

# 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  
6th Legislative Day  
Tuesday, January 19, 1999

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

Prayer by Reverend Marilyn Cowing, United Church of Monmouth and the East Monmouth United Methodist Church.

Pledge of Allegiance.

Doctor of the day, Sue St. Pierre, D.O., Bangor.

The Journal of Thursday, January 14, 1999 was read and approved.

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**COMMUNICATIONS**

The Following Communication: (S.P. 136)  
**119th MAINE LEGISLATURE**

January 11, 1999

Senator Carol A. Kontos  
Representative Gary L. O'Neal  
Chairpersons

Joint Standing Committee on Business and Economic Development  
119th Legislature  
Augusta, Maine 04333

Dear Senator Kontos and Representative O'Neal:

Please be advised that Governor Angus S. King, Jr. has nominated Steven H. Levesque of Farmingdale as Commissioner of the Department of Economic and Community Development

Pursuant to Title 5, M.R.S.A., §13057, this nomination will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence  
President of the Senate  
S/G. Steven Rowe  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

**READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

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The Following Communication: (S.P. 137)  
**119th MAINE LEGISLATURE**

January 11, 1999

Senator Carol A. Kontos  
Representative Gary L. O'Neal  
Chairpersons

Joint Standing Committee on Business and Economic Development  
119th Legislature

Dear Senator Kontos and Representative O'Neal:

Please be advised that Governor Angus S. King, Jr. has nominated Daniel LaPointe of Van Buren, Paul R. Cariani of Presque Isle and Albert L. Watt of Sinclair for reappointment and Philip A. Cyr of Caribou for appointment as members of the Loring Development Authority.

Pursuant to Title 5, M.R.S.A., §13080-B, these nominations will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,  
S/Mark W. Lawrence  
President of the Senate  
S/G. Steven Rowe  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

**READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

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The Following Communication: (S.P. 151)  
**119th MAINE LEGISLATURE**

January 13, 1999

Senator Richard J. Carey  
Representative Thomas M. Davidson  
Chairpersons  
Joint Standing Committee on Utilities and Energy  
119th Legislature  
Augusta, Maine 04333  
Dear Senator Carey and Representative Davidson:

Please be advised that Governor Angus S. King, Jr. has nominated Thomas L. Welch of Hancock for reappointment as the Chairman of the Maine Public Utilities Commission.

Pursuant to Title 35-A, M.R.S.A., §105, this nomination will require review by the Joint Standing Committee on Utilities and Energy and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence  
President of the Senate  
S/G. Steven Rowe  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **UTILITIES AND ENERGY**.

**READ** and **REFERRED** to the Committee on **UTILITIES AND ENERGY** in concurrence.

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The Following Communication: (S.P. 165)  
**119th MAINE LEGISLATURE**

January 13, 1999

Senator Carol A. Kontos  
Representative Gary L. O'Neal  
Chairpersons  
Joint Standing Committee on Business and Economic Development  
119th Legislature

Dear Senator Kontos and Representative O'Neal:

Please be advised that Governor Angus S. King, Jr. has nominated David M. Carlisle of Bangor, Mary B. Hatch of North Anson and Geraldine R. Canning of Portland for appointment as members of the Finance Authority of Maine.

Pursuant to Title 10, M.R.S.A., §965, these nominations will require review by the Joint Standing Committee on Business and Economic Development and confirmation by the Senate.

Sincerely,

S/Mark W. Lawrence  
President of the Senate  
S/G. Steven Rowe  
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT**.

**READ and REFERRED** to the Committee on **BUSINESS AND ECONOMIC DEVELOPMENT** in concurrence.

MACK of Standish, SHIELDS of Auburn, SNOWE-MELLO of Poland, Senator: BERUBE of Androscoggin.

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**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 for Concurrence:

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act to Restore and Improve Family Planning and Pregnancy Prevention Services"

(H.P. 385) (L.D. 516)

Presented by Representative TOWNSEND of Portland.

Cosponsored by Senator MILLS of Somerset and Representatives BAGLEY of Machias, BERRY of Livermore, GAGNE of Buckfield, LABRECQUE of Gorham, McKEE of Wayne, MURPHY of Kennebunk, Senators: MICHAUD of Penobscot, PARADIS of Aroostook.

