

MAINE STATE LEGISLATURE

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

Volume II

First Special Session

May 16, 1997 - June 20, 1997

Second Regular Session

January 7, 1998 - March 18, 1998

ONE HUNDRED AND EIGHTEENTH LEGISLATURE
SECOND REGULAR SESSION
5th Legislative Day
Tuesday, January 20, 1998

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

Prayer by Reverend David Clark, First Baptist Church, Nobleboro.

Pledge of Allegiance.

Doctor of the day, Andre Benoit, Jr., M.D., Boothbay Harbor.

At this point, the Speaker recognized the Representative from Norridgewock, Representative Meres and she was added to the quorum call of the Second Regular Session of the 118th Legislature.

The Journal of Thursday, January 15, 1998 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 762)

ORDERED, the House concurring, that Bill, "An Act to Provide Health Insurance Coverage for Prostate Cancer Screening," S.P. 320, L.D. 1060, and all its accompanying papers be recalled from the legislative files to the Senate.

Came from the Senate, **READ** and **PASSED**.

READ.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Madam Speaker, Men and Women of the House. This bill, which would have mandated prostate health coverage was extensively debated in this House last year. It was decisively defeated. I would like to remind you of just what the issues were and what the issues were that caused it to be defeated. Whenever a health care mandate is proposed the issue goes out to a professional consultant who comes back with a report about what the medical literature says and so forth. It was done in this particular case and the consultant said, basically, that this particular mandate is not a wise use of the health care dollar. The American Cancer Society and several other health organizations agree with that. The person who is the head of the Cancer Prevention and Control Advisory Committee in the State of Maine, his name is Doctor Donald Majiancalda agrees with that. We have enough to do in this session. I am sure this bill will be back next time. I hope that you will defeat the pending motion.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Madam Speaker, Men and Women of the House. I rise to speak about the prostate insurance mandate bill. It is true that we defeated that last year and it is true also that there is discussion on both sides of that issue. When I went home for the summer last year, this one is the one that stuck with me and the one that bothered me. The more I thought about it, the more I regretted my vote on it. I know that there are a number of you who felt very strongly that prostate cancer screening should be covered by health insurance. A number of us on the Banking and Insurance Committee also felt badly about that decision. We were very stern on our position on it and asked the sponsor to recall it from the dead files. I stand before you today to tell you that I think that my decision last year was

wrong and I think that this is the kind of thing that ought to be covered by health insurance. I ask you now to vote with me on that and to make it a mandate to require preventive screening for prostate cancer. Thank you. I figure if you can have preventive screening for breast cancer, doesn't this fall into a similar category? Please join with me in voting for this mandate.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Madam Speaker, Men and Women of the House. I would like to publicly thank the good Representative from Bangor, who has now seen the error of her earlier ways. I was on the side on this particular issue that lost. I am very happy that the cochairs of the Banking and Insurance Committee have decided to support the recall of this bill. I would hope that this chamber would support that. Since we last discussed this during the regular session, the federal government has now included prostate screening under both Medicare and Medicaid. If Washington feels that this preventive health care for prostate screening is of value, I think the State of Maine, personally, ought to go along with it. I would urge that this bill be recalled. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. As was brought up already in this debate, this bill was defeated soundly last time in this chamber. I stand before you and when someone says to me, Medicare is going to mandate this and I sit here and say, well Medicare is going bankrupt and I stand here before you as an employer of 80 employees and I just got hit with a 20 percent increase in my health insurance premium and I can't afford any more mandates. Especially a mandate that there is no proven efficacy for. Small business cannot keep taking the hit on mandates. This chamber has to realize it. There is a big difference between breast cancer screening and the prostate specific antigen test. The accuracy levels are so different that you cannot even compare them. I would hope that this body will leave this issue alone until at least the next session when it is brought up. We have already debated this issue. Let's leave it alone until next session.

A vote of the House was taken, a two-thirds vote being necessary, 78 voted in favor of the same and 52 against, the Joint Order (S.P. 762) **FAILED PASSAGE** in **NON-CONCURRENCE** and was sent up for concurrence.

Bill "An Act to Provide Access to Veterinary Education for Maine Students"

(S.P. 739) (L.D. 2017)

Bill "An Act to Honor Dairy Farmers' Right to Know"

(S.P. 742) (L.D. 2020)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Resolve, to Establish Guidelines for the Ownership and Use of Certain Primates

(S.P. 746) (L.D. 2024)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion of Representative KONTOS of Windham, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

Bill "An Act to Provide Funds for the Year 2000 Project" (EMERGENCY)

(S.P. 734) (L.D. 2012)

Bill "An Act to Restore Services to Maine's Elderly"

(S.P. 745) (L.D. 2023)

Bill "An Act to Foster Economic Development and Tourism in Maine"

(S.P. 757) (L.D. 2064)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act to Correct Errors and Inconsistencies in Licensing Requirements for Licensed Insurance Professionals and Insurers"

(S.P. 756) (L.D. 2034)

Bill "An Act to Permit Off-label Use of Prescription Drugs for Cancer, HIV or AIDS"

(S.P. 761) (L.D. 2068)

Came from the Senate, **REFERRED** to the Committee on **BANKING AND INSURANCE** and ordered printed.

