

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume I

First Regular Session

December 2, 1998 – May 12, 1999

ONE HUNDRED AND NINETEENTH LEGISLATURE
FIRST REGULAR SESSION
2nd Legislative Day
Wednesday, January 6, 1999

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

Colors presented by Winslow-Holbrook-Merritt American Legion Post #1, Rockland.

Pledge of Allegiance led by Bruce Delano, State Commander, Sons of American Legion, Bath.

Prayer by Ronald Cox, American Legion Chaplain, Augusta.

Doctor of the day, Margaret Blom, M.D., Mount Desert.

The Journal of Wednesday, December 2, 1998 was read and approved.

COMMUNICATIONS

The Following Communication: (H.P. 26)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

December 21, 1998

G. Steven Rowe
Speaker of the House
119th Legislature

Mark W. Lawrence
President of the Senate
119th Legislature

Dear Mr. Speaker and Mr. President:

On December 21, 1998, twenty bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 21, 1998, as follows:

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue to Create Affordable Housing" (H.P. 25) (L.D. 35) (Presented by Representative BRENNAN of Portland) (Cosponsored by Representatives: BERRY of Livermore, BRUNO of Raymond, CAMERON of Rumford, KANE of Saco, QUINT of Portland, SHIAH of Bowdoinham, STEVENS of Orono, Senator: KONTOS of Cumberland)

Banking and Insurance

Bill "An Act to Repeal the Community Rating Law" (H.P. 23) (L.D. 33) (Presented by Representative PERKINS of Penobscot) (By Request)

Bill "An Act to Protect the Choice of Hospital Care for HMO Enrollees" (H.P. 24) (L.D. 34) (Presented by Representative MAYO of Bath) (Cosponsored by Representative McALEVEY of Waterboro)

Business and Economic Development

Bill "An Act to Require That Stores Close for a Half Day on Memorial Day and Veterans' Day" (H.P. 9) (L.D. 19) (Presented by Representative GAGNE of Buckfield) (Cosponsored by Representatives: DUNLAP of Old Town, HEIDRICH of Oxford, JACOBS of Turner, TRIPP of Topsham)

Resolve, Regarding Legislative Review of Chapter 15: Fees, Section 15.8: Inspection Fees-Tramway, a Major Substantive Rule of the Board of Elevator and Tramway Safety (EMERGENCY) (H.P. 19) (L.D. 29) (Submitted by the Board of Elevator and Tramway Safety pursuant to the Maine Revised Statutes, Title 5, section 8072.)

Resolve, Regarding Legislative Review of Chapter 5: Standards for Continuing Professional Education for Acupuncturists and Naturopathic Doctors; Chapter 6: Standards Relating to Prescriptive Authorities and Collaborative Relationships; and Chapter 9: Fees, Section 1, Major Substantive Rules of the Department of Professional and Financial Regulation (EMERGENCY) (H.P. 20) (L.D. 30) (Submitted by the Department of Professional and Financial Regulation pursuant to the Maine Revised Statutes, Title 5, section 8072.)

Resolve, Regarding Legislative Review of Chapter 8: Fees, Section 1, a Major Substantive Rule of the Board of Veterinary Medicine (EMERGENCY) (H.P. 21) (L.D. 31) (Submitted by the Board of Veterinary Medicine pursuant to the Maine Revised Statutes, Title 5, section 8072.)

Bill "An Act to Allow Reimbursement of Registered Nurse First Assistants for Surgical Procedures" (H.P. 22) (L.D. 32) (Presented by Representative BROOKS of Winterport) (Cosponsored by Senator GOLDTHWAIT of Hancock and Representatives: BAKER of Bangor, BRAGDON of Bangor, CHIZMAR of Lisbon, DUNLAP of Old Town, HATCH of Skowhegan, SHIELDS of Auburn, SNOWE-MELLO of Poland, Senator: CATHCART of Penobscot)

Education and Cultural Affairs

Bill "An Act to Change the Name of the 'Department of Education' to the 'Department of Schooling'" (H.P. 14) (L.D. 24) (Presented by Representative PERKINS of Penobscot)

Inland Fisheries and Wildlife

Bill "An Act to Clarify the Responsibility of a Municipality in Enforcing Personal Watercraft Regulations" (H.P. 16) (L.D. 26) (Presented by Representative PERKINS of Penobscot)

Bill "An Act to Change the Name of the Department of Inland Fisheries and Wildlife" (H.P. 17) (L.D. 27) (Presented by Representative PERKINS of Penobscot)