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**BUSINESS AND ECONOMIC DEVELOPMENT**

Resolve, Creating the Commission to Study Economic Development Opportunities for Lewiston and Auburn

(H.P. 395) (L.D. 526)

Presented by Representative MENDROS of Lewiston.

Cosponsored by Senator BENNETT of Oxford and Representatives: BERRY of Livermore, BOLDUC of Auburn, BOUFFARD of Lewiston, CHICK of Lebanon, CLOUGH of Scarborough, GERRY of Auburn, O'NEAL of Limestone, Senator: BERUBE of Androscoggin.

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**CRIMINAL JUSTICE**

Bill "An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence"

(H.P. 381) (L.D. 512)

Presented by Representative STANLEY of Medway.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: BOLDUC of Auburn, BRYANT of Dixfield, CLARK of Millinocket, CROSS of Dover-Foxcroft, JOY of Crystal, O'NEAL of Limestone.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act to Amend the School Funding Formula by Taking Sales Tax into Account"

(H.P. 386) (L.D. 517)

Presented by Representative GLYNN of South Portland.

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**HEALTH AND HUMAN SERVICES**

Bill "An Act to Provide Additional Health Care Options to Disabled Persons and the Elderly"

(H.P. 384) (L.D. 515)

Presented by Representative MENDROS of Lewiston.

Cosponsored by Senator KIEFFER of Aroostook and Representatives: CHICK of Lebanon, DUGAY of Cherryfield, GOODWIN of Pembroke, MacDOUGALL of North Berwick,

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**INLAND FISHERIES AND WILDLIFE**

Bill "An Act to Require Resident Moose Lottery Applicants to Hold Big Game Hunting Licenses"

(H.P. 382) (L.D. 513)

Presented by Representative DUNLAP of Old Town.

Bill "An Act to Restrict a Landowner's Right to Kill Nuisance Animals"

(H.P. 383) (L.D. 514)

Presented by Representative DUNLAP of Old Town.

Bill "An Act to Increase the Number of Moose Hunting Permits to 3,000"

(H.P. 389) (L.D. 520)

Presented by Representative PERKINS of Penobscot.

Cosponsored by Senator KIEFFER of Aroostook and Representatives: MACK of Standish, TRAHAN of Waldoboro.

Bill "An Act to Reauthorize and Expand the Special Archery Season on Deer" (EMERGENCY)

(H.P. 393) (L.D. 524)

Presented by Representative WHEELER of Eliot.

Cosponsored by Senator KIEFFER of Aroostook and Representatives: DUNLAP of Old Town, HATCH of Skowhegan, LEMONT of Kittery, McGLOCKLIN of Embden, STANLEY of Medway, TUTTLE of Sanford, USHER of Westbrook, Senator: RUHLIN of Penobscot.

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**MARINE RESOURCES**

Bill "An Act to Regulate the Harvesting of Rockweed and Seaweed in Maine Waters" (EMERGENCY)

(H.P. 391) (L.D. 522)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Senator CASSIDY of Washington and Representatives: DUGAY of Cherryfield, USHER of Westbrook, VOLENIK of Brooklin.

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**STATE AND LOCAL GOVERNMENT**

Bill "An Act to Favor Maine Companies in Awarding Bids"

(H.P. 379) (L.D. 510)

Presented by Representative GLYNN of South Portland.

Cosponsored by Representatives: GERRY of Auburn, SHOREY of Calais, SNOWE-MELLO of Poland.

Bill "An Act to Increase the Amount Below Which Counties Do Not Need to Solicit Bids for Purchases"

(H.P. 380) (L.D. 511)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Senator CASSIDY of Washington and Representatives: DUGAY of Cherryfield, GILLIS of Danforth, SHOREY of Calais, STANLEY of Medway.

Bill "An Act to Establish Recall Provisions for Elected County and Municipal Officials"

(H.P. 394) (L.D. 525)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Representatives: DUGAY of Cherryfield, GILLIS of Danforth, JACOBS of Turner, MENDROS of Lewiston, SHOREY of Calais, SNOWE-MELLO of Poland, STANLEY of Medway.

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**TAXATION**

Bill "An Act to Eliminate the Local Property Tax on Homes for Individuals 65 Years of Age or Older"

(H.P. 388) (L.D. 519)

Presented by Representative TRIPP of Topsham.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: CHIZMAR of Lisbon, DUGAY of Cherryfield, GOODWIN of Pembroke, LOVETT of Scarborough, McALEVEY of Waterboro, O'NEAL of Limestone, SHOREY of Calais, TRACY of Rome.

