

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
20th Legislative Day
Tuesday, March 11, 1997

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

Prayer by Pastor Russell C. Cotnoir, Jr., Fayette Baptist Church.

National Anthem by the Hampden Academy Jazz Ensemble.
Pledge of Allegiance.

Doctor of the day, Maroulla Gleaton, M.D., Palermo.

The Journal of Wednesday, March 5, 1997 was read and approved.

SENATE PAPERS

The following Communication: (H.C. 63)

Maine State Senate
State House Station 3
Augusta, Maine 04333

March 5, 1997

The Honorable Elizabeth H. Mitchell

Speaker of the House
118th Maine Legislature
2 State House Station
Augusta, Maine 04333

Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business and Economic Development, the nomination of Brian E. Thibeau of Caribou for reappointment to the Loring Development Authority.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication: (H.C. 64)

Maine State Senate
State House Station 3
Augusta, Maine 04333

March 5, 1997

The Honorable Elizabeth H. Mitchell

Speaker of the House
118th Maine Legislature
2 State House Station
Augusta, Maine 04333

Dear Speaker Mitchell:

In accordance with Joint Rule 506, please be advised the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Business and Economic Development, the nomination of Lyndel J. Wishcamper of Freeport for reappointment to the Loring Development Authority.

Thank you for your attention to this matter.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Ought to Pass

Report of the Committee on **Judiciary** reporting "**Ought to Pass**" on Bill "An Act to Amend the Fee Schedule for Probate Filings" (S.P. 138) (L.D. 417)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-13)

Report was read and accepted. The Bill read once. Senate Amendment "A" (S-13) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, March 12, 1997.

COMMUNICATIONS

The following Communication: (S.P. 431)

March 5, 1997

Senator Marge Kilkelly

Representative George Bunker

Chairpersons

Joint Standing Committee on Agriculture, Conservation & Forestry

118th Legislature

Augusta, Maine 04333

Dear Senator Kilkelly and Representative Bunker:

Please be advised that Governor Angus S. King, Jr. has nominated Jo D. Saffair and Alan J. Lewis for reappointment as members of the Board of Pesticides Control.

Pursuant to Title 22, MRSA Section 1471-B, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence

President of the Senate

S/Elizabeth H. Mitchell

Speaker of the House

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

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

The following Communication: (H.C. 65)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 4, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 447 An Act Regarding Disclosure of Pesticide Use
to a Buyer of Blueberry Land

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

Sincerely,

S/Sen. Marjorie L. Kilkelly

Senate Chair

S/Rep. George H. Bunker, Jr.

House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 66)

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE**

March 4, 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 Banking and Insurance has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 676 An Act to Make Health Care More Affordable to Small Businesses
L.D. 681 An Act to Increase Access to Affordable Health Insurance for Citizens of Maine
L.D. 716 An Act to Require Certain Information on Insurance Bills

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

Sincerely,

S/Sen. Lloyd P. LaFountain, III S/Rep. Jane W. Saxl
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 67)

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON BUSINESS AND ECONOMIC
DEVELOPMENT**

March 4, 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 Business and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 421 An Act to Grandfather Certain Practicing Naturopathic Doctors
L.D. 686 An Act to Streamline the Registration Process for Drug Outlets, Manufacturers and Wholesalers

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

Sincerely,

S/Sen. John T. Jenkins S/Rep. Marc J. Vigue
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 68)

**STATE OF MAINE
ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 4, 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. 122 An Act to Repeal the Funding for the Family Planning Association of Maine
L.D. 441 An Act to Prohibit Family Planning Agencies from Using State Funds for Certain Expenses Related to Abortion Services
L.D. 603 An Act to Establish a Residency Requirement for General Assistance
L.D. 641 Resolve, to Establish the Study Group on Pay Equity Among Providers of Mental Health and Mental Retardation Services

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. 69)

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

March 4, 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 bills out "Ought Not to Pass":

- L.D. 117 An Act to Change the Moose Hunting Season
L.D. 118 An Act to Provide a Day for Resident Hunters Only at the Opening of the Moose Season
L.D. 375 An Act to Create a Special Senior Citizen Moose Lottery
L.D. 395 An Act Dealing with the Registration of Snowmobiles by Nonresidents
L.D. 425 An Act to Require a Person Applying for a Moose Permit to Possess a Hunting License
L.D. 562 An Act to Amend the Laws Pertaining to Moose Hunting

