

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
14th Legislative Day
Tuesday, February 18, 1997

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

Prayer by Pastor Don H. Mayberry, First Baptist Church of Paris Hill, Norway.

National Anthem by the Frank Brown School Chorus, South Portland.

Pledge of Allegiance.

At this point, the Speaker recognized the Representative from Biddeford, Representative DUTREMBLE, and he was added to the quorum call of the 118th Legislature. Representative DUTREMBLE was assigned to Seat 152.

Representative DUTREMBLE'S seating was effective upon his taking the oath of office on December 19, 1996.

Doctor of the day, John Garofalo, M.D., Augusta.

The Journal of Thursday, February 13, 1997 was read and approved.

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:

Agriculture, Conservation and Forestry

Bill "An Act to Criminalize Mistreatment of and Cruelty to Animals and to Enhance Reporting Requirements" (H.P. 788) (L.D. 1076) (Presented by Representative BUMPS of China) (Cosponsored by Senator: DAGGETT of Kennebec)

Bill "An Act to Require Labeling on Genetically Engineered Food" (H.P. 790) (L.D. 1078) (Presented by Representative CHARTRAND of Rockland) (Cosponsored by Senator NUTTING of Androscoggin and Representatives: COWGER of Hallowell, KANE of Saco, POWERS of Rockport, QUINT of Portland, TOWNSEND of Portland, VOLENIK of Brooklin, Senators: PINGREE of Knox, RAND of Cumberland)

Bill "An Act to Provide Public Information on Forest Management Practices" (H.P. 804) (L.D. 1092) (Presented by Representative SAMSON of Jay) (Cosponsored by Senator MILLS of Somerset and Representatives: BAKER of Bangor, BERRY of Livermore, HATCH of Skowhegan, RINES of Wiscasset, Senators: KILKELLY of Lincoln, NUTTING of Androscoggin)

Banking and Insurance

Bill "An Act to Ensure Fair Pricing for Consumers of Health Care Services under Managed Care Plans" (H.P. 794) (L.D. 1082) (Presented by Representative MITCHELL of Portland) (Cosponsored by Senator MILLS of Somerset and Representatives: DAVIDSON of Brunswick, SAXL of Portland, THOMPSON of Naples)

Bill "An Act to Apply Risk-based Capital Standards to Insurers" (H.P. 815) (L.D. 1103) (Presented by Representative

CARLETON of Wells) (Cosponsored by Representatives: MAYO of Bath, O'NEIL of Saco, SAXL of Bangor) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Criminal Justice

Bill "An Act to Require Law Enforcement Officers to Inform a Person Who Fails to Submit to a Blood Test about the Informed Consent Law" (H.P. 777) (L.D. 1065) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Representatives: BUNKER of Kossuth Township, FRECHETTE of Biddeford, McALEVEY of Waterboro, MUSE of South Portland, PEAVEY of Woolwich, TOBIN of Dexter, WHEELER of Bridgewater, Senator: O'GARA of Cumberland) (Submitted by the Department of the Attorney General pursuant to Joint Rule 204.)

Bill "An Act to Require Prisoners in Correctional Facility Work Programs to Pay Court Fines" (H.P. 781) (L.D. 1069) (Presented by Representative MAILHOT of Lewiston) (Submitted by the Judicial Department pursuant to Joint Rule 204.)

Bill "An Act to Ensure That Crime Victims Are Informed of Their Rights" (H.P. 783) (L.D. 1071) (Presented by Representative PEAVEY of Woolwich) (Cosponsored by Representatives: KASPRZAK of Newport, LANE of Enfield, MARVIN of Cape Elizabeth, McALEVEY of Waterboro, O'BRIEN of Augusta, THOMPSON of Naples, WATSON of Farmingdale, Senator: SMALL of Sagadahoc)

Bill "An Act to Make It a Crime to Solicit a Child by Means of Computer to Commit an Unlawful Sex Act" (H.P. 808) (L.D. 1096) (Presented by Representative McALEVEY of Waterboro) (Cosponsored by Senator SMALL of Sagadahoc and Representatives: BELANGER of Wallagrass, CARLETON of Wells, MACK of Standish, MURPHY of Kennebunk, VEDRAL of Buxton, WINN of Glenburn, Senators: AMERO of Cumberland, BENOIT of Franklin)