REFERRED to the Committee on **BANKING AND INSURANCE** in concurrence.

Bill "An Act to Make Corrections to the Laws Governing the Maine Bail Code" (EMERGENCY)

(S.P. 744) (L.D. 2022)

Bill "An Act to Ensure Collection of Essential Data by the Department of Public Safety"

(S.P. 749) (L.D. 2027)

Bill "An Act to Promote the Receipt of Federal Funds and to Clarify the Maine Juvenile Code"

(S.P. 752) (L.D. 2030)

Bill "An Act to Create the Sex Offender Registration and Notification Act of 1998"

(S.P. 755) (L.D. 2033)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE** in concurrence.

Bill "An Act to Permit the Department of Mental Health, Mental Retardation and Substance Abuse Services to Exercise Emergency Receivership Authority for Protection of Individuals Receiving Services"

(S.P. 754) (L.D. 2032)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act to Prevent Employment Discrimination Due to Medical History"

(S.P. 760) (L.D. 2067)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act to Allow an Agency Liquor Store to Exchange Products with a State Liquor Store"

(S.P. 738) (L.D. 2016)

Bill "An Act to Clarify the Authority of the Chief of the Bureau of Liquor Enforcement to Conduct Appeal Hearings"

(S.P. 750) (L.D. 2028)

Came from the Senate, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** in concurrence.

Bill "An Act to Correct Certain Inconsistencies in the Marine Resources Laws"

(S.P. 733) (L.D. 2011)

Bill "An Act Concerning Elver Fishing"

(S.P. 736) (L.D. 2014)

Bill "An Act Concerning Commercial Fishing in the Vicinity of Monhegan Island" (EMERGENCY)

(S.P. 743) (L.D. 2021)

Bill "An Act Concerning Lobster Policy Management Council Referenda"

(S.P. 748) (L.D. 2026)

Came from the Senate, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** in concurrence.

Bill "An Act to Clarify Mileage Reimbursement for Employees of Community Action Agencies"

(S.P. 730) (L.D. 2008)

Bill "An Act to Clarify the Law Requiring the Appointment of the Pineland Development Authority"

(S.P. 737) (L.D. 2015)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act to Prohibit the Taxing of Retirees' Pensions"

(S.P. 731) (L.D. 2009)

Bill "An Act Regarding the State Valuation of the Town of Orono" (EMERGENCY)

(S.P. 732) (L.D. 2010)

Bill "An Act to Exempt the Lessee Who Purchases a Vehicle from Further Sales Tax on That Vehicle"

(S.P. 741) (L.D. 2019)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

Bill "An Act Relating to the State Valuation of the Town of Wiscasset" (EMERGENCY)

(S.P. 758) (L.D. 2065)

Came from the Senate, REFERRED to the Committee on TAXATION and ordered printed.

On motion of Representative TRIPP of Topsham, TABLED pending REFERENCE in concurrence and later today assigned.

Bill "An Act to Broaden the Farm Stand Exemption"

(S.P. 735) (L.D. 2013)

Bill "An Act to Amend the Motor Vehicle Laws"

(S.P. 753) (L.D. 2031)

Resolve, Concerning Highway Construction in Aroostook County

(S.P. 759) (L.D. 2066)

Came from the Senate, REFERRED to the Committee on TRANSPORTATION and ordered printed.

REFERRED to the Committee on TRANSPORTATION in concurrence.

Bill "An Act to Protect Customers of Consumer-owned Utilities"

(S.P. 740) (L.D. 2018)

Bill "An Act to Amend the Charter of the Van Buren Light and Power District"

(S.P. 751) (L.D. 2029)

Came from the Senate, REFERRED to the Committee on UTILITIES AND ENERGY and ordered printed.

REFERRED to the Committee on UTILITIES AND ENERGY in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 351)

STATE OF MAINE

DEPARTMENT OF EDUCATION

23 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0023

TO: Joseph Mayo, Clerk of the House

FROM: S/Duke Albanese, Commissioner

DATE: January 9, 1998

RE: Report of Habitual Truants - 1996-97 School Year
In accordance with 20-A, M.R.S.A., Section 5051, I hereby submit the annual report of habitual truants identified by school superintendents during the 1996-97 school year. A summary of habitual truants for previous years is included with the report for your information. The Commissioner's Advisory Committee on Truancy, Dropout & Alternative Education has reviewed this information and may be submitting recommendations for addressing the need to revise Maine statutes regarding truancy enforcement at the local level of government.

