morning I want to talk about the future of the courts. Can we agree where we would like our courts to be in the near future, and the right road will become clearer. Let me repeat, the near future. Not a far off utopia. I want to talk about improvements that are realistically achievable by 2002.

Five years from today, someone, maybe me, will be standing in this same spot describing the state of the judiciary at the dawn of a new century and a new millennium. This is what I think Maine folks should expect to hear about the third branch of their government in February of 2002. Remember, I am not describing where we are, but where we should be five years from now.

The resources devoted to the courts of Maine have improved but continue to be modest. Court productivity and workload remain high. Total new case filings this year will exceed 350,000. More than half of those will be automatically processed at the Violations Bureau.

Although the total number of trial judges has not increased significantly, the Family Division is now four years old and consists of eight District Court judges assigned to the Division on a rotating basis, eight Family Case Management Officers, sixteen support staff, and a small professional staff. The Division now handles all domestic matters, including divorce, all juvenile matters, and most child protection proceedings.

Thanks to the jump start given us six years ago, the court system completed the implementation of its five-year technology plan in the year 2,000 and is now equipped with a fully integrated court management system that performs all case processing functions including jury management for a one-day, one-trial system. Court computers are linked to all state and federal databases. Police check stalkers, a criminal record or a protective order as easily as the public uses a credit card and a PC to pay a traffic fine. Technological innovations added in the last two years include imaging, audio-visual teleconferencing, a real-time transcription. A paperless court system is proposed for 2004.

The trial divisions of the Superior and District Court remain current and practice active case management and have just completed delay reduction programs. All civil cases are now scheduled for trial within six months of the completion of judicially supervised discovery and all criminal cases are scheduled for trial within 90 days of arrest. Sentencing practices include opportunities for restorative justice, and community panels design and supervise sanctions for juvenile offenders.

On the civil side, court connected ADR offers the best private mediators in the state and is now readily available at every court location. Emergency court hearings are available within the Family Division on a 24-hour basis. Excellent judicial appointees continue to be selected from every element of the bar and reflect the diversity of Maine's people. Judicial orientation is rigorous and annual training and education is routine. All judges have had laptop computers since 1996 and they use them routinely.

The Supreme Court remains current in its caseload and under its able Chief Justice and receives all briefs and records in electronic form, and utilizes teleconferencing selectively for oral argument. All court opinions, rules, and forms are now available on the website established in 1996. Courthouse assistance projects exist at each court location, or are accessible by teleconference.

Legal service providers are available to assist those in serious civil proceedings who cannot afford a lawyer. Video-

taped instructions, educational programs, a self-service center, and a panel of lawyers offering reduced-fee legal services are available at each of Maine's 50 courts.

How does that sound? Is it a dream? No. It is within our grasp. The foundation has been laid, and I have described little beyond the capacity of equipment that is bought and paid for, or beyond the scope of plans that have already been thought through and widely approved. But there are three missing elements, three crucial steps that we must take during this legislative session.

First in importance is the Family Division I referred to. It does not exist and I urge you to support Governor King's proposal to create that Family Division, this year, within the District Court. Courts must become family friendly. We must preserve family relationships and prevent the harm and expense that currently results from inattention and delay.

No one sets out to be divorced, but it is an unmistakable reality in half of all marriages. Divorce proceedings are emotionally charged, procedurally complex, and you will pay for any mistake for a lifetime. Our court processes 7,000 divorce cases every year, more than three times the number of L.D.'s you will consider in this legislative session, plus thousands of motions for support, visitation, and custody. Two-thirds of these difficult cases involve at least one party who is unrepresented and in 30 or 40 percent of those cases there is no lawyer on either side.

When an ordinary person seeks a divorce today, it is just as though they were told that somewhere inside the darkened courthouse there is a long, narrow, and winding set of stairs. It is up to them to find the stairs and climb them on their own. I don't exaggerate when I say that the Family Division will be like showing that same person to a well-lit escalator. We need to lift families up and help them resolve their differences in a fair and timely manner.