We have also notified the sponsors and cosponsors of each bill listed 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. 70)

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

March 4, 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. 490 An Act to Increase Fees and Allowances for Jury Service

L.D. 591 An Act to Require Courts to Take Court Costs into Consideration in Criminal Proceedings

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. 71)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS AFFAIRS**

March 4, 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. 484 An Act Relating to Alcohol Beverage Price Promotions and Price Posting

L.D. 496 An Act to Eliminate the Requirement of Cash on Delivery for Beer and Wine Sales to Businesses

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. 72)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 4, 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 Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 528 An Act Concerning Elver Fishing and Dip Nets

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

Sincerely,

S/Sen. Jill M. Goldthwait S/Rep. David Etnier
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 73)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON NATURAL RESOURCES**

March 4, 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 Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 497 An Act to Exempt Certain Incinerators from Environmental Laws and Department of Environmental Protection Regulations

L.D. 599 An Act to Eliminate Fees on the Disposal of Municipal Solid Waste Incinerator Ash

L.D. 748 An Act to Prohibit Residential Burning of Domestic, Household Trash

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

Sincerely,

S/Sen. Sharon Treat S/Rep. G. Steven Rowe
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (H.C. 74)

STATE OF MAINE

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

March 4, 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. 206 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives

L.D. 256 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require a Runoff Election if No Candidate Receives a Majority of the Votes in the General Election

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. 75)

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

March 4, 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 bill out "Ought Not to Pass":

L.D. 415 An Act to Facilitate the Withholding of State Income Taxes from Federal Pensions

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

Sincerely,

S/Sen. Richard P. Ruhl/S/Rep. Verdi L. Tripp
Senate Chair House Chair

Was read and ordered placed on file.

The following Communication: (H.C. 76)

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

March 4, 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. 55 An Act to Require Disclosure of Insurer on Motor Vehicle Registrations

L.D. 109 An Act to Eliminate the Fine for Exceeding the Axle Weight Limit

L.D. 216 An Act to Abolish the \$3 Photograph Fee for Senior Citizen Drivers' Licenses

L.D. 227 An Act to Amend the Motor Vehicle Laws Regarding Loss of License

L.D. 322 An Act to Require the Secretary of State to Revoke the Driver's License of a Person Involved in a Fatal Accident while Committing a Violation of the Maine Revised Statutes, Title 29-A

L.D. 342 An Act to Change the Eligibility Requirements for Free Registration Plates for Certain Veterans

L.D. 446 An Act to Make the Use of Stop Arm Warning Devices Mandatory on School Buses

L.D. 544 An Act Regarding the Penalty for Passing a Stopped School Bus

L.D. 703 An Act to Allow Signs to Change an Unlimited Number of Times per Day

L.D. 712 An Act to Exempt Certain Driver Education Schools from License Fees

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.

**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 License Timber Harvesters and Deter Timber Trespassing" (H.P. 1013) (L.D. 1405) (Presented by Representative DESMOND of Mapleton) (Cosponsored by Representatives: CLARK of Millinocket, O'NEAL of Limestone, SIROIS of Caribou, WHEELER of Eliot)

Bill "An Act to Limit Liquidation Harvesting" (H.P. 1048) (L.D. 1465) (Presented by Representative SHIAH of Bowdoinham) (Cosponsored by Representatives: SAMSON of Jay, SIROIS of Caribou, VOLENIK of Brooklin, Senator: NUTTING of Androscoggin)

Banking and Insurance

Bill "An Act to Provide Subrogation Equity" (H.P. 1036) (L.D. 1453) (Presented by Representative SAXL of Bangor) (Cosponsored by Senator MURRAY of Penobscot and Representatives: AHEARNE of Madawaska, CARLETON of Wells, DAVIDSON of Brunswick, FARNSWORTH of Portland, SAXL of Portland, Senators: AMERO of Cumberland, DAGGETT of Kennebec, PINGREE of Knox)

Bill "An Act to Make Mandated Health Insurance Coverage Optional" (H.P. 1052) (L.D. 1484) (Presented by Representative WATERHOUSE of Bridgton) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: BUCK of Yarmouth, CAMPBELL of Holden)