Bill "An Act to Decrease the Mahogany Quahog Tax from \$1.20 per Bushel to \$.40 per Bushel"

(H.P. 390) (L.D. 521)

Presented by Representative GOODWIN of Pembroke.

Cosponsored by Senator CASSIDY of Washington and Representatives: DUGAY of Cherryfield, MENDROS of Lewiston, SNOWE-MELLO of Poland, USHER of Westbrook, WHEELER of Eliot.

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**TRANSPORTATION**

Resolve, to Build Interchanges from the Maine Turnpike to Lincoln and Grove Streets in Lewiston

(H.P. 387) (L.D. 518)

Presented by Representative MENDROS of Lewiston.

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**Pursuant to Resolve**

**Maine Indian Tribal-State Commission**

Representative THOMPSON for the **Maine Indian Tribal-State Commission**, pursuant to Resolve 1997, chapter 45, section 3 asks leave to report that the accompanying Bill "An Act to Implement Recommendations of the Maine Indian Tribal-State Commission Relating to Child Welfare Services for Indian Children"

(H.P. 392) (L.D. 523)

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

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

Sent for concurrence.

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**Pursuant to Statute**

**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**

Representative FULLER for 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** pursuant to Resolve 1997, chapter 120 asks leave to report that the accompanying Bill "An Act to Implement the Recommendations

of 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 Relating to the Department of Mental Health, Mental Retardation and Substance Abuse Services"

(H.P. 397) (L.D. 528)

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.

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**Pursuant to Statute  
Maine Turnpike Authority**

Representative JABAR 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, 2000"

(H.P. 396) (L.D. 527)

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 ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act to Remove the Prohibition against Carrying a Loaded Hunting Weapon in a Motor Vehicle"

(H.P. 230) (L.D. 334)

**REFERRED** to the Committee on **CRIMINAL JUSTICE** in the House on January 14, 1999.

Came from the Senate **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE in NON-CONCURRENCE**. The House voted to **RECEDE AND CONCUR**.

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**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 for Concurrence:

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**AGRICULTURE, CONSERVATION AND FORESTRY**

Resolve, Authorizing the Transfer of Certain State Historic Site Property

(H.P. 398) (L.D. 540)

Presented by Representative SKOGLUND of St. George.

Cosponsored by Senator PINGREE of Knox and Representatives: McNEIL of Rockland, PIEH of Bremen, POWERS of Rockport, SAVAGE of Union.

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

Bill "An Act to Provide for Increased Penalties, Enforcement and Education Regarding Dangerous Dogs"

(H.P. 433) (L.D. 575)

Presented by Representative GAGNON of Waterville.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: BRENNAN of Portland, BUMPS of China, CHIZMAR of Lisbon, COLWELL of Gardiner, KANE of Saco, PIEH of Bremen, TOWNSEND of Portland, Senator: NUTTING of Androscoggin.

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#### APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act to Appropriate Funds for Conservation at the Local Level"

(H.P. 406) (L.D. 548)

Presented by Representative KNEELAND of Easton.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: BELANGER of Caribou, BERRY of Livermore, CAMPBELL of Holden, CHICK of Lebanon, CHIZMAR of Lisbon, PIEH of Bremen, Senator: NUTTING of Androscoggin.

Bill "An Act to Fund Maine Agricultural Education Programs"

(H.P. 407) (L.D. 549)

Presented by Representative KNEELAND of Easton.

Cosponsored by Senator KILKELLY of Lincoln and Representatives: BELANGER of Caribou, CHIZMAR of Lisbon, DESMOND of Mapleton, McALEVEY of Waterboro, SHERMAN of Hodgdon, TRUE of Fryeburg, WHEELER of Bridgewater.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$30,000,000 for Infrastructure Improvements for the Maine Technical College System"

(H.P. 423) (L.D. 565)

Presented by Representative CAMPBELL of Holden.

Cosponsored by Senator MURRAY of Penobscot and Representatives: CIANCHETTE of South Portland, DUNCAN of Presque Isle, MacDOUGALL of North Berwick, SHIELDS of Auburn, TESSIER of Fairfield, Senators: AMERO of Cumberland, MacKINNON of York.