Labor

Bill "An Act to Increase Health Insurance Benefits for Retired Educators" (H.P. 13) (L.D. 23) (Presented by Representative GAGNE of Buckfield) (Cosponsored by Representative FULLER of Manchester and Representatives: BRENNAN of Portland, GREEN of Monmouth, JACOBS of Turner, McKEE of Wayne, SULLIVAN of Biddeford, TWOMEY of Biddeford, Senators: KONTOS of Cumberland, O'GARA of Cumberland)

Marine Resources

Bill "An Act to Close Elver Fishing on the West Bank of the Narramissic River" (EMERGENCY) (H.P. 6) (L.D. 16) (Presented by Representative PERKINS of Penobscot)

Natural Resources

Bill "An Act to Eliminate the Use of MTBE in Maine" (H.P. 11) (L.D. 21) (Presented by Representative TRIPP of Topsham) (Cosponsored by Senator LIBBY of York and Representatives: BOUFFARD of Lewiston, CHIZMAR of Lisbon, LOVETT of Scarborough, MacDOUGALL of North Berwick, MENDROS of Lewiston, SNOWE-MELLO of Poland, TUTTLE of Sanford, WATERHOUSE of Bridgton)

State and Local Government

Bill "An Act to Require a Mortgagee to Notify Annually the Municipality in Which Mortgaged Property Is Located" (H.P. 7) (L.D. 17) (Presented by Representative PERKINS of Penobscot) (By Request)

Bill "An Act to Designate Wintergreen as the State Herb" (H.P. 12) (L.D. 22) (Presented by Representative BAKER of Bangor) (Cosponsored by Senator DAGGETT of Kennebec and Representatives: BROOKS of Winterport, DESMOND of

Mapleton, GAGNE of Buckfield, HATCH of Skowhegan, LOVETT of Scarborough, McKEE of Wayne, O'BRIEN of Augusta, POWERS of Rockport)

Bill "An Act to Repeal Observation of Daylight Savings Time" (H.P. 15) (L.D. 25) (Presented by Representative ROSEN of Bucksport) (By Request)

Taxation

Bill "An Act to Exempt from the State Sales Tax Adult Incontinence Undergarments" (H.P. 8) (L.D. 18) (Presented by Representative PERKINS of Penobscot) (Cosponsored by Representatives: BUCK of Yarmouth, McKEE of Wayne, POVICH of Ellsworth, WATERHOUSE of Bridgton)

Bill "An Act to Prohibit the Taxing of Veterans' Pensions" (H.P. 10) (L.D. 20) (Presented by Representative GAGNE of Buckfield) (Cosponsored by Representatives: CHIZMAR of Lisbon, DUNLAP of Old Town, GOODWIN of Pembroke, HEIDRICH of Oxford, JACOBS of Turner, MAILHOT of Lewiston, TRIPP of Topsham, TRUE of Fryeburg)

Transportation

Bill "An Act to Exempt a Person Running for Public Office from the Mandatory Seat Belt Law" (H.P. 18) (L.D. 28) (Presented by Representative PERKINS of Penobscot)

Sincerely,
S/Joseph W. Mayo
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

The Following Communication: (H.P. 29)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA, MAINE 04333-0002**

December 29, 1998
G. Steven Rowe
Speaker of the House
119th Legislature
Mark W. Lawrence
President of the Senate
119th Legislature

Dear Mr. Speaker and Mr. President:

On December 29, 1998, two bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 29, 1998, as follows:

Appropriations and Financial Affairs

Bill "An Act to Appropriate Funds to Ensure Forestry Industry Training Education" (H.P. 27) (L.D. 36) (Presented by Representative MARTIN of Eagle Lake)

Judiciary

Bill "An Act Providing for a Vote of Confidence before a Judge Is Eligible for Reappointment" (H.P. 28) (L.D. 37) (Presented by Representative MARTIN of Eagle Lake)

Sincerely,
S/Joseph W. Mayo
Clerk of the House
S/Joy J. O'Brien
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

The Following Communication: (H.P. 34)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

TO: Joseph W. Mayo
Clerk of the House
FROM: G. Steven Rowe
Speaker of the House
DATE: December 29, 1998
RE: Committee Appointments
119th Legislature

Pursuant to my authority under House Rule 201.1(l)(a), I have made the following appointments to the various Joint Standing Committees as well as the Joint Select Committee on Research and Development.