Bill "An Act to Update the Insurance Code for Substance Abuse" (H.P. 1057) (L.D. 1489) (Presented by Representative LEMAIRE of Lewiston) (Cosponsored by Representatives: BAKER of Bangor, FARNSWORTH of Portland, TOWNSEND of Portland, VOLENIK of Brooklin, Senator: NUTTING of Androscoggin)

Business and Economic Development

Bill "An Act to Place a Moratorium on Construction and Development in Southern Maine and to Provide for Equal Economic Opportunity for All Regions of the State" (EMERGENCY) (H.P. 1035) (L.D. 1452) (Presented by Representative JOY of Crystal) (By Request) (Cosponsored by Representatives: BRAGDON of Bangor, DEXTER of Kingfield, LANE of Enfield, LAYTON of Cherryfield, O'NEAL of Limestone, STEDMAN of Hartland, VEDRAL of Buxton, WHEELER of Bridgewater)

Bill "An Act to Amend the Maine Veterinary Practice Act of 1975" (H.P. 1051) (L.D. 1468) (Presented by Representative SHANNON of Lewiston) (Cosponsored by Representatives: SIROIS of Caribou, WRIGHT of Berwick) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.)

Criminal Justice

Bill "An Act to Establish the Civil Offense of Creating a Police Standoff" (H.P. 1010) (L.D. 1402) (Presented by Representative LEMKE of Westbrook)

Bill "An Act to Amend the Law to Be Consistent with the Organizational Structure of the Department of Corrections and for Other Purposes" (H.P. 1050) (L.D. 1467) (Presented by Representative POVICH of Ellsworth) (Cosponsored by Senator MURRAY of Penobscot and Representatives: BUNKER of Kossuth Township, FRECHETTE of Biddeford, JONES of Greenville, O'BRIEN of Augusta, PEAVEY of Woolwich, TOBIN of Dexter, WHEELER of Bridgewater) (Submitted by the Department of Corrections pursuant to Joint Rule 204.)

Education and Cultural Affairs

Bill "An Act to Clarify the Law Regarding the Discipline of Exceptional Students" (H.P. 1006) (L.D. 1398) (Presented by Representative CLUKEY of Houlton) (Cosponsored by Representatives: BELANGER of Caribou, BUMPS of China, GOODWIN of Pembroke, JOY of Crystal, McALEVEY of Waterboro, McELROY of Unity, WHEELER of Bridgewater)

Bill "An Act to Allow an Appeal Concerning the Date to Determine Age for Kindergarten" (H.P. 1007) (L.D. 1399) (Presented by Representative POWERS of Rockport) (Cosponsored by Senator PENDLETON of Cumberland and Representatives: BERRY of Belmont, FISHER of Brewer, GREEN of Monmouth, McELROY of Unity, McKEE of Wayne, O'BRIEN of Augusta, SKOGLUND of St. George, Senator: PARADIS of Aroostook)

Bill "An Act to Create School Enrichment Funds for Public Schools" (H.P. 1012) (L.D. 1404) (Presented by Representative WATSON of Farmingdale) (Cosponsored by Senator NUTTING of Androscoggin and Representatives: BELANGER of Caribou, BERRY of Livermore, BROOKS of Winterport, COWGER of Hallowell, GREEN of Monmouth, WHEELER of Eliot, Senators: KILKELLY of Lincoln, TREAT of Kennebec)

Bill "An Act to Make Habitual Truancy a Crime" (H.P. 1015) (L.D. 1407) (Presented by Representative SAVAGE of Union) (Cosponsored by Representatives: CHARTRAND of Rockland, POWERS of Rockport, WHEELER of Eliot)

Bill "An Act to Establish a Funding Formula for the University of Maine System" (H.P. 1018) (L.D. 1410) (Presented by Representative WATSON of Farmingdale) (Cosponsored by Senator SMALL of Sagadahoc and Representatives: BAKER of Bangor, KONTOS of Windham, MADORE of Augusta, NASS of Acton, O'BRIEN of Augusta, WHEELER of Eliot, Senators: JENKINS of Androscoggin, PENDLETON of Cumberland)