Education and Cultural Affairs

Bill "An Act to Establish Public Charter Schools" (H.P. 792) (L.D. 1080) (Presented by Representative BARTH of Bethel) (Cosponsored by Senator AMERO of Cumberland and Representative: MACK of Standish, Senator: CATHCART of Penobscot)

Bill "An Act to Give Authority to Set Acreage Necessary for Building or Reconstruction of Schools Solely to the Local Authorities" (H.P. 797) (L.D. 1085) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Representatives: BOLDUC of Auburn, DEXTER of Kingfield, KERR of Old Orchard Beach, STEDMAN of Hartland, VOLENIK of Brooklin, Senators: PENDLETON of Cumberland, TREAT of Kennebec)

Bill "An Act to Modify School Construction Laws for Renovation Projects" (H.P. 811) (L.D. 1099) (Presented by Representative KERR of Old Orchard Beach) (Cosponsored by Senator MICHAUD of Penobscot and Representative: TESSIER of Fairfield, Senators: CLEVELAND of Androscoggin, HARRIMAN of Cumberland, MILLS of Somerset)

Health and Human Services

Bill "An Act to Amend the Prehearing Settlement Process" (H.P. 778) (L.D. 1066) (Presented by Representative JOYNER of Hollis) (Cosponsored by Representative: FULLER of Manchester) (Submitted by the Department of Human Services pursuant to Joint Rule 204.)

Inland Fisheries and Wildlife

Bill "An Act to Facilitate Implementation of an Automated Hunters' and Anglers' Data Base System for Hunting and Fishing Licenses and Registrations" (H.P. 810) (L.D. 1098) (Presented by Representative CHICK of Lebanon) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: CLARK of Millinocket, CROSS of Dover-Foxcroft, DUNLAP of Old Town, PAUL of Sanford, PERKINS of Penobscot, USHER of Westbrook, Senators: HALL of Piscataquis, RUHLIN of Penobscot) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.)

Bill "An Act to Provide Funding for the Enforcement of Snowmobile Laws" (EMERGENCY) (H.P. 814) (L.D. 1102) (Presented by Representative CHICK of Lebanon) (Cosponsored by Senator KILKELLY of Lincoln and Representatives: DEXTER of Kingfield, FOSTER of Gray, GOOLEY of Farmington, SIROIS of Caribou, USHER of Westbrook, WHEELER of Eliot, Senators: CAREY of Kennebec, MICHAUD of Penobscot) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 204.)

Judiciary

Bill "An Act to Clarify the Adoption Laws" (H.P. 793) (L.D. 1081) (Presented by Representative MITCHELL of Portland) (Cosponsored by Representative: THOMPSON of Naples)

Bill "An Act to Clarify the Interpretation of Property Descriptions" (H.P. 800) (L.D. 1088) (Presented by Representative BIGL of Bucksport)

Labor

Bill "An Act to Amend the Laws Relating to Vesting in the Maine State Retirement System" (H.P. 812) (L.D. 1100) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Representatives: CLARK of Millinocket, KONTOS of Windham, LEMONT of Kittery, RINES of Wiscasset, SAMSON of Jay, TUTTLE of Sanford, WHEELER of Eliot, Senator: TREAT of Kennebec)

Bill "An Act to Amend the Maine Workers' Compensation Act of 1992 as It Relates to Payment of Benefits Pending Appeal" (H.P. 813) (L.D. 1101) (Presented by Representative CLUKEY of Houlton) (Cosponsored by Representatives: CARLETON of Wells, CROSS of Dover-Foxcroft, KNEELAND of Easton, MURPHY of Kennebunk, WHEELER of Bridgewater)

Legal and Veterans Affairs

Bill "An Act Pertaining to the Sanford National Guard Armory" (H.P. 784) (L.D. 1072) (Presented by Representative TUTTLE of Sanford) (Cosponsored by Senator MacKINNON of York and Representatives: CHICK of Lebanon, McALEVEY of Waterboro, MITCHELL of Vassalboro, NASS of Acton, PAUL of Sanford, SAXL of Portland, Senators: DAGGETT of Kennebec, FERGUSON of Oxford)