Agriculture, Conservation and Forestry

Wendy Pieh, Chair (D-Bremen)
Paul Volenik (D-Brooklin)
Elizabeth Watson (D-Farmingdale)
Scott W. Cowger (D-Hallowell)
Rosita Gagne (D-Buckfield)
Ruel P. Cross (R-Dover-Foxcroft)*
Walter R. Gooley (R-Farmington)
Clifton E. Foster (R-Gray)
Roderick W. Carr (R-Lincoln)
Barry G. Gillis (R-Danforth)

Appropriations and Financial Affairs

Elizabeth Townsend, Chair (D-Portland)
Kathleen A. Stevens (D-Orono)
Randall L. Berry (D-Livermore)
Richard H. Mailhot (D-Lewiston)
Judith A. Powers (D-Rockport)
Paul L. Tessier (D-Fairfield)
Richard Kneeland (R-Easton)*
Tom J. Winsor (R-Norway)
Joseph Bruno (R-Raymond)
Richard A. Nass (R-Acton)

Banking and Insurance

Jane W. Saxl, Chair (D-Bangor)
Christopher P. O'Neil (D-Saco)
Joseph C. Perry (D-Bangor)
Benjamin F. Dudley (D-Portland)
John G. Richardson, Jr. (D-Brunswick)
Nancy B. Sullivan (D-Biddeford)
Arthur F. Mayo III (R-Bath)*
Sumner A. Jones, Jr. (R-Pittsfield)
Kevin J. Glynn (R-South Portland)
Robert W. Nutting (R-Oakland)

Business and Economic Development

Gary L. O'Neal, Chair (D-Limestone)
Rosaire J. Sirois (D-Caribou)
Verdi L. Tripp (D-Topsham)
Ronald E. Usher (D-Westbrook)
Brian Bolduc (D-Auburn)
Jean Ginn Marvin (R-Cape Elizabeth)*
David E. Bowles (R-Sanford)
Harold A. Clough (R-Scarborough)
Stavros J. Mendros (R-Lewiston)
Kevin L. Shorey (R-Calais)

Criminal Justice

Edward J. Povich, Chair (D-Ellsworth)
 Roger D. Frechette (D-Biddeford)
 Christopher T. Muse (D-South Portland)
 Nancy L. Chizmar (D-Lisbon)
 Michael W. Quint (D-Portland)
 Michael J. McAlevey (R-Waterboro)*
 Judith B. Peavey (R-Woolwich)
 Julie Ann O'Brien (R-Augusta)
 James H. Tobin, Jr. (R-Dexter)
 Roger L. Sherman (R-Hodgdon)

Education and Cultural Affairs

Michael F. Brennan, Chair (D-Portland)
 Shirley K. Richard (D-Madison)
 Mabel J. Desmond (D-Mapleton)
 James G. Skoglund (D-St. George)
 Elizabeth Watson (D-Farmingdale)
 Christina L. Baker (D-Bangor)
 Vaughn A. Stedman (R-Hartland)*
 Irvin G. Belanger (R-Caribou)
 Mary Black Andrews (R-York)
 Carol Weston (R-Montville)

Health and Human Services

Thomas J. Kane, Chair (D-Saco)
 Joseph E. Brooks (D-Winterport)
 Elaine Fuller (D-Manchester)
 Michael W. Quint (D-Portland)
 Edward R. Dugay (D-Cherryfield)
 Daniel B. Williams (D-Orono)
 Glenys P. Lovett (R-Scarborough)*
 Tarren R. Bragdon (R-Bangor)
 Lois A. Snowe-Mello (R-Poland)
 Thomas F. Shields (R-Auburn)

Inland Fisheries and Wildlife

Matthew Dunlap, Chair (D-Old Town)
 Richard H. C. Tracy (D-Rome)
 Joseph E. Clark (D-Millinocket)
 Bruce S. Bryant (D-Dixfield)
 William R. Cote (D-Lewiston)
 Royce W. Perkins (R-Penobscot)*
 Howard A. Chick (R-Lebanon)
 Harry G. True (R-Fryeburg)
 Ken Honey (R-Boothbay)
 A. David Trahan (R-Waldoboro)

Judiciary

Richard H. Thompson, Chair (D-Naples)
 Thomas Bull (D-Freeport)
 Charles C. LaVerdiere (D-Wilton)
 Patricia T. Jacobs (D-Turner)
 Charles E. Mitchell (D-Vassalboro)
 William S. Norbert (D-Portland)
 Debra D. Plowman (R-Hampden)*
 David R. Madore (R-Augusta)
 G. Paul Waterhouse (R-Bridgton)
 William J. Schneider (R-Durham)
 Donna M. Loring (Penobscot Nation)