Bill "An Act to Amend the Laws Regarding Commercial Driver Education Instructors" (H.P. 1024) (L.D. 1441) (Presented by Representative BRAGDON of Bangor)

Bill "An Act to Prohibit the Denial of Teacher Certification Based on Refusal to Participate in Learning Results" (H.P. 1025) (L.D. 1442) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Representatives: AHEARNE of Madawaska, GOODWIN of Pembroke, JOY of Crystal, LANE of Enfield, O'NEAL of Limestone)

Bill "An Act to More Equitably Distribute General Purpose Aid to Schools Based on Property Values" (H.P. 1042) (L.D. 1459) (Presented by Representative BELANGER of Caribou) (Cosponsored by Senator PARADIS of Aroostook and Representatives: DESMOND of Mapleton, KNEELAND of Easton, STEDMAN of Hartland, WHEELER of Bridgewater)

Bill "An Act Requiring the Department of Education to Perform Annual Cost-benefit Analysis of Special Education

Programs in the State" (H.P. 1043) (L.D. 1460) (Presented by Representative CAMERON of Rumford)

Resolve, to Establish a Committee to Review the Asbestos Hazard Emergency Response Act (H.P. 1030) (L.D. 1447) (Presented by Representative GIERINGER of Portland) (Cosponsored by Senator CAREY of Kennebec and Representatives: BIGL of Bucksport, CROSS of Dover-Foxcroft, FRECHETTE of Biddeford, LAYTON of Cherryfield, O'NEAL of Limestone, PINKHAM of Lamoine, SAMSON of Jay, SIROIS of Caribou)

Resolve, to Restructure the University of Maine System and Enhance the Role of the Faculty in Campus Governance (H.P. 1032) (L.D. 1449) (Presented by Representative DESMOND of Mapleton) (Cosponsored by Representatives: SIROIS of Caribou, STEDMAN of Hartland, TRUE of Fryeburg)

Health and Human Services

Bill "An Act to Facilitate Disbursement of and Accounting for Issuances of Food Supplement Benefits" (H.P. 1019) (L.D. 1411) (Presented by Representative DUNLAP of Old Town) (Cosponsored by Senator RUHLIN of Penobscot and Representatives: CAMPBELL of Holden, CHICK of Lebanon, PERRY of Bangor, SAXL of Portland, SHANNON of Lewiston, THOMPSON of Naples, TRUE of Fryeburg, Senator: CATHCART of Penobscot)

Bill "An Act to Maintain the Augusta Mental Health Institute and the Bangor Mental Health Institute" (H.P. 1021) (L.D. 1413) (Presented by Representative O'BRIEN of Augusta) (Cosponsored by Representatives: BRAGDON of Bangor, MADORE of Augusta, SAXL of Bangor, WINN of Glenburn)

Resolve, Requiring the Office of Vital Statistics to Conduct a Study of Medical Treatment Records Disposition (H.P. 1022) (L.D. 1439) (Presented by Representative SNOWE-MELLO of Poland) (Cosponsored by Representative KANE of Saco)

Inland Fisheries and Wildlife

Bill "An Act to Regulate Camp Lot Leases" (H.P. 1046) (L.D. 1463) (Presented by Representative SIROIS of Caribou) (Cosponsored by Senator PARADIS of Aroostook and Representatives: BROOKS of Winterport, CLARK of Millinocket, DESMOND of Mapleton, O'NEAL of Limestone, SKOGLUND of St. George, STANLEY of Medway, VIGUE of Winslow, Senator: MICHAUD of Penobscot)

Bill "An Act Relating to Whitewater Rafting Allocations" (H.P. 1047) (L.D. 1464) (Presented by Representative DEXTER of Kingfield)

Judiciary

Bill "An Act to Provide Notice of Municipalities When a For-profit Corporation Intends to Obtain Nonprofit Status" (H.P. 1008) (L.D. 1400) (Presented by Representative LABRECQUE of Gorham) (Cosponsored by Representatives: BIGL of Bucksport, CHIZMAR of Lisbon, PENDLETON of Scarborough, SAVAGE of Union, WINGLASS of Auburn, Senator: CLEVELAND of Androscoggin)

Bill "An Act to Require Mandatory Testing of Persons Who Assault Police Officers" (H.P. 1017) (L.D. 1409) (Presented by Representative LEMKE of Westbrook)