Bill "An Act to Restore Advocacy Services for Children with Disabilities"

(H.P. 405) (L.D. 547)

Presented by Representative WATSON of Farmingdale.

Cosponsored by Senator KONTOS of Cumberland and Representatives: BRENNAN of Portland, KANE of Saco, LOVETT of Scarborough, McGLOCKLIN of Embden, O'BRIEN of Augusta, QUINT of Portland, SKOGLUND of St. George, Senator: TREAT of Kennebec.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

On motion of Representative TOWNSEND of Portland, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

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#### BANKING AND INSURANCE

Bill "An Act to Improve Insurance Company Practices Pertaining to Collision Appraisals"

(H.P. 425) (L.D. 567)

Presented by Representative McKENNEY of Cumberland.

Cosponsored by Representative: TOBIN of Windham, Senator: KONTOS of Cumberland.

Bill "An Act to Require Insurance Companies to Cover Cervical Cancer Screening"

(H.P. 427) (L.D. 569)

Presented by Representative O'NEIL of Saco.

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#### BUSINESS AND ECONOMIC DEVELOPMENT

Bill "An Act to Update and Amend the Maine Pharmacy Act"

(H.P. 434) (L.D. 576)

Presented by Representative CAMERON of Rumford.

Cosponsored by Representatives: BRUNO of Raymond, NUTTING of Oakland, WESTON of Montville.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

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#### CRIMINAL JUSTICE

Bill "An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy"

(H.P. 404) (L.D. 546)

Presented by Representative PIEH of Bremen.

Cosponsored by Senator PINGREE of Knox and Representatives: BAGLEY of Machias, HONEY of Boothbay, LEMONT of Kittery, LORING of the Penobscot Nation, PERKINS of Penobscot, SKOGLUND of St. George, Senators: KILKELLY of Lincoln, NUTTING of Androscoggin.

Bill "An Act to Ensure a Continuum of Proper Medical Care for Prisoners with Mental Disabilities or Mental Illness"

(H.P. 408) (L.D. 550)

Presented by Representative MacDOUGALL of North Berwick.

Cosponsored by Senator PARADIS of Aroostook and Representatives: BRAGDON of Bangor, KANE of Saco, LOVETT of Scarborough, O'BRIEN of Augusta, PEAVEY of Woolwich, QUINT of Portland, SNOWE-MELLO of Poland, Senator: MITCHELL of Penobscot.

Bill "An Act to Prohibit the Surveillance of the Interior of Dressing Rooms"

(H.P. 415) (L.D. 557)

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Representatives: McALEVEY of Waterboro, MUSE of South Portland, PEAVEY of Woolwich, POWERS of Rockport.

Bill "An Act Concerning Consecutive Sentencing"

(H.P. 420) (L.D. 562)

Presented by Representative ANDREWS of York.

Cosponsored by Representatives: CARR of Lincoln, GLYNN of South Portland, LEMONT of Kittery, LINDAHL of Northport, MACK of Standish, STANWOOD of Southwest Harbor, WHEELER of Bridgewater.

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#### EDUCATION AND CULTURAL AFFAIRS

Bill "An Act to Prohibit the University of Maine System from Financially Supporting Greek Organizations"  
(H.P. 417) (L.D. 559)  
Presented by Representative O'NEIL of Saco.

Bill "An Act Relating to the Construction of a Locally Funded Arts and Technology Center in Maine School Administrative District No. 49" (EMERGENCY)  
(H.P. 431) (L.D. 573)  
Presented by Representative TESSIER of Fairfield.  
Cosponsored by Senator MILLS of Somerset and Representatives: BUMPS of China, DESMOND of Mapleton, GAGNON of Waterville, MATTHEWS of Winslow.

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**HEALTH AND HUMAN SERVICES**

Bill "An Act to Create Accountability for Money Spent on Auto Insurance for Participants in the TANF Program"  
(H.P. 421) (L.D. 563)  
Presented by Representative KASPRZAK of Newport.  
Cosponsored by Senator DAVIS of Piscataquis and Representatives: BRAGDON of Bangor, HEIDRICH of Oxford, McALEVEY of Waterboro, McKENNEY of Cumberland, PINKHAM of Lamoine, USHER of Westbrook, WATERHOUSE of Bridgton.