Additional information regarding this report can be obtained by contacting Frank Antonucci, consultant for Truancy, Dropout & Alternative Education at 287-5111.

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 352)

STATE OF MAINE

DEPARTMENT OF PROFESSIONAL

AND FINANCIAL REGULATION

**BUREAU OF BANKING
36 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0036**

January 15, 1998

The Honorable Elizabeth H. Mitchell
Speaker of the House
Maine House of Representatives
State House Station 2
Augusta, Maine 04333
Dear Speaker Mitchell:

In accordance with Title 9-B MRSA §217, as amended, I am submitting to the members of the Maine House and Senate a report entitled "The Status of Maine's Financial Institutions."

Capital and earnings, two of the three primary indicators of an institution's well-being, continue to improve for Maine's financial institutions and are at very strong levels. While there is increasing scrutiny directed to asset quality, the third primary indicator, ratios remain sound and there has been little factual evidence of slippage among Maine's institutions. The continued improvement in the State's economy and the strength of the financial institutions should further complement each other. The community banks have performed very well and continue to provide valuable services to Maine businesses and consumers.

During the past year, Maine made far-reaching changes to modernize the State's financial industry, culminating in the creation of a "universal bank charter" which grants broad and uniform powers to banks and thrift institutions. Other high points of the legislative changes included the elimination of numerous regulatory burdens that unnecessarily impeded management's discretion, an expansion of closely related activities, and the creation of "niche banks" with no or limited deposit-taking ability. These changes substantially enhance the state charter option and, most importantly, provide enhanced services and products that benefit the businesses and consumers of Maine. Unfortunately, financial modernization legislation at the federal level failed to pass again.

The constant and rapid evolution in technology is increasingly challenging the Bureau, as well as the industry. The proliferation of computer banking, be it in the form of ATMs, telephone-banking, banking on the Internet, etc., is changing the face of banking as we have historically known it, requiring new skills and flexibility. The Year 2000 issue - the ability of computers to handle reference dates beyond December 31, 1999 - has been defined as a "corporate-wide challenge for financial institutions, their vendors, business partners, counter parties, and customers." The Bureau will closely monitor progress toward Year 2000 compliance of all Maine financial institutions.

Copies of this report have been distributed to the Office of the Clerk of the House of Representatives in order to provide one copy for each member of the House. The report will also be available in electronic format on the Maine Bureau of Banking's World Wide Web Home Page at "<http://www.state.me.us/pfr/bkg/status98.htm>".

Very Truly Yours,
S/H. Donald DeMatteis
Superintendent

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 353)
**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

January 15, 1998

The Honorable Mark W. Lawrence, President
Maine State Senate
The Honorable Elizabeth H. Mitchell, Speaker
Maine House of Representatives
State House
Augusta, ME 04333

Dear President Lawrence and Speaker Mitchell:

Pursuant to Resolves 1997, chapter 63, the Task Force to Study the Feasibility of a Single Claims Processing System for 3rd-party Payors of Health Care Benefits is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council, the Joint Standing Committee on Banking and Insurance and to the Law and Legislative Reference Library.

Sincerely,
S/Sen. Lloyd P. LaFountain III, co-chair
S/Rep. Tarren R. Bragdon, co-chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills and Resolves were received and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent up for Concurrence:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Continue the Membership of the Maine Legislature in the Council of State Governments"

(H.P. 1487) (L.D. 2086)

Presented by Representative KONTOS of Windham.
Cosponsored by Senator AMERO of Cumberland and Representatives: MITCHELL of Vassalboro, SAXL of Portland, Senator: LAWRENCE of York.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Support the Long-term Care Steering Committee"

(H.P. 1500) (L.D. 2122)

Presented by Representative MITCHELL of Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Provide Funds for the Maine Apprenticeship Program"

(H.P. 1504) (L.D. 2126)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Representatives: AHEARNE of Madawaska, PENDLETON of Scarborough, RINES of Wiscasset, ROWE of Portland, SAXL of Portland, STANLEY of Medway, Senator: TREAT of Kennebec.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Restore the State House"

(H.P. 1509) (L.D. 2131)

Presented by Representative MITCHELL of Vassalboro.
Cosponsored by Representatives: CAMPBELL of Holden, DONNELLY of Presque Isle, KERR of Old Orchard Beach,

KONTOS of Windham, LOVETT of Scarborough, Senators: MICHAUD of Penobscot, RAND of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Resolve, Directing the Director of the Bureau of Veterans' Services to Study Ways to Improve the Maine Veterans' Memorial Cemetery

(H.P. 1516) (L.D. 2138)