Bill "An Act to Reinstate Municipal Courts for Specific Traffic Infractions" (H.P. 1020) (L.D. 1412) (Presented by Representative LEMKE of Westbrook)

Bill "An Act Regarding Responsibility for Payment of Alimony Fees in Proceedings to Modify a Divorce Decree" (H.P. 1045)

(L.D. 1462) (Presented by Representative CAMERON of Rumford)

Bill "An Act to Establish Victims' Rights Laws" (H.P. 1054) (L.D. 1486) (Presented by Representative JOYCE of Biddeford)

Bill "An Act to Authorize Clerks to Sign Notices of Certain Court Actions" (H.P. 1055) (L.D. 1487) (Presented by Representative NASS of Acton) (Submitted by the Judicial Department pursuant to Joint Rule 204.)

Resolve, Directing the Family Law Advisory Commission to Review Proposals Concerning the Use of Ethical Decision-making in Family Law Cases (H.P. 1026) (L.D. 1443) (Presented by Representative MURPHY of Kennebunk) (Cosponsored by Representatives: AHEARNE of Madawaska, DEXTER of Kingfield, KASPRZAK of Newport, LANE of Enfield, VIGUE of Winslow, Senators: BENOIT of Franklin, HARRIMAN of Cumberland)

Bill "An Act to Require Consent of a Legal Guardian for the Provision of Prescription Contraception to a Minor" (H.P. 1011) (L.D. 1403) (Presented by Representative MACK of Standish) (Cosponsored by Senator HALL of Piscataquis and Representatives: AHEARNE of Madawaska, JOY of Crystal, KASPRZAK

of Newport, LANE of Enfield, LAYTON of Cherryfield, MacDOUGALL of North Berwick, SHANNON of Lewiston, SNOWE-MELLO of Poland)

Reference to the Committee on **Judiciary** was suggested.

On motion of Representative THOMPSON of Naples, tabled pending reference and specially assigned for Wednesday, March 12, 1997.

Labor

Bill "An Act to Clarify Laws Relating to Unemployment Compensation for Service with Nonprofit Organizations, Educational Institutions, State Government and Local Governments" (H.P. 1014) (L.D. 1406) (Presented by Representative DUNLAP of Old Town) (Cosponsored by Senator CATHCART of Penobscot and Representatives: AHEARNE of Madawaska, DAVIDSON of Brunswick, SAXL of Portland, SHANNON of Lewiston, STEVENS of Orono)

Bill "An Act to Provide for Binding Arbitration for County Employees with Respect to Monetary Issues" (H.P. 1031) (L.D. 1448) (Presented by Representative MUSE of South Portland) (Cosponsored by Representatives: BUNKER of Kossuth Township, FRECHETTE of Biddeford, POVICH of Ellsworth, SHIAH of Bowdoinham, WHEELER of Eliot, WRIGHT of Berwick)

Bill "An Act to Amend the Prevailing Wage Laws" (H.P. 1037) (L.D. 1454) (Presented by Representative WRIGHT of Berwick) (Cosponsored by President LAWRENCE of York and Representatives: CLARK of Millinocket, HATCH of Skowhegan, LEMONT of Kittery, MAYO of Bath, RINES of Wiscasset, SAMSON of Jay, SAXL of Portland, STANLEY of Medway)

Bill "An Act to Increase the Maximum Benefit Levels Provided for Injured Workers" (EMERGENCY) (H.P. 1039) (L.D. 1456) (Presented by Representative HATCH of Skowhegan) (Cosponsored by Representatives: BOLDUC of Auburn, CLARK of Millinocket, RINES of Wiscasset, Senator: CATHCART of Penobscot)

Bill "An Act to Extend the Period for Payment of Workers' Compensation Benefits" (H.P. 1040) (L.D. 1457) (Presented by Representative CLARK of Millinocket) (Cosponsored by Representatives: BOLDUC of Auburn, HATCH of Skowhegan,

RINES of Wiscasset, SAMSON of Jay, STANLEY of Medway, Senator: CATHCART of Penobscot)