Bill "An Act to Protect the Reputation of Candidates for Public Office" (H.P. 787) (L.D. 1075) (Presented by Representative JOY of Crystal) (Cosponsored by Representatives: BELANGER of Wallagrass, BRAGDON of Bangor, JONES of Pittsfield, LABRECQUE of Gorham, LANE of Enfield, STEDMAN of Hartland, WHEELER of Bridgewater)

Bill "An Act to Prohibit the Sale of Kegs of Beer to Individuals" (H.P. 806) (L.D. 1094) (Presented by Representative HATCH of Skowhegan) (By Request)

Natural Resources

Bill "An Act Concerning State Mandated Municipal Landfill Remediation" (H.P. 807) (L.D. 1095) (Presented by Representative TUTTLE of Sanford) (Cosponsored by Senator MacKINNON of York and Representatives: CHICK of Lebanon, DEXTER of Kingfield, MERES of Norridgewock, NASS of Acton, NICKERSON of Turner, PAUL of Sanford, WHEELER of Eliot, Senator: NUTTING of Androscoggin)

Bill "An Act to Create an Evidentiary Privilege for Environmental Audits and Provide for Qualified Disclosure" (H.P. 816) (L.D. 1104) (Presented by Representative WATERHOUSE of Bridgton) (Cosponsored by Senator CAREY of Kennebec and Representatives: KERR of Old Orchard Beach, MURPHY of Kennebunk)

State and Local Government

Bill "An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation" (H.P. 795) (L.D. 1083) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Senator RUHLIN of Penobscot)

Bill "An Act to Establish Practical Difficulty Standards for a Variance from the Dimensional Standards of a Municipal Zoning Ordinance" (H.P. 786) (L.D. 1074) (Presented by Representative DEXTER of Kingfield)

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

On motion of Representative AHEARNE of Madawaska, tabled pending reference and later today assigned.

Taxation

Bill "An Act to Exclude Transfers of Motor Vehicles Owned by S Corporations from Sales Tax" (H.P. 779) (L.D. 1067) (Presented by Representative WINSOR of Norway)

Bill "An Act to Exempt Small Purchases of Special Fuel Used for Certain Off-road Purposes from the Special Fuel Tax" (H.P. 780) (L.D. 1068) (Presented by Representative JOY of Crystal) (By Request) (Cosponsored by Representatives: BRAGDON of Bangor, JONES of Pittsfield, LANE of Enfield, STEDMAN of Hartland)

Bill "An Act to Exempt Certain Landowners from Hiring a Licensed Forester" (H.P. 782) (L.D. 1070) (Presented by Representative LANE of Enfield)

Bill "An Act Rendering Land Trusts Ineligible for Property Tax Exemptions" (H.P. 789) (L.D. 1077) (Presented by Representative GOODWIN of Pembroke)

Bill "An Act to Authorize Municipal Taxation of the Value of Nonreimbursed Tree Growth Taxes" (H.P. 799) (L.D. 1087) (Presented by Representative BAKER of Dixfield) (Cosponsored by Senator FERGUSON of Oxford and Senator KILKELLY of Lincoln and Representative: BUNKER of Kossuth Township)

Bill "An Act to Change Income Guidelines Dealing with the Elderly Low-cost Drug Program" (H.P. 802) (L.D. 1090) (Presented by Representative GERRY of Auburn) (Cosponsored by Senator CAREY of Kennebec, Senator: PARADIS of Aroostook)

Bill "An Act to Provide a Credit or Refund for Special Fuel Tax Paid for Special Fuel Used on a Toll Highway" (H.P. 803) (L.D. 1091) (Presented by Representative MACK of Standish) (Cosponsored by Senator BUTLAND of Cumberland and Representatives: BROOKS of Winterport, CAMPBELL of Holden, CIANCHETTE of South Portland, LAYTON of Cherryfield, MacDOUGALL of North Berwick, MERES of Norridgewock, NICKERSON of Turner, Senator: MacKINNON of York)

Resolve, to Reimburse Dyla McIntire for Taxes Collected in Error (H.P. 801) (L.D. 1089) (Presented by Representative GOOLEY of Farmington)

Transportation

Bill "An Act to Create the Cobscook Bay Transit District" (H.P. 791) (L.D. 1079) (Presented by Representative GOODWIN of Pembroke) (Cosponsored by Representatives: BAGLEY of Machias, BUNKER of Kossuth Township, DRISCOLL of Calais)