Presented by Representative MADORE of Augusta.
Cosponsored by Senator DAGGETT of Kennebec and Representatives: MITCHELL of Vassalboro, O'BRIEN of Augusta, WATSON of Farmingdale, WINGLASS of Auburn, Senator: MICHAUD of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

BANKING AND INSURANCE

Bill "An Act Relating to Unfair Practices in the Provision of Goods and Services Paid for by Insurance Claims"

(H.P. 1508) (L.D. 2130)

Presented by Representative DAVIDSON of Brunswick.
Cosponsored by Representatives: JONES of Pittsfield, O'NEIL of Saco, PERRY of Bangor, SAXL of Portland, STANLEY of Medway.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Amend the Laws Concerning Access to Capital for Maine Businesses"

(H.P. 1489) (L.D. 2088)

Presented by Representative KONTOS of Windham.
Cosponsored by Representative: VIGUE of Winslow.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act Regulating the Practices of Feature Motion Picture Exhibitors and Distributors or Licensors and Providing Remedies for Violations"

(H.P. 1506) (L.D. 2128)

Presented by Representative SAXL of Portland.
Cosponsored by Representatives: CHARTRAND of Rockland, KONTOS of Windham, PIEH of Bremen, SAXL of Bangor, Senator: RAND of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

CRIMINAL JUSTICE

Bill "An Act to Amend the Laws Regarding Sex Offenders"

(H.P. 1473) (L.D. 2072)

Presented by Representative BELANGER of Wallagras.
Cosponsored by Senator PARADIS of Aroostook and Representatives: BARTH of Bethel, KASPRZAK of Newport, LANE of Enfield, LAYTON of Cherryfield, MacDOUGALL of North Berwick, SIROIS of Caribou, WHEELER of Bridgewater, Senator: CAREY of Kennebec.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Enhance the Bail Requirements for Persons Charged with Murder"

(H.P. 1481) (L.D. 2080)

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Senator BENOIT of Franklin and
Representatives: BUNKER of Kossuth Township, JONES of
Greenville, MAYO of Bath, NASS of Acton, O'NEIL of Saco,
POVICH of Ellsworth, WHEELER of Bridgewater, Senator:
FERGUSON of Oxford.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act to Protect Children from Sex Offenders"

(H.P. 1485) (L.D. 2084)

Presented by Representative KONTOS of Windham.
Cosponsored by Representatives: LABRECQUE of Gorham,
MUSE of South Portland.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act to Establish Reasonable Fees for Reports and
Other Items From the Office of Chief Medical Examiner"

(H.P. 1490) (L.D. 2089)

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Senator MURRAY of Penobscot and
Representatives: BRUNO of Raymond, BUNKER of Kossuth
Township, CLUKEY of Houlton, COWGER of Hallowell, JONES
of Greenville, MARVIN of Cape Elizabeth, O'BRIEN of Augusta,
POVICH of Ellsworth.

Submitted by the Department of the Attorney General pursuant
to Joint Rule 204.

EDUCATION AND CULTURAL AFFAIRS

Resolve, to Approve a Maine Technical College System
Lease with the South Portland Housing Authority

(H.P. 1507) (L.D. 2129)

Presented by Representative MUSE of South Portland.
Cosponsored by Senator AMERO of Cumberland and
Representatives: CIANCHETTE of South Portland, MORGAN of
South Portland, ROWE of Portland, Senators: ABROMSON of
Cumberland, O'GARA of Cumberland.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act to Implement the Maine Arts Commission's Arts
in Education Program"

(H.P. 1518) (L.D. 2140)

Presented by Representative WATSON of Farmingdale.
Cosponsored by Senator AMERO of Cumberland and
Representatives: BELANGER of Caribou, MITCHELL of
Vassalboro, TOWNSEND of Portland, WINGLASS of Auburn,
Senators: CATHCART of Penobscot, MILLS of Somerset,
PARADIS of Aroostook, SMALL of Sagadahoc.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act to Provide Educators More Authority to Remove
Violent Students from Educational Settings"

(H.P. 1520) (L.D. 2142)

Presented by Representative GREEN of Monmouth.
Cosponsored by Representatives: FISHER of Brewer, WATSON
of Farmingdale.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act to Restore Advocacy for Handicapped Students"

(H.P. 1521) (L.D. 2143)

Presented by Representative WINN of Glenburn.
Cosponsored by Representative: KONTOS of Windham,
Senator: AMERO of Cumberland.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

HEALTH AND HUMAN SERVICES

Bill "An Act to Allow Recognition of Private Schools with
Outstanding Residential Counseling Programs"

(H.P. 1479) (L.D. 2078)

Presented by Representative SNOWE-MELLO of Poland.
Cosponsored by Senator MITCHELL of Penobscot and
Representatives: MacDOUGALL of North Berwick, MACK of
Standish, MUSE of South Portland, PIEH of Bremen,
WINGLASS of Auburn.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act to Establish and Maintain an Immunization
Information System"

(H.P. 1511) (L.D. 2133)

Presented by Representative MITCHELL of Portland.
Submitted by the Department of Human Services pursuant to
Joint Rule 204.