Legal and Veterans Affairs

Bill "An Act to Require That Campaign Finance Reports Be Considered Filed on the Date They Are Postmarked" (H.P. 1029) (L.D. 1446) (Presented by Representative GOODWIN of Pembroke) (Cosponsored by Representatives: BAGLEY of Machias, DRISCOLL of Calais, LEMKE of Westbrook, SAMSON of Jay)

Bill "An Act to Ensure Integrity in Government by Prohibiting Contributions when the Legislature Is in Session" (H.P. 1041) (L.D. 1458) (Presented by Representative DAVIDSON of Brunswick) (Cosponsored by Representative BRUNO of Raymond and President LAWRENCE of York and Representatives: ETNIER of Harpswell, KONTOS of Windham, MITCHELL of Vassalboro, SAXL of Portland, TRUE of Fryeburg, TUTTLE of Sanford, Senator: DAGGETT of Kennebec)

Marine Resources

Bill "An Act to Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities" (H.P. 1028) (L.D. 1445) (Presented by Representative ETNIER of Harpswell) (Cosponsored by Representatives: BIGL of Bucksport, LEMONT of Kittery, Senators: GOLDTHWAIT of Hancock, SMALL of Sagadahoc)

Bill "An Act to Allow Lobster Management Zones to Restrict Entry" (H.P. 1056) (L.D. 1488) (Presented by Representative ETNIER of Harpswell) (Cosponsored by Representatives: CIANCHETTE of South Portland, LEMONT of Kittery)

Natural Resources

Resolve, Regarding Legislative Review of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (EMERGENCY) (H.P. 1038) (L.D. 1455) (Submitted by the Department of Environmental Protection pursuant to the Maine Revised Statutes, Title 5, section 8072.)

State and Local Government

Bill "An Act to Redistrict Knox County and Provide for 5 County Commissioners" (H.P. 1016) (L.D. 1408) (Presented by Representative SAVAGE of Union) (Cosponsored by Representatives: POWERS of Rockport, SKOGLUND of St. George)

Bill "An Act to Prohibit Dedimus Justices from Receiving Payment for Services other than Long-distance Travel Reimbursement" (H.P. 1023) (L.D. 1440) (Presented by Representative SNOWE-MELLO of Poland) (Cosponsored by Representatives: FOSTER of Gray, MacDOUGALL of North Berwick)

Bill "An Act to Deorganize the Town of Cooper" (H.P. 1033) (L.D. 1450) (Presented by Representative GOODWIN of Pembroke) (Cosponsored by Representatives: BAGLEY of Machias, DRISCOLL of Calais)

Transportation

Bill "An Act to Impose Penalties on Adult Passengers in Motor Vehicles Who Fail to Use Seat Belts" (H.P. 1009) (L.D. 1401) (Presented by Representative USHER of Westbrook)

(Cosponsored by Representatives: JOY of Crystal, TAYLOR of Cumberland, UNDERWOOD of Oxford, VIGUE of Winslow)

Bill "An Act to Encourage the Planning and Implementation of Municipal Ordinances Concerning Bicyclists and Pedestrians" (H.P. 1034) (L.D. 1451) (Presented by Representative GIERINGER of Portland) (Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: BIGL of Bucksport, CROSS of Dover-Foxcroft, FISHER of Brewer, FRECHETTE of Biddeford, LAYTON of Cherryfield, O'NEAL of Limestone, PINKHAM of Lamoine, SIROIS of Caribou)

Bill "An Act to Provide Flexibility and Costs-savings in Department of Transportation Property Acquisition Procedures" (H.P. 1049) (L.D. 1466) (Presented by Representative DRISCOLL of Calais) (Cosponsored by Representatives: BOUFFARD of Lewiston, CLUKEY of Houlton, FISHER of Brewer, LINDAHL of Northport, WHEELER of Eliot, WINGLASS of Auburn, Senators: CASSIDY of Washington, O'GARA of Cumberland) (Submitted by the Department of Transportation pursuant to Joint Rule 204.)