Bill "An Act to Allow After-market Window Tinting of Multi-purpose Vehicles" (H.P. 796) (L.D. 1084) (Presented by Representative LOVETT of Scarborough) (Cosponsored by Senator AMERO of Cumberland and Representatives: CIANCHETTE of South Portland, MARVIN of Cape Elizabeth, MURPHY of Kennebunk, PENDLETON of Scarborough, SAVAGE of Union, Senator: PENDLETON of Cumberland)

Bill "An Act to Amend the Laws Regarding Motor Vehicle License Plates for Legislators" (H.P. 798) (L.D. 1086) (Presented by Representative MACK of Standish) (Cosponsored by Senator AMERO of Cumberland and Representatives: BELANGER of Wallagrass, BOLDUC of Auburn, BRAGDON of Bangor, GERRY of Auburn, McALEVY of Waterboro, MURPHY of Kennebunk, SHANNON of Lewiston, Senator: HARRIMAN of Cumberland)

Bill "An Act Regarding the Enforcement of the Motor Vehicle Laws" (H.P. 809) (L.D. 1097) (Presented by Representative CLUKEY of Houlton) (Cosponsored by Representatives: DRISCOLL of Calais, LINDAHL of Northport, Senators: CASSIDY of Washington, O'GARA of Cumberland) (Submitted by the Department of Public Safety pursuant to Joint Rule 204.)

Utilities and Energy

Bill "An Act to Create the Tenants Harbor Standard Water District" (EMERGENCY) (H.P. 785) (L.D. 1073) (Presented by Representative SKOGLUND of St. George) (Cosponsored by Senator PINGREE of Knox and Representatives: BARTH of Bethel, BRENNAN of Portland, McELROY of Unity, STEDMAN of Hartland, WATSON of Farmingdale)

Bill "An Act to Provide the Entire State with Integrated Services Digital Network Telecommunication" (H.P. 805) (L.D. 1093) (Presented by Representative LEMONT of Kittery) (Cosponsored by Representatives: BODWELL of Brunswick, CAMERON of Rumford, CIANCHETTE of South Portland, GIERINGER of Portland, HATCH of Skowhegan, MacDOUGALL of North Berwick, VEDRAL of Buxton, WHEELER of Eliot)

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

ORDERS

On motion of Representative DAVIDSON of Brunswick, the following Joint Resolution: (H.P. 817) (Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: CARLETON of

Wells, KONTOS of Windham, MERES of Norridgewock, MITCHELL of Vassalboro, SAXL of Portland, STEVENS of Orono, Senators: DAGGETT of Kennebec, HARRIMAN of Cumberland)

JOINT RESOLUTION ACKNOWLEDGING WOMEN IN MILITARY SERVICE

WHEREAS, American women have fought for liberty throughout the history of the United States; and

WHEREAS, women have been involved in every one of our Nation's armed conflicts, from the American Revolution to our present peace-keeping mission in Bosnia, and their commitment and sacrifices have contributed greatly to America's military successes; and

WHEREAS, there are more than 400,000 women on active duty in every branch of the Armed Services of the United States and there are an estimated 1,200,000 living veterans who are women; and

WHEREAS, Congress has authorized a Women in Military Service for America Memorial to be built at the gateway to Arlington National Cemetery and a Women in Military Service for America Memorial Foundation has been organized and given the challenge to see that this memorial becomes a reality; and

WHEREAS, the Women in Military Service for America Memorial Foundation is sponsoring a nationwide grassroots campaign to identify and register women who have served or are presently serving in the military forces of this country; and

WHEREAS, women in military service, including many women from the State of Maine, have served in our Nation's conflicts with honor and dedication, even to the point of risking their lives alongside their male counterparts and demonstrating tremendous bravery and devotion to their Nation and to the cause of freedom; and

WHEREAS, it is fitting to acknowledge and pay tribute to every woman who has served or is serving our Nation in the military by setting aside a special time of recognition; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Eighteenth Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, pause to honor and give recognition to the Women in Military Service, past and present, who have served Maine and the Nation so unselfishly and with such honor; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Women in Military Service for America Memorial Foundation with our gratitude.

Was read and adopted and sent up for concurrence. Ordered sent forthwith.