Bill "An Act to Address the Crisis in Access to Dental Care for
Low-income Children" (EMERGENCY)

(H.P. 1515) (L.D. 2137)

Presented by Representative MITCHELL of Portland.
Cosponsored by Representatives: BRENNAN of Portland,
COLWELL of Gardiner, MUSE of South Portland.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act to Enhance the Membership of the Maine HIV
Advisory Committee"

(H.P. 1519) (L.D. 2141)

Presented by Representative WATSON of Farmingdale.
Cosponsored by Senator PENDLETON of Cumberland and
Representatives: GREEN of Monmouth, KONTOS of Windham,
MAYO of Bath, QUINT of Portland, Senators: ABROMSON of
Cumberland, MILLS of Somerset, PINGREE of Knox.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Promote Economic Development by Creating a
Zone on the Northern Maine Border in which Snowmobiles
Registered in New Brunswick or Quebec May Operate"

(H.P. 1474) (L.D. 2073)

Presented by Representative BELANGER of Wallagrass.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: AHEARNE of Madawaska, DESMOND of
Mapleton, KNEELAND of Easton, O'NEAL of Limestone, SIROIS
of Caribou, TRUE of Fryeburg, VIGUE of Winslow, Senator:
CAREY of Kennebec.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

JUDICIARY

Bill "An Act to Amend the Definition of Design Professional"

(H.P. 1480) (L.D. 2079)

Presented by Representative JABAR of Waterville.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Amend the Charter of the State Young Men's Christian Association of Maine"

(H.P. 1482) (L.D. 2081)

Presented by Representative McKEE of Wayne.
Cosponsored by Senator LONGLEY of Waldo and Representatives: CAMPBELL of Holden, CHICK of Lebanon, FOSTER of Gray, JOY of Crystal, QUINT of Portland, TESSIER of Fairfield, THOMPSON of Naples, Senator: TREAT of Kennebec.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Simplify Corporate Filings"

(H.P. 1498) (L.D. 2097)

Presented by Representative THOMPSON of Naples.
Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act to Repeal the Sunsets on Certain Child Support Enforcement Remedies"

(H.P. 1510) (L.D. 2132)

Presented by Representative NASS of Acton.
Submitted by the Department of Human Services pursuant to Joint Rule 204.

LABOR

Bill "An Act to Give Collective Bargaining Rights to Legislative Employees"

(H.P. 1497) (L.D. 2096)

Presented by Representative LINDAHL of Northport.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Repeal Certain Changes Made to State Employee and Teacher Retirement Benefits"

(H.P. 1499) (L.D. 2121)

Presented by Representative BERRY of Belmont.
Cosponsored by Representatives: HATCH of Skowhegan, DUNLAP of Old Town, JOY of Crystal, MURPHY of Kennebunk, SKOGLUND of St. George, USHER of Westbrook, VEDRAL of Buxton, Senators: CATHCART of Penobscot, DAGGETT of Kennebec.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Improve Public Sector Labor Relations"

(H.P. 1503) (L.D. 2125)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Representatives: AHEARNE of Madawaska, ROWE of Portland, SAXL of Portland, STANLEY of Medway, Senator: TREAT of Kennebec.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Restore Retirement Benefits for Law Enforcement and Correctional Personnel"

(H.P. 1513) (L.D. 2135)

Presented by Representative SKOGLUND of St. George.
Cosponsored by Senator PINGREE of Knox and Representatives: BOLDUC of Auburn, CHARTRAND of

Rockland, HATCH of Skowhegan, SAMSON of Jay, SAVAGE of Union, SAXL of Portland, VOLENIK of Brooklin.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Amend the Laws Concerning Participating Local Districts in the Maine State Retirement System"

(H.P. 1524) (L.D. 2146)

Presented by Representative HATCH of Skowhegan.
Cosponsored by Representatives: AHEARNE of Madawaska, PENDLETON of Scarborough, RINES of Wiscasset, ROWE of Portland, SAXL of Portland, STANLEY of Medway, Senator: TREAT of Kennebec.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

LEGAL AND VETERANS AFFAIRS

Resolve, to Allow David Prentiss to Sue the State of Maine (EMERGENCY)

(H.P. 1476) (L.D. 2075)

Presented by Representative O'NEAL of Limestone.
Cosponsored by Senator KIEFFER of Aroostook and Representatives: SIROIS of Caribou, WHEELER of Bridgewater.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Improve the Integrity of the Citizen Initiative Process"

(H.P. 1483) (L.D. 2082)