Labor

Pamela Henderson Hatch, Chair (D-Skowhegan)
 Roland B. Samson (D-Jay)
 Zachary E. Matthews (D-Winslow)
 Roger D. Frechette (D-Biddeford)
 Albion D. Goodwin (D-Pembroke)
 Christopher T. Muse (D-South Portland)

Russell P. Treadwell (R-Carmel)*
 Jay MacDougall (R-North Berwick)
 Adam Mack (R-Standish)
 Gerald M. Davis (R-Falmouth)

Legal and Veterans Affairs

John L. Tuttle, Jr., Chair (D-Sanford)
 Albert P. Gamache (D-Lewiston)
 Nancy L. Chizmar (D-Lisbon)
 Charles D. Fisher (D-Brewer)
 Rosita Gagne (D-Buckfield)
 Janice E. Labrecque (R-Gorham)*
 Arthur F. Mayo III (R-Bath)
 Royce W. Perkins (R-Penobscot)
 Theodore H. Heidrich (R-Oxford)
 Terrence P. McKenney (R-Cumberland)

Marine Resources

David M. Etnier, Chair (D-Harpswell)
 Paul Volenik (D-Brooklin)
 Martha A. Bagley (D-Machias)
 Wendy Pieh (D-Bremen)
 Ronald E. Usher (D-Westbrook)
 William D. Pinkham (R-Lamoine)*
 Kenneth F. Lemont (R-Kittery)
 Ken Honey (R-Boothbay)
 Deborah Kaler McNeil (R-Rockland)
 Robert E. Stanwood (R-Southwest Harbor)

Natural Resources

John L. Martin, Chair (D-Eagle Lake)
 Scott W. Cowger (D-Hallowell)
 Linda Rogers McKee (D-Wayne)
 David M. Etnier (D-Harpswell)
 Joseph E. Clark (D-Millinocket)
 Robert W. Duplessie (D-Westbrook)
 Henry L. Joy (R-Crystal)*
 Robert A. Cameron (R-Rumford)
 Robert A. Daigle (R-Arundel)
 David L. Tobin (R-Windham)

State and Local Government

Douglas J. Ahearne, Chair (D-Madawaska)
 Martha A. Bagley (D-Machias)
 Benjamin L. Rines, Jr. (D-Wiscasset)
 John F. McDonough (D-Portland)
 Joanne T. Twomey (D-Biddeford)
 Randall L. Bumps (R-China)*
 Susan Kasprzak (R-Newport)
 Arlan R. Jodrey (R-Bethel)
 Earl E. Richardson (R-Greenville)
 Belinda A. Gerry (I-Auburn)
 Donald G. Soctomah (Passamaquoddy Tribe)

Taxation

Kenneth T. Gagnon, Chair (D-Waterville)
 Bonnie Green (D-Monmouth)
 Thomas M. Davidson (D-Brunswick)
 Patrick Colwell (D-Gardiner)
 Stephen S. Stanley (D-Medway)
 David G. Lemoine (D-Old Orchard Beach)
 Kenneth F. Lemont (R-Kittery)*
 Eleanor M. Murphy (R-Berwick)
 John T. Buck (R-Yarmouth)
 Peter E. Cianchette (R-South Portland)

Transportation

Joseph M. Jabar, Sr., Chair (D-Waterville)
 Gerald N. Bouffard (D-Lewiston)

Charles D. Fisher (D-Brewer)
 Gary J. Wheeler (D-Eliot)
 Laura J. Sanborn (D-Alton)
 David A. Lindahl (R-Northport)*
 Christine R. Savage (R-Union)
 Robert A. Cameron (R-Rumford)
 Edgar Wheeler (R-Bridgewater)
 Ronald F. Collins (R-Wells)

Utilities and Energy

Thomas M. Davidson, Chair (D-Brunswick)
 Patrick Colwell (D-Gardiner)
 Charles C. LaVerdiere (D-Wilton)
 Bruce S. Bryant (D-Dixfield)
 Monica McGlocklin (D-Embden)
 William R. Savage (D-Buxton)
 Donald P. Berry, Sr. (R-Belmont)*
 Harry G. True (R-Fryeburg)
 Richard H. Duncan (R-Presque Isle)
 Richard W. Rosen (R-Bucksport)

Joint Select Committee on Research and Development

Scott W. Cowger, Chair (D-Hallowell)
 Kathleen A. Stevens (D-Orono)
 Paul L. Tessier (D-Fairfield)
 Verdi L. Tripp (D-Topsham)
 Elizabeth Watson (D-Farmingdale)
 Albion D. Goodwin (D-Pembroke)
 Irvin G. Belanger (R-Caribou)*
 Ken Honey (R-Boothbay)
 Glenys P. Lovett (R-Scarborough)
 James H. Tobin, Jr. (R-Dexter)