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**INLAND FISHERIES AND WILDLIFE**

Bill "An Act to Allow Persons 65 Years of Age and Older to Shoot a Deer of Either Sex"  
(H.P. 419) (L.D. 561)  
Presented by Representative SAVAGE of Union.

Bill "An Act to Exempt Donnell Pond and Tunk Lake from Personal Watercraft Prohibition"  
(H.P. 422) (L.D. 564)  
Presented by Representative PINKHAM of Lamoine.  
Cosponsored by Representatives: BRAGDON of Bangor, DUGAY of Cherryfield, PERKINS of Penobscot.

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**JUDICIARY**

Bill "An Act to Amend the Laws Pertaining to Conveyance and Reservation of Real Estate"  
(H.P. 426) (L.D. 568)  
Presented by Representative POVICH of Ellsworth.  
Cosponsored by Senator GOLDTHWAIT of Hancock.

Bill "An Act to Prohibit Partial-birth Abortion"  
(H.P. 429) (L.D. 571)  
Presented by Representative MACK of Standish.  
Cosponsored by Representatives AHEARNE of Madawaska, DAVIS of Falmouth, MENDROS of Lewiston, PLOWMAN of Hampden, Senator DAVIS of Piscataquis, Senator MICHAUD of Penobscot and Representatives: CLARK of Millinocket, GERRY of Auburn, GILLIS of Danforth, MacDOUGALL of North Berwick, McNEIL of Rockland, SHOREY of Calais, Senators: BERUBE of Androscoggin, CAREY of Kennebec.

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**LABOR**

Resolve, to Require the Department of Labor to Establish a Living Wage

(H.P. 413) (L.D. 555)  
Presented by Representative TWOMEY of Biddeford.  
Cosponsored by Representatives: COTE of Lewiston, HATCH of Skowhegan, McGLOCKLIN of Embden, NORBERT of Portland.

Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Contractual Obligation for Members of the Maine State Retirement System  
(H.P. 424) (L.D. 566)  
Presented by Representative GAGNE of Buckfield.  
Cosponsored by Representative HATCH of Skowhegan, Senator NUTTING of Androscoggin and Representatives: DESMOND of Mapleton, GOODWIN of Pembroke, JACOBS of Turner, McDONOUGH of Portland, RICHARD of Madison, SHIAH of Bowdoinham, SKOGLUND of St. George, TWOMEY of Biddeford.

Bill "An Act to Repeal the Chemical Substance Identification Law"  
(H.P. 432) (L.D. 574)  
Presented by Representative HATCH of Skowhegan.  
Cosponsored by Senator MILLS of Somerset and Representatives: CLARK of Millinocket, STANLEY of Medway.  
Submitted by the Department of Labor pursuant to Joint Rule 204.

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**LEGAL AND VETERANS AFFAIRS**

Bill "An Act to Amend the Laws Governing the Purchase of Liquor by Commercial Entities"  
(H.P. 401) (L.D. 543)  
Presented by Representative PIEH of Bremen.  
Cosponsored by Senator KILKELLY of Lincoln and Representatives: BOLDUC of Auburn, DUGAY of Cherryfield, LEMONT of Kittery, McKEE of Wayne, PERKINS of Penobscot, SHOREY of Calais, SKOGLUND of St. George, WHEELER of Eliot.

Bill "An Act to Promote Ballot Clarity"  
(H.P. 418) (L.D. 560)  
Presented by Representative O'NEIL of Saco.

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**STATE AND LOCAL GOVERNMENT**

Bill "An Act to Clarify the Membership of the Somerset County Budget Committee"  
(H.P. 416) (L.D. 558)  
Presented by Representative JONES of Pittsfield.  
Cosponsored by Representatives: HATCH of Skowhegan, RICHARD of Madison, STEDMAN of Hartland.

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**TAXATION**

Bill "An Act to Increase the Income Eligibility Limits for the Elderly Low Cost Drug Program"  
(H.P. 400) (L.D. 542)  
Presented by Representative FRECHETTE of Biddeford.  
Cosponsored by Senator DOUGLASS of Androscoggin, Senator MURRAY of Penobscot and Representatives: BOUFFARD of Lewiston, CLARK of Millinocket, DUGAY of Cherryfield, MAILHOT of Lewiston, MUSE of South Portland, POVICH of Ellsworth, SHIAH of Bowdoinham, TESSIER of Fairfield.