Resolve, to Designate an East-West Highway and Install Signs on that Highway (H.P. 1027) (L.D. 1444) (Presented by Representative MERES of Norridgewock) (Cosponsored by Representatives: BUCK of Yarmouth, CAMERON of Rumford, CAMPBELL of Holden, LOVETT of Scarborough, PLOWMAN of Hampden, SAVAGE of Union, VIGUE of Winslow, WRIGHT of Berwick)

Resolve, Requiring the Department of Transportation to Investigate Increasing the Speed Limit on Certain Portions of the Interstate Highway System in Portland and Bangor (H.P. 1044) (L.D. 1461) (Presented by Representative CAMERON of Rumford) (Cosponsored by Representative: BRUNO of Raymond)

Resolve, to Require the Department of Transportation to Study the Use of Culverts (H.P. 1053) (L.D. 1485) (Presented by Representative McELROY of Unity) (By Request)

Reported Pursuant to Statutes

Representative THOMPSON for the Criminal Law Advisory Commission under the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to submit its findings and to report that the accompanying Bill "An Act Allowing Appellate Review by an Aggrieved Contemnor" (H.P. 1058) (L.D. 1490) be referred to the Joint Standing Committee on **Judiciary** for Public Hearing and printed pursuant to Joint Rule 218.

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

By unanimous consent, all reference matters, with the exception of matters being held, were ordered sent forthwith.

ORDERS

On motion of Representative KONTOS of Windham, the following Joint Order: (H.P. 1059)

Ordered, the Senate concurring, that Joint Rule 208 be amended to read:

Rule 208. Requirements for Drafting.

A request for a bill or resolve filed with the Revisor of Statutes is considered complete when the request is properly titled and accompanied by sufficient instructions, information and data required for its preparation. Drafts prepared by an outside source must be filed in final form by the appropriate cloture date.

When directed by the sponsor, the Revisor of Statutes shall prepare a bill or resolve in concept form. The bill or resolve shall contain only an enacting clause and a summary of the proposed legislation and shall not be fully drafted by the Revisor of Statutes. The bill or resolve prepared in this form shall be printed and referred to a committee in the same manner as other legislation and may be reported in fully drafted form by that committee in the same manner as other legislation. Each committee may establish a limit on the number of bills or resolves in concept form that it hears. Notwithstanding the Maine Revised Statutes, Title 1, section 402, members of legislative leadership and committee chairs have access to the contents of a file for a bill or resolve that is prepared in concept form. This method of drafting legislation is not allowed for legislation submitted by the Governor, by agencies or departments of state government, by study commissions, or pursuant to statute. Any request for a bill or resolve submitted after cloture must state if it is a request for a concept draft. Any committee amendment must be germane to the detailed summary of the concept draft. This paragraph of Joint Rule 208 shall have a sunset date of ~~March 1, 1997~~ December 1, 1998. The sunset date may be extended by a majority vote of both branches of the Legislature.

Was read.

On motion of Representative KONTOS of Windham, tabled pending passage and specially assigned for Wednesday, March 12, 1997.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Jessica Cote, of Jay, for placing 1st in the one Kilometer, 1st in the 3 Kilometer and 3rd in the 4x100 Meter Relay in the Nordic Ski events during the 1997 World Winter Games. We extend our congratulations and best wishes; (HLS 158) by Representative BERRY of Livermore. (Cosponsors: Representative SAMSON of Jay, Senator NUTTING of Androscoggin, Senator BENOIT of Franklin)

On objection of Representative BERRY of Livermore, was removed from the Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and specially assigned for March 13, 1997.

REPORTS OF COMMITTEES

Refer to the Committee on Banking and Insurance

Representative SAXL from the Committee on **Banking and Insurance** and the Committee on **Education and Cultural Affairs** on Bill "An Act to Amend the Process of Competitive Bidding for Insurance by School Boards" (H.P. 296) (L.D. 360) reporting that it be referred to the Committee on **Banking and Insurance**.

Report was read and accepted and the Bill referred to the Committee on **Banking and Insurance** and sent up for concurrence.

Divided Report

Majority Report of the Committee on **State and Local Government** reporting "**Ought to Pass**" on Bill "An Act to Clarify the Territory Included within Lake Arrowhead Community, Incorporated" (H.P. 168) (L.D. 223)

Signed:

Senators: NUTTING of Androscoggin
GOLDTHWAIT of Hancock
LIBBY of York

Representatives: AHEARNE of Madawaska
BUMPS of China
FISK of Falmouth
BAGLEY of Machias
GIERINGER of Portland
KASPRZAK of Newport
SANBORN of Alton
DUTREMBLE of Biddeford

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

Signed:

Representative: GERRY of Auburn

Was read.