*Ranking Republican Member

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

The Following Communication: (H.C. 12)
MAINE INDIAN TRIBAL STATE COMMISSION
PO BOX 87
HALLOWELL, MAINE 04347

December 15, 1998
 The Honorable Mark W. Lawrence
 President of the Senate
 119th Maine Legislature
 3 State House Station
 Augusta, Maine 04333
 The Honorable G. Steven Rowe
 Speaker of the House
 119th Maine Legislature
 2 State House Station
 Augusta, Maine 04333

Dear President Lawrence and Speaker Rowe:
 Congratulations on your recent election as leaders of the 119th Legislature. The Maine Indian Tribal-State Commission looks forward to working with you and members of the new Legislature over the next two years.
 Resolves 1997, Chapter 45, requires the Commission to conduct a study of the impact of Maine Civil Laws on the Wabanaki People in Maine and to "report its findings and legislative recommendations...to the First Regular Session of the 119th Legislature..." The Commission's report, entitled *Impact of Maine Civil Laws on the Wabanaki: 1998*, recommends two new pieces of legislation (relating to child welfare services for Wabanaki children and the enforcement of Tribal Court orders)

and legislation that failed to pass by one vote during the 118th Legislature (tribal land use regulation). We have submitted these three proposals to the Office of Revisor of Statutes and the Office of Policy and Legal Analysis.

We will be happy to discuss our findings and recommendations with members of the 119th Legislature after you reconvene in January. Thank you for your consideration of our report and recommendations. If you have any questions, please feel free to contact me at 775-3091 or our Executive Director Diana Scully at 622-4815.

Very Truly Yours,
 S/Cushman D. Anthony, Esq.
 Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 13)
STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0023

TO: Members of the 119th Legislature
 Bureau of the Budget
 FROM: S/J. Duke Albanese, Commissioner
 DATE: December 4, 1998
 RE: Actual Education Costs for Base Year 1997-98
 (Revised 12/3/98)

Pursuant to the provisions of 20-A MRSA section 15604, I am providing notification of the "actual education costs" as defined in subsection 1, of 20-A MRSA section 15604 for the base year 1997-98.

A. Operating costs	
(1) Elementary	\$610,020,974
(2) Secondary	310,795,994
B. Special education costs for programs operated by administrative units	136,908,521
C. Special education tuition and board excluding medical costs	34,697,973
(1) Tuition and board for pupils placed by administrative units	\$12,702,027
(2) Tuition and board for State Wards and special education pupils placed directly by the State	6,318,203
(3) Adjustments under section 15612, subsection 6 (Special Education Hardship grants)	0
(4) Cost to the State for state agency clients (section 15613 subsection 5)	13,977,743
(5) Adjustments under section 15612, subsection 11 (Out-of-District Placement Adjustment)	1,700,000
D. Vocational education costs	25,371,358
E. Transportation operating costs	63,964,436
F. Bus Purchases	5,530,704
(1) Purchase of Buses (approved)	4,356,489
(2) Purchase of Buses (unapproved)	1,174,215
G. Debt Service Costs	78,297,743

(1) Principal and Interest	64,412,173
(2) Insured Value Factor	2,308,676
(3) Leases (approved)	6,063,495
(4) Leases (unapproved)	3,607,143
(5) Other major capital costs	1,906,253

H. Cost of reimbursement for private school 201,000
I. Cost of state expenditure for teacher retirement benefits 148,507,663
J. Early childhood educational programs 502,427

These expenditures are from state and local monies only, except that Federal P.L. 81-874 (Impact Aid) funds are included.
READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 14)

**STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0023**

TO: The Honorable Mark W. Lawrence,
President of the Senate
The Honorable G. Steven Rowe,
Speaker of the House

FROM: S/J. Duke Albanese, Commissioner

DATE: December 18, 1998

RE: FY 99 Report of All School Administrative Unit
State and Local Revenues

In accordance with 20-A M.R.S.A., section 15618-A, a report of all school administrative unit state and local revenues designated for K-12 education in their FY 99 budgets has been compiled and a copy is provided for your use.

It should be noted that the amounts budgeted in the various categories may not be the same as actual expenditures for these categories, for the following reasons:

1. Some budgeted amounts may be unexpended and carried forward to the following year. The statewide balance forward, for all budget categories, is usually between 2% and 3%.
2. School administrative units which do not utilize a line-item budget may transfer funds to other categories.
3. For certain types of funds that are transferred between school administrative units (for tuition costs and for transportation and other services provided to another school administrative unit) the amount is budgeted in both school administrative units since each unit must appropriate these funds. Since these instances cannot be netted out in the State Total Summary, the state totals will overestimate actual expenditures to some degree.