Bill "An Act to Value Homestead Exemption Farm Land at Current Use"

(H.P. 402) (L.D. 544)

Presented by Representative GREEN of Monmouth.

Cosponsored by Representative SNOWE-MELLO of Poland, Senator KILKELLY of Lincoln and Representatives: BULL of Freeport, FOSTER of Gray, KNEELAND of Easton, O'NEAL of Limestone, TRACY of Rome, TRUE of Fryeburg.

Bill "An Act to Increase the Homestead Tax Exemption"

(H.P. 403) (L.D. 545)

Presented by Representative LOVETT of Scarborough.

Cosponsored by Representatives: CLOUGH of Scarborough, GERRY of Auburn, McKENNEY of Cumberland, MENDROS of Lewiston, TRIPP of Topsham, WATSON of Farmingdale, Senator: PARADIS of Aroostook.

Bill "An Act to Amend the Veterans' Property Tax Exemption"

(H.P. 430) (L.D. 572)

Presented by Representative GERRY of Auburn.

Cosponsored by Senator BENNETT of Oxford and Representatives: BUCK of Yarmouth, GAGNE of Buckfield, HEIDRICH of Oxford, LOVETT of Scarborough, TUTTLE of Sanford, Senators: FERGUSON of Oxford, MacKINNON of York, RUHLIN of Penobscot.

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### TRANSPORTATION

Bill "An Act to Change the Minimum Time for Issuing a Temporary Registered Gross Weight Increase from 2 Months to One Month"

(H.P. 410) (L.D. 552)

Presented by Representative WHEELER of Bridgewater.

Cosponsored by Senator CASSIDY of Washington and Representatives: AHEARNE of Madawaska, CARR of Lincoln, CLARK of Millinocket, JOY of Crystal, KNEELAND of Easton, O'NEAL of Limestone.

Bill "An Act Concerning Rules of the Road Governing Traffic Rotaries"

(H.P. 414) (L.D. 556)

Presented by Representative O'BRIEN of Augusta.

Cosponsored by Senator DAGGETT of Kennebec and Representatives: BUMPS of China, MADORE of Augusta, WATSON of Farmingdale.

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### UTILITIES AND ENERGY

Bill "An Act to Clarify the Jurisdiction of the Public Utilities Commission with Regard to Wireless Carriers"

(H.P. 399) (L.D. 541)

Presented by Representative DAVIDSON of Brunswick.

Cosponsored by Senator CAREY of Kennebec and Representatives: BERRY of Belmont, LaVERDIERE of Wilton, Senator: KONTOS of Cumberland.

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

Bill "An Act to Amend the Lien Enforcement Procedure for the Topsham Sewer District"

(H.P. 409) (L.D. 551)

Presented by Representative TRIPP of Topsham.

Cosponsored by Senator SMALL of Sagadahoc and Representative: SHIAH of Bowdoinham.

Bill "An Act to Amend the Charter of the Kennebec Water District"

(H.P. 411) (L.D. 553)

Presented by Representative GAGNON of Waterville.

Cosponsored by Representative JABAR of Waterville, Senator CAREY of Kennebec and Representative: TESSIER of Fairfield.

Bill "An Act to Provide Affordable Computer-based Information Networks"

(H.P. 412) (L.D. 554)

Presented by Representative SAMSON of Jay.

Cosponsored by Representatives: AHEARNE of Madawaska, BRYANT of Dixfield, COTE of Lewiston, GERRY of Auburn, HATCH of Skowhegan, POVICH of Ellsworth.

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

(H.P. 428) (L.D. 570)

Presented by Representative DAVIDSON of Brunswick.

Cosponsored by Senator CAREY of Kennebec and Representatives: BERRY of Belmont, COLWELL of Gardiner, LaVERDIERE of Wilton, McGLOCKLIN of Embden, ROSEN of Bucksport, SAVAGE of Buxton, SCHNEIDER of Durham, Senator: KONTOS of Cumberland.