Presented by Representative KONTOS of Windham.
Cosponsored by Senator DAGGETT of Kennebec and Representatives: SAXL of Portland, TESSIER of Fairfield, Senator: KILKELLY of Lincoln.
Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act to Protect Victims of Domestic Abuse from Eviction"

(H.P. 1491) (L.D. 2090)

Presented by Representative SAXL of Portland.
Cosponsored by Senator KILKELLY of Lincoln and Representatives: CAMPBELL of Holden, DONNELLY of Presque Isle, JONES of Bar Harbor, MERES of Norridgewock, STEVENS of Orono, WATSON of Farmingdale, Senators: CATHCART of Penobscot, PINGREE of Knox.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act Providing for Additional Elections for Ties for School Board Membership"

(H.P. 1492) (L.D. 2091)

Presented by Representative WRIGHT of Berwick.
Cosponsored by President LAWRENCE of York and Representatives: BOLDUC of Auburn, FARNSWORTH of Portland, GAGNE of Buckfield, TESSIER of Fairfield, TUTTLE of Sanford, WHEELER of Eliot.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Allow Liquor Licenses for Commercial Vessels" (EMERGENCY)

(H.P. 1502) (L.D. 2124)

Presented by Representative THOMPSON of Naples.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

MARINE RESOURCES

Bill "An Act to Make a Nonresident Municipal Shellfish License Fee No More than 1 1/2 Times the Resident Fee"

(H.P. 1505) (L.D. 2127)

Presented by Representative CHARTRAND of Rockland.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: LINDAHL of Northport, POWERS of Rockport, SKOGLUND of St. George.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act Concerning the Taking of Marine Resources by Members of the Passamaquoddy Tribe" (EMERGENCY)

(H.P. 1523) (L.D. 2145)

Presented by Representative MOORE of the Passamaquoddy Tribe.

Cosponsored by Representatives: GOODWIN of Pembroke, JONES of Bar Harbor, PERKINS of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

NATURAL RESOURCES

Bill "An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Land and Water Quality"

(H.P. 1493) (L.D. 2092)

Presented by Representative COWGER of Hallowell.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Bill "An Act to Clarify Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Remediation and Waste Management"

(H.P. 1496) (L.D. 2095)

Presented by Representative SHIAH of Bowdoinham.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

STATE AND LOCAL GOVERNMENT

Bill "An Act to Provide for the Continuation of Town Government Despite a Failed Budget Referendum" (EMERGENCY)

(H.P. 1486) (L.D. 2085)

Presented by Representative WRIGHT of Berwick.

Cosponsored by Representatives: BOLDUC of Auburn, FARNSWORTH of Portland, GAGNE of Buckfield, TESSIER of Fairfield, TUTTLE of Sanford, WHEELER of Eliot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Ensure Access to Confidential Records"

(H.P. 1514) (L.D. 2136)

Presented by Representative AHEARNE of Madawaska.

Cosponsored by Representatives: LEMKE of Westbrook, O'NEAL of Limestone.

Submitted by the Department of Audit pursuant to Joint Rule 204.

Bill "An Act to Amend the Laws Relating to Archives and the Retention and Admissibility of Electronic Records"

(H.P. 1525) (L.D. 2147)

Presented by Representative LEMKE of Westbrook.

Cosponsored by Senator RUHLIN of Penobscot and Representatives: BUCK of Yarmouth, CHICK of Lebanon, CHIZMAR of Lisbon, JONES of Bar Harbor, KNEELAND of Easton, McALEVEY of Waterboro, O'NEAL of Limestone, WATERHOUSE of Bridgton.

Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act to Grant the Joint Standing Committee Having Jurisdiction over Criminal Matters the Authority to Review the Appointments of the Commissioner of Public Safety and the Chief of the State Police"

(H.P. 1526) (L.D. 2148)

Presented by Representative POVICH of Ellsworth.

Cosponsored by Senator MURRAY of Penobscot and Representatives: BUNKER of Kossuth Township, FRECHETTE of Biddeford, JONES of Greenville, McALEVEY of Waterboro, MUSE of South Portland, PEAVEY of Woolwich, WHEELER of Bridgewater, Senator: MITCHELL of Penobscot.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

TAXATION

Resolve, to Reimburse Cable Companies for Expenditures Made while Participating in the Business Equipment Tax Reimbursement Tax Program

(H.P. 1475) (L.D. 2074)

Presented by Representative O'NEAL of Limestone.

Cosponsored by Representatives: BAGLEY of Machias, BUNKER of Kossuth Township, GAGNON of Waterville, KNEELAND of Easton, SIROIS of Caribou, WHEELER of Bridgewater, Senator: KIEFFER of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Clarify the Tax-exempt Status of the Maine School of Science and Mathematics" (EMERGENCY)

(H.P. 1488) (L.D. 2087)

Presented by Representative O'NEAL of Limestone.