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 15)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

**TASK FORCE TO STUDY THE NEED FOR AN OMBUDSMAN
FOR THE DEPARTMENT OF HUMAN SERVICES AND THE
DEPARTMENT OF MENTAL HEALTH, MENTAL
RETARDATION AND SUBSTANCE ABUSE SERVICES**

December 21, 1998
The Honorable Mark W. Lawrence, President
Maine State Senate

The Honorable G. Steven Rowe, Speaker
Maine House of Representatives
State House
Augusta, ME 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to Resolves 1997, chapter 120, the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services is pleased to submit its final report including recommended legislation. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Health and Human Services in accordance with the law. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,
S/Representative Elaine Fuller
Chair

Task Force to Study the Need for an Ombudsman
for the Department of Human Services and the
Department of Mental Health, Mental Retardation
and Substance Abuse Services

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 16)

**MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

**COMMITTEE TO REVIEW THE GOVERNANCE STRUCTURE
OF THE GOVERNOR BAXTER SCHOOL FOR THE DEAF**

December 28, 1998

The Honorable Mark W. Lawrence, President
Maine State Senate
The Honorable G. Steven Rowe, Speaker
Maine House of Representatives
State House
Augusta, ME 04333

Dear President Lawrence and Speaker Rowe:

Pursuant to P.L. 1995, chapter 676 §11, subsections 11 & 12, the Committee to Review the Governance Structure of the Governor Baxter School for the Deaf is pleased to submit its final report. Copies of the report have been transmitted to the Legislative Council and the Joint Standing Committee on Education and Cultural Affairs in accordance with the law. Copies of the report have also been placed on file with the Law and Legislative Reference Library.

Sincerely,
S/Representative Elizabeth Watson
Chair

Committee to Review the Governance Structure of the
Governor Baxter School for the Deaf

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 17)

**PRESIDENT OF THE SENATE &
SPEAKER OF THE HOUSE OF REPRESENTATIVES
STATE OF MAINE**

WHEREAS, the rules of the House of Representatives and the Senate and the Joint Rules established procedures and protocols of the Legislature and are important for the orderly functioning of the Legislature;

WHEREAS, the Legislature benefits from periodic review of the rules to assure the rules facilitate the effective operations of the Legislature, in keeping with its Constitutional responsibilities; and

ESTABLISHED, that the Special Committee on Legislative Rules is established as follows:

1. **Committee established.** The Special Committee on Legislative Rules, referred to as the "committee," is established.

2. **Membership.** The committee consists of 10 members appointed as follows.

A. The President of the Senate shall appoint 5 members from the Senate who have expertise or interest in rules of the Legislature. These members shall constitute a subcommittee to review the Senate rules.

B. The Speaker of the House of Representatives shall appoint 5 members from the House of Representatives who have expertise or interest in rules of the Legislature. These members shall constitute a subcommittee to review the House rules.

C. The first named member of each subcommittee shall be the Chair.

3. **Convening of special committee.** When the appointment of all members is complete, the chairs of the committee shall call and convene the first meeting of the committee which shall occur no later than January 6, 1999.

4. **Duties.** The Committee shall review all proposed rule changes suggested by members of the Legislature that are intended to be considered prior to the 3rd Friday in January, 1999. The committee shall report their recommendations in the form of an order to amend the rules. This order shall be submitted in a timely fashion so the Legislature can consider these proposed changes before the 3rd Friday in January, 1999. Following the completion of the initial amending process, the committee shall conduct a general review of the rules of the Legislature.

5. **Meetings.** In conducting its duties, the committee may meet at times and locations approved jointly by the President of the Senate and the Speaker of the House of Representatives.

6. **Staff assistance.** The Secretary of the Senate and the Clerk of the House shall provide necessary staffing services to the committee.

7. **Reimbursement.** Members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, Section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the committee outside of the Legislative session.

8. **Report.** The committee shall complete its work and submit a report of its findings and recommendations relating to rules of the Legislature, along with any suggested rule amendments, to the Legislature by the convening of the 2nd Regular Session.