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

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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### ENACTORS

#### Emergency Measure

An Act to Transfer Funds from the Service Retirement Benefit Reserve to the Maine State Retirement System in Order to Fund the Modification of Retirement Laws for Certain Law Enforcement Personnel

(S.P. 12) (L.D. 1)

(C. "A" S-7)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House. I thought we might take some time to explain this bill this afternoon. It is a pretty straightforward one and there will be very few in the future that will be as easy to vote for, but it is worth taking some time now. This dates back to an issue that you may have heard about last session if you were a member of the 118<sup>th</sup> Legislature. It pertains to the 38<sup>th</sup> Training Troop of the Maine State Police. These were people who were recruited to become State Troopers in 1984. They gave notice to their jobs and entered the Maine Criminal Justice Academy and started down the path of becoming troopers only to find out that by the time they had graduated from the Criminal Justice Academy the conditions under which they had been recruited had been changed or altered. When they graduated from the academy they found that the retirement package that



they had been enticed with no longer existed. It was changed, resulting in a lower retirement package for them.

They had at that point, two options. One, to drop their lifelong dream of becoming a trooper and wasting the amount of time that they had spent in the Criminal Justice Academy or to go ahead and move into the job, although the compensation package had changed. They felt, over the years, that this was an unjust situation. They brought forward legislation and in the last term the majority of the legislators agreed that it was a bad situation, which was perpetrated upon them and that we ought to take steps to correct it. At that time, we passed legislation setting aside money, which would otherwise have gone into the Maine State Retirement Fund to pay down the unfunded liability. It has accrued in that time in its own account. Therefore, it exists. We can pay this bill now without robbing anyone else's piggy bank. The advantage of passing it today is that we save \$185,000. Otherwise, if we defer it, it passes sometime during the session and it waits on the Appropriations Table and we will have to pay more. The only remaining dispute is what to do with the \$185,000, but we can have that debate at another day. I encourage your support. It is a unanimous committee report from the Committee on Appropriations and Financial Affairs. I would be happy to answer questions.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative **MC ALEVEY**: Mr. Speaker, Ladies and Gentlemen of the House. As the sponsor of this bill and having worked on it for the last four years, I would just like to briefly make one comment. These men and women who came to the career in the State Police, on day one under a very, very pressure oriented academy, were disenfranchised. They had a gimmick perpetrated upon them by pushing their retirement ahead. There are 21 people who are left. These people, despite getting a short stick day one, each and every one of them developed an illustrious career as a Maine State Trooper. In many cases, these people have advanced to the level of sergeant and lieutenant and I want to commend them for making their choice to work in the Maine State Police and working hard at it despite the fact that their initial entrance in day one was jaded. Under a pressure situation they felt coerced into either giving up their lifelong dream or continuing on. Despite that having happened to them, they did continue on and they are out there everyday and night, around the clock, keeping our state safe. I want to commend them for the commitment they have made to us, as a Legislature, and to the people of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **WATERHOUSE**: Mr. Speaker, Men and Women of the House. To anybody, did I hear it correctly that if we do this it will have no impact on the unfunded liability?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. If I made that statement, I was being inaccurate. Clearly, this is money that would otherwise have gone to the unfunded liability. However, the majority of the

Legislature last year felt that it was an important issue. We chose that mechanism last year by the vote of the Legislature. It is not something that we have invented in the meantime. The other separate issue is whether the \$185,000 worth of savings should be applied to the unfunded liability. That is a debate for another day.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Kneeland.

Representative **KNEELAND**: Mr. Speaker, Men and Women of the House. You have heard it very well said by our good House Chair. It was a unanimous decision in the Appropriations Committee to support this legislation and I would ask each one here today to please support it.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative **WATERHOUSE**: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **WATERHOUSE**: Mr. Speaker, Ladies and Gentlemen of the House. If I understand the previous speaker, this doesn't affect the unfunded liability. Could someone correct me if I am incorrect? Didn't we pass a Constitutional Amendment saying that we couldn't do anything that affected that unfunded liability? If so, how does this compare with what we did?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Townsend.

Representative **TOWNSEND**: Mr. Speaker, Men and Women of the House. This is a constitutional measure. It is a legal measure. In the 117<sup>th</sup> Legislature we were very well aware of the unfunded liability. The Appropriations Committee, which existed at that time, of which I was a member, made the choice to say that money that accumulated in unappropriated surplus, do to lapsed balances, that is money which had been budgeted to be spent by departments and went unspent would then lapse into unappropriated surplus. That is an account where money sits. A certain percentage of money from that account would then be diverted up to 25 percent, I believe it reads, per year for the purpose of paying down the unfunded liability. It says we are not required to do the full 25 percent and this is money which is above and beyond what would have otherwise been applied to the unfunded liability. It is excess. I feel very comfortable with this funding mechanism. It is legal. It is constitutional and it is the right thing to do to pay this bill. Thank you.