Cosponsored by Representatives: BELANGER of Caribou, KNEELAND of Easton, LEMKE of Westbrook, SIROIS of Caribou, WHEELER of Bridgewater.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act to Create an Economic Development and Expansion Zone in Aroostook County"

(H.P. 1478) (L.D. 2077)

Presented by Representative BELANGER of Wallagrass.

Cosponsored by Senator KIEFFER of Aroostook and Representatives: JOY of Crystal, KERR of Old Orchard Beach, KNEELAND of Easton, MacDOUGALL of North Berwick, VIGUE of Winslow, WHEELER of Bridgewater, Senators: CAREY of Kennebec, PARADIS of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **TAXATION** suggested.

On motion of Representative TRIPP of Topsham, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act to Equalize and Clarify the Tax on Hard Cider"

(H.P. 1517) (L.D. 2139)

Presented by Representative GREEN of Monmouth.
Cosponsored by Senator DAGGETT of Kennebec and
Representatives: CIANCHETTE of South Portland, MARVIN of
Cape Elizabeth, SPEAR of Nobleboro, TUTTLE of Sanford,
Senator: FERGUSON of Oxford.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Committee on **TAXATION** suggested.

On motion of Representative TRIPP of Topsham, **TABLED**
pending **REFERENCE** and specially assigned for Wednesday,
January 21, 1998.

TRANSPORTATION

Resolve, Relating to Commercial Vehicle Fee Reciprocity
with New Brunswick.

(H.P. 1501) (L.D. 2123)

Presented by Representative DESMOND of Mapleton.

Cosponsored by Senator PARADIS of Aroostook and
Representatives: AHEARNE of Madawaska, BELANGER of
Wallagrass, BELANGER of Caribou, CLUKEY of Houlton,
KNEELAND of Easton, O'NEAL of Limestone, SIROIS of
Caribou, WHEELER of Bridgewater.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

UTILITIES AND ENERGY

Bill "An Act to Require All Regulated Public Utilities to Report
to the Public Utilities Commission the Sale, Lease or Other
Transfer of Assets Paid for by Ratepayers"

(H.P. 1477) (L.D. 2076)

Presented by Representative O'NEAL of Limestone.

Cosponsored by Senator CAREY of Kennebec and
Representatives: BAGLEY of Machias, BUNKER of Kossuth
Township, COWGER of Hallowell, GIERINGER of Portland,
LaVERDIERE of Wilton, RINES of Wiscasset, WHEELER of
Bridgewater, Senator: KILKELLY of Lincoln.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act Relative to the Jurisdiction of the Public Utilities
Commission over Nonutility Attachments to a Public Utility Plant"

(H.P. 1484) (L.D. 2083)

Presented by Representative KONTOS of Windham.

Cosponsored by Representative: O'NEAL of Limestone.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act Relating to the Protection of Maine Consumers in
the Telecommunications Market" (EMERGENCY)

(H.P. 1494) (L.D. 2093)

Presented by Representative JONES of Bar Harbor.

Cosponsored by Senator CAREY of Kennebec and
Representatives: BUNKER of Kossuth Township, LaVERDIERE
of Wilton, O'BRIEN of Augusta, O'NEAL of Limestone, TAYLOR
of Cumberland, VEDRAL of Buxton, Senators: HARRIMAN of
Cumberland, LONGLEY of Waldo.

Submitted by the Public Utilities Commission pursuant to Joint
Rule 204.

Bill "An Act to Facilitate Local Distribution of Natural Gas"

(H.P. 1495) (L.D. 2094)

Presented by Representative KONTOS of Windham.

Cosponsored by Senator CAREY of Kennebec and
Representatives: CAMPBELL of Holden, COLWELL of Gardiner,
SAXL of Bangor.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Bill "An Act to Amend the Charter of the Kennebunk Light and
Power District"

(H.P. 1512) (L.D. 2134)

Presented by Representative MURPHY of Kennebunk.

Cosponsored by Senator LaFOUNTAIN of York and
Representatives: KONTOS of Windham, TAYLOR of
Cumberland, Senator: LAWRENCE of York.

Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 203.

Reported Pursuant to Statute Maine Turnpike Authority

Representative DRISCOLL for the **Maine Turnpike
Authority** pursuant to the Maine Revised Statutes, Title 23,
section 1961, subsection 6 asks leave to report that the
accompanying Bill "An Act to Make Allocations from Maine
Turnpike Authority Funds for the Maine Turnpike Authority for the
Calendar Year Ending December 31, 1999"

(H.P. 1522) (L.D. 2144)

Be **REFERRED** to the Committee on **TRANSPORTATION**
and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED**
to the Committee on **TRANSPORTATION** and printed pursuant
to Joint Rule 218.

Sent up for concurrence.