By: S/Mark W. Lawrence, President Maine Senate

By: S/G. Steven Rowe, Speaker House of Representatives

Effective: December 21, 1998

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.P. 35)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

January 5, 1999

Honorable Joseph W. Mayo

Clerk of the House

2 State House Station

Augusta, Maine 04333-0002

Dear Clerk Mayo:

Pursuant to my authority under House Rule 201.1(l)(a), I have made the following appointments to the Special Committee on Legislative Rules:

G. Steven Rowe (D) Portland, Chair

Richard H. Thompson (D) Naples

Joseph M. Jabar, Sr. (D) Waterville

Michael J. McAlevey (R) Waterboro

Janice E. Labrecque (R) Gorham

Sincerely,

S/G. Steven Rowe

Speaker of the House

READ and ORDERED PLACED ON FILE.

Sent for concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

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

INLAND FISHERIES AND WILDLIFE

Bill "An Act to Increase the Deer Hunting Day by 15 Minutes"
(H.P. 30) (L.D. 39)

Presented by Representative PERKINS of Penobscot.

Bill "An Act to Allow the Use of Camouflage Hunter Orange Clothing"
(H.P. 31) (L.D. 40)

Presented by Representative PERKINS of Penobscot.

Pursuant to Resolve

**Commission to Examine Rate Setting and the
Financing of Maine's Long-term Care Facilities**

Representative FULLER for the **Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities**, pursuant to Resolves 1997, chapter 81 and chapter 129 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Commission to Examine the Rate Setting and Financing of Maine's Long-term Care Facilities" (EMERGENCY)

(H.P. 33) (L.D. 42)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ and ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Maine State Retirement System**

Representative HATCH for the **Maine State Retirement System** pursuant to the Maine Revised Statutes, Title 5, section 17103, subsection 13 asks leave to report that the accompanying Bill "An Act to Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2000" (EMERGENCY)

(H.P. 32) (L.D. 41)

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

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

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Steven J. Butterfield, of Hallowell, who has attained the high rank and distinction of Eagle Scout. We extend our congratulations to Steven on this achievement;

(HLS 7)

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator TREAT of Kennebec.

On **OBJECTION** of Representative COWGER of Hallowell, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and specially assigned for Monday, January 11, 1999.

At this point, pursuant to House Rule 201, the Speaker addressed the House.

The **SPEAKER**: It is a great to see you here. This is the first day of business of our new session. I hope you are excited as I am. Again, we thank the members of the American Legion who have come today. We appreciate your attendance here to be with us. For all of us I know that this is a long awaited day. It is the beginning of a new year and new session. Our time is filled with promise. As we convene this session, there is a difference even if it is only a symbolic difference because each of us bears a special responsibility as members of the last Legislature of this century and the first Legislature of the next century.

Collectively, we have the responsibility of writing the first chapter of the new millennium.

The challenges of fulfilling that responsibility will be great. The workload will be demanding. The pace brisk.

As you may have heard we already have more than 2,900 bills that were submitted for consideration. Not only do we have an unusually large number of bills to consider, but we have a shortened session within which to consider them. As you may know, in an effort to reduce spending, the last legislature deappropriated about \$800,000 from this year's current services budget. That translates into shortening this session by three weeks.

A heavy workload in a shortened session makes it even more important that we maintain a spirit of cooperation and civility as we go about our work. Progress will require bipartisan compromise. But I am confident that we will rise to the occasion

with the kind of moderation, mutual respect and common sense that Maine people expect and deserve from their government.

There will be controversy during the session. Of that I'm sure. And no shortage of challenging and difficult issues.

- Toxic use reduction;
- the school funding formula;
- the highway fund shortfall;
- and the use of the tobacco settlement funds are just a few of many issues that will generate a multitude of competing proposals during the session.

A few years ago the editor of the *London Times* was asked, "what is the hardest thing about being editor of the *Times*?" His answer was: "having to have an opinion about everything."

One consequence of your election to this body is that you will be called upon to have opinions about everything. You will have to make hard choices. You may notice that you have a Yea and a Nay voting button on your desk. But you don't have a button labeled "I'm Not Sure." You will have to form opinions and you will have to make decisions and sometimes that will be difficult, but you will have to do it.

There is good news. We are convening at a time of relative prosperity in the State of Maine. The latest word from the Revenue Forecasting Commission is that the structural gap for the next biennial budget will be close to zero.

That's a remarkable achievement, because usually there is a large gap between what it would take to fully fund all state programs and what we have available in revenues.

As recently as 1994-95, the structural gap was more than \$1 billion. In the last two-year cycle it fell to under \$400 million, and in 1998-99 it remained at that level. To enter a new budget cycle without a gap is a remarkable turn-around in state finances.

That raises a point that I believe has gone relatively unnoticed, at least by the news media. When we ended the last session, the 118th Legislature left the state in the best financial condition in more than a decade. We have a sizable revenue surplus, a shrinking structural gap and record funds in the state's Rainy Day Fund.