Representative GLYNN of South Portland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

#### ROLL CALL NO. 8

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brennan, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough,

Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Goodwin, Gooley, Green, Hatch, Heidrich, Honey, Jabar, Jacobs, Jodrey, Jones, Joy, Kane, Kasprzak, Kneeland, Labrecque, LaVerdiere, Lemoine, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien, O'Neal, O'Neil, Peavey, Perkins, Pieh, Pinkham, Povich, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Williams, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Gamache, Martin, Perry, Plowman, Sirois, Tessier, Tuttle.

Yes, 144; No, 0; Absent, 7; Excused, 0.

144 having voted in the affirmative and 0 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

#### UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, January 14, 1999, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Fund the Governor's Marine Studies Fellowship Program"

(H.P. 170) (L.D. 248)

(Committee on **MARINE RESOURCES** suggested)

TABLED - January 11, 1999 (Till Later Today) by Representative ETNIER of Harpswell.

PENDING - **REFERENCE.**

On motion of Representative ETNIER of Harpswell, the Bill was **REFERRED** to the Committee on **MARINE RESOURCES** and the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT**, ordered printed and sent for concurrence.

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Assist Municipalities to Provide Water and Sewer Service to Areas Zoned by Municipalities for Industrial and Light Industrial Uses"

(H.P. 210) (L.D. 288)

(Committee on **NATURAL RESOURCES** suggested)

TABLED - January 11, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **REFERENCE.**

On motion of Representative COWGER of Hallowell, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

Bill "An Act to Require the State to Fully Fund Out-of-district Placement of Special Education Students"

(S.P. 51) (L.D. 121)

- In Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested)

TABLED - January 14, 1999 (Till Later Today) by Representative SHIAH of Bowdoinham.

PENDING - **REFERENCE** in concurrence.

Subsequently, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Increased Opportunities for Maine Students in Math, Science and Engineering"

(H.P. 336) (L.D. 452)

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested)

TABLED - January 14, 1999 (Till Later Today) by Representative TOWNSEND of Portland.

PENDING - **REFERENCE.**

On motion of Representative TOWNSEND of Portland, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT**, ordered printed and sent for concurrence.

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Provide Adequate Laboratory Equipment in Maine Schools"

(H.P. 367) (L.D. 492)

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested)

TABLED - January 14, 1999 (Till Later Today) by Representative TOWNSEND of Portland.

PENDING - **REFERENCE.**

On motion of Representative TOWNSEND of Portland, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT**, ordered printed and sent for concurrence.

Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Capital Improvements to Support Research and Development in the University of Maine System"

(H.P. 215) (L.D. 293)

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested)

TABLED - January 14, 1999 (Till Later Today) by Representative BRENNAN of Portland.

PENDING - **REFERENCE.**

On motion of Representative BRENNAN of Portland, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the **JOINT SELECT COMMITTEE**

**ON RESEARCH AND DEVELOPMENT**, ordered printed and sent for concurrence.

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Bill "An Act to Authorize a General Fund Bond Issue to Place Critical Land Tracts in Southern Maine into the Land for Maine's Future Program"

(H.P. 256) (L.D. 360)

(Committee on **NATURAL RESOURCES** suggested)

TABLED - January 14, 1999 (Till Later Today) by Representative COWGER of Hallowell.

PENDING - **REFERENCE**.

On motion of Representative COWGER of Hallowell, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

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Bill "An Act to Implement a Recommendation of the Joint Select Committee on Research and Development Relating to Math and Science Training for Maine Educators"

(S.P. 135) (L.D. 373)

-In Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested)

TABLED - January 14, 1999 (Till Later Today) by Representative SAXL of Portland.

PENDING - **REFERENCE** in concurrence.

On motion of Representative BRENNAN of Portland, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and the **JOINT SELECT COMMITTEE ON RESEARCH AND DEVELOPMENT** in **NON CONCURRENCE** and sent for concurrence.

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On motion of Representative WHEELER of Bridgewater, the House adjourned at 4:05 p.m., until 10:00 a.m., Thursday, January 21, 1999.