The Family Division will demand parental responsibility, but it will offer education, early and continuous case supervision, less adversarial process, improved court access for everyone, and maximum federal reimbursement for the operating costs. It is workable, affordable, and sensible. It is jointly sponsored by legislative leadership, Governor King, and the Judiciary. It was designed and discussed by family advocacy groups, lawyers, mental health professionals and most importantly just plain folks. Your Speaker tells me that she has discussed it with friends in her living room and when she opened this legislative session, she graciously encouraged its development.

Madam Speaker, I know you are the lead sponsor on this and I know your support is solid, but I live in fear that someone someday will say that you are the mother of the Maine Family Court.

I hope you will agree that this is the next logical and affordable step in developing a much needed Family Court for Maine's families. The Family Division is an idea whose time has come. I also need to talk bluntly about judges pay. The topic may strike you as self-serving, but as Lawton Chiles of Florida says, "It is a sorry frog that won't holler in his own pond." I feel that I should discuss it. Courts are like any business, fair and competitive compensation is essential if we want to attract the best people, motivate them and keep them.

Fortunately, we don't need to guess at what is fair. Last session this Legislature created the Judicial Compensation Commission and the Speaker, President and Governor appointed three business executives who are associated with three of Maine's ten largest employers. John DiMatteo, formerly of Gannet Publishing and the Maine Medical Center, Ival (Bud) Cianchette of Cianbro, and Elaine Rosen of UNUM. If there are

three better qualified people in Maine, I don't know who they are. After careful study, and with the able assistance of your staff from the Offices of Policy & Legal Analysis and Fiscal & Program Review, this Commission prepared legislation and a thoroughly professional report. Let me quickly review what they had to say.

First, they acknowledged your statutory charge, to develop recommendations to ensure that "the most highly qualified lawyers in this state, drawn from diverse life and professional experiences, are not deterred from serving or continuing to serve in the state judiciary." Second, the Commission noted that it had clearly in mind that its recommendations be affordable. They found that Maine judges are earning their keep with the smallest number of general jurisdiction judges in the nation. We are fifth from the top in resolving civil cases, twelfth in completing criminal cases. On the other hand, Maine is fifth from the bottom in its total expenditure for the judiciary and legal services. Judicial salaries range from the lowest third for Superior Court judges to the lowest fifth for Supreme Court justices.

Maine's judicial pensions are one-half the level of Vermont, that is pretty low I will tell you and one-third the level of all the other New England states and the pension benefits were slashed in the 1980s in anticipation of salary increases that never materialized.

Finally, within Maine government, judicial salaries are significantly below salaries for professional positions of lesser responsibility. I commend the entire report to you and I urge you to support the legislation submitted by the Commission. Judging is a demanding profession and fair compensation is a vital part of the improved court system we all want.

I know it may be a tough sell for you back home. Personal income in Maine is low, but on a comparative scale judges salaries are lower. I know the value of a dollar. I picked potatoes. I wasn't very good at it. I worked on farms, and I am proud of the fact that some of my family still work on farms.

What do I say to them or the person on the street in Augusta or Easton if they say judges are paid too much already? Well, first I tell them the Commission has only recommended a salary equal to salaries in states with comparable per capita incomes. And then I say, Maine relies very heavily on the few judges it has, and, in the long run, you are going to get just exactly what you pay for. The venerable *Bangor Daily News* called the Commission's recommendation "a wise investment." Maine will not achieve justice if we continue to offer third-class salaries to those who are entrusted with the authority to provide it. We demand a judiciary of diversity and excellence, but let me tell you bluntly, the current levels of compensation will exclude many of the best qualified people in this state.

The Commission's bill presents an historic opportunity to build a fairer dynamic and to correct what the Commission called "a breach of faith." I ask you to study their report carefully, and then support it. Maine needs the response recommended by your Commission.