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

Bill "An Act to Establish Practical Difficulty Standards for a Variance from the Dimensional Standards of a Municipal Zoning Ordinance" (H.P. 786) (L.D. 1074) which was tabled by Representative AHEARNE of Madawaska pending reference.

On motion of Representative AHEARNE of Madawaska, the Bill was referred to the Committee on **Natural Resources**, ordered printed and sent up for concurrence. Ordered sent forthwith.

ENACTORS

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

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

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

SENATE PAPERS

Bill "An Act to Increase Access to Education, Training and Employment for Displaced Homemakers" (S.P. 328) (L.D. 1106)

Bill "An Act to Flat Fund the Legislative Budget" (EMERGENCY) (S.P. 329) (L.D. 1107)

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

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

Bill "An Act to Provide for International Banking in the State and Enhanced Enforcement Authority over Financial Institution Holding Companies" (S.P. 341) (L.D. 1119)

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 Amend the Oil and Solid Fuel Board Laws" (S.P. 340) (L.D. 1118)

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 Amend the State Share Percentage for Public School Tuition Students" (S.P. 331) (L.D. 1109)

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 Assist Low-income Parents to Obtain Access to Education" (S.P. 339) (L.D. 1117)

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

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

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

Bill "An Act Allowing Registered Nurses Employed by Licensed Home Health Care Agencies to Possess and Administer Certain Noncontrolled Prescription Drugs under Certain Conditions" (S.P. 325) (L.D. 1063)

Bill "An Act Regarding Medicaid Reimbursement for Nursing Facility Care" (S.P. 330) (L.D. 1108)

Bill "An Act to Require Mental Health Hospitals to Accept into Care Former Patients Who Refuse to Take Medication" (S.P. 334) (L.D. 1112)

Bill "An Act to Require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to Report the

Facts of an Unnatural Death of a Patient under the Care of the Department to the Legislature" (S.P. 335) (L.D. 1113)

Resolve, to Extend the Protections against Spousal Impoverishment under the Medicaid Program (S.P. 336) (L.D. 1114)

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 Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties" (S.P. 326) (L.D. 1064)

Bill "An Act to Prevent Discrimination" (S.P. 338) (L.D. 1116)
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 Decrease the Threshold Amount Required for Receiving Unemployment" (S.P. 332) (L.D. 1110)

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

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

Bill "An Act to Exempt Public Airports with Approved Airport Layout Plans from Subdivision Review" (S.P. 327) (L.D. 1105)

Bill "An Act to Make Technical Corrections in the Maine Administrative Procedure Act" (S.P. 337) (L.D. 1115)

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.

The following Joint Resolution: (S.P. 342)

**JOINT RESOLUTION RECOGNIZING
CAMPBELL BARRETT NIVEN**

**AND THE TIMES RECORD ON THEIR MILESTONE
ANNIVERSARIES**

WHEREAS, the Times Record, the 5-day-a-week evening newspaper that began its life 30 years ago on February 6, 1967, under the able leadership of publisher and president Campbell Barrett Niven, a 3rd generation publisher, continues to excel in bringing its readers in-depth coverage of local news throughout the Bath-Brunswick region; and

WHEREAS, a significant part of the success of the Times Record is due to its 100-year heritage, having evolved from the merging of the Bath Daily Times under the guidance of its owner and publisher Frank Barrett Nichols and the Brunswick Record under the guidance of editor and publisher Paul K. Niven; and

WHEREAS, from its conversion from letterpress to offset printing and its current use of advanced production systems and an integrated computer network, the Times Record has kept pace with new technologies to better serve its readers; and

WHEREAS, a key to the success of the Times Record also lies with its employees, who are considered to be among the most professional and skilled in the publishing industry; now, therefore, be it

RESOLVED: That We, the Members of the 118th Legislature now assembled in the First Regular Session, express our

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congratulations to Campbell Barrett Niven and the employees of the Times Record on the occasion of the paper's 30th anniversary; and be it further

RESOLVED: That we extend our best wishes to the Times Record on its observance of the centennial anniversary of the Bath Daily Times; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to

Campbell Barrett Niven and to the employees of the Times Record as an expression of our high esteem.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

On motion of Representative KNEELAND of Easton, the House adjourned at 11:45 a.m., until Thursday, February 20, 1997.