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

The Bill was read once. The Bill was assigned for second reading Wednesday, March 12, 1997.

CONSENT CALENDAR

First Day

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

(S.P. 147) (L.D. 426) Bill "An Act to Amend the Employee Leasing Company Registration Process" Committee on **Business and Economic Development** reporting "**Ought to Pass**"

(S.P. 165) (L.D. 494) Bill "An Act to Change the Time for Appointment of a Visitor or Guardian Ad Litem after Appointment of a Temporary Conservator or Guardian" Committee on **Judiciary** reporting "**Ought to Pass**"

(H.P. 176) (L.D. 231) Bill "An Act to Classify Vehicular Homicide as a Class A Crime" Committee on **Criminal Justice** reporting "**Ought to Pass**"

(H.P. 227) (L.D. 291) Bill "An Act Concerning Defendants' Ability to Attack Orders of Restitution" Committee on **Criminal Justice** reporting "**Ought to Pass**"

(H.P. 720) (L.D. 984) Resolve, to Name the New Bridge over the Fore River in Portland Committee on **Transportation** reporting "**Ought to Pass**"

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 12, 1997 under the listing of Second Day.

BILLS IN THE SECOND READING

Bill "An Act to Ensure Responsible Coordination of Medical Care under Managed Care" (H.P. 401) (L.D. 546)

Was reported by the Committee on **Bills in the Second Reading**, read the second time, Passed to be Engrossed and sent up for concurrence.

Bill "An Act to Permit Municipalities to Restrict the Sale of Tobacco Products" (S.P. 72) (L.D. 211)

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

On motion of Representative KONTOS of Windham was set aside.

On further motion of the same Representative, tabled pending passage to be engrossed and specially assigned for Wednesday, March 12, 1997.

ENACTORS

Emergency Measure

An Act to Continue the Participating Local District Consolidated Plan Advisory Committee (H.P. 565) (L.D. 756)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Allow Members of Cooperatives to Vote by Proxy (S.P. 60) (L.D. 170)

An Act to Require the Department of Transportation to Notify Counties of Planned Bridge Projects at the Time of Planning (H.P. 173) (L.D. 228)

An Act to Provide a Time Limit Extension for Basic Corrections Training (H.P. 192) (L.D. 245)

An Act to Repeal the Task Force on Defense Realignment and the Economy (H.P. 221) (L.D. 285)

An Act to Adjust the Residency Requirement for District Court Judges to Include the Counties in Which They Reside (S.P. 163) (L.D. 492)

An Act to Permit the State Court Administrator to Accept Funds from the Federal Government and Private Sources (S.P. 204) (L.D. 663)

Resolve, to Name a Section of Route 26 in Bethel in Oxford County in Memory of Captain Carl R. Churchill, United States Air Force, Killed in Action in Laos, May 3, 1970 (H.P. 95) (L.D. 119)

Resolve, to Name a Portion of Highway in Milbridge in Honor of David Kennedy (H.P. 155) (L.D. 197)

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Wednesday, March 5, 1997, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Correct Certain Errors and Inconsistencies in Marine Resources Laws" (H.P. 395) (L.D. 540)

TABLED - March 5, 1997 (Till Later Today) by Representative GOODWIN of Pembroke.

PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed and sent up for concurrence.

BILL HELD

Bill "An Act to Make Habitual Truancy a Crime" (H.P. 1015) (L.D. 1407) (Presented by Representative SAVAGE of Union) (Cosponsored by Representatives: CHARTRAND of Rockland, POWERS of Rockport, WHEELER of Eliot)

-In House referred to the Committee on **Education and Cultural Affairs**.

HELD at the Request of Representative POVICH of Ellsworth.

On motion of Representative POVICH of Ellsworth, the House reconsidered its action whereby the Bill was referred to the Committee on **Education and Cultural Affairs**

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On further motion of the same Representative, the Bill was referred to the Committee on **Criminal Justice**, ordered printed and sent up for concurrence.

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

On motion of Representative LaVerdiere of Wilton, the House adjourned at 12:15 p.m., until 10:00 a.m., Wednesday, March 12, 1997.