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

Resolve, to Establish Guidelines for the Ownership and Use
of Certain Primates

(S.P. 746) (L.D. 2024)

Which was **TABLED** by Representative KONTOS of
Windham pending **REFERENCE** in concurrence.

On motion of Representative BUNKER of Kossuth Township,
the Resolve was **REFERRED** to the committee on **INLAND
FISHERIES AND WILDLIFE** in concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the
House was engaged at the time of adjournment Thursday,
January 15, 1998, have preference in the Orders of the Day and
continue with such preference until disposed of as provided by
House Rule 502.

JOINT ORDER - Relative to Recalling L.D. 918 from the
Legislative Files (H.P. 1404)

TABLED - January 7, 1998 by Representative COWGER of
Hallowell.

PENDING - PASSAGE. (2/3 Vote Required)

Subsequently, Representative COWGER of Hallowell
withdrew his order.

JOINT ORDER - Relative to Recalling L.D. 419 from the
Legislative Files (H.P. 1405)

TABLED - January 7, 1998 by Representative MORGAN of
South Portland.

PENDING - **PASSAGE**. (2/3 Vote Required)

The **SPEAKER**: The Chair recognizes the Representative from South Portland, Representative Morgan.

Representative **MORGAN**: Madam Speaker, Ladies and Gentlemen of the House. I would like to speak to this issue. Back in August 97, I received a letter from one of my constituents. They were a semiconductor firm in the area and they are one of Maine's major employers. What they were requesting of me is that National Semiconductor is in the process of converting our hourly and non-exempt employees from a weekly payroll to a bi-weekly payroll throughout the USA. It is our understanding that Maine currently has an old law in existence, which may prohibit corporations from paying hourly on non-exempt employees bi-weekly. I understand that this Title 26, Section 621 has been in effect since 1930. What my particular situation is here is this is an act to authorize a waiver for hourly non-exempt employees to be paid bi-weekly. The current law prohibits employers from paying hourly non-exempt employees on a bi-weekly basis. This bill would authorize employers to apply for a waiver to pay employees on a biweekly basis. All of us know that the federal employees, state employees are all paid on a bi-weekly basis. Most of your cities and towns are paid on a bi-weekly basis and many legislators are paid on a bi-weekly basis. We know a lot more people that are paid on a monthly basis that would like to be paid on a bi-weekly basis. This situation of looking back into the history of this in 1930, we have to look at situations back there from some of the records that anyone that was employed was very fortunate and was a wage earner. You had to be living in one of those states where your income would possibly be \$1,365 a year. Your poor states in this country in 1929, the poorest state, you were receiving less than \$300 a year in your payroll. Also, at that time, people were paid in cash. There were no checks. They had no unemployment compensation. The minimum wage in 1923 there was a case of Atkins versus the Children's Hospital in Washington DC that did not allow woman and children to be paid only on sort of what they agreed with their employer to be paid. There had to be an agreement. There was no minimum wage. Although there were eight or nine states at that time that had a minimum wage, when this Supreme Court decision was handed down in 1923, that curtailed this minimum wage. It wasn't until 1937 that the minimum wage was brought back in and only on a 5 to 4 vote because Chief Justice Roberts changed his vote so that the men and women of today could have a minimum wage. This 1930 situation with us being paid on a bi-weekly basis was brought about by that because Maine wanted to do something on the

side of labor. They said that all private industry will have to pay their employees. What this company would like to do is to pay their people on a bi-weekly basis. I think that they are justified in this and I stand before you today.

A two-thirds vote being necessary, a vote of the House was taken. 101 voted in favor of the same and 25 against, subsequently the Joint Order was **PASSED** and sent up for concurrence. Ordered sent forthwith.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the following item which was **TABLED** and today assigned:

Bill "An Act to Amend the Maine Indian Claims Settlement Act Regarding Education Funding"

(H.P. 1437) (L.D. 2001)

(Committee on **Education and Cultural Affairs** suggested)

TABLED - January 15, 1998 by Representative **RICHARD** of Madison.

PENDING - Reference.

Subsequently, the Bill was **REFERRED** to the committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent up for concurrence.

BILLS HELD

Bill "An Act to Provide Property Tax Relief and to Ensure Equitable School Funding"

(H.P. 1457) (L.D. 2048)

- In House, **REFERRED** to the Committee on **TAXATION**.

HELD at the Request of Representative **BRENNAN** of Portland.

On motion of Representative **BRENNAN** of Portland, the House reconsidered its action whereby the Bill was **REFERRED** to the Committee on **TAXATION**.

On motion of Representative **TRIPP** of Topsham, the Bill was **REFERRED** to the Committees on **TAXATION and EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent up for concurrence.

On motion of Representative **WHEELER** of Eliot, the House adjourned at 10:55 a.m., until 3:00 p.m., Wednesday, January 21, 1998.