The proof of that came this summer when the state received a vote of confidence from Wall Street. For the first time in 16 years, Maine's bond rating was upgraded. That improvement is a sign that the legislature's fiscal responsibility is paying off.

Now is a time of unprecedented opportunity, when a healthy state budget allows us to make sound investments in Maine's future. The moment of relative prosperity allows us to think beyond short-term fixes and make investments that will pay dividends over the long run.

One of the roles of government is to look ahead, to anticipate problems and seek solutions before they reach a point of crisis. We are called upon to do that this session.

The great challenges that I see before us are:

How do we as a state grow together as a state?

How do we build a common future, uniting and lifting up those who are in danger of being left behind?

How do we ensure that from the earliest ages of childhood to the graying years of retirement, Maine people have the opportunity to lead healthy, productive, dignified lives?

We have what may seem like daunting challenges ahead of us. However, I know we can meet the challenges. We must because Maine people are depending on us.

At the end of May, five months from now, as we look over our efforts in this chamber, I believe our success will largely be

measured by our accomplishments in several key areas. I hope that we can look back and say:

- We started to reduce regional disparities and lay a foundation for growth that will benefit all areas of the state. Through infrastructure and the improvement of our transportation network. And through investments in research and development that were targeted to industries that hold the greatest promise for high-wage job growth.
- We continued to invest in higher education and increased access for Maine people. That we understood that finances continue to present a barrier to many who would like to go on to higher education, and that we did something about it by making our universities and technical colleges more affordable.
- We helped Maine's working parents find a balance between the responsibilities of home and the responsibilities of the workplace by increasing access and improving the quality of child care providers in our state.
- We made a commitment to early childhood development by building on the successes of programs such as Parents as First Teachers and Healthy Families to ensure that more parents have the information they need to care for and stimulate their children in the critical, early years.
- We assisted our state's elderly citizens by making prescription drugs more affordable and by ensuring that long term care alternatives are accessible and affordable.
- We renewed our commitment to acquire public lands to protect and preserve public access for future generations. And to prevent traditional land uses from being lost, and tourists and businesses from going elsewhere.
- We maintained our commitment to fiscal discipline and avoided the temptation of building the base budget beyond what it can sustain in times of a cooler economy. For while it's hard to tell constituents that we cannot fund certain services, it is even harder to fund a service and then take it away.

Men and women of the House, we have been blessed by our constituents with an opportunity to take Maine into the next century. Certainly the decisions we make in the next few months will affect the lives of Maine citizens long after we have departed from this session. Let us be remembered as the Legislature who did more than just maintain the status quo. Let it be said that we were not be afraid of change. That we took bold steps and seized the moment to invest in our people and reduce the disparities that divide us.

I look forward to working with you over the next several months. Together we can make a real difference in the lives of the people we serve.

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

SENATE PAPERS

Bill "An Act to Amend the State Compensation Commission Laws" (EMERGENCY)

(S.P. 29) (L.D. 43)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. In an effort not to surprise anybody, a quick explanation. This legislation is merely to extend the reporting deadline for the State Compensation Commission. During the first session of the 118th Legislature, the good Representative from Sanford introduced legislation, which passed through this body without objection. The commission, however, was never formed and brought together. We were waiting for appointments from the other body. Those appointments having been made and this commission can come together and there will be opportunities for every member of this body to have comment. It is just to extend the reporting deadline. Thank you.

Under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill was **READ TWICE** and **PASSED TO BE ENGROSSED** in concurrence. **ORDERED SENT FORTHWITH**.

Bill "An Act to Clarify Laws Relating to the Acceptance of Gifts of Intellectual and Other Property by the State" (EMERGENCY)

(S.P. 30) (L.D. 44)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

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

Representative **SAXL**: Mr. Speaker, Men and Women of the House. Again, a very brief explanation. This legislation is simply to create a copyright for the legislative video that many of you have had the chance to see today or earlier during the premier to see the star qualities of many of the members of this body who star in this. I believe Representative O'Brien, the Representative from Augusta, has a part in that as well as maybe the Representative from China. It is a wonderful educational video, but it cannot be copied and distributed to our schools until it has a copyright. This legislation simply allows for that copyright to take place. Thank you.

Under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill was **READ TWICE** and **PASSED TO BE ENGROSSED** in concurrence. **ORDERED SENT FORTHWITH**.

On motion of Representative BOUFFARD of Lewiston, the House adjourned at 11:10 a.m., until 10:00 a.m., Thursday, January 7, 1999.