Finally, to complete the picture of the courts in 2002 I need to speak about funding for legal service providers. There are only a few places in Maine that a person with low income can turn to for legal help, Pine Tree Legal Services, the Volunteer Lawyers Project, the Cumberland Legal Aid Clinic, and Legal Services for the Elderly. The woman from Kezar Falls who was worried about her son, I gave her the telephone number of the first two, but if she was truly without funds, I knew that real help was very unlikely.

Funding has always been scarce, but in the last year legal service agencies have been nearly wiped out by budget cuts and restrictions adopted in Washington. For all practical purposes, legal aid is now the responsibility of the states. Pine Tree, for

example, has a smaller staff now than it did when it opened its doors in 1967. In those days they had a fellow on staff named Angus King. There are 34,000 low-income people in Maine today for each of Pine Tree's seven lawyers. The Maine Bar and Maine banks have responded to this crisis admirably. Judge Frank Coffin, one of Maine's natural treasures, is leading a grassroots effort to bring intellect, ingenuity, grit, and resolve to bear. Buzz Fitzgerald and the Dirigo Project are weighing in with volunteers, but stable funding is absolutely essential.

Rep. Richard Thompson, the House Chair of your Judiciary Committee, has presented an L.D. today to establish a court user fee to support the Maine Civil Legal Services Fund. That fund was created by this Legislature a few years ago at the request of Sen. Edmund Muskie, but it is an empty bucket, an unfulfilled promise. No money ever found its way into the fund. Lest you think this is a partisan issue, I would add that Sen. Bill Cohen led the fight last year to preserve the federal funding that remains. I would also hazard a guess that Senator Margaret Chase Smith might smile on our efforts in this regard. We need to heed Senator Muskie's call and give a hand to the thousands of low-income people who are left standing alone in the dark at the bottom of the courthouse stairs. They must have a voice. We cannot continue to exclude them.

Recently the court's Gender Bias Commission issued its report. A number of people, Rep. Donnelly and others, encouraged us to look carefully at the court system. We did, and the Commission documented the structural bias that confronts women in seeking a divorce. It's very simple. Women and children are more likely to be without financial resources and to be unrepresented. Therefore, they are disproportionately disadvantaged by court delay and the adversarial process. This is not intentional bias, no one willed it, but as the Portland Press Herald said in an editorial, the injury and the insult are just the same. Men face their own form of bias, particularly when it comes to custody and visitation.

Time and attention are precious commodities in our struggling court system. If we are to deal with gender bias effectively, in all of its complexity, along with other pressing needs such as victims' rights in criminal cases, the rights of children, and the needs of business for the prompt resolution of regulatory and commercial disputes, then the Family Division, a diverse and top-notch judiciary, and legal services funding are an essential part of any legislative response.

In closing, let me say that I am proud of our accomplishments. I am confident about our future, but most of all I am struck by the historic opportunity we have. Picture where

our courts can be, where they should be, in the year 2002. With your help and a modest investment that is well within our limited means, the next five years is going to be the most fruitful period of court improvement in the 180-year history of the State of Maine.

Justice will come when those of us who have never been injured, deprived, or silenced become as committed and concerned as those who have. Let us seize this moment and build for all.

I thank you very much.

At the conclusion of the address, the Chief Justice withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled, having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

(After the Joint Convention)

The House was called to order by the Speaker.

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

Bill "An Act Concerning Dangerous Buildings in the Unorganized Territories" (H.P. 38) (L.D. 63) which was tabled by Representative AHEARNE of Madawaska pending passage to be engrossed.

Representative AHEARNE of Madawaska presented House Amendment "A" (H-2) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-2) and sent up for concurrence.

On motion of Representative STEDMAN of Hartland, the House adjourned at 12:00 p.m., until 3:00 p.m., Thursday, February 13